



**Board Members**

Heidi Laub  
Chairman  
West Creek Township

Alice Dahl  
Vice Chairman  
Cedar Creek Township

Dorothy Eich  
Secretary  
Park Advisory  
Committee

Will Farrellbegg  
Lowell Town Council

Mindi Arnold-Buchler  
Director of Parks

# FREEDOM PARK

Freedom Park Committee Meeting with Lowell Town Council  
September 30, 2019 6:00pm

Call to Order/ Pledge of Allegiance.

This meeting was called to order by Lowell Town Council President Chris Salatas at 6:00pm. The Pledge of Allegiance was recited and followed by a moment of silence.

Roll Call

President Salatas instructed Clerk-Treasurer Judy Walters to call roll for Lowell Town Council and then asked Parks Director Mindi Arnold-Buchler to follow with Freedom Park Committee's roll call. Judy Walters called roll. Members present were Will Farrellbegg, Mike Gruszka and Christopher Salatas. Mind Arnold-Buchler called roll. Freedom Park Committee members present were Alice Dahl, Heidi Laub and Dorothy Eich. Also present were Town Attorney David Westland, Town Manager Craig Hendrix, Public Works Director Kevin Gray, Street Superintendent Frank Lovely, various members of the Cedar Creek and West Creek Boards, and a few citizens and one member of the press.

President Salatas stated he would like to keep this meeting orderly by asking the members to speak one at a time and to remain courteous.

IV. First Interlocal Agreement -Regarding Sports Complex 11/19/01

**Section 2. Purpose and Intent**

President Salatas asked Attorney Steve Buschmann to read item two of this agreement pertaining to purpose and intention of funding and acquisition of this agreement. Mr. Buschmann read this section aloud. President Salatas asked if there was anything specific either party was wanting to discuss from this section. Chairman Heidi Laub stated she wanted that section addressed as she wanted to acknowledge that there was a separate agreement made to run Freedom Park. President Salatas asked the Town Council if there was any further comment, there was no further comment.

**Section 6 Operations and Maintenance**

President Salatas moved on to section six of this agreement. Attorney Buschmann was asked to read this section pertaining to Operations and Maintenance, and he read this section aloud. Chairman Laub stated there were several items she would like to discuss in this section; water tower, house and building uses, soccer and park programs, residency rates not being applied to townships. President Salatas asked if Chairman Laub would like to go into more specific detail on these items now. Chairman Laub declined this opportunity. President Salatas asked Parks Director Arnold-Buchler if residency fees have been rectified. She stated that this policy was incorporated in June 2019 and was honored for fall 2019 soccer registration and archery camp registrations. She took the opportunity to explain the difference of Lowell Park and Freedom Park residency requirements. Councilman Farrellbegg asked if Freedom Park Committee was questioning the day to day operations of maintenance in this section. Chairman Laub stated she wanted to discuss this here with the key word being subject to guidance of the Freedom Park Committee. She used the example of the water tower placed at Freedom Park. Chairman Laub stated she believed the water tower should

## **Section 6 Operations and Maintenance-Continued**

Vice Chairman Dahl stated that this was discussed at Freedom Park Board meetings with the town representative sitting on the board. President Salatas then asked if there was any agreement that the original parks master plan was modifiable. Chairman Laub stated the master plan was subject to change per Freedom Park Board approval. President Salatas asked Freedom Park Board for date and time reference of the disc golf course discussion. Chairman Laub stated she was unsure as she did not serve on the board at that time. President Salatas also asked for date and time meeting minute reference on discussions of the dog park and the gazebo construction at Freedom Park. He stated these were also not represented in the original master plan either. He then asked if there was further discussion on these topics as we could move onto section eight, supplemental documents. Chairman Laub stated the dog park was approved by the Freedom Park Board and the water tower was only approved from the town, not the Freedom Park Board. Councilman Gruska stated that he believed that everything in front of him supports the Town of Lowell owns and maintains and pays the most money operating Freedom Park property. Chairman Laub stated the operations of Freedom Park and the master plan changes were subject to change per Freedom Park Board approval and what Councilman Gruska is stating does not represent the interlocal agreements. Councilman Gruska stated if the agreements are subject to Freedom Board and they are not happy, the townships should pay for all of it. Attorney Buschmann stepped in and stated there are three documents that operate together. He stated the one they are speaking about right now is about the acquisition of the park. Attorney Buschmann then basically states the town acquires the property but to be used solely for Freedom Park use as a park. He then explains the next interlocal agreements, making the park board the board of directors and all expenses should be approved by the Freedom Park Board. The Town of Lowell is to do the day to day operations and maintenance subject to Freedom Park Board. President Salatas then asked if the gazebo was approved by Freedom Park Board. Vice Chairman Dahl stated yes it was. She stated the town wanted to add additional concrete too. Councilman Farrellbegg stated it was not approved by the Lowell Town Council. Vice Chairman Dahl stated that was up to the Lowell Town Council representative on Freedom Park Board to go back to the Lowell Town Council, not Freedom Park Board. Chairman Laub then asked Parks Director Buchler if this information could be found in past meeting minutes. Buchler stated that if this was discussed and approved by Freedom Park Board in a meeting, the minutes would reflect that. Discussion followed on past discussions of placement of the gazebo and former town council representative for the board's involvement. Chairman Laub stated that the Freedom Park Board only needed to approve this in a meeting. She then continued with this is how the agreements were set up and Lowell Town Council did not have to approve anything due to Freedom Park Board having the right to make all decisions about Freedom Park. Councilman Gruska questioned what Chairman Laub had previously stated about board approval of everything and the need to have Lowell Town Council approval. Chairman Laub disagreed with his statement. President Salatas asked if there was anything else in operations and maintenance that needed to be discussed aside from the water tower. Discussion between the townships (inaudible) continues. Chairman Laub then stated they will discuss parks programs and soccer money later on in the meeting. President Salatas then moved the meeting onto item c) 8 Supplemental Documents and then asked Attorney Buschmann to read this from the agreement. Attorney Buschmann read this section aloud. President Salatas then stated that he believed the supplemental documents of this particular contract being referenced were documents A and B. Document B- is a photo of a sports plex and master plan which is not attached to Exhibit A- the Operation Agreement.

