



MINUTES OF THE PARKS COMMITTEE

TUESDAY, DECEMBER 10, 2019, 4:15 PM

CITY HALL, ROOM 310

PLEASE NOTE ROOM, DATE AND TIME CHANGE

A. ROLL CALL.

Present: Chris Wery, Jesse Brunette, Brian Johnson, Ald. Nicholson arrived at 4:30 PM
Others Present: Dan Ditscheit

B. APPROVAL OF THE AGENDA.

Moved by Ald. Jesse Brunette, seconded by Ald. Brian Johnson to approve. Motion carried.
Yes- Chris Wery, Jesse Brunette, Brian Johnson, No- None, Abstain- None

C. APPROVAL OF MINUTES.

Moved by Ald. Brian Johnson, seconded by Ald. Jesse Brunette to approve. Motion carried.
Yes- Chris Wery, Jesse Brunette, Brian Johnson, No- None, Abstain- None

D. REGULAR BUSINESS.

I. Consideration with possible action on the request to purchase a control system hardware retrofit with programming from Irvine Ondrey Engineering for \$42,848 for the Zippin Pippin at Bay Beach Amusement Park.

Moved by Ald. Jesse Brunette, seconded by Ald. Brian Johnson to advance to City Council without a recommendation the request to purchase a control system hardware retrofit with programming from MVR for \$51,418 for the Zippin Pippin at Bay Beach Amusement Park.

Motion carried.

Yes- Chris Wery, Jesse Brunette, Brian Johnson, No- None, Abstain- None

E. INFORMATIONAL.

I. Director's Report on updates and recent activities of the Parks, Recreation and Forestry Department.

Moved by Ald. Jesse Brunette, seconded by Ald. Andy Nicholson to receive and place on file. Motion carried.

Yes- Chris Wery, Andy Nicholson, Jesse Brunette, Brian Johnson, No- None, Abstain- None

F. ADJOURNMENT.

Moved by Ald. Brian Johnson, seconded by Ald. Jesse Brunette to adjourn. Motion carried.

Yes- Chris Wery, Andy Nicholson, Jesse Brunette, Brian Johnson, No- None, Abstain- None

VERBATIM MINUTES

- Okay, we are going.

- All right.

- Harks, me and you will come forward and look through all the folders. Alder Brunette, Alder Johnson, Alder Wery are all present. And, Alder Nicholson's excused. And, we have the approval of the agenda. Motioned by Brunette, second by Johnson, those in favor?

- I.

- I.

- None opposed, motion carried. I'll see approval of minutes. Motioned by Johnson,

- Second.

- Second by Brunette, discussion, those in favor?

- I.

- None opposed, motion carried. Breaking to business, consideration of possible action on the request to purchase a Control Systems Hardware Retrofit with programming, from Irvine Ondrey Engineering, for \$42,848 for the Zippin Pippin. At the Bay Beach Amusement Park.

- So we're requesting, staff is requesting approval to replace the entire Computer Control System for the Zippin Pippin. So in essence the system is the brains of the ride, so it controls all the electrical components of the Orion. Which includes the Q gates, the lift chain monitor, the sensors, the brakes and the transfer station. Uh, the existing control system was engineered and installed by the manufacturer, called NVR is the name of the company for those rides. The problem that we're having is that the current computer software is proprietary, to one individual, and not NVR. And this individual was previously employed by NVR, and no longer is employed by them. So whenever there is, uh, a shutdown for the ride for whatever reason, uh, we have to contact this individual to remotely go into the computer system and diagnose the problem, and then recommend a fix. The mechanics do not have access to look at this programming in any way, shape, or form. So, there's one single individual who can do the work, and we're at the mercy of his timeline, and his schedule and when he can fit it into his priorities. Uh, so this past year really became a problem because this individual accepted a job at a new company, and it's been increasingly more difficult to get a timely response from him. Often times this year when we've had an issue the ride was down several days before we would even get a return call. And in fact, one time the ride was shut down for five days, mainly because we couldn't hear from him. This, in turn, as you can imagine, caused a lengthier downtime here. And the problems are pretty minor fixes, uh, we just can't diagnose them until somebody looks at the computer stuff for us. So we did contact, uh, the ride manufacturer, NVR to find a solution, and they're recommending that we work with a company called Ondrey Engineering to replace the entire control system and reprogram the ride. Uh, so this company specializes in programming for amusement park rides. Uh, in addition, they do have several engineers on staff, not just one person, but several. I think they have four engineers on staff, who are available 24/7 to assist with troubleshooting when the ride is needed, vs a single person. So we reached out to them, and they supplied a quote for \$42,848, uh, to replace all the hardware, the software and reprogram the ride. Uh, the biggest advantage to this new system, is, it's now proprietary. So the city will own the software, and we will be able, our mechanics will be able to go into the software to try and troubleshoot the issues as they come up. So, and then if we can't figure out a solution from there we can then reach out to the company for the more difficult issues, and they'll help us troubleshoot it. So this will save a lot of time, a lot of energy, and it'll save on a lot of downtime for the ride. So and then after doing a little bit more research on this issue, we did find out that in order for the manufacturer, NVR, to approve this fix, they will have to sign off on the repair. So, uh, what we're

