



THE REGULAR MONTHLY MEETING OF THE BOARD OF COMMISSIONERS OF THE PARK DISTRICT OF THE CITY OF FARGO WILL BE HELD ON **TUESDAY, MARCH 14, 2023 AT 5:30 P.M.** IN THE BOARD ROOM OF THE PARK DISTRICT OFFICES AT 701 MAIN AVENUE, FARGO, WITH PRESIDENT DAWN MORGAN, PRESIDING. **Please note:** This is an in-person event and streamed virtual. Members of the public and media can view the live meeting at www.fargoparks.com/news/park-board-meeting-march-agenda-2023

- A. Call to Order
- B. Approve Order of Agenda

Consent Agenda - approve the following:

- a. Minutes - February 14, 2023
- b. February Bills
- c. Extension of Time for Memorandum of Understanding for Phase Two for the Garden of Healing.
- d. Updates to agreement for Starion Field.
- e. Solicit for bids for the 2023 Concrete projects.
- f. Solicit for request for proposals for the 2023 Playground replacement projects.
- g. Solicit for request for proposals for the Fargo Parks Sports Complex Playground project.

Regular Agenda

- 1. Recognition of Audience/Public Comments
- 2. Executive Director's Report
- 3. Fargo-Moorhead Convention and Visitors Bureau Presentation; Charley Johnson, President & CEO, Fargo-Moorhead Convention and Visitors Bureau, presenter.
- 4. Adjourn

Individuals who wish to attend Park Board meetings but need special arrangements or would like to address the Board, please contact the Fargo Park District office at 499-6060 by noon on the Monday before the Board Meeting.

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS
OF THE FARGO PARK DISTRICT OF FEBRUARY 14, 2023**

The regular monthly meeting of the Board of Commissioners of the Park District of the City of Fargo was held on Tuesday, February 14, 2023, at 5:30 p.m. at the Fargo Park District office at 701 Main Avenue, Fargo, North Dakota and via Restream. Present at the meeting in person were Commissioners Dawn Morgan, and Aaron Hill. Commissioners Jerry Rostad, Joe Deutsch, and Vicki Dawson appeared by Restream. Also present were: Dave Leker, Broc Lietz, Carolyn Boutain, Dave Bietz, Susan Faus, and Craig Bjur and attorney Jeff Gunkelman.

Approval of Agenda

Commissioner Joe Deutsch moved and Commissioner Aaron Hill seconded a motion to approve the agenda. Upon call of the roll, the motion passed unanimously.

Approval of Consent Agenda

Commissioner Aaron Hill moved and Commissioner Joe Deutsch seconded a motion to approve the following actions on the consent agenda:

- (a) The minutes from the January 10, 2023 meeting and January 30, 2023 meeting;
- (b) The January 2023 bills;
- (c) Approval of bid from Aspen Equipment, LLC for the 2023/2024 Truck Cab and Chassis in the amount of \$110,310.00.

Upon call of the roll, the motion passed unanimously.

Director's Report

Dave Leker presented on this matter and provided an informational update to the Board on the respective departments. No action was taken on this matter.

Sandhills Archery Club Presentation

Odin Helgerson presented to the on this matter about the Sandhills Archery Club, its history, and its connections to the Fargo Park District.

Consideration of Bids for Island Park Pool

Dave Leker presented to the Board on this matter. It was noted that the bid instructions that were published did not include language requiring contractors to include a copy of their contractor's license in a separate envelope per North Dakota Century Code. It was noted that a contractor did not include a copy of their contractor's license it would make it an unresponsive bid and would not be opened. It was noted that as a result, several of the bids did not include a contractor's license for several packages. It was noted that that following areas had all bidders who complied with the North Dakota Century Code and thus did not need to be rebid: 3A – Concrete; 4 – Masonry; 5B – Metal Fabrication; 6A – General Work and Labor; 21 – Fire Sprinkler; 22/23 – Plumbing/HVAC; 32A – Asphalt and Milling Overlay; and 32B – Concrete Paving. It was noted that staff recommended rejecting all bids for the other packages and rebid the packages with the correct instructions.