Attorney Buschmann states this photo does contemplate the other interlocal agreements the parties were entering into, which were the operations agreements. Chairman Laub wanted to acknowledge that the town and townships had agreed to enter into an operating agreement which would supersede the purchasing agreement.

President Salatas then moved onto item five on the agenda.

#### V. Interlocal Agreement 6/24/02-12/27/11

Meetings and quorums of officers. Attorney Buschmann then read this section aloud. President Salatas stated that this information would be found in two documents. Attorney Buschmann agreed stating there was an amendment made in 2011. Discussion between Attorney Buschmann and Chairman Laub continued as they found the correct sections. Attorney Bushman then read from paragraph 2b of 2011 agreement which amended 2b of the 2002 amendment discussing the change of quorum of the Freedom Park Board.

President Salatas then asked him to address 2c, 2d and 2e of the agreement. Attorney Buschmann continued to read these sections aloud. President Salatas asked for clarification from Chairman Laub on what needed be discussed here. Chairman Laub stated she would like to discuss 2b under the superintendent line item. In particular she wanted to address the \$8,000-line item for salary for the superintendent was never board approved to be used toward the salary for Director of Parks. President Salatas redirected Chairman Laub back to 2a asking if she wanted to discuss anything about meetings and quorums of officers. Chairman Laub stated she wanted to go ahead and discuss section 2b restating the line item for the superintendent salary was not discussed with Freedom Park Board when the past superintendent was paid to mow at Freedom Park retired. Councilman Farrellbegg commented the line item of \$8,000 was set aside to help pay the salary of Superintendent/ Parks Director and neither were paid to mow at the park. Discussion between Councilman Farrellbegg and Chairman Laub continued about duties of the Superintendent of Parks and when the line items were set up to pay the department head, title and duties of are subject to change without Freedom Park Board approval. He explained this is because as this is a Town of Lowell employee who the Town of Lowell oversees. Councilman Gruska stated that a Town of Lowell employee cannot enter into an agreement with any board when they are a Town of Lowell employee and he did not have the legal ability to do so. Vice Chairman Dahl stepped in and explained the original agreement for mowing at Freedom Park was to be done with town equipment and town staff in exchange of the town being able to use the buildings at Freedom Park for storage of town equipment and belongings. She then explained she believed this agreement was in the minutes and happened because the town garage was not built yet as she had remembered. She then stated the town garage was finished and Freedom Park was asked to purchase their own mowing equipment for the superintendent to continue to mow. In addition to this statement, Dahl suggested they could speak to Senator Rick Niemeyer who was in the audience as he was involved with the beginning of Freedom Park. President Salatas asked Frank Lovely of the Street Department how long has the town garage been in the location it is currently at. Street Superintendent Lovely responded over 30 years. Street Superintendent Lovely stated he recalled Park Superintendent Sullivan coming to the street garage to remove the town mowing equipment so he could utilize the equipment at Freedom Park while he was still in charge of maintaining the town parks. Discussion between Vice Chairman Dahl and Street Superintendent Lovely continued. Chairman Dahl asked if she could call upon Senator Rick Niemeyer to help answer this. President Salatas asked Clerk-Treasurer Judy Walters to clarify what the \$8,000 salary line item for superintendent was for lawn mowing duties or the position of the superintendent. Clerk-Treasurer Walters answered that this line item was put on the Freedom Park budget to pay for any kind of duties performed at Freedom Park, not specifically for lawn mowing.

