

October 11, 2024

TO: Commissioners Gilbertson, Herzog, Jeske, Redmann, and President Zimmerman

FROM: Kevin Klipfel, Executive Director 

SUBJECT: October 17, 2024 Park Board Packet and Overview

Commissioners:

Enclosed you will find the packet of information and overview for the Park Board meeting on October 17, 2024 at 5:15 pm at the Tom Baker Meeting Room.

Item 1. Call Meeting to Order and Roll Call

Item 2. Pledge of Allegiance

Item 3. Approve Agenda

Item 4. Featured Partners and Programs

- Bismarck Sports Group - Thom Brigl, owner of the Bismarck Sports Group, will appear before the Board.
- Bismarck Municipal Ballpark User Groups – The following user group representatives will appear before the Board:
 - Bismarck Public Schools – Dave Zittleman
 - Bismarck Youth Baseball – Matt Sagsveen
 - Bismarck Larks – Nate Maddox
 - University of Mary

Item 5. Board Consideration of Lease Addendum with the Missouri Valley Family YMCA
Enclosed in the packet you will find a memo and proposed addendum for your consideration.

Item 6. Authorization to Call for Bids
Memos have been provided in the packet regarding these requests.

- Lighting Project at the Nishu Bowmen and Joann Hetzel Memorial 4-H Buildings
- 2025 Maintenance Equipment and Golf Carts

Item 7. Consideration of Pepsi Vending Sale and Consideration of Addendum
Facilities and Programs Director Mike Wald has provided information in the packet along with an addendum for your consideration.

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Item 8.

Consent Agenda

A variety of items have been placed in a consent agenda. A consent agenda can be approved with one motion, or an item or items can be removed for additional discussion and separate action. Staff recommends approval of the following items:

- Consideration of September 19, 2024 Board Meeting Minutes – The minutes are included.
- Consideration of Real Estate Purchase Agreement - Lot 8, Block 1, Hay Creek Park Addition – A copy of the signed real estate purchase agreement is enclosed for your consideration.

Item 9.

Approval of Bills

Individuals or organizations who wish to appear before the Board on an existing agenda item will also make the request in writing or emailed, delivered to the Bismarck Parks and Recreation District office by 12:00 noon, 2 days prior to the regular monthly meeting of the Board of Park Commissioners.

Next Regular Board Meeting: November 21, 2024 at 5:15 pm in the Tom Baker Meeting Room
Full-Time and Full-Time Seasonal Employee Luncheon: November 19, 2024 at 11:30 am at the
Municipal Country Club

Let's Play!

DATE: October 7, 2024
TO: Commissioners Gilbertson, Herzog, Jeske, Redmann, and President Zimmerman
FROM: Kevin Klipfel, Executive Director (KK)
RE: BSC Aquatic and Wellness Center Concession Operation

Bismarck Parks and Recreation District has a 25 year agreement with the Missouri Valley Family YMCA for shared development and use of the parking lot adjacent to the VFW Sports Center as well as an addendum to the lease for development and use of the relocation of the curb cut and driveway entrance into the parking lot in the southeast corner of the premises. These both expire at the end of 2024, and both parties wish to continue joint use of these areas. Enclosed in your packet you will find a lease addendum for your consideration for another 25 year period with renewal options. Staff recommends approval of the lease addendum.

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Lease Addendum with Missouri Valley Family YMCA

This addendum between the Park District of the city of Bismarck, North Dakota (District) and the Missouri Valley Family YMCA (YMCA) combines the original lease agreement with the lease addendum for the curb cut and new driveway entrance into the parking lot in the southeast corner of the premises. All terms and conditions shall remain in effect during the term of this extension.

Term: This addendum will be effective for 25 years starting December 30, 2024. The term of the lease shall be renewable for additional 25-year periods at the YMCA’s request for an extension of the lease. The YMCA cannot assign this lease without approval from the Bismarck Parks and Recreation District and Bismarck Park Board.

All terms and conditions of the original agreement and addendum remain in effect.

Mark Zimmerman, Park Board President

Date

On this ____ day of _____, in the year _____ before me personally appeared Mark Zimmerman known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that that person executed the same.

State of North Dakota
County of _____

Notary Signature

Type or Print Name of Notary
My commission expires:_____

(Seal/Stamp)

Wally Goulet, Chair, Board of Trustees
Missouri Valley Family YMCA

Date

On this ____ day of _____, in the year _____ before me personally appeared _____
_____ known to me to be the person who is described in and who executed the
within instrument, and acknowledged to me that that person executed the same.