Commissioner Aaron Hill moved and Commissioner Vicki Dawson seconded a motion to reject the following bid packages for Island Park Pool: 7A – EPDM Roofing and Sheet Metal; 7B – Metal Roof and Wall Panel; 7C – Caulking and Sealants; 8C – Overhead Doors; 9B – Gypsum Board Assemblies; 9D – Painting and Coatings; 9E – Epoxy Concrete Flooring; 13 – Pool Construction; 26 – Electrical; 31 Earthwork/Site Demolition; 32C – Site Fencing; 32E – Landscaping; 32F – Artificial Turf; 33 - Site Utilities.

Commissioner Aaron Hill moved and Commissioner Jerry Rostad seconded a motion to solicit bids for the following bid packages for Island Park Pool: 7A – EPDM Roofing and Sheet Metal; 7B – Metal Roof and Wall Panel; 7C – Caulking and Sealants; 8C – Overhead Doors; 9B – Gypsum Board Assemblies; 9D – Painting and Coatings; 9E – Epoxy Concrete Flooring; 13 – Pool Construction; 26 – Electrical; 31 Earthwork/Site Demolition; 32C – Site Fencing; 32E – Landscaping; 32F – Artificial Turf; 33 - Site Utilities.

At the conclusion of the above agenda items, a motion to adjourn was made and seconded, and upon unanimous consent the meeting adjourned at approximately 6:00 p.m.

Dave Leker, Clerk



MEMORANDUM

DATE: March 8, 2023

TO: Fargo Park Board Commissioners

FROM: Dave Bietz, Deputy Director of Operations

RE: Consent Agenda Item No. (c) - Extension of Time for the Memorandum of Understanding for Phase Two for the Garden of Healing

Sarah and Arlin Fisher updated the Commissioners at the Facilities Committee Meeting on the Garden of Healing at Urban Plains Park.

Sarah and Arlin reviewed the drawings completed by Confluence (Landscape Architect) and updated the Commissioners on the future plans for the Garden of Healing.

Commissioners were updated on the MOU that was executed in November 2021 that allowed Sarah and Arlin Fisher, Jodi Plecity and the Garden of Healing three years to raise appropriate funds and commence construction on phase two of the park. Should the Garden of Healing fail to raise the necessary funds and commence construction within three years of the above date (November 9th, 2021), then this Agreement shall terminate unless otherwise agreed upon.

Commissioners agreed to amend the Memo of Understanding to include:

On March 14th, 2023, both parties agree to extend the timeline for the commencement of construction on phase two of the park to five years from today's date. Should Garden of Healing fail to raise the necessary funds and commence construction within five years, then this Agreement shall terminate unless otherwise agree upon by the parties.

Please let me know if you have any questions prior to the meeting.

Thank you.

Sample Motion: I make a motion to approve the Extension of Time for the Memorandum of Understanding for Phase Two for the Garden of Healing.

**EXTENSION OF TIME FOR
MEMORANDUM OF UNDERSTANDING
PHASE TWO**

This Extension of Time for Memorandum of Understanding – Phase Two (the “Extension”) is entered into this _____ day of _____, 2023 between the **Park District of the City of Fargo** (“Park District”) and **Sarah Fisher, Arlin Fisher, Jodi Fischer, and Garden of Healing Park** (collectively “Garden of Healing”).

Whereas, the parties entered into a Memorandum of Understanding (“MOU”) for the construction of Phase Two of the Garden of Healing Park at Urban Plains Park (the “Park”) on November 8, 2021.

Whereas, the MOU allotted Garden of Healing three years from the date of the MOU to raise the necessary funds and commence construction on Phase Two of the Park.

Whereas, the parties desire to enter into this Extension to grant Garden of Healing more time raise the necessary funds and commence construction on Phase Two.

Now, therefore, the parties hereby agree as follows:

1. Garden of Healing shall have until June 1, 2028 to raise the necessary funds and commence construction on Phase Two of the Park. Should Garden of Healing fail to raise the necessary funds and commence construction on or prior to June 1, 2028, then this Agreement shall automatically terminate, unless otherwise agreed upon by the parties in writing.
2. Except as modified herein, all other terms and conditions of the Memorandum of Understanding dated November 8, 2021 shall remain in full force and effect.
3. Attached hereto and incorporated by reference herein is a drawing depicting the intended location of the second phase of the Park at Urban Plains.

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IN WITNESS WHEREOF, the parties hereto have executed this lease for and as of its Effective Date.

Park District of the City of Fargo

By: Dawn Morgan
Its: President

Sarah Fisher

By: Dave Leker
Its: Clerk

Arlin Fisher

Jodi Plecity

Garden of Healing

By:
Its:



MEMORANDUM

DATE: March 8, 2023

TO: Fargo Park Board Commissioners

FROM: Dave Bietz, Deputy Director of Operations

RE: Consent Agenda Item No.(d) - Updates to Agreement for Starion Field

Fargo Youth Baseball and Fargo Metro Baseball Association (Fargo Post 400) agree to remove the Fargo Youth Baseball from the agreement for Starion Field (Helling Field) at Tharaldson Baseball Complex.

Fargo Metro Baseball Association (Fargo Post 400) will be the sole tenant of Starion Field (Helling Field) at Tharaldson Baseball Complex.

Please let me know if you have any questions prior to the meeting.

Thank you.

Sample Motion: I make a motion to approve the updates to the Agreement with Fargo Metro Baseball Association.

Assignment of Agreement

This Assignment of Agreement (the “Agreement”) is made and entered into this _____ day of _____, 2023 (the “Effective Date”), by and between **The Park District to the City of Fargo**, a Park District under the laws of the State of North Dakota, 701 Main Avenue, Fargo, North Dakota, 58103 (“Park District”), **Fargo Youth Baseball**, a North Dakota non-profit organization, whose post office address is 1892 17th Avenue S, Fargo, North Dakota 58103 (“FYB”), and **Fargo Metro Baseball Association, a/k/a Post 400 Legion Baseball**, a North Dakota non-profit organization whose address is 1489 Shawna’s Place S, Fargo, North Dakota 58106 (“FMBA”).

Whereas, the Park District and FYB entered into an agreement (the “Agreement”) dated May 23, 2018, regarding the leasing, maintenance, and other matters related to the Helling Field at the Tharaldson Baseball Complex (as identified as the “Project Field” in the Agreement). A copy of the Agreement is attached hereto and incorporated into this As

Whereas, FYB desires to assign all its rights and obligations under the Agreement to FMBA.

Whereas, FMBA desires to accept all rights and obligations under the Agreement.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. FYB hereby assigns, conveys, and transfers to FMBA all of FYB’s rights, privileges, obligations and responsibilities under the Agreement, effective as of the Effective Date.

2. FMBA assumes and agrees to perform all the duties and responsibilities of FYB under the Agreement, which accrue and become due on and after the Effective Date.

3. FYB represents and warrants that: (1) as of the Effective Date it not currently in breach of any terms of the Agreement; (2) the Park District is not in default under any of the terms, conditions, or covenants of the Agreement; (3) FYBs execution and delivery of this Assignment has been fully authorized by all necessary corporate action; (4) the person signing this Assignment on behalf of FYB has the requisite authority to do so and the authority to power and bind FYB.

4. FMBA hereby represents and warrants that: (1) FMBA shall comply with all terms, covenants, and conditions of the Agreement from and after the Effective Date; (2) FMBA’s execution and delivery of this Assignment has been fully authorized by all necessary corporate action; and (3) the person signing this Assignment on behalf of FMBA has the requisite authority to do so and the authority to power and bind FMBA.

5. FMBA acknowledges that as part of the Agreement it is responsible to fund an escrow account for turf replacement and that as of the Effective Date FMBA shall have at least \$30,000.00 in escrow for turf replacement. FMBA agrees to continue to fund the escrow account as delineated in the Agreement.

6. The Park District hereby acknowledges, accepts, approves and consents to the Assignment.

7. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one instrument. This Agreement may be executed by facsimile signature or electronic signature, either of which shall be valid for all purposes.

8. This Assignment shall be construed under the laws of the State of North Dakota.

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

The Park District to the City of Fargo

Fargo Youth Baseball

By: Dawn Morgan
Its: President

By:
Its:

By: Dave Leker
Its: Clerk

**Fargo Metro Baseball Association
a/k/a Post 400 Legion Baseball**

By:
Its:



MEMORANDUM

DATE: March 8, 2023

TO: Fargo Park Board Commissioners

FROM: Dave Bietz, Deputy Director of Operations

RE: Consent Agenda Item No. (e) – Solicit for bids for the 2023 Concrete projects

In alignment with our Procurement Policy, Policy No. 390, we are requesting permission to publicly bid the 2023 Concrete projects. Funds for these projects are budgeted in 2023. The timeline for the bid process will be as follows:

- Public Bid Opening April 13, 2023
- Review bids at Facilities Committee Meeting April 26, 2023
- Possible award by Park Board Commissioners May 9, 2023

2023 Concrete Projects being considered are: Tharaldson Little League Entry, Village West Trail, McCormick/Jefferson West Trail, Oak Grove Trail, Rose Creek #17 Cart Path, Rose Creek Warehouse, Pepsi Soccer Playground Border, Friendship Park Basketball, and Brunsdale Trail. We will continue to pursue these components until we receive bids then we will make a determination to maximize our budget.

It was recommended at the February 22, Facilities Committee Meeting to bring this to the full board on the Consent Agenda for consideration and approval.

If you should have any questions, please feel free to contact me prior to the meeting.

Thank you.

Sample Motion: I make a motion to approve the request to solicit for bids for the 2023 Concrete projects.



MEMORANDUM

DATE: March 8, 2023

TO: Fargo Park Board Commissioners

FROM: Dave Bietz, Deputy Director of Operations

RE: Consent Agenda Item No. (f) – Solicit for request for proposals for the 2023 Playground replacement projects

In alignment with our Procurement Policy, Policy No. 390, we are requesting permission to publicly request for proposals for the 2023 Playground replacement projects. Funds for this project are budgeted in 2023. The total estimate for the replacement project is \$350,000. The list of playground replacements are as follows:

- Village West Park
- Woodhaven South Park

The timeline for the request for proposals process will be as follows:

- Open Proposals April 13, 2023
- Review proposals at Facilities Committee Meeting April 26, 2023
- Possible award by Park Board Commissioners May 9, 2023

It was recommended at the February 22, Facilities Committee Meeting to bring this to the full board on the Consent Agenda for consideration and approval.

If you should have any questions, please feel free to contact me prior to the meeting.

Thank you.

Sample Motion: I make a motion to approve to solicit for request for proposals for the 2023 Playground replacement projects.



MEMORANDUM

DATE: March 8, 2023

TO: Fargo Park Board Commissioners

FROM: Dave Leker, Executive Director

RE: Consent Agenda Item No. (g) – Solicit for request for proposals for the Fargo Parks Sports Complex Playground project

In alignment with our Procurement Policy, Policy No. 390, we are requesting permission to solicit request for proposals for the Fargo Parks Sports Complex Playground project. Funds for this project are included in the Fargo Parks Sports Complex Phase II all in budget of \$49,000,000. The total estimate for the playground project is \$450,000.

The timeline for the request for proposals process will be as follows:

- Open Proposals April 20, 2023
- Review Proposals at Facilities Committee Meeting April 26, 2023
- Possible award by Park Board Commissioners May 9, 2023

It was recommended at the February 22, Facilities Committee Meeting to bring this to the full board on the Consent Agenda for consideration and approval.

If you should have any questions, please feel free to contact me prior to the meeting.

Thank you.

Sample Motion: I make a motion to approve to solicit for request for proposals for the Fargo Parks Sports Complex Playground project.



MEMORANDUM

DATE: March 8, 2023

TO: Fargo Park Board Commissioners

FROM: Dave Leker, Executive Director

RE: Agenda Item No. 3 – Fargo-Moorhead Convention and Visitors Bureau Presentation

At the Park Board Meeting on March 14, 2023, Charley Johnson, President and CEO, of Fargo-Moorhead Convention and Visitors Bureau will share information about Fargo-Moorhead Convention and Visitors Bureau and what they do and their partnership with the Fargo Park District.

If you should have any questions, please feel free to contact me prior to the meeting.

Thank you.