Chairman Laub continued to discuss the need to know the scope of services performed by the Director of Parks where Freedom Park could justify paying a portion of the services from the \$8,000 line item. Councilman Farrellbegg began listing a few of the duties that this position performed for Freedom Park. Duties including preparing the meeting agendas and meeting minutes were discussed here. Chairman Laub stated that the interlocal agreement states the Freedom Park Board Secretary is responsible for recording of the minutes and the meeting agenda is to be prepared by the Clerk-Treasurer. Vice Chairman Dahl asked Attorney Buschmann to explain why Freedom Park Board should have approved the change of employees once Tom Sullivan, former Park Superintendent retired from Lowell Parks Department. Attorney Buschmann said the language of interlocal agreements states every expenditure below or above \$1,500 should be Freedom Park Board approved. President Salatas stated this was not a change of expenditures, this was a change of employees. Attorney Buschmann replied that this should have been reviewed annually with the budget approval. President Salatas then stated the Freedom Park Board does approve all expenditures of the budget and this was approved. Chairman Laub disagreed and stated the Superintendent line item was approved for mowing. President Salatas argued this statement by stating the former Superintendent of Parks was not an intended for mowing but as was intended as Parks Superintendent which was not used specifically for mowing purposes. He then asked for someone to find the agreement that should be in meeting minutes stating this line item was for mowing. Chairman Laub stated she would like to find those minutes and noted nothing more to add.

President Salatas stated he would like to move on to 2d. Chairman Laub wanted to discuss this as additional funds were needed for maintenance, she began questioning the \$8,000 Superintendent line item which was helping to pay for secretarial duties from the Director of Parks. She wanted to acknowledge the interlocal agreement states the Freedom Board appointed secretary is to prepare the meeting minutes. President Salatas asked if the board secretary is currently preparing the meeting minutes. Chairman Laub stated no, as Parks Director Buchler has been preparing them. President Salatas then asked if the board secretary will be preparing the meeting minutes going forward. Chairman Laub responded yes. Parks Director Buchler wanted to note for the record that the Lowell Park Secretary position has always prepared the minutes for Freedom Park Board since the inception of Freedom Park meetings. President Salatas questioned Parks Director Buchler if this is how the minutes were always prepared for the board? Parks Director Buchler stated yes, Candy Johnson, a town employee always prepared the meeting minutes and agenda for the Freedom Park with the exception of Clerk-Treasurer Walters preparing the first few agendas of the first two to three meetings. President Salatas then asked Parks Director Buchler for clarification of his understanding that this part of the agreement has never operated as such. Parks Director Buchler responded yes, this is how minutes were prepared from the beginning. President Salatas asked for any additional discussion on this item. Chairman Laub stated there was not. President Salatas then moved onto the next item on the agenda 2e. Chairman Laub stated the Lowell Clerk-Treasurer should put the agenda together. President Salatas then asked Parks Director Buchler how long has the agenda been a duty of the park's secretary? Parks Director Buchler replied the agenda has been prepared by the park's secretary since the first two-three meeting agendas of Freedom Park Board which were prepared by Clerk-Treasurer Walters. Chairman Laub stated she was not concerned with whom was preparing the meeting agendas. She wanted to address that the board should not be responsible for paying for agenda preparation from their budget and the town could choose if they wanted to pay the clerk treasurer or parks director for doing this. President Salatas stated the Freedom Park Board, has tasked Parks Director Buchler to do this since 2002, and it has memorialized over time.

