

MINUTES OF THE BOARD OF PARK COMMISSIONERS
March 16, 2023

The Board of Park Commissioners held their regular meeting on March 16, 2023 in the Tom Baker meeting room of the City/County Building. Vice President Zimmerman called the meeting to order at 5:15 pm. Commissioners Jeske and Odell were present.

Commissioner Jeske moved approval of the agenda as presented with one change to move the Cottonwood softball complex umpire shack to the beginning of item five. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Bill Sorenson, representing Sleepy Hollow Theatre and Arts Park and Facility Specialist Katrina Hanenberg, discussing the Park District tennis programs, appeared before the Board as the featured partners and programs.

Aaron Barth and Jake Axtman appeared before the Board to review Bismarck's Riverfront Idea.

Jeff Feist with EAPC reviewed the Cottonwood Softball Complex umpire building bids. Commissioner Odell moved to accept the apparent low bid of \$163,200 from Northwest Contracting. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Brett Gurholt with AGL presented the bids received for the Joann Hetzel Memorial 4-H Building playground. Commissioner Jeske moved to accept the apparent low bid of \$165,325.75 from Northwest Contracting. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

The bids for the Sam McQuade Sr. Softball Complex playground were reviewed. Commissioner Odell moved to accept the apparent low bid of \$141,118.50 for the base bid at \$62,669.80 for the alternate bid to Northwest Contracting. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Operations Director David Mayer reviewed the bids received for the Sertoma Park playground near shelter five. Commissioner Jeske moved to accept the apparent low bid of \$54,965 for installation of playground equipment and engineered wood fibers from My Turn Playsystems. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Commissioner Odell moved to accept the apparent low bid of \$127,200 from Northwest Contracting for improvements to Marian Park. Commissioner Jeske seconded the motion, and

the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Operations Director David Mayer reviewed the Hay Creek retaining wall project in which the Park District has a companion agreement with the City of Bismarck for this retaining wall. Staff has been working with a consultant along with the ND Department of Transportation to bid this project. The NDDOT opened the bids, and the bid amounts were significantly higher than anticipated (engineers estimate of probable cost was \$457,500 and the bid amount was \$1,382,363). Commissioner Jeske moved to reject the bids received and authorized staff to continue working with the consultant to find alternate solutions for the retaining wall and rebid the project. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Commissioner Odell moved to add First Western Bank and Trust to the Park District's approved list of designated depositories. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Vice President Zimmerman reviewed the following items on the consent agenda:

- Consideration of February 16 and 27, 2023 Board meeting minutes.
- Consideration of part-time employee benefits for use of programs and facilities.
- Consideration of professional consultant selection, agreement and authorization to call for bids on the Sheila Schafer Junior Links relocation.
- Request authorization for the consultant selection process and to call for bids for the General Sibley drain field replacement project.
- Consideration to dispose of items through city auction.

Commissioner Jeske moved to approve the consent agenda. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

Commissioner Jeske moved to approve bills for payment with checks 407671 to 407673 and 211490 to 211692 along with bank drafts DFT001220 to DFT001231, EFTs 2267 to 2303 and direct deposits 58940 to 59872. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Jordan, and Vice President Zimmerman.

Vice President Zimmerman stated the following: The next item on the agenda is the discussion on negotiation for the sale of Hay Creek lots 1-8. This item will be discussed in an executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code section(s) NDCC §§ 44-04-19 and 44-04-19.2. The topic or purpose of this executive session is for attorney consultation with the Board's attorney and to discuss contract negotiation for sale of Hay Creek lots 1-8. The executive session will be recorded, and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body

must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session.

The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to our attorney or negotiator.

We will now ask the members of the public who are attending the meeting to leave the room. We anticipate adjourning the executive session, and reconvening the open portion of the meeting, at approximately 7:00 pm. The minutes will show that the executive session began at 6:45 pm and was attended by Commissioners Jeske and Odell, Vice President Zimmerman, Legal Counsel John Ward, Executive Director Kevin Klipfel, Finance Director Kathy Feist and Administrative Services Manager Julie Fornshell.

The executive session was adjourned at 7:16 pm, and the public was invited to return to the meeting room. The Park Board was now back in open session at 7:17 pm.

Commissioner Jeske moved to appoint Executive Director Klipfel and Finance Director Feist to negotiate the sale of Hay Creek lots 1-8 within a pre-determined price range. Commissioner Odell seconded the motion, and the voting went as follows: Ayes: Commissioners Jeske, Odell, and Vice President Zimmerman. The nays being none, the motion carried.

The next regular Board meeting will be held April 20, 2023 at 5:15 pm in the Tom Baker Meeting Room. The meeting was adjourned at 7:18 pm.