



# City of Grand Forks Staff Report

**APPROVED & ACCEPTED**  
by City Council

03/04/2019

*Maureen Storstad*  
Maureen Storstad  
City Auditor

**Committee of the Whole – February 25, 2019**  
**City Council – March 4, 2019**

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**Agenda Item:** Cost Participation and Maintenance Agreement with the NDDOT for City Project No. 7750 – Reconstruction of Demers Avenue from the Sorlie Bridge to 6<sup>th</sup> Street

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

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**Staff Recommended Action:** **Approve Cost Participation and Maintenance Agreement with the NDDOT for City Project No. 7750 – Reconstruction of Demers Avenue from the Sorlie Bridge to 6th Street**

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**Committee Recommended Action:** Refer to City Council with recommendation to approve.

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**Council Action:**

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## **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 is proposed to be funded with 80.93% Federal funding, 9.07% State funding, and 10% City funding for federal funding eligible costs. Approximately \$16,544 of the costs are ineligible and will need to be funded with 100% City funds. Further, maintenance responsibilities will remain unchanged from the previous Agreement.

This project is being proposed by the NDDOT and is intended to reconstruct Demers Avenue from face of building to face of building. Although we are not sure of the exact year that Demers Avenue was originally constructed, we know that the pavement is quite old. It consists of a concrete pavement that was last overlaid with asphalt pavement in 2000 and had a thin overlay installed in 2009. The sidewalks and street lights along Demers were installed in approximately 2000 and the traffic signal system was upgraded in 2012. Right turn lanes on Demers exist; however, are very short ranging from 32' to 46' in length and were originally installed primarily to allow space for a right turning vehicle to wait for pedestrian traffic to cross the side streets without holding up traffic on Demers Avenue.

This project has been considered at a number of previous Council/Committee/Public meetings, some of which are as follows:

- This project has been programmed for several years and has been included on the ND Department of Transportation's listing for projects eligible for Federal Highway Urban Funding
- August 2014 - Council passed a motion recommending that this section of Demers Avenue be reconstructed in lieu of a rehabilitation project to mill and overlay the street. This decision was made, in part, with the assumption that the deck of the Sorlie Bridge needed to be removed and replaced. The thought was that the deck work would cause the Sorlie Bridge to be completely closed for most of the construction season and that would be a good time to reconstruct Demers Avenue. As it turned out, it was determined that the Sorlie Bridge deck was in good condition and did not require replacing, and construction of the Sorlie Bridge project has since been completed.
- September 29, 2015 - Staff recommended to the Service/Safety Committee meeting, that a rehabilitation (mill and overlay) project be pursued as this type of project can renew the driving surface with minimal disruption at a relatively low cost as opposed to a reconstruction project that will not significantly change the lane configuration and will be very disruptive to the traveling public and to the downtown businesses. No action was taken at this meeting but rather the item was held in Committee and staff was asked to meet with members of the Downtown Development Association (DDA) to determine whether they prefer a reconstruction or rehabilitation project.
- October 2, 2015 - NDDOT and City staff met with the DDA Executive Director, President, and a board member to discuss the project. DDA staff was interested in learning what could be included in each project and if bicycle lanes could be incorporated into the rehabilitation project. DDA staff's intent was to relay this information to DDA members, downtown business owners, and downtown property owners at an upcoming meeting to determine whether the group preferred a reconstruction or rehabilitation project and if there is a desire to add bicycle lanes at the cost of losing on-street parking. The DDA held several meetings and conducted a survey which revealed there were a multitude of differing opinions regarding reconstruction, rehabilitation, bike lanes, parking, and width of sidewalks. In the end, the DDA decided to not form an organizational position on the matter but rather provide the survey results.
- October 13, 2015 – A project update was provided to the Service/Safety Committee.
- November 2, 2015 – Council recommended that the NDDOT retain current level of funding for reconstruction of Demers Avenue from the Sorlie Bridge to 6th Street in upcoming State Transportation Improvement Program budget and continue to research public opinion and further evaluate reconstruction versus rehabilitation options.
- Summer 2017 – NDDOT staff met with a number of organizations, downtown business owners, downtown property owners, City departments, etc. to gather public input on project options to consider.
- July 24, 2017 – A project update was provided to the Committee of the Whole by the NDDOT.
- January 8, 2018 - A project update was provided to the Committee of the Whole by the NDDOT.
- January 9, 2018 – A public input meeting was held
- March 5, 2018 – Council approved the Documented CATEX, concurred with the project concepts as proposed, and selected the option to reconstruct Demers Avenue without bike lanes, or wider sidewalks, or sharrows, but to include curb extensions on both Demers Avenue and side streets

- August 20, 2018 – Council approved installation of curb extensions on 3rd and 4th Street but not on Demers and to install a curb extension on the SW corner of 5<sup>th</sup> Street.
- September 4, 2018 – Council approved an agreement with KLJ for Streetscape Design Engineering Services in the amount of \$59,028.

**ANALYSIS AND FINDINGS OF FACT:**

- The proposed project funding split for eligible project expenses is 80.93% Federal, 9.07% State, and 10% City.
- The current estimated total project costs, including engineering, lands, and construction, are as follows:
 

\$7,883,216	Total Project Cost
\$6,366,497	Less Federal Share
<u>\$ 713,507</u>	Less State Share
\$ 803,211	City Share
- Above City share includes approximately \$16,544 of utility work that is to be funded with 100% City funds.
- Funding for the City share will be from the Street/Infrastructure Fund 4815.
- Although the City share for this project is currently estimated to be greater than the amount included in the Street/Infrastructure Fund for this project, any additional funds needed for this project will be from unused money from the other projects listed in the Fund that were not constructed or came in under budget.
- It is expected that this project will again be placed on upcoming Committee of the Whole agendas, some of which are as follows:
  - March 2019 – Plans and Specifications
  - April 2019 – Award of bids
- Bids are planned to be opened on April 12, 2019 at the NDDOT in Bismarck.
- Construction is currently anticipated to take place during the 2019 construction season

**SUPPORT MATERIALS:**

- Pertinent pages of Proposed Agreement (5 pages)
- Project location map (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: Johnson, Michael E.	Telephone: 701-328-2118

**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-6-002(125)911, NHU-6-297(011)003**  
**Location: US 2B, DEMERS AVE, 5TH ST-RED RIVER; ND 297, DEMERS AVE, 6<sup>TH</sup>-5<sup>TH</sup> ST**  
**Type of Improvement: Grading, Storm Sewer, Aggregate Base, PCC Pavement, Sidewalk, Landscaping, Street Lighting, Traffic Signals, Signing and Pavement Marking**  
**Point of Beginning: Sta 100+33, 6<sup>th</sup> Street**  
**Point of Ending: Sta 116+33, Sorlie Bridge**

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 city 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 project NHU-6-002(125)911 is \$6,855,234, with the LPA's estimated share being \$688,533. The preliminary cost estimate of project NHU-6-297(011)003 is \$1,027,982, with the LPA's estimated share being \$114,678.

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

The LPA will, at its own expense, maintain or cause to be maintained, all portions of the project unless otherwise noted. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.

## **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. 02/20/2019



### CERTIFICATION OF LOCAL MATCH

It is hereby certified that the LPA of \_\_\_\_\_ will provide non-federal funds, whose source is identified below, as match for the amount the LPA is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

**Non-Federal Match Funds provided by LPA.** Please designate the source(s) of funds in the LPA budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

**Source:**

\_\_\_\_\_  
\_\_\_\_\_

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

ATTEST:

APPROVED:

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

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

\_\_\_\_\_  
SIGNATURE

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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

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

\_\_\_\_\_  
DATE

\*Mayor or President of Commission

CLA 17058 (Div. 38)  
L.D. Approved 02-18; Rev. 08-18; C.M. 02/20/2019





DESIGN DATA			
Traffic	Average Daily		
Current 2017	Pass: 15,350	Trucks: 230	Total: 15,580
Forecast 2037	Pass: 21,955	Trucks: 345	Total: 22,300
Clear Zone Distance: 14 FT (flat foreslope)		Design Speed: 25 mph	
Minimum Sight Dist. for Stopping: 155 FT		Bridges: NA	
Limited Access Control			
Pavement Design Life 30 (years)			
Design Accumulated One-way Rigid ESALs: 1,589,000			

**JOB #**  
**NORTH DAKOTA**  
**DEPARTMENT OF TRANSPORTATION**

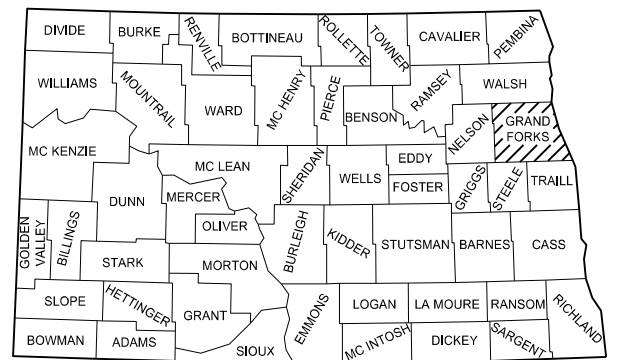
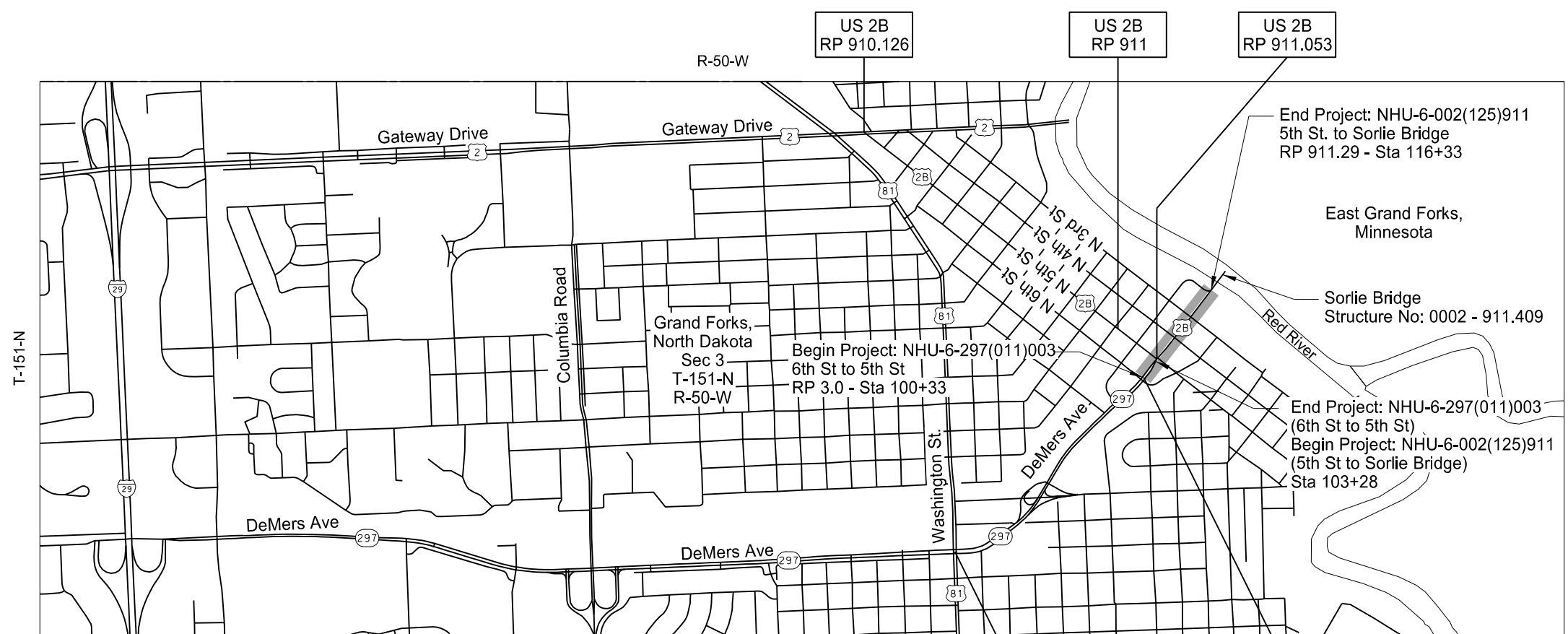
NHU-6-002(125)911 (5th St to Sorlie Bridge)  
NHU-6-297(011)003 (6th St to 5th St)  
Grand Forks County  
US Highway 2 Business Loop/DeMers Avenue

Grading, Storm Sewer, Aggregate Base, PCC Pavement,  
Sidewalk, Landscaping, Street Lighting, Traffic Signals,  
Signing & Pavement Marking

STATE	PROJECT NO.	PCN	SECTION NO.	SHEET NO.
ND	NHU-6-002(125)911	21841	1	1
	NHU-6-297(011)003	21843		

**GOVERNING SPECIFICATIONS:**  
2014 Standard Specifications adopted by the North Dakota Department of Transportation and the Supplemental Specifications effective on the date the project is advertised.

PROJECT NUMBER \ DESCRIPTION	NET MILES	GROSS MILES
NHU-6-002(125)911	0.25	0.25
NHU-6-297(011)003	0.06	0.06



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ND DEPARTMENT OF TRANSPORTATION  
OFFICE OF PROJECT DEVELOPMENT

NDDOT DESIGN DIVISION

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



# 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