Chairman Laub then stated this would be the same situation with Tom Sullivan being paid to mow out at Freedom Park. Councilman Gruska asked Chairman Laub to give up on the grass cutting topic. Discussion among Councilman Farrellbegg, Chairman Laub and Councilman Gruska happened with each talking over one another. President Salatas took control of the meeting by asking everyone to wait their turn and asked if there was any more to discuss under 2e Clerk-Treasurer preparing the agenda. Councilman Farrellbegg stated he would like the Freedom Board Secretary to take on this duty. Chairman Laub and President Salatas stated that would have to be changed in the agreement to do so. President Salatas moved to item 3b Collected from park programs at Freedom Park. Attorney Buschmann referenced this section from the 2002 and 2011 agreement. He stated he would read from the 2011 agreement and then proceeded to read aloud. Chairman Laub addressed several items should be discussed here; the money deposited for Freedom Park non-reverting fund, park soccer and park archery programs should be deposited in Freedom budget to help offset costs of repairs and maintenance of the park. Councilman Farrellbegg states the Town of Lowell has been taking on a lot of the responsibility and pays the most amount of money into Freedom Park. He then suggested that the Freedom Park Board should take over the responsibilities of the park and the town just pay their portion of the operating budget and the board can hire staff, find someone to mow, maintain and run the park and fund all of that. He then stated the Freedom Board will then realize what a good deal they have with the town. He continued with stating the Freedom Board wants all of the responsibility, then they should take all of the responsibility and the town will remove their staff from there. President Salatas asked Clerk-Treasurer Walters if the town has upheld their end of the contract by preparing and maintaining a non-reverting fund. Clerk-Treasurer Walters stated yes, this is the type of budget that Freedom Park operates with. She further explained that every month the board is presented a printout of the revenue and disbursements from the non-reverting fund. She also notes this is how Freedom Park budget is planned. The funds collected from the revenue from the dog park, disc golf and shelter reservations, and what each entity puts in, makes the operating budget. She addressed that soccer had always been a town park program before they began playing at Freedom Park. All of the expenses for soccer were budgeted from the town parks budget and has always been taken from the town park budget, not Freedom Park budget. Chairman Laub questioned the printout given to the board, stating the other town parks are listed which caused some confusion. Clerk-Treasurer Walters clarified what the board receives is a parks donation list that shows balances for Freedom and Town parks but that is not the town parks budget. Chairman Laub then stated she felt the town does do a lot for Freedom Park and all she wanted to see is how many man hours go into running Freedom Park so they could manage the park better. She then stated she has requested a statement of hours that the town puts into Freedom Park and never received this. Chairman Laub then adds she wants what is best for Freedom Park, she realizes there is not enough money to operate the park and she has been trying to find a better way to manage the budget to assist in repairs and future development of the park. Chairman Laub then addresses the soccer program, stating she would like to see a portion of the fees from this program go back into the Freedom Park budget to offset costs of maintaining the roadways with the most use of the roads being used by the soccer program. Vice Chairman Dahl states Chairman Laub had asked what happened to the fees from Archery Camp as it should have been placed in Freedom Parks budget. Councilman Gruska then referenced a hand out in front of him stating these programs do not make much money. When the town absorbs all of the expenses to provide these programs, Freedom Park budget will not see additional money since the town is not making money off of parks and programs.

Chairman Laub states she believes the program fees collected from soccer and archery, and for the use of the house should be going back into Freedom Parks non-reverting fund. Councilman Farrellbegg asked if Freedom Park knew why the soccer program moved into Freedom Park. He continued with stating the remainder of the DNR grant monies were to be released to Freedom Park once the requirement of sports fields was fulfilled. Chairman Laub disagreed with this statement. Chairman Laub explained some details of the DNR grant requirements from a paper she had brought to the meeting. Chairman Laub handed this off so copies could be made for the town council. President Salatas states this hand out is dated 2019 and would like Chairman Laub to know that grant requirements do change from year to year. He then suggested obtaining a copy of the grant requirements from 2002 not 2019 to reference. Chairman Laub presented a copy of a 2003 DNR Land and Water Conservation grant requirements. Chairman Laub wanted to continue discussion under this topic to address; park programs, rental of the house for the park office, land lease for water tower property to increase funds for the boards budget. President Salatas asked Chairman Laub if she wanted to discuss rental of the house and property that the DNR does not have authority over. Chairman Laub stated yes and continued with her findings that this specific part of the property was not purchased with funds from the DNR grant. Councilman Gruska asked if Chairman Laub was suggesting if Freedom Park Board was asking the Town of Lowell to pay rent for the water tower property? Chairman Laub answered yes and in addition she wanted to discuss renting the house to the town for the park office since a family did rent the house and were asked to move out so the park office could be moved in, which resulted in rent not being collected for use of the house. Clerk-Treasurer Walters disagreed with this statement by stating this did not happen. She stated the family renting the house were moved out prior to the park office relocation. Walters continued stating Freedom Park was not charging rent to anyone in the house. Vice Chairman Dahl commented the house was turned into a recreation room that Cedar Creek township paid to renovate and Freedom Park received rental fees during this time. Dahl then stated the town approached the board and asked them if they could move the park office to Freedom Park due to the town court needing space at town hall. Dahl stated the town believed the recreation room was not collecting enough money from the rentals and asked for use of the house for a park office. Chairman Laub stated she understood Freedom board agreed to this due to the fact the town was using their equipment to perform mowing at the park as compensation for use of the house. Councilman Farrellbegg stated the town still performs maintenance and mowing of the property. Chairman Laub replied that Freedom Park now owns their own equipment and has a line item of \$8,000 to help pay for maintenance and mowing at Freedom Park. Councilman Farrellbegg wanted to discuss the operating fund that was agreed upon from all parties to compose the budget. He stated this agreement totaling \$36,000 with each entity putting their share in would create the operating budget. Farrellbegg continued to explain if all entities honored this original agreement, there would be enough funds to operate the budget. Vice Chairman Dahl stated this is exactly why Chairman Laub had asked the town nicely for a breakdown of hours served by the town so she could see what type of funds were needed for the budget. She continued that she wanted to see Freedom Park succeed. Councilman Farrellbegg said he wants to see the park succeed too. Vice Chairman Dahl continued by stating the board wanted to go back to the interlocal agreements, discussing program fees hosted at Freedom should be placed into Freedom Park budget. Dahl continued stating the board has asked for soccer fee and archery revenue and was told these programs did not make money. Councilman Farrellbegg stated soccer did not make money and this information was shared with the board when this was asked a while ago.

