City of Grand Forks
Staff Report

Committee of the Whole – August 10, 2026
City Council – August 17, 2026

Agenda Item: Special Assessment District, Engineer's Report and Engineering Services Task Order for City Project Nos. 9083 (District No. 802) – Paving & Streetlights, 9086 (District No. 628) – Box Culvert Crossing of Legal Drain #9, and 9041 (District No. 806) – Widening of S. 42nd St. for Birkholz 8th Addition

Submitted by: Engineering Department, Edward Liberman, PE (Assistant City Engineer)

Staff Recommended Action: **Create Special Assessment Districts, approve Engineer's Reports, approve Task Order Agreement with CPS, Ltd. for Design and Construction Engineering Services in the amount not to exceed $524,500, and direct Engineering Department to prepare Plans & Specifications for City Project Nos. 9083 (District No. 802) – Paving and Street Lights, 9086 (District No. 628) – Box Culvert Crossing of Legal Drain #9, and 9041 (District No. 806) – Widening of S. 42nd St. for Birkholz 8th Addition.**

Committee Recommended Action: Motion by Berg, second by Vein to move staff recommendation to City Council with a recommendation to approve. Motion carried unanimously.

Council Action:

BACKGROUND:

City projects 9083, 9086, and 9041 construct several infrastructure improvements to serve properties in the Birkholz 8th Addition development. These projects will construct:

- Paving and streetlights along Armstrong Ct, from the intersection of 17th Ave S. south through the cul-de-sac
- Box culvert crossing of Legal Drain #9 (English Coulee), enabling the paved connection of Armstrong Ct to 17th Ave S.

- Paved access off S. 42nd St. This connection will provide Right-In/Right-Out access to the commercial lots along S. 42nd St. for traffic traveling northbound on S. 42nd St. This will also entail widening of S. 42nd St. to two northbound lanes at this location up to the north where there are already two lanes.

The primary benefiting area consists of approximately 28 acres of land bounded by 17th Ave S. on the north and S. 42nd St. on the west. These public improvements were initiated at the request of the property developer, Oxford Seventeen, LLC. The Developer is proposing this public infrastructure be designed and constructed through special assessment, to be accepted by the City for operation and maintenance. Currently, the first phase of infrastructure for this development is under construction (sanitary sewer, watermain, storm sewer, and stormwater pond), with completion scheduled in 2027.

In 2025, the Engineering Dept. hired Bolton & Menk to perform a traffic impact study to analyze the proposed Birkholz development and its impacts to the surrounding intersections. The study analyzed several alternative access configurations along S. 42nd St. aligned with 18th Ave S., including a full movement driveway, a restricted ¾ driveway, and a right-in/right-out driveway. At this location, full movement access and ¾ access were not recommended. To support future growth and to provide the optimal level of service, the recommended alternative is to construct right-in/right-out access as proposed.

The Task Order being proposed for approval is for design and construction services associated with these projects. The engineering firm CPS, Ltd. was chosen from the City's pre-qualified engineers list as the most qualified firm based on their previous work and familiarity with this development. A scope of work and fee was negotiated based on a "cost plus fixed fee" task order type.

All costs for this project will be special assessed to the benefiting properties except for recommended City cost shares associated with the widening of S. 42nd St. and the box culvert crossing. Current City CIP Cost Sharing Policy for urban 5-lane streets without federal aid states the City will assume 100% of the project cost. For the work on S. 42nd St., the estimated cost of the portion of project work associated with the public roadway is approximately $221K. A more refined estimate of this cost share will be determined as the design progresses. Regarding the box culvert crossing, City CIP Cost Sharing Policy does not specifically address cost sharing for these structures. Since 2020, the City has shared the cost of box culverts on two similar projects [Southern Estates 9th (2022) and 44th Ave at the South End Drainway (2021)]. In each of these projects, the City approved a 50% cost share, each of which amounted to $230K or less. Based on significantly higher estimated costs for the work at Birkholz 8th Addition and the availability of funds in Fund 4815, staff recommends a cost share of $350K, which represents roughly a 25% share based on current project estimates. Both recommended City cost shares would be paid from Fund 4815 (Street Infrastructure).

According to City of Grand Forks Code §18-0908(1)(B), before the contract for any City-constructed facility in any new subdivision will be awarded, the developer must provide the City cash or a negotiable security in the amount of 50% of the costs expected to be special assessed to their properties. This financing arrangement reduces the financial risk to the City for fronting project costs. City staff will work with the developer to ensure this requirement is met prior to any recommendations of bid award.

