



# City of Grand Forks Staff Report

APPROVED & ACCEPTED  
by City Council  
02/04/2019  
*Maureen Storstad*  
Maureen Storstad  
City Auditor

Committee of the Whole – January 28, 2019  
City Council – February 4, 2019

---

**Agenda Item:** Cost Participation and Maintenance Agreement for City Project No. 7954 - Traffic Signals and Turn Lanes at Demers Avenue and Columbia Road West Ramps

---

**Submitted by:** Engineering Department, Mark S. Walker, PE (Assistant City Engineer)  
Mike Yavarow, PE (Civil Engineer Principal)

---

**Staff Recommended Action:** **Approve Cost Participation and Maintenance Agreement with the NDDOT for City Project No. 7954 – Traffic Signals and Turn Lanes at Demers Avenue and Columbia Road West Ramps**

---

**Committee Recommended Action:** Moved to City Council with a unanimous recommendation to approve

---

**Council Action:**

---

## BACKGROUND:

The Agreement under consideration is a standard agreement with the North Dakota Department of Transportation (NDDOT) and provides for use of federal funds on this project. The Agreement identifies the responsibilities for payment of the project costs and maintenance responsibilities for the project once completed. The project as proposed would be funded with 90% Federal and State funding and a 10% City share.

This project is being proposed by the NDDOT and is intended for the project to include a new traffic signal system and turn lanes at the intersection of Demers Avenue and the west on/off ramps of Columbia Road. The project will incorporate the driveway of the Boden Apartment as the fourth leg of the signalized intersection adding the ability to make through or left turns from the driveway. Currently, the driveway includes a median which restricts movements to right in and right out. New left turn lanes will be added for eastbound and south bound traffic and left turn lanes will be aligned to have positive/zero offsets. In addition signalized crosswalks will be added on all legs of the intersection.

Demers Avenue was rehabilitated in 2017 and the ramps were rehabilitated in 2013. On September 4, 2018 Council approved a Preliminary Engineering Reimbursement Agreement with the NDDOT for this project. On November 5, 2018 Council approved the Categorical Exclusion Document, concurred with the project concepts as proposed, and selected to construct the traffic signals and turn lanes at Demers Avenue and Columbia Road West Ramps.

**ANALYSIS AND FINDINGS OF FACT:**

- The proposed project funding split for eligible project expenses is 80.93% Federal, 9.07% State, and 10% Local.
- The project is scheduled to be bid on April 12, 2019 at the NDDOT bid letting.
- The current estimated total project costs are as follows:

\$768,000	Total Cost
\$ 69,658	Less State Share
<u>\$621,542</u>	Less Federal Share
\$ 76,800	Local Share
- Construction is currently anticipated to take place during the 2019 construction season.

**SUPPORT MATERIALS:**

- Pertinent pages of the Cost Participation and Maintenance Agreement (4 pages)
- Project Location Map showing proposed lane configuration (1 page)
- Page 320 from the 2019 City Budget indicating Local funding source for this project (1 page)

**North Dakota Department of Transportation  
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

**Federal Award Information – to be provided by NDDOT**

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Striefel, Ardin L.	Telephone: 328-2559

**Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.**

**Project No.**NHU-6-297(012)001  
**Location:** Demers Ave and Columbia Rd Intersection  
**Type of Improvement:** Traffic Signals and Turn Lanes  
**Point of Beginning:** RP 1.140  
**Point of Ending:** RP 1.281

In consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the Local Public Agency (LPA) of Grand Forks, North Dakota, hereinafter referred to as the LPA, the project will be constructed in accordance with the current edition of NDDOT’s *Standard Specifications for Road and Bridge Construction* and with the plans incorporated into this agreement by reference.

The LPA

- a. Will pay 10 percent of the cost of rights of way and easements acquired for the project; and
- b. Will pay 10 percent of the total cost of all items which are determined eligible for funding participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
- c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items as requested by the LPA for items determined to be non-participating or ineligible for federal aid.

**PART I**

LPA Obligation:

- 1. The LPA will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined above.
- 2. It is specifically agreed that if at any time the LPA fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the LPA, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the LPA until the total thereof equals the sum billed pursuant to this agreement.



The preliminary cost estimate of the project is \$767,683, with the LPA's estimated share being \$76,768.

3. All existing LPA right of way within the project limits will be provided by the LPA with clear title and available for use in the project.

## **PART II**

### Post Construction

After the project is completed the LPA agrees to:

1. The LPA will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the LPA other than those shown on the plans, without prior approval of NDDOT.
2. The LPA will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
3. The LPA will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the LPA or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. All right of way for the project will be maintained free of all encroachments except utilities and others in accordance with the current edition of NDDOT's "A Policy for Accommodation of Utilities on State Highway Right-of-Way". All obstructions to, interference with, or hazards to traffic flow will be removed by the LPA at the request of NDDOT. The LPA will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of the streets, inconveniences to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance.

## **PART III**

### Maintenance

1. The LPA is responsible for all maintenance activities. The LPA is also responsible for restoring to original condition any cuts in surface initiated by the LPA for utilities, etc. The LPA is responsible for all maintenance on service roads to include maintenance seals, signing, striping, snow plowing, and snow removal. Limits of the LPA's responsibilities are shown on the attached map.
2. The LPA will maintain the striping for parking and any striping located on side streets.



## PART IV

### General:

1. Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.
2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. Entities that receive federal funds through NDDOT may be required to obtain an audit in accordance with 2 C.F.R. Part 200, Subpart F. A copy of such audit shall be submitted to NDDOT. Entities that spend less than \$750,000 of federal funds from all sources may be subject to reviews by NDDOT at its discretion. Additionally, all entities receiving federal funds through NDDOT shall certify whether a Single Audit has been completed as part of the annual Federal award process. These requirements are applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non profit businesses.
4. The LPA is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.
5. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The LPA is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.



Executed by the LPA of \_\_\_\_\_, at \_\_\_\_\_,  
North Dakota, the last date below signed.

APPROVED:

LPA of \_\_\_\_\_

\_\_\_\_\_  
LPA ATTORNEY (TYPE OR PRINT)

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
AUDITOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,  
the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
DIVISION DIRECTOR(TYPE OR PRINT)

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

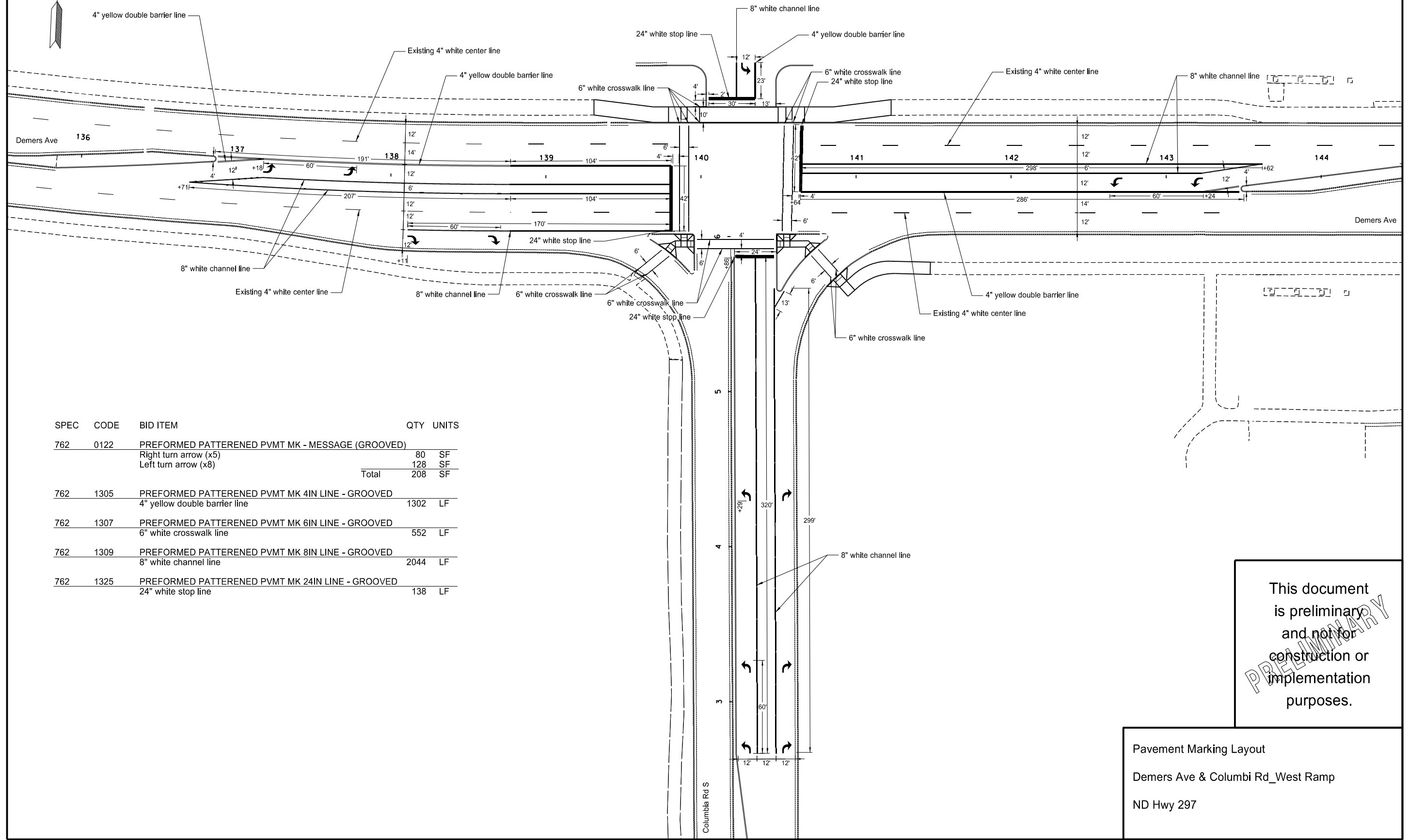
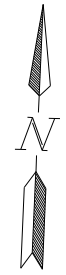
\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*Mayor or President of Commission

CLA 17058 (Div. 38)  
L.D. Approved 10-17, Rev. 08-18; C.M. 01/15/2019





SPEC	CODE	BID ITEM	QTY	UNITS
762	0122	PREFORMED PATTERNED PVT MK - MESSAGE (GROOVED)		
		Right turn arrow (x5)	80	SF
		Left turn arrow (x8)	128	SF
		Total	208	SF
762	1305	PREFORMED PATTERNED PVT MK 4IN LINE - GROOVED		
		4" yellow double barrier line	1302	LF
762	1307	PREFORMED PATTERNED PVT MK 6IN LINE - GROOVED		
		6" white crosswalk line	552	LF
762	1309	PREFORMED PATTERNED PVT MK 8IN LINE - GROOVED		
		8" white channel line	2044	LF
762	1325	PREFORMED PATTERNED PVT MK 24IN LINE - GROOVED		
		24" white stop line	138	LF

This document is preliminary and not for construction or implementation purposes.

Pavement Marking Layout  
 Demers Ave & Columbi Rd\_West Ramp  
 ND Hwy 297



# Street & Infrastructure

Budget Year 2019

G/L Account	Account Description	2016 Amended Budget	2016 Actual Amount	2017 Amended Budget	2017 Actual Amount	2018 Adopted Budget	2019 Adopted Budget
Fund 4815 - Street/Infrastructure Fund							
	Adopted Budget					1.0000	300,000.00
	Minor Street Repair						300,000.00
	Adopted Budget					1.0000	2,385,000.00
	Street Mtce Program (3% Increase per Year)						2,385,000.00
	Adopted Budget					1.0000	80,000.00
	Intelligent Transportation System						80,000.00
	Adopted Budget					1.0000	60,000.00
	LED Street Light Replacement Program						60,000.00
	Adopted Budget					1.0000	20,000.00
	Diamond Grade Reflectivity of Signs						20,000.00
	Adopted Budget					1.0000	200,000.00
	N Washington CPR & Grind (8th Ave N to Gateway Dr)						200,000.00
	Adopted Budget					1.0000	11,000.00
	Advanced Ped Walk 42nd St. and Columbia Rd Corridors						11,000.00
	Adopted Budget					1.0000	50,000.00
	US Hwy 2 & N 55th St Traffic Signal						50,000.00
	Adopted Budget					1.0000	255.00
	Red Light Confirmation Indicators on Gateway						255.00
	Adopted Budget					1.0000	744,000.00
	N 62nd (10th to Gateway) (SIG Econ Devel)						744,000.00
	Adopted Budget					1.0000	100,000.00
	ADA/MPO/Other Consulting Services						100,000.00
	Adopted Budget					1.0000	369,000.00
	32nd Ave S Turn Lanes (Corridor Improvements)						369,000.00
	Adopted Budget					1.0000	20,000.00
	Washington Street Underpass Evaluation						20,000.00
	Adopted Budget					1.0000	47,600.00
	Washington St (Hammerling to 8th Ave N) ADA Ramps						47,600.00
	Adopted Budget					1.0000	150,000.00
	Point Bridge Rehabilitation (Portion from Bridge Reserve)						150,000.00
	Adopted Budget					1.0000	381,600.00
	S 42nd St (34th to 40th Ave S; Rural Section)						381,600.00
	Adopted Budget					1.0000	616,000.00
	Cherry St (60th to 62nd Ave S)						616,000.00
	Adopted Budget					1.0000	111,000.00
	N 5th St (Gateway to Demers-Mill & Overlay)						111,000.00
	Adopted Budget					1.0000	715,001.00
	Business US 2 Reconstruction (Demers to Red River)						715,001.00
	Adopted Budget					1.0000	60,000.00
	Demers Ave Traffic Signal						60,000.00
	Adopted Budget					1.0000	100,000.00
	Large Project Update/Continuation						100,000.00
	Adopted Budget					1.0000	80,000.00
	Bikepath Maintenance						80,000.00
	Adopted Budget					1.0000	232,408.00
	Bikepath Development (New)						232,408.00
	Adopted Budget					1.0000	50,000.00
	Quiet Zone Redundancy						50,000.00
	Adopted Budget					1.0000	100,000.00
	Maintenance of Street Lights						100,000.00
	Adopted Budget					1.0000	100,000.00
	Minor Intersection Improvement						100,000.00
	Adopted Budget					1.0000	80,000.00
	Transportation Studies						80,000.00
	Adopted Budget					1.0000	60,000.00
	Pavement Management						60,000.00
	Adopted Budget					1.0000	445,600.00
	S 34th St (45th to 47th Ave S)						445,600.00
	Adopted Budget					1.0000	50,000.00
	Consulting Assistance for Specifications Revisions						50,000.00
	Adopted Budget					1.0000	728,800.00
	N 36th St (20th to 24th Ave N) (SIG Econ Devel)						728,800.00