Dahl wanted to know why programs that happen at Freedom Park do not benefit the freedom budget, why mowing duties changed when the park superintendent retired. She then states maybe the board did take for granted the help they received from the town yet she wanted to know why the town did not discuss this back then. (Councilman Gruska and Vice Chairman Dahl continue to talk over one another) Gruska then stated the issues were created by everyone just doing what they wanted to do when they wanted to do it out there. Dahl brought up the town Christmas tree being housed in the barn on Freedom Park property. Councilman Farrellbegg states that he has observed the board was ok with the town storing some items in the empty buildings when former park superintendent Tom Sullivan was mowing full time for them. Chairman Laub pointed out this was due to the agreement at the time. Farrellbegg states the town is still mowing at Freedom Park. Laub responds by stating with Freedom Parks equipment that is owned by Freedom Park. (Several people begin to talk over one another) Councilman Gruska recalls the statement by Street Superintendent Lovely that Tom Sullivan removed mowing equipment from the town garage to use and house at Freedom Park. Chairman Laub states that changed when the board was asked to purchase their own mowing equipment. Gruska asked who purchased the Freedom Park mower. Laub responds Freedom Park Board did. Gruska stated that was a joint purchase. Laub states that was purchased so Tom could mow. Vice Chairman Dahl was asked to recall what was agreed upon. Dahl states the agreement was for the town to use the buildings in exchange for mowing and use of the town's equipment. Councilman Farrellbegg states this must have been a gentlemen's agreement. Chairman Laub states if the contract was followed and all expenditures needed to be board approved in January, of each year, this would not be an issue. Councilman Gruska suggested that the townships go back to 2001 and square up with the town. Chairman Laub asked what did the town want to square up? Councilman Farrellbegg replies the amount of the money the town has placed into Freedom Park. Laub replies everyone has put in money into the park and no one can sell it. Councilman Farrellbegg states the townships question if the town is giving enough to Freedom Park. Chairman Laub replied she does not believe this and she just wants more money going back to Freedom Parks budget to help with additional costs. Councilman Farrellbegg suggested that the townships should figure out what it takes to run the park and take over the operation of the park from the town if they are not happy. Discussion followed with Vice Chairman Dahl asking for Senator Rick Niemeyer to speak in the meeting since Frank Lovely was allowed to speak. President Salatas stated that Mr. Lovely is a current town of Lowell employee and Rick Niemeyer is a state senator and a past Freedom Park Board member. President Salatas took a minute to explain that it would only be fair for past Lowell Town Council members to be called upon if they were allowing past board members of Freedom Park Board to do so. Councilman Gruska reads aloud Freedom Park operating budget for 2019 and states West Creeks portion of \$5,250, Cedar Creek portion of \$12,250 and Town of Lowell \$10,250 and asks Chairman Laub why West Creek Township has not and is not currently paying more. Chairman Laub states this was before her time but believes the amount paid by her township is subject to available funds. She then states she still pays on the bond every year and has not missed a payment. President Salatas questioned if the outstanding issue of the non-reverting funds pertains to park programs. Attorney Buschmann states that it is the belief that Lowell Town Council believes the are satisfying the agreement of the non-reverting funds. Freedom Park Board has the belief that they are not being provided the financial documents. He states this seems a miscommunication between the parties. Chairman Laub wanted to explain she wanted to know staff hours, see an itemized budget so the board could plan the budget. She was seeking a breakdown of mowing hours and office hours from the town.

She believed she was presented with a printout of money in and money out and no further explanation of this printout. Councilman Farrellbegg asked Chairman Laub if she wanted a breakdown of all of the town staff hours being utilized for Freedom Park. He further explained this can be provided and the board will find out exactly how much town money is being spent of Freedom Park. Clerk -Treasurer-Walter explained she does give a detailed report to the board every month and is unsure what else Freedom Park Board would like. Parks Director Buchler asked if job descriptions would be helpful for the board. Chairman Laub stated she previously requested that and a breakdown of town hours spent on Freedom Park from the town. Laub continued to explain that when the board was asked to move money into the part-time maintenance line item to continue to pay for the services for season, she wanted to know why more money was needed and how many hours more were used this year. Parks Director Buchler stated this was explained to the board that this year was a horrible year for mowing and more hours were needed. President Salatas stated programs were winding down for the year and asked what the townships felt was fair for future programs. He then asked Clerk-Treasurer Walters if the soccer program break down was in the paperwork given to the townships and then read 2018's soccer revenue was over \$28,000 and expenses were \$40,000. 2017 soccer revenue \$30,000 and expenses were \$44,000. He then asked Clerk-Treasurer Walters if this was correct and she stated yes, the program was subsidized by the park operating budget. President Salatas then stated since the program does not gain revenue what did Freedom Park Board feel would be fair and equitable charge to be added onto the soccer and park program fees. Chairman Laub responded that would need to be discussed with the board. She then explained she just wanted to see some of the fees of these programs hosted at the park by the town go back to Freedom Park to help offset other costs. She further explained she did not want to take over any of the programs. Laub proposed the town could bring some fee ideas to board in a meeting. She continued that there has been some discussion about this in past Freedom Park Board meetings and referenced that a \$5per soccer participant fee was suggested. Councilman Farrellbegg stated the town already takes care of the soccer fields and Freedom Park. Chairman Laub stated she was wanting additional funds to help repair/replace the roadways to the cost of about \$15,000.

Parks Director Buchler responded yes, there has been several quotes over the years about continuing repair of the road through Freedom Park. She then explained that other park departments have lease agreements set up with organizations for use of the space to host leagues. She suggested investigating this idea when seeking fees from park programming. Buchler explained she understands this would not cover the programs hosted at Freedom like archery and skate camp, yet they could be reviewed differently than the sports leagues. She suggested that since the soccer program is an existing and established program to review a percentage of fees or going into a sports field lease agreement would be fair. Buchler then stated the archery camp session one was \$110 positive this season and session two made \$130 in the positive due to one of the instructors donating his instructor fees back to the program. Buchler stated these are not big revenue park programs hosted within Freedom Park. Buchler did reference the soccer program break down sheet and further explained not one of the expenditures of this program, right down to the maintenance of fields or the staff doing the maintenance has ever been charged to Freedom Park. Her suggestion would be to review a lease agreement prior to looking into a percentage of revenue share since Freedom Park does not have any risk involved with the park program there.



She continued that future programming could be reviewed as a revenue share; however, Freedom Park budget does fund staff hours to prepare such programming and she was unsure it was unfair of the board to ask the town parks for revenue when freedom assumes no risk or costs associated with park programming. She suggested that if programming is what the board needs, they should review staffing line items that would allow freedom the funds to pay a recreation director or a special events coordinator. Buchler wanted the board to try to find a fair solution that would allow them more opportunities for this type of programming to happen at Freedom Park. Buchler also noted she would like to resolve old issues so she could manage the park efficiently. Buchler continued that each party has found that since the original agreements were made, there have been several hand shake deals and agreements that no longer support the old agreements. She would like to see a new interlocal agreement put in place that would address all of these issues and allow Freedom Park the ability to move forward. President Salatas thanked Parks Director Buchler for her time and asked the board to consider fees that would be fair. Chairman Laub stated she did try to address the fees with the board and was told the fees changes were subject to the Lowell Town Council. President Salatas stated a gazebo was built at Freedom Park without the Lowell Town Councils approval. Chairman Laub wanted to make it clear that decisions made about Freedom Park need to be made by the board and the town council does not need approval since a council representative sits on the Freedom board. Parks Director Buchler explained the reasoning behind the fees of town ran park programs cannot be changed by Freedom Park since the Lowell Town Council approves those fees on a quarterly basis. She noted that Freedom Park would not have the ability to change a Lowell Town Council fee approval for a park program ran at Freedom Park. Chairman Laub questioned if this would be the case since the program fees fall under a breach of contract. Parks Director Buchler stated several items are in breach of contract when we review the agreements. Attorney Buschmann asked for archery and soccer program break downs. Clerk Treasurer Walters stated he should have a copy and this had been provided to the board previously and offered to make a copy for him.

President Salatas moved onto the next topic. Chairman Laub wanted to discuss leasing the property of the water tower. Councilman Farrellbegg asked if it was fair to ask the town to increase the water rates for the water tower that is placed on town property because of the need to collect money for Freedom Park. President Salatas asked if the board cannot collect rent from the house, how would the board be able to rent for a 25 ft diameter of land at Freedom Park. Chairman Laub pointed out this space was used for movies at the park. President Salatas asked if there was no other place in the park that could house the movie. Chairman Laub stated the movie screen was placed on the barn and the tower was placed without board approval. President Salatas asked the board what they felt was fair to charge the town for a lease agreement. Chairman Laub stated that would need to be investigated further on what would be fair. Councilman Farrellbegg asked Chairman Laub to provide such information when she suggested having a meeting with the town council. Chairman Laub stated the purpose of this meeting was to re-establish Freedom Park Board. President Salatas explained that Chairman Laub while she was re-establishing Freedom Park Board, she continues to conflict earlier statements of the town council, former park superintendent, and the trustees running this as their own park. Councilman Gruska stated Tom Sullivan should check his taxes if he was collecting \$8,000 from someone for mowing grass. President Salatas stated he is sure his W2 reflected this. Councilman Farrellbegg asked who in fact owns Freedom Park. (Discussion between members inaudible) Attorney Buschmann reads from the interlocal agreement that in order to acquire the land, Town of Lowell was the entity required to be placed on the title which was subject to the other agreements made on how to operate it.