Consideration at previous Committee of the Whole and City Council meetings includes:

- Annexation and plat approval by City Council.
- Jan 19, 2026 – City Council created Special Assessment Districts, approved Engineer's Reports, approved awarding of a task order to CPS, Ltd. For engineering services and directed Engineering Dept. to prepare plans and specifications for projects 9079-9082 (wet utilities and stormwater pond).
- April 6, 2026 – City Council approved a revised Engineer's Report for project 9081, approved Plans and Specifications, and directed Engineering Dept. to advertise for construction bids for project 9079-9082.
- May 4, 2026 – City Council approved contract award to R.J. Zavoral and Sons for projects 9079-9082.

ANALYSIS AND FINDINGS OF FACT:

- A timetable of administrative project milestone dates is attached with this Staff Report. Design will occur in summer/fall 2026 with a target bid award date of December 7, 2026. Construction is planned to take place in 2027.
- Estimated total construction cost for projects is $3.3M
- Cost of the proposed Task Order for engineering design services is $524,500.
- In accordance with City CIP Cost Sharing Policy, total City cost share is estimated to be $571K for a City $350K share of the box culvert crossing and a $221K share for the widening of S. 42nd St. City shares are to be paid from Fund 4815 (Street Infrastructure Fund) where $350K is budgeted in 2027.
- Total estimated assessment amount for these projects is $3.82M
- Based on the type of public infrastructure improvements, these projects are protestable per State law [Ref: ND Century Code Ch. 40-22].

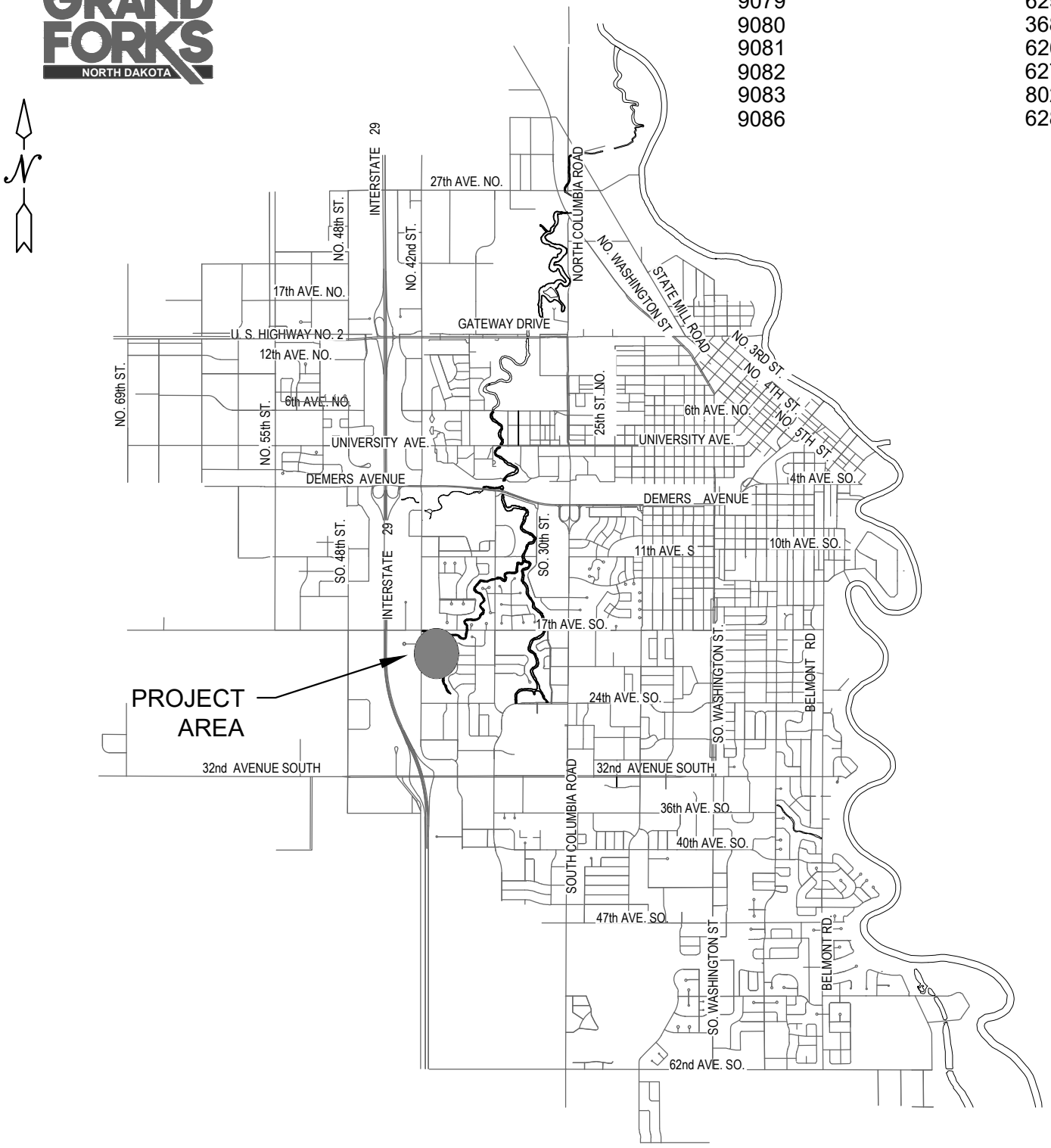
SUPPORT MATERIALS:

- Project Location Map (1 pg)
- Developer's Letter of Request, dated Dec 15, 2025 (1 pg)
- Engineer's Reports and Assessment District Maps (7 pgs)
- Excerpt from CPS Proposed Engineer Task Order (6 pgs)
- Project Timetable (1 pg)

PROJECT LOCATION MAP
GRAND FORKS, NORTH DAKOTA

Sanitary Sewer, Watermain, Storm Sewer, Stormwater Pond,
Paving & Streetlights, & Box Culvert for Birkholz 8th Addition

PROJECT #	DISTRICT #
9079	625
9080	368
9081	626
9082	627
9083	802
9086	628



December 15th, 2025

Mr. Allen Grasser, PE; City Engineer
City of Grand Forks
255 North 4th Street
PO Box 5200
Grand Forks, ND 58206-5200

RE: Request to Special Assess Paving & Street Lighting
Birkholz Eighth Addition

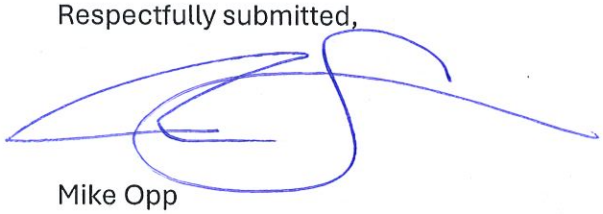
Dear Mr. Grasser,

Please accept this letter as my official request to have the sanitary sewer, watermain, storm sewer, Stormwater pond, paving and streetlights for Birkholz Eighth Addition special assessed to benefiting properties. We will provide a letter of credit for the projects. We request this project bid as soon as possible to allow the paving and previously submitted wet utilities completed by November 2026.

We understand that the City is currently drafting the Developer Agreement. Please let us know how we can start the process to get the agreement underway.

Please get in touch with me if you have any questions or would like additional information.

Respectfully submitted,



Mike Opp
Oxford Seventeen, LLC
President

Document No. _____

ENGINEER'S REPORT

The following report is submitted to the City Council of Grand Forks regarding the proposed Project No. 9041 benefiting District No. 806.

1. Purpose and general nature:

   Improvement of the municipal system serving the district by paving streets to serve the properties at the Birkholz 8th Addition development. This project will benefit adjacent property owners by providing a paved entrance to the development off S. 42nd St. and widening S. 42nd St. to a 5-lane roadway in this vicinity. These improvements are expected to improve traffic levels of service at this location, and for properties in the development it is expected to reduce vehicle wear and bring increased traffic to the served properties. The addition of street lighting will improve public safety and property security. It is also expected that paved roadways will increase the value of properties served by this system.

2. Location:

   Described as follows: Along S. 42nd St and 18th Ave S., adjacent to the Birkholz 18th Addition development.

3. Feasibility and cost:

   In the opinion of the undersigned, the improvement is feasible, and the probable cost thereof is estimated to be approximately $602,702 including construction, engineering, financing, contingencies, and other incidental costs.

