



Engineering Department

DATE: October 5, 2021
FROM: Gabe Schell, City Engineer
ITEM: Sidewalk Snow Removal Contract

REQUEST:

Consider approving a contract for sidewalk snow removal services with Yard Butler for the 2021-2022 winter season.

Please place this item on the October 12, 2021 City Commission meeting agenda.

BACKGROUND INFORMATION:

Yard Butler has been selected for sidewalk snow removal services for the City of Bismarck. The service is utilized when residents report un-shoveled sidewalks 24-hours after snowfall has ended in the City. The contract term is October 31, 2021 to November 1, 2022. The funding source of the contract is special assessments to the property being served. The contract averages \$2,500 and has not exceeded \$5,000 in the previous 10 years.

RECOMMENDED CITY COMMISSION ACTION:

Approve sidewalk snow removal contract with Yard Butler for the 2021-2022 season

STAFF CONTACT INFORMATION:

Gabe Schell, PE | City Engineer, 355-1505 or gshell@bismarcknd.gov

AGREEMENT

This agreement is made and entered into between the City of Bismarck (City) and the undersigned snow and/or ice removal service (Company).

The purpose of this agreement is to provide for snow and/or ice removal from public sidewalks in the City by the Company. This agreement also covers the application of sand, where necessary, to sidewalks cleaned.

1. **SERVICES:** The Company agrees to remove snow and ice (and apply sand when necessary) from sidewalks located in the public rights-of-way when notified and directed by a representative of the City for the prices listed as follows:

* Residential inside lot or one side of corner lot (including duplex)	\$35.00
* Residential corner lot with both sidewalks shoveled	\$55.00
* Commercial inside lot or apartment lot or one side of corner lot (up to 100')	\$50.00
* Commercial corner lot and apartment lot with both sidewalks shoveled (up to 200')	\$70.00
* Each additional 100 ft. Of commercial sidewalk	\$30.00
* Sanding per lot with snow removal	\$15.00
* Sand only	\$20.00

2. **COMPENSATION:** The City will pay to the Company as compensation for each time snow and/or ice is removed (and sand is applied when necessary) in accordance with the prices listed above. The Company shall bill the City for services once weekly listing charges separately for each address abutting the sidewalk.
3. **COMPACTED SNOW AND ICE BUILDUP:** If it is determined by the City of Bismarck Engineering Department representative that the sidewalk has sufficient buildup of ice and compacted snow resulting from prolonged neglect during previous snowfall events, the payment for removal of the snow and ice buildup shall be at the hourly rate of \$18.00 per hour.
4. **INSURANCE:** The Company shall, at all times during the term of this agreement, carry liability insurance, Workforce Safety Insurance as required under North Dakota statute, and property damage insurance in amounts approved by the City, and furnish to City proof of such insurance upon request.
5. **RELATIONSHIP:** It is expressly understood and agreed that Company is an independent contractor, and not an agent or employee of the City. It is also understood that if something would happen and the independent contractor could not meet the needs of the City due to any

reason, including illness, it is his responsibility to have provisions made so that work will be completed on schedule throughout the contractor period.

6. **LOSS, CLAIM, OR DAMAGE:** The Company agrees to save and hold harmless and to indemnify the City for all or any loss, claim, suit or damages, direct or consequential, which the City may suffer as a result of the negligence.
7. **COMPLIANCE WITH LAWS:** The Company agrees to comply with all applicable federal, state and local laws, rules, regulations and ordinances during the performance of this agreement.
8. **TERM:** The term of this agreement shall commence October 31, 2021 and terminate November 1, 2022.

CITY OF BISMARCK

City Engineer

Attest _____
City Administrator

President
Board of City Commissioners

Snow and/or Ice Removal Service

Company Yard Butler INC

(SEAL)

By Mike Fennwald

Title owner

Snow and/or Ice Removal Service

**Mike Fennwald
The Yard Butler
P.O. Box 1464
Bismarck, ND 58502-1464**

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