Councilman Gruska questioned why he would want to charge an additional fee to Lowell residents for a water tower the Town of Lowell owns. Attorney Buschmann responded that land owned was subject to constraints of the three agreements established to run the property for park use. He further explained if the water tower was for park purpose then fine, there is not an issue here. President Salatas stated the tower would be the first phase of development for restrooms and concession stands when future development projects were obtainable. Attorney Dave Westland argued the DNR grant states that public utilities are considered part of the park purpose according to the grant. Vice Chairman Dahl states the tower was not approved by the board. Attorney Westland stated he was addressing the question on park purpose for the use of the tower. He also spoke about the spending of expenditures over \$1,500 with a vote of 4 member and states good luck to that. He then asks what the board felt the piece of land the tower is own would appraise for and what they could charge on a lease for the piece of land. He notes this piece of property would probably be worth leasing for around \$15 dollars a year. He wanted to know if other members of this agreement believe they have followed these three agreements to the letter. Attorney Westland then asked if these violations from all parties are not reconcilable, how do all parties want to proceed. He asked if they would want to continue partnership in the future if all parties wanted that and how do the townships suggest they should move forward. Chairman Laub responded that the whole point of this meeting was to find out how to fix this and move forward. She explained that because there was a lot of handshakes of agreements made over time it is hard to move forward. Chairman spoke of the pride of growing up and living in this town and recognize things change over time. Laub continued that she wants the board to have the right to make decisions because she is being told the town council needs to make the decision in their meetings. President Salatas asked aside from the soccer program and archery fees discussion what else has the board been told they needed council approval on. Chairman Laub stated the water tower was one of the several items that have been discussed. President Salatas responded that Freedom Park Board was not stopped from making a decision on the tower in their board meetings. He then repeated that Chairman Laub stated the board needed the authority to do what the board needed to do. President Salatas continued that park fees charged could be worked on if the decision is made to move forward. Chairman Laub stated the board stated they did not want the water tower at Freedom and they tried to stop it. Attorney Westland wanted to caution the town council member sitting on the board, at this time Councilman Farrellbegg when making decisions over \$1,500 that he will need to go to the council and ask Freedom Park Board to wait on that decision. Attorney Westland asked if anything happens on an emergency basis that would prevent them from doing this. Vice Chairman Dahl stated that this was the way it was always supposed to go and that Councilman Farrellbegg has been good about doing this. Councilman Farrellbegg stated the board has been caught up on the old history, talking about old topics and is unable to move forward. He thinks the board could move forward by sitting down together and trying to get something moving in the right direction. Chairman Laub stated that when there were decisions for the board to make, she was told the town owned the property. Vice Chairman Dahl references the interlocal agreements then asked when the bonds are paid, what happens, who do we say owns the property. Councilman Gruska responded the Town of Lowell owns it. Attorney Buschmann states subject to the agreement. Attorney Westland states the agreement which has been violated by all parties. Vice Chairman Dahl wants to know when the bonds are paid off will West Creek and Cedar Creek Township be placed onto the title. Attorney Westland asks if there is anything spelling this out in the three agreements. Vice Chairman Dahl said it does not state the townships will have ownership.

Chairman Laub stated she would like for the agreement to state West Creek and Cedar Creek Townships as owners when the bonds are paid off so they do not have to go through this again. Chairman Laub would like it to state the owner would be the Freedom Park Board once the bonds are paid off. President Salatas stated that there would have to be significant improved interlocal agreement before this would be considered by the council. He continued that this document has continually been violated by all parties involved and does not work. President Salatas then noted the fact that West Creek has went from paying \$12,000 to \$5,000 over the years while the others are paying double the amount of West Creek. He would like to see a more solid commitment financially from West Creek along with significant changes to the original agreements before considering moving forward. Councilman Gruska and Councilman Farrellbegg agreed. President Salatas then stated the original agreements make the Town of Lowell solely responsible for this park and if the townships wanted to walk away, the town would be on the hook for it. Chairman Laub states that is exactly why they are here right now. Vice Chairman Dahl suggested the town provide a breakdown of what it costs to run the park and the townships can step in to do some of the duties to offset the costs. President Salatas suggested the trustees take over the operation and maintenance of the park and the town will cut them a check so the townships could run the park more efficiently. Councilman Gruska and Councilman Farrellbegg agreed. Chairman Laub stated this is why she would like to make the park owned and operated by Freedom Park moving forward. Councilman Gruska stated he believed this would be a legal question and believed that in 2001 when the property was purchased it was put in the Town of Lowell's name because this was the entity that could be the owner. Attorney Buschmann states that he has not researched this option but how he understands, this property indicates this has to be owned by an entity that has a state authorized park board. Since there is not a park board, the other parties of the interlocal could possibly take ownership with a lot of work to make this happen. Councilman Farrellbegg responded that the Freedom Park Board is not recognized as a state authorized park board like the Lowell Park Board was. Attorney Buschmann stated that by statute townships do have the authority to compose an authorized park board. It is about deciding where you want to go and how you want to move forward. President Salatas states there is some homework to be done on transfer DNR purchased property and creating of township park board and new interlocal agreements. Councilman Farrellbegg added all of which would have to be approved by the Lowell Town Council before moving forward with Freedom Park Board owning this. Chairman Laub stated she believed this is a great starting point. President Salatas believed the homework would need to be done before the town hands over operation and maintenance. Councilman Gruska stated he would like the attorneys to review these items and options. Vice Chairman Dahl responded that she would like to see the town to continue to operate and run the park, she just wanted to see additional program fees come into freedom budget, not the townships budgets and work out a deal about the use of the house/building use at Freedom Park. She states the park should then pay for itself. Dahl continued when the bonds are paid off, the money ear marked to pay on those bonds could be used to support the operating budget. Councilman Farrellbegg stated he has said this before, that parks do not make money. When the government shuts down, the parks are the first to close. He states if the intention of the Freedom Park Board is to make money, this is not the purpose of the park. President Salatas asked if anyone else wanted to make sure we discussed new business. He believed these items were f,g,h,i had been discussed earlier. Chairman Laub agreed and asked if we could move to public comment.