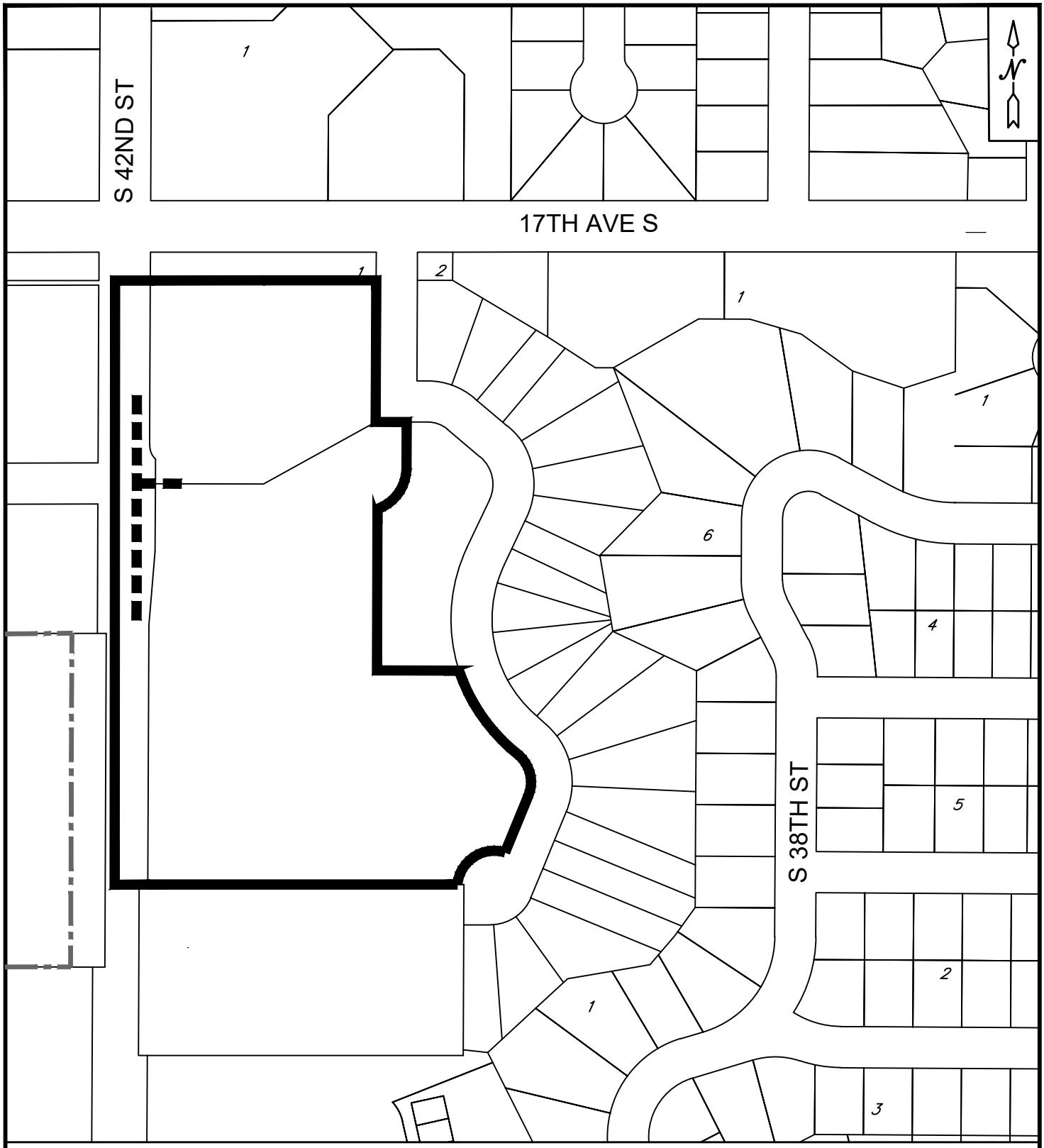
4. A map of the district is attached.

7-28-2026
Date

Christian Danielson, PE – City Engineer

Construction Cost	$620,600
Consultant Cost	$115,300
Land Acquisition	$ -
Less City Share (*)	($ 220,770)
Assessed Construction Cost	$515,130
Project Related Expenses	
City Engineering (3%)	$15,454
Advertising, Legal & Miscellaneous (2%)	$10,303
Administration (8%)	$41,210
Interim Financing (4%)	$20,605
Total Assessment Amount	$602,702

(*) – For planning purposes, a City cost share is estimated to be 30% which accounts for public benefit of extending the eastern-most northbound lane of S. 42nd St. past the entrance to the Birkholz development near 18th Ave S. The amount of the recommended cost share will be revised based on the final design.



WIDENING S. 42ND ST. NEAR BