

American Birkebeiner Ski Foundation
Board of Directors Meeting
March 21, 2011

Members Present: Bill Bauer, Scott Chapin, Tom Duffy, John Leighton, Don Maher, Dave Nelson, Paul Pedersen, Sue Scheer, Mary Wingfield. Members not present: Don Becker, John Kotar, Dennis Kruse, Joe Timmerman. Also present: Ned Zuelsdorff, Shellie Milford, Steve Narveson.

Meeting took place a Weiss Community Library meeting room in Hayward, WI and was called to order at 4 PM by John Leighton, President and Chairman of the Board.

Approval of Minutes of Meeting of January 24, 2010 Minutes.

Minutes approved.

Approval of Agenda

Request by Bill Bauer to reverse order of Items 13 and 14. Request approved. Agenda approved.

Early Start Times for Qualifying Skiers

To allow or not allow persons over 70 years of age to start the American Birkebeiner to begin the event an hour early. As per John Kotar's recommendations, skiers starting early would be required to have a personal handler and carry supplies including food and water; early start subject to change day of race because of weather conditions; admission granted by waiver and knowledge of skier. It was noted that the Executive Director and Race Director oppose this option because it is generally the coldest time of day and there is no help on the course. Sue Scheer explained that she has had discussion with staff regarding their concerns and moved to allow skiers to appeal to the ABSF Office for special accommodations, including an early start, and will be the decision of the Race Director. Discussion followed that this policy should not be publicized in the Birch Scroll or on website. Motion passed.

Waiver and Registration Procedures

Scott Chapin explained that he has been in contact with attorney discussing Wisconsin law as it pertains to event waivers. Scott explained that how a waiver is written is critical to protecting the interests of the event sponsor. It was recommended that the ABSF have two separate waivers for adults and minors. Some event organizers are requiring a notarized signature for minors, which may be extreme, but is being done. Some event organizers are charging large surcharges (up to \$100) if the participant chooses the option of not to signing the waiver. Scott went on to explain that if a participant chooses not to sign the waiver, a court of law may suggest that the participant had a choice and forfeited any damage awards. Tom Duffy suggested that any arbitration matters should be decided

in Sawyer Country Circuit Court. Motion was made by Scott Chapin to adopt the waiver with the amendment of requesting resolution by judgement from the Sawyer County Circuit Court rather than by Arbitration. Second by John Leighton. Motion passed.

Ned Zuelsdorff asked if the Board wanted a posting on the website outlining the risks of Nordic skiing and asked for some guidance regarding how specific or non-specific to be and also asked if the ABSF would also begin the same process for volunteers as for race participants, including volunteers for other events such as the Trail Run or Birkie Tour. Scott Chapin responded that while this may be a good idea, he did not feel the insurance carrier would require such a waiver at this time.

General Counsel for ABSF

Bill Bauer explained the rationale for having a General Counsel. Most elected ABSF Secretaries to the Board are not legal experts and the office calls for performing or overseeing legal work. Examples are writing easements obtaining permission to cross private land on which the race course is located, providing leadership on issues of waiver acceptability, making rule changes to the bylaws as directed by the BOD, becoming aware of changes in federal and/or state laws and compliance with changes, and other tasks generally assigned to the Office of Secretary. John Leighton added that we have completed a similar move with the Office of Treasurer by retaining Steve Narveson and we should consider doing the same for the Office of Secretary. He reminded the board that we have a line item in the budget for this position, but that we may find a skier who is an attorney and may perform work pro-bono. No resolution required. Ned will provide Bill with contact information on potential candidates for General Counsel.

Red Bibs in race

John Leighton explained for John Kotar how the proposed plan would work. Proposed number of bibs is 35 bibs which matches the original number of skiers. Thirty of these would be drawn from registered skiers with the most Birkies completed and five by nomination for a special consideration. The original skiers would keep their numbers and would be in addition to the thirty-five proposed red bibs. Motion made by Scott Chapin to add thirty-five red bibs as proposed by John Kotar. Second by Sue Scheer. Motion passed.

Skier Discounts

Sue Scheer presented an overview of Birkie Enterprises to include skier discounts. Birkie Enterprises has done over \$30,000 of business in combination with Hidden Bay Graphics this year. The T-shirt concession income was \$105,000 + compared to last year at this time of \$70,000 + . Regarding discounts it was decided to provide a discount 15% for ABSF Members. Members will receive a card which can be used for the discount. Registration fee discounts are outside the scope of Birkie Enterprises and should be discussed by the Board. The discount will be honored only at the Birkie Office or on-line. Outdoor Ventures has sold over \$7,000 worth of merchandise this year. A question

was asked about where Birkie merchandise is made. Sue answered that when a large volume of merchandise is ordered it comes from the source of least cost. The Board thanked Sue Scheer for all the work she has done on behalf of Birkie Enterprises and the ABSF.

Growth of the ABSF Memberships

Mary Wingfield has drafted an article she would like included in the Birch Scroll explaining how discounts would be available to all ABSF Members. She would like to see these discounts apply to registration fees in addition to merchandise in an effort to increase membership. Mary suggested that membership denotes ownership in the race and the foundation. Motion made by Mary to adopt a policy of discounted registration fee for ABSF Members. Second by Bill Bauer. Discussion followed suggesting that by sending out a pin we are losing money. By offering discounts we would be losing more. Membership dues have never increased. Motion failed.

ABSF to provide each finisher a buff in 2012

Many events provide T-shirts and so it was decided by administration to provide a buff to every finisher of the Birkie and Korteloppet. Because buffs are increasing in popularity and functionality for skiers, it was decided that this would be an excellent premium for our clientele.

Bill McKibben to speak at a Birkie Event?

For those who don't know, Bill McKibben is an avid skier, author, speaker, and environmentalist. His identifying quote: "Welcome, citizens of *Eaarth. (yes spelled eaarth). We've built a new earth. It's not as nice as the old one; it's the greatest mistake humans have ever made, one that we will pay for literally forever. We live on a new planet. What happens next is up to us." Do we want to facilitate a talk by him? John Leighton suggested McKibben wants a forum rather than a speaking fee. Resolved that we contact Telemark and provide them his information and allow them to schedule him during the Birkie.

Partnership with Grandma's Marathon

Scott Keenan is the Executive Director of Grandma's Marathon. John Leighton has been in contact with him and would like the ABSF to partner with Grandma's to promote each other's event. John reported that nothing other than exploratory discussions have taken place.

Growth of the race

Tom Duffy questioned why the cap was set at 9,000 skiers when the demand currently appears to be so great, and the fact that the Board mandated by resolution that the race grow. John Leighton clarified that the Board did mandate race growth and it was up to

the administration to provide the means for growth, i.e., reducing the restrictions to the race flow. Tom Duffy asked what the problems are and how are we addressing them. The county wants to provide support and has asked these same questions. Ned explained that the major block to growth is the finish because of the limited space and volunteers are becoming an issue and perhaps we need to find a method of encouraging more people to volunteer. It was suggested that administration prepare a report for the board outlining the problem areas and how to solve them so we know what the issues are. Mary Wingfield moved that we hold off on a strong cap until April when the Director can come back with a plan to alleviate the issues for 2012. The race cap has already been announced on the internet. Motion failed for lack of a second.

Registration Fees

John Leighton reported that Joe Timmerman asked the Board to discuss the registration fee increase in his absence. Mary Wingfield questioned if the race fee increase of \$15 was in fact, set for 2012. She suggested that if we increased the level of sponsorship we would have no need for an increase in registration fees. Mary Wingfield moved that the registration fee be a part of the budget process and we hold registration fees at the present level until the Director brings to the Board justification of the need to increase fees. Motion failed for lack of a second.

Telemark Update

John Leighton announced that the principals of Telemark are very interested in working with us on an agreement for purchasing land, or purchasing an easement and we have covered this issue in detail (at the trail meeting) and came to the conclusion that we stand firm for this year and avoid making long lasting commitments. There is a potential to move the start to Hwy 63 in the future.

Questions for the Director

Questions for the Executive Director surfaced frequently during the course of the meeting and no further questions were presented at this time. Paul Pedersen commended the Executive Director for his work on organizing the race. Sue Scheer said she read most of the comments and it was enjoyable to see so much positive feedback.

Meeting adjourned at 2:10 PM.

Submitted by Bill Bauer