Public comment was called by President Salatas.

Town Manager, Craig Hendrix asked the parties if they would like to establish dates for the next meeting, or the new agreement if there is one to be made. Discussion of dates followed among the parties. The next meeting will be scheduled Monday, December 2, 2019 at 6pm. President Salatas then introduced Craig Hendrix, former engineer and interim Town Manager for The Town of Lowell. Town Manager Hendrix requested a list of accomplishments from the parties be sent. President Salatas stated we can do that. Public Comment. Senator, Rick Niemeyer approached the podium and stated his address. He then spoke to the Lowell Town Council and the Freedom Park Board. He stated he did not want to go all the way back to the beginning of Freedom Park or bore anyone with the history. He did want them to know he was part of Freedom Parks history and involved as a Freedom Park Board member for the first ten years. He continued to explain the need to secure park space for the town. The Town of Lowell Park Board did apply for the DNR grant and received it. He noted the Town of Lowell was listed as the owner with the agreement that the townships would continue to pay on the bonds issued along with the town. Senator Niemeyer continued to speak about the importance to the townships and the town to secure ground for parks and recreation. He believed the property was purchased at \$4,000-\$5,000 an acre which was a great deal back then. It was a good venture, for the right reasons. This was a great opportunity for all entities because not one entity had the ability to bring this on their own. He continues to state there were times were each entity had to go back to their boards to approve certain things. Closer to the end of his term he recalls talk about the towns need to place a pumping station at the park. It was agreed to do this with the Freedom Park Board and they voted yes since this would go into an area of the park that was not earmarked for development. He believed that everything was voted upon at the meetings and things were not put together without the board's approval. As time has went on things have changed and drifted. The townships were strapped with frozen levies for a long time. The priorities of the townships were fire, ambulance and poor relief but any extra money was given toward Freedom Park. He spoke of farming and using the property as a source of revenue to develop the park the first three years. It was that money that helped develop roads and parking lots within the park. He said the DNR stated they could not produce income from the grant purchased land and that had stopped. He doesn't know where things have changed, he knew they were going to change and believes the old interlocal agreement isn't working any longer. Senator Niemeyer talked about little league wanting to come to Freedom Park, the use of the buildings was given to the town. He states they did operate by the seat of their pants but they did run everything through the board back then, and encouraged the parties to read through the meeting minutes. He then states he knows that recreation programs do not make money but is a service to their community. He believes it is the best interest for the parties to update the interlocal agreements and not to lose the park. He hopes this can be worked out and back to where it needs to go and excused himself. President Salatas thanked Senator Niemeyer for his time and asked for public comment. Dan Blankenship, Cedar Creek Township Board President of Finance asked if the bonds will be paid off in 2022. He asked if the money used to pay on the bonds could be used to continue development of the park. President Salatas replied theoretically they could choose to do this but this is up to the townships and town. Vice Chairman Dahl stated she was all for doing this. Mr. Blankenship asked that any major decisions about the operation of the park wait to be decided upon until the bonds are paid off in 2022. He suggested he would like to see an agreement worked out to get the board through 2022 and then decide if anyone wants out of the agreement, they could do so then. President Salatas thanked Mr. Blankenship for his time asked if there was public comment. There was none. President Salatas asked for a motion to adjourn. Councilman Farrellbegg made the motion to adjourn at 7:42pm, seconded by Councilman Gruska and carried with three eyes.