going to have to do is we're actually gonna have to purchase this from NVR, uh, not from Irvine Ondrey, and NVR will then supervise the installation, review everything, and approve it. Uh, so there is an additional fee for their services, but it's required in order to get all the documented paperwork in place for us to get state approval. What we will recommend is that we award, uh, the bid of \$51,418 to NVR, and to approve a purchase of that software, along with the programming. Uh, so this is a single source, purchase. Because you have to go through the right manufacturer on this, we can't forward it out to individual firms. So, whichever company they want to go with and they feel comfortable with, is who we have to go with. Uh, they have worked with this firm before, to reprogram several other rides that they have done in the past. That are very similar to what we're doing, and other individuals are having similar problems as we are. So, we would recommend that, uh, you approve purchasing it.

- The agenda item says \$42,848.

- Correct. That was plus the NVR fee on the top of that. So, when I put the agenda out I wasn't aware that NVR had to, uh, be included in this process. I found that out after the, um, agenda was submitted.

- The funding.

- Funding will come to us straight from our Bay Beach Account. Uh, so every year, in our operating account, our annual budget, we do have a ride repair account, uh, where that's where we fix rides like this one throughout the year. So we're gonna use our ride repair account from our 2020 Bay Beach budget.

- It makes sense that, the Zippin Pippin's down for five days, and if it's getting increasingly difficult for this person to be available to repair it that we, are losing a lot of revenue when the ride is down, so I don't, you know, financially it make sense of the what seems to be high amount. How did it get to that point though? That this was, when Zippin Pippin opened, that we limited our ability to fix it to now only one person?

- Originally, uh, the person who created the program and the software for the ride, he was an employee of NVR. Uh, so they used him to program all of their rides, 'cause he was one of their employees. However that was worked out with them, that software was proprietary to that individual, not to the company. So, when he moved on elsewhere, the right's to that software was left to him.

- Was the park's department aware of it at that time? I mean, how long did it go?

- We were aware, we were aware of that at the time when the ride opened, in 2011, uh, but because we had a ride manufacturer, so a company that designed and manufactured the ride, they put in the software that they thought was appropriate for the ride. And now it's--
- In hindsight, maybe it would
- In hindsight now, NVR I believe is contracting now with this company throughout future rides is what I've been told by NVR.
- I mean, I don't wanna go too far into the past and say the mistake was made, 'cause I can't make that determination, but it's just kind of a shame that it came to this.
- And it's like any other ride purchased from any manufacturer, you buy the software that comes with that ride, you don't get to pick and choose. It's kind of like when you buy a car, uh, you get whatever computer system comes with that car. You can't shop that around and purchase a different computer system for your vehicle.
- Fair enough, thank you.
- Go ahead, shot's up.
- Okay, I think maybe some of my concerns and questions echo a little bit of what Alder Brunette said, it just seems, uh, a little egregious, I mean, to occur a \$51,000 expense to replace something that is fully functional because of the customer service issue. And so, uh, in this particular instance, and you know, um, when the patent expires?
- I do not know that off hand.
- I mean, and part why I'm asking is if this patent expires next year, I mean, almost might be worth it just to ride it out and I mean for a year if say \$50,000, if it's but the other piece I guess that, and this is, you know, not even Joanne catching me off guard on this I know, but um, I mean, a lot of times when an employee works for a company, develops a technology on behalf of the company, the company owns the patent, not the individual. I mean, if we, I mean other than I mean NVR just said: "It's not ours it's his,"?
- Yes, we have heard that.

- It just seems a little bit surprising to me that they don't have an arrangement with the employee to ensure that they maintain ownership of the technology and so all I wanna, uh, be sure of is if that you know we move forward with this, um, that we don't find ourselves in another situation which NVR has a terrible arrangement with their staff, in terms of who owns their rights who owns their rights to their technology, we're sitting here again.

- Well in this case, okay, like I said, ownership of a new software comes to the city. So there is no proprietary ownership with this new service that we're getting. Um, because we own the software, we have the capabilities to go in with the software and diagnose it ourselves. And, it clearly says that in the full package. So, its a different arrangement to what was previous, in the other software. Uh, the other thing I do want to mention, is our goal to try to get this implemented and installed prior to the new season. So this does take a while to program the ride, get somebody, fly somebody out here to install the hardware, and software. And to do it, right now, you know, if we improve it today we can definitely make the schedule of having it operational for the new season. Uh, if you want me to go back get you more information I'd be happy to do that. But I can't guarantee at that point that we'd be able to have the, um, the hardware and software completed with the installation in time.

- But we still have the existing one, it's just still subject to.

- We have the existing one, but it takes time to switch it out. So, basically if we don't start the process soon, uh, what we'd be doing is we'd be going through one more season. Cause you can't, you can't, it's not as simple as just pulling it out and, and installing it and two days later you have an operational system. Uh, it takes some time to switch everything out, reprogram and test, and do all of that. Um, not saying that, you know, if we do hold on this for if we do hold on this for more information that's fine, we can do that, but the ride might be down for a couple of weeks or a couple of weekends in May, uh, in order to get it done.

- What kind of communication occurred with the individual that currently owns the patent, to uh, express our concerns about, uh, lack of responsiveness?

- Um, we've had conversations with him multiple times throughout this past year. It really became difficult when he accepted a new position, or a new job, because before that there was two or three years where he was an independent, um, contractor, and it was still pretty easy to work with him, but um, ever since he accepted a new job, it's been difficult to work with him, and we've expressed that with him, and that hasn't helped.

- And what was his response?
- Um, he has other commitment.
- Joanne, from your experience, does, I mean, is that an arrangement with the employer where the employee can continue to maintain?
- That can certainly, I think what you're talking about is of work for a higher issue? Um, typically an employee that creates any type of intellectual property, um interest, while employed, it lays with the, I mean, lies with the employer. However, they could've contacted around that, where the employee could retain his intellectual property rights, to anything that he created. If that is a feasible option. So--
- Is there a quick and easy way to determine when the patent on this particular technology expires?
- Um, typically, I'm assuming it's a utility patent, typically it's usually twenty years, but you should be able to search in the U.S Patent Office to find out an official expiration date.
- We may be able to get you a response by the council maybe.
- Yeah I, I think, I think that would be useful to have. I mean Zippin Pippin's an old ride, is this the same technology that was part of the original?
- No, this is all-- It, it just feels and looks like the old ride, but it's all new technology. Everything, all the computers and--
- So it's not the same technology as when it was created?
- No.
- Anything else Brian?
- No.
- Anything else Alder Brunette?
- No, I think Alderman Johnson had great points.

- About to pertain a motion, I don't know if I need to make this motion, but motion to refer to the council and using this project to find a solution. I'm not willing, or able to recommend a motion right now until we have those answers.

- So we can't advance it without a recommendation.

- No.

- Pending information.

- Is that a motion I would need to make or? No motion, that's it that's all.

- Um, I think that motion would be fine.

- Second by Johnson, referral to council, no recommendation pending, information from the record. Everyone in favor?

- I.

- Motion carried.

- I have just a couple minor things, uh, so ice rink, uh, it's getting colder, we're going to start ice rink soon, we're still not there yet, but uh, if the weather cooperates with this cold spell, we'll be able to start them soon. Um, we did apply for two DLT Open Modal Supplemento grants. For the construction of a portion of the east river trail and then the west side trail expansion project, from the end of the trail to the building. Um, so these are 90% funded grants and mostly conduct to date that the grants afford it. Um, triangle hill is ready to go for the season, Um, we're just waiting for more snow. We usually get about six inches of snow before we can open, and then this year we can get a winter fat tire bike trail at the park, and, we've gotten a lot of very positive comments from individuals who are active on using that trail, and it comes to always trying to find new ways in the winter to, uh activate our parks, and this has proven pretty popular. So, that is all that I have.

- You're gonna be in that Santa bike thread this weekend? I am not planning on it, no. Let's proceed to place on file, Brunette, and Nixon, those in favor?

- I.

- Post, motion carried, it's adjourned. Motion of the second, those in favor?

- I. Post, motion carried.