State of North Dakota
County of _____

Notary Signature

Type or Print Name of Notary



My commission expires: _____

(Seal/Stamp)

Let's Play!

October 4, 2025

TO: Commissioners Gilbertson, Herzog, Jeske, Redmann, and President Zimmerman
Kevin Klipfel, Executive Director

FROM: Mike Wald, Facilities and Programs Director 
Dave Mayer, Operations Director 

RE: Request Authorization to Call for Bids for 2025 Equipment Purchases

Staff is requesting Board authorization to call for bids for a variety of maintenance equipment for the Park Operations and Facilities and Programs Divisions as well as golf carts for Tom O'Leary Golf Course. Please let us know if you have any questions. Thank you for your consideration of this request.

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Let's Play!

TO: Commissioners Gilbertson, Herzog, Jeske, Redmann, and President Zimmerman
Kevin Klipfel, Executive Director

FROM: David Mayer, Operations Director *DM*

DATE: October 4, 2024


RE: Request Board Authorization to Call for Bids

The Park District has received an 80/20 grant from the State Energy Program to change the lighting in the Nishu Bowmen Archery Complex and the Joann Hetzel Memorial 4-H Building. Staff is requesting Board authorization to call for bids for this project.

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Let's Play!

October 11, 2024

TO: Commissioners Gilbertson, Herzog, Jeske, Redmann, and President Zimmerman
FROM: Mike Wald, Facilities and Programs Director 
RE: Pepsi Vending Sale and Consideration of Addendum

Staff was notified on September 6, 2024 that PepsiCo Beverage Sales, LLC sold the full service vending portion of the company to Green Food 2 Go. Green Food 2 Go will honor PepsiCo Beverage Sales, LLC's vending commission that is in the 2023-2027 soft drink and supply agreement that was approved by the Board on February 4, 2022.

Attached are letters regarding the sale from both parties. Staff requests Board consideration of the attached addendum for Green Food 2 Go in assuming the PepsiCo Beverage Sales, LLC's vending of products. Please let me know if you have any questions.



Bismarck Parks & Rec
Kevin Klipfel
Director
Email: kklipfel@bisparks.org

Re: Agreement, dated as of January 1st, 2023, through December 31st, 2027, (the "*Agreement*"), entered by the undersigned ("*Pepsi*") and Bismarck Parks & Rec ("*Company*")

Dear Mr. Klipfel:

We value our relationship and want to share some news with your Company today. Pepsi and its affiliates entered into an Asset Purchase Agreement with Compass Group USA Inc ("*Purchaser*") for the sale of substantially all its assets used exclusively in the operation of its full line vending business in relation to the Agreement (the "*Transaction*"). We have made the decision to divest our full line vending business in parts of North and South Dakota, Iowa and Minnesota which includes full line vending service we are currently providing at your facilities and hereby advise you and the Company that in connection with the Transaction, Pepsi has agreed to subcontract its rights and obligations under the Agreement to Purchaser and Purchaser has agreed to assume all rights and obligations arising under the Agreement from and after the closing date of the Transaction, expected to occur over the next several weeks following August 30th, 2024 (the "*Closing Date*").

As of the Closing Date, full line vending merchandising and commission payment will be made directly by Purchaser and all terms and conditions of our Agreement will otherwise remain in place. We thank you for the continued trust you and the Company have placed in Pepsi to support your beverage needs. Pepsi will continue to be your primary point of contact for the retained business and will stay close to ensure consistent service and a smooth handover of full line vending.

If you have any questions, please do not hesitate to contact us and thank you in advance for your prompt attention to this matter.

Regards,

On behalf of Pepsi Beverages Company, Bottling Group LLC

By: Kevin Klemmer
Food Service Sales Representative

Signature:

A handwritten signature in black ink, appearing to read "Kevin Klemmer", written over a horizontal line.



Green Food 2 Go, INC.
5112 Platoon Ave
Bismarck, ND. 58501

Sept 10, 2024

Dear Kevin Klipfel and Mike Wald,

This letter confirms the intent for Green Food 2 Go, Inc. (GF2G) to take over the vending portion of the Beverage Agreement as stated in the document we received from Pepsi on Sept 9th.

GF2G will honor the agreement that was put in place by Pepsi with this Beverage Agreement which has an effective date of January 1, 2023.

Sincerely,
Paul C. Waletzko,
Owner / Operator
Green Food 2 Go, Inc.

**Bismarck Parks and Recreation District and Green Food 2 Go
Addendum for Pepsi Beverage Vending Machines**

This addendum references the current agreement between Green Food 2 Go (Concessionaire) and the Park District (District) of the city of Bismarck, North Dakota. The addendum adds the Pepsi beverage vending machine services through December 31, 2027.

Green Food 2 Go will honor all terms and conditions of the original vending agreement with PepsiCo Beverage Sales, LLC.

DATE: _____ BY: _____
Paul Waletzko, Owner
203 W Owens Avenue
Bismarck, ND 58501

DATE: _____ BY: _____
Mark Zimmerman, President
Board of Park Commissioners

MINUTES OF THE BOARD OF PARK COMMISSIONERS
September 19, 2024

The Board of Park Commissioners held their regular meeting on September 19, 2024 in the Tom Baker meeting room of the City/County Building. President Zimmerman called the meeting to order at 5:15 pm. Commissioners Gilbertson, Herzog, Redmann and Jeske were present. The pledge of allegiance was said.

Commissioner Gilbertson moved to approve the agenda as presented. Commissioner Redmann seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Burleigh County Agriculture and Natural Resources Extension Agent Tyler Kralicek appeared before the Board as the featured partner and program.

Finance Director Kathy Feist provided an overview of the 2025 proposed budget. President Zimmerman opened the public hearing on the 2025 budget. He asked three times for anyone opposed to or concerned with the budget to appear before the Board. He then asked three times for anyone in favor of the budget to appear before the Board. Mike Schwartz approached the Board and stated his support of the proposed budget. President Zimmerman closed the public hearing.

Commissioner Jeske moved to approve the second reading of the 2025 budget and approve the mill levy. Commissioner Herzog seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Gilbertson moved to adopt the 2025 operating budget. Commissioner Redmann seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Mike Schwartz appeared before the Board to review the option to place a statue of Satchel Paige at the Bismarck Municipal Ballpark. Commissioner Herzog moved approval for Mr. Schwartz to work with Park District staff on raising funds and to call for bids for this project. Commissioner Redmann seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Gilbertson moved approval to call for bids for electric work at Eagles Park as outlined by Operations Director David Mayer. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Jeske moved to accept the apparent low bid of \$18,000 submitted by Game One for the purchase of 16 soccer goals. Commissioner Redmann seconded the motion, and the

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

Commissioner Redmann moved to appoint Commissioner Herzog to the Renaissance Zone Committee. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Gilbertson moved to approve the following items on the consent agenda:

- Consideration of August 15, 2024 Board meeting minutes.
- Board authorization to request qualifications for engineering, architect and planning services for 2025 and 2026.
- Request Board consideration of concessions extensions and addendums for the following:
 - Dairy Barn at Cottonwood Soccer Complex
 - Green Food 2 Go vending machines
- Authorization to apply for the following grants:
 - NDDOT Transportation Alternatives for a 10' shared use path from Sunrise Park to the 2026 E Century Avenue roadway expansion in 2027.
 - NDDOT Special Road Fund Program to overlay the existing roadways and parking lots in the day use area at General Sibley Park and Campground in 2026 if funding is secured.
 - America the Beautiful Forestry Grant for additional trees at Normandy Park and Sertoma Park/Clem Kelley Complex.

Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Gilbertson moved to approve the bills for payment with checks 408139 to 408158 and 216750 to 217043 along with bank drafts DFT001449 to DFT001464, EFTs 3017 to 3062 and direct deposits 77523 to 79288. Commissioner Redmann seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Jeske moved approval for the Board to go into executive session under the Authority of NDCC §§ 44-04-19.1 and 44-04-19.2 for attorney consultation with Legal Counsel John Ward and to discuss contract negotiation for the sale Hay Creek lots. Commissioner Gilbertson seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

The topic or purpose of this executive session is for attorney consultation with the Board's attorney and to discuss contract negotiation for the sale of Hay Creek lots. 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.

All members were asked to leave the room. Commissioners Gilbertson, Herzog, Redmann, Jeske, President Zimmerman, Executive Director Kevin Klipfel, Finance Director Kathy Feist, Legal Counsel John Ward, and Administrative Services Manager Julie Fornshell were present at the executive session which began at 6:04 pm.

Commissioner Redmann moved to adjourn the executive session at 6:19 pm. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

Commissioner Gilbertson moved to adjourn the meeting at 6:19 pm. Commissioner Jeske seconded the motion, and the voting went as follows: Ayes: Commissioners Gilbertson, Herzog, Redmann, Jeske and President Zimmerman. The nays being none, the motion carried.

The next regular Board meeting will be held October 17, 2024 at 5:15 pm in the Tom Baker Meeting Room.

Real Estate Purchase Agreement

This purchase agreement is entered into as of the 17th day of October, 2024, by and between the Park District of the city of Bismarck, North Dakota (as "Seller") and Todd and Rachel Kriege (as "Buyer").

In consideration of the mutual terms, covenants, conditions, and agreements herein contained, it is hereby agreed by and between the parties as follows:

1. **Sale of Real Property.** Seller agrees to sell, convey, assign, transfer and deliver to Buyer, and Buyer agrees to purchase, acquire and take from Seller, all of Seller's right, title and interest, in and to that certain real property located at 2025 N 26th Street – Lot 8, Block 1, Hay Creek Park Addition in the City of Bismarck, in the County of Burleigh, State of North Dakota.
2. **Purchase Price and Payment.** The Purchase price to be paid by the Buyer to Seller for the property shall be \$65,000 (sixty-five thousand dollars) which shall be paid by cashier's check upon the date of closing.
3. **Closing.** The Closing Date shall be on or before February 3, 2025. Seller shall deliver at the time of closing a Warranty Deed conveying title to the Buyer free and clear of all liens and encumbrances and subject to easements, zoning and restrictions of record. Real estate taxes and special assessments shall be prorated to the time of Closing with the Buyer responsible for all taxes accrued after the Date of Closing. The Seller is responsible for all taxes accrued before the date of closing. Seller will provide the Buyer with an abstract of title to the real property no later than ten (10) days prior to closing. In lieu of an abstract of title, the Seller at its option may provide to the Buyer an owner's policy of title insurance in an amount equal to the sales price.
4. **Seller's Closing Costs:** The seller agrees to pay the following closing costs:
 - Title search
 - Deed preparation
 - Abstract update
 - Title insurance
5. **Buyer's Closing Costs.** The buyer agrees to pay the following closing costs:
 - Title opinion
 - Recording deed
 - Closing fee
6. **Possession of the Property.** Buyer shall be given possession of the property on the date of closing.
7. **Risk of Loss.** The risk of loss by destruction or damage to the property by fire or otherwise prior to the closing of the sale is that of the Seller.

8. **Survival.** All of the terms, covenants, conditions, representations, warranties and agreements of this Purchase Agreement shall survive and continue in force and effect and shall be enforceable after the Date of Closing and delivery of the Warranty Deed.
9. **Effective Purchase Agreement.** This Purchase Agreement shall become effective and shall be binding upon the parties only after it has been executed by all of the parties.
10. **Entire Agreement; Modification.** This Purchase Agreement constitutes the entire and complete agreement between the parties and supersedes any prior oral or written agreements between the parties with respect to the Property. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions set forth herein, and that no modification of this Purchase Agreement and no waiver of any of its terms and conditions shall be effective unless in writing and duly executed by the parties.
11. **Binding Effect.** All covenants, agreements, warranties and provisions of this Purchase Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, representatives, successors and assigns. When used herein, the singular shall include the plural, the plural shall include the singular, and the use of one gender shall include all other genders, as and when the context so requires.
12. **Controlling Law.** This Purchase Agreement has been made and entered into under the laws of the state of North Dakota, and said laws shall control its interpretation.
13. **Time of Essence.** Time is of the essence as to all dates and time periods set forth in this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Purchase Agreement to be executed as of the date first above written.

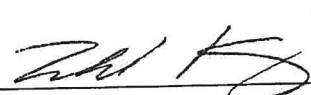
SELLER:

Bismarck Parks and Recreation District
 400 East Front Avenue
 Bismarck, ND 58504

BUYER:

Todd and Rachel Kriege
 15 McGinnis Way
 Lincoln, ND 58504

 President, Board of Park Commissioners



 Todd Kriege



 Rachel Kriege