

MINUTES OF THE REGULAR MEETING

MANSON PARKS & RECREATION DISTRICT APRIL 21, 2009

Attending: Dave Gellatly, Tom Tobey, Steve Vaughn, Ken Rau, Hal Killian, Lanny Armbruster, Diana Ellsworth

Guest list attached

Meeting called to order at 5:34 p.m. by Dave Gellatly

Minutes of the March meeting: Ken Rau moved to approve the minutes of the March 17, 2009 meeting. Steve Vaughn seconded, unanimously approved.

Dave explained that there was an incorrect date of March 17, 2009 on the current agenda but the agenda was actually for April 21, 2009.

Minutes of the March 24, 2009 meeting: Ken Rau moved to approve the March 24, 2009 special meeting. Steve Vaughn seconded, unanimously approved.

Contract for legal services: Dave began the meeting by informing everyone present that there had been some verbal and written comments about whether the parks meetings are in conformance with the open meetings laws. Because of this concern the Manson Park Board has contacted Ogden, Murphy and Wallace. Chairman Gellatly has asked that a representative from this firm help guide the board through any matter, which they might need. Ogden Murphy and Wallace will also assist with the review of the Agenda and the Board minutes and as well as any other matter, which will make sure the parks complies with the open public meetings act. The board members have been provided with a contract for legal services to review.

Tom Tobey motioned to approve the contract as read. Ken Rau seconded. The contract was unanimously accepted.

Executive session employee review: Chairman Dave Gellatly explained that there was an agenda item for executive session concerning an employee review. Attorney Chuck Zimmerman of OMW explained that there is a matter before the board to discuss Lanny Armbruster's employee review, and it is Lanny's choice whether he would like this discussion conducted in public or in private. Lanny stated his preference was to discuss this item in the public meeting.

Dave Gellatly then read a memorandum titled "Disciplinary Action – One Week Suspension. A copy of this memo is attached to and made a part of these minutes.

Tom Tobey moved to accept the disciplinary action. Hal Killian seconded, unanimously accepted.

Resolution to delegate authority to the Chairman: This resolution arises out of the necessity to have a point person to be able to make decisions for the board. Dave would like this issue to be put before the board. **Tom Tobey moved to put this issue before the board; Ken Rau seconded.**

Discussion: Hal asked if he understood that the reason this change needs to take place is that otherwise nothing can be decided for thirty days at a time. Mr. Zimmerman explained that the way the board is currently set up is not typical. He explained that currently no one on the board has any more power than anyone else; he stated that currently there are five individuals governing the district manager, which is not a typical government agency situation. Mr. Zimmerman explained that this change would give sole authority to the Board Chairman to deal with any problems as needed. Tom explained that this would keep the manager from receiving conflicting direction. Hal stated that he understands now and that it makes more sense to him to have one person directing Lanny instead of all five board members. Hal asked what the downside of the change would be. Mr. Zimmerman explained that the board members would be delegating the decisions to the Chairman. But this would also make communications easier. Hal stated that he has found that communication has been a problem in the short time he has been on the board. He feels that this will be a step in the right direction.

Mr. Zimmerman explained that the current form of five governing board members can be an awkward situation to be in if you are an employee and being told what to do by five different people. A copy of Resolution 2009-01 is attached to and made a part of these minutes.

All in favor of Resolution 2009-01; passed unanimously.

Resolution to amend the by-laws: Gives the District authorization to retain counsel. Chairman Dave Gellatly then read the by-laws concerning the matter three times consecutively. Manager Lanny Armbruster asked if Dave was reading the by-laws three times tonight. Mr. Zimmerman explained that is acceptable to read the by-laws three times in one night so that this matter is not drawn out over a three-month period. Counsel stated that it is not required by law to have the three reading in three months. Mr. Zimmerman stated that the by-laws do not say three months. They say three times.

Tom Tobey moved adoption of Resolution 2009-02. Steve Vaughn seconded. Board member Ken Rau was opposed. Resolution is adopted. A copy of this resolution is attached to and made a part of these minutes.

Sullivan Park: Kim Ustanik from the Manson Business Association came to present a design and information on a new proposed park that will be located in downtown Manson. The new Park will be located in downtown Manson on a vacant lot owned by community member Ed Sullivan. Mr. Sullivan has agreed to donate the use of his property for this purpose. There has been a lot of community support for the creation of Sullivan Park. The MBA has garnered considerable amount of contributors to this project. There are groups such as the Manson Kiwanis willing to help with the work involved. The lot will be leased from Mr. Sullivan for a small fee and Mr. Sullivan has agreed to pay the property taxes. The Business Association has requested that the Manson Parks take care of the necessary maintenance of this property. Tom Tobey asked if they would want the Manson Parks to provide the security for this area. Kim told the board that Mr. Sullivan does plan to develop the property someday, so the park area would be temporary. Kim Ustanik also told everyone present about some of the other improvements the MBA is working on in the Manson downtown area. Some of the parks in Manson were created in

just such a way. Dave asked that the parks determine what sort of impact this would have on the parks insurance and then proceed with the formal agreement.

Mr. Zimmerman felt that if everyone involved is going to put this much effort into the project they might want to consider asking for a longer lease than just yearly. Tom asked Kim Ustanik to come back with a lease agreement.

Public Comment: Community member Renee Elia requested a copy of the agreement between the Manson Parks and the attorney. She also asked if the attorney was on the clock tonight. Yes.

Jack Reynolds, a community member, asked if anyone is going to move the rocks along the shore at Willow Point as some have moved from the bank area.

Virginia Beresford stated that there is a tennis courts at the school in disrepair. She asked if the Manson School District and Manson Parks could collaborate to make repairs. Mrs. Beresford told the board there was a grant available for setting up tennis courts. Lanny explained that he had talked to the school superintendant Matt Carleton and they had checked and the grant would not apply to this situation. But they will keep checking for other options.

Jeanette Collins had a few observations and questions. First, how much money is the new attorney costing the parks, and wouldn't it be better to spend the money on parks. She also questioned whether it is in writing that the Prosecuting Attorney will no longer be covering Parks issues. She also explained that she has copies of the last ten years of State Audits and they were no adverse findings.

Board member Ken Rau responded that the board needs to be happy with the way the money is handled. He stated that just because the auditor is fine with the money handling does not mean there are no problems.

Shelly Ward, owner of the Innamorata, is asking the board to amend their policy on large boats in the Marina during the summer. Shelly also requested that a reasonable rate be considered for the Inamorata. Chairman Dave Gellatly explained that there are issues with the RCO to consider which limit the commercial space allowed. Gellatly said it would not be fair for the Inamorata to pay less than other customers would in the Marina. Dave told Shelly Ward that he would be willing to meet with her and the Parks Manager Lanny Armbruster to discuss these issues.

Ken Rau explained that the grant money that the Manson Parks received provides certain rules and guidelines to follow. And it is not always up to the parks to change rules. Dave told Shelly once again that he would be willing to meet with her.

Mr. Flint from Wapato Point agrees that the park does need to have good money handling policies; he also recommended that there is a witness present when dealing with employee issues.

Request to discuss the letter from Shannon Byquist-Freels to Manson Parks: Dave gave some background information to everyone present concerning a letter that was received by the Board members from a group of community members.

Shannon Byquist-Freels asked that the board address the issues in the letter. Shelly Ward asked that the letter be read.

Dave Gellatly stated that the first issue concerning open meetings has now been addressed. The Manson Parks has retained an attorney in answer to this concern.

The next item was the hiring of the Business Manager; this position is needed to handle the money. Shelly Ward asked what the salary was for this position. Dave responded \$20,400 annually for half time.

Ken told everyone that the current staff is unable to manage the money and the salary is fair in the open market.

The next point of concern is the PUD agreement. The Board determined that the agreement needed to be looked at by the lawyers prior to signing. It was signed at the last board meeting on April 21, 2009.

The Old Swimming Hole. The Board agrees that the Parks needs to make it usable. Ken is actively looking into a plan to improve the Old Swimming Hole area.

Jeanette Collins asked about the e-mailing. She stated that there had been no open discussion prior to the meeting about the hiring of the Business Manager. She felt this had to have been done before hand because the job was not discussed in the open.

Tom Tobey explained that the board was trying to move quickly. The board knew in the summer and fall they might need to take action to make a change. The perception may be that the board either met or e-mailed prior because there was no discussion. Dave understands the perception, but it was necessitated by the need to let the previous Administration Assistant go.

OLD BUSINESS:

Request for qualifications: An RFQ ad has been placed in the Lake Chelan Mirror. A period of three weeks is to elapse before considering the hiring of professionals for which qualification statements are necessary.

Old Swimming Hole: Ken there is still a need to fix up the old swim hole. He has been in contact with Howe Engineering to provide suitable drawings for the proposed improvement. Manson Parks submitted to the PUD the original design for the Old Swim Hole area and the PUD did not accept the design. Dave and Ken met with Steve Currit from the PUD. Currit said the PUD will look at the project again to decide whether they consider it feasible.

There may not be enough time before the lake rises to get this project approved and permitted.

Public Comment: A community member felt that the county was remiss by not adding sidewalks to the area when they improved the road in front of the park last year. He stated that he would hope that a vision for the water frontage could be developed. There needs to be a boardwalk connecting the Old Swim Hole, the Manson Bay Swim area and the Manson parks office. He hopes that when the area is fixed up in the future this will be considered.

Kim Ustanik, MBA president, explained that there had been a walk through with various county officials to look at the downtown areas and the need for a continuing sidewalk was brought up. Hal was also there and explained that the county is aware of the need.

Community member Jeanette Collins stated that there already is a vision. She felt that if it could be done in pieces it would be doable.

Kim stated that there was a community meeting and there was no one from the Manson Parks to represent them. Dave told Kim that Lanny has been at some of the meetings and so had he. Shelly Ward thought the parks should be represented at these meetings.

Tom Tobey motioned to approve Strecker Paint's bid to paint the railings in Manson Bay. Seconded by Steve Vaughn. Unanimously approved.

AAU report: Diana told the board that there are sixty-six kids in the T-Ball, softball and baseball programs. Games begin this week.

Manson High School community service project: Steve Vaughn gave a report on the work that was done by the thirty-eight students. The student have raked three loads of gravel, moved picnic tables and put in eight fire pits. The students also cleaned the boat launch area at Wapato Lake Campground and around the gazebo. The students took eight tables to the Manson High School that have been donated by Manson Parks to the school district and will be repaired by the school for use. The park provided pizza and refreshments to the students. Steve said that everyone had a lot of fun. Board member Hal Killian commented that the parks looked immaculate.

Tom felt there was a need to bring the new business manager on board and asked how long it would take to bring the person up to speed. There was some discussion over whether the board should wait longer to hire and hold further discussions. Steve recommended moving forward. Ken stated that the new person needs to be brought in, as he sees no improvements in the money handling. Hal felt the new position is required because of the scope of work. Dave felt the new person could help the grant writer with research, thus saving the parks money.

Steve Vaughn motioned that they proceed forward with the hiring of the new Business Manager. Hal Killian seconded. Unanimously approved.

Ken feels it is important to explain the varying working hours to the new person.

Jeanette Collins asked if they have identified the candidate.

Dave responded that the candidate has been identified.

Mr. Zimmerman asked if the board decided to direct the Chair to make the decision on the candidate. He also recommended that they choose a second and third choice if the first becomes unavailable.

Tom Tobey moved to have the board chairman select the applicant. Steve Vaughn seconded.

Hal Killian did not feel comfortable with not discussing this matter again.

Mr. Zimmerman recommended the board take a brief executive session.

Tom Tobey rescinded his motion; Steve Vaughn rescinded his second.

Mr. Zimmerman explained the various steps needed to have the Board Chairman make the employment decisions.

FINANCIAL: The Parks has currently expended \$31,877.55 more than they have taken in this year. Ken explained that the property income is late coming in this year and that the Marina revenue is down \$8,000.

Tom asked if the repair of the fence at Singleton was on this voucher, yes it was. Mr. Zimmerman recommended that the bill from Chaparral Fence Co. not be paid until the matter is settled with the insurance company. Ken motioned to not pay the bill until after things are settled with the insurance company. The new total for the April Voucher is \$51,281.46.

The Board adjourned at 8:04 to go into Executive session and will be back in approximately ten minutes. The board re-convened at 8:14.

Dave Gellatly stated that it had been decided that the new business manager would report to the Board Chair and a first, second and third to be offered the position had been determined.

Tom motioned to approve the hiring of the new Business Manager. Steve Vaughn seconded. Unanimously approved.


Hal Killian motioned to authorize Board Chairman Gellatly to hire from the qualified candidates. Steve Vaughn seconded. Unanimously approved.

Tom Tobey motioned to surplus the tables at Wapato Lake Campground. The tables have been declared as having no value and can be disposed of as board member Steve Vaughn sees fit. Ken seconded. Unanimously approved.

The meeting adjourned at 8:17. The next regular Board meeting is May 19, 2009, at 5:30.

MEMORANDUM

TO: LANNY ARMBRUSTER

FROM: MANSON PARKS AND RECREATION DISTRICT BOARD OF COMMISSIONERS 

DATE: APPROVED BY THE BOARD THE 21st DAY OF April, 2009

SUBJECT: DISCIPLINARY ACTION - ONE WEEK SUSPENSION WITHOUT PAY

On or about November 4, 2008, the Board provided you with a written performance review. On or about November 25, 2008, the Board provided you with a "Corrective Action Memo" documenting specific instances of your failures to comply with Board direction and expressing concern related to specific instances of undermining the Board's authority and impeding the duties and responsibilities of the Board. This memo advised you that additional infractions on your part would result in a one week suspension without pay. On March 24, 2009, Board Chairperson David Gellatly and Board Member Hal Killian met with you to deliver an additional performance evaluation completed by the Board and dated December 10, 2008. This evaluation also identified the potential for a one week suspension without pay as a result of additional infractions. At the time of this meeting you lost your temper and began screaming at Chairperson Gellatly in the presence of Board Member Killian, causing Board Member Killian to have concerns for the personal safety of Board Chairperson Gellatly. This unprofessional and grossly insubordinate conduct directed toward the Chairperson of the Board at the District Offices is unacceptable and will not be tolerated by the Board.

The Board hereby determines that this incident represents a serious infraction of your duties and responsibilities to the Board and this Memorandum is a notice of a disciplinary action of the Board. Consistent with the November 25, 2008 Corrective Action Memo and December 10, 2008 Performance Evaluation delivered to you on March 24, 2009, the Board hereby suspends you for one week without pay. During the one week suspension, you are not to make any communication with, or attempt to supervise other employees of the District. During your suspension, employees of the District shall report to Board Chairperson Gellatly, or in his absence to Board Vice-Chairperson Tom Tobey. During your suspension you are not to enter the District Offices or to represent the District in any capacity. This one week suspension shall commence on 8AM 4/22, 2009 and end on 8AM 4/29, 2009.

Pursuant to the District Policies set forth in that document titled "Manson Parks Office Policy Manual", and particularly at page 7 thereof, this Memo further serves to advise you that continued "substandard performance" or "misconduct", including but not limited to insubordination, is unacceptable and could result in additional disciplinary action, up to and including termination of your employment with the District.

Nothing in this Memorandum is intended to alter your status as an "at will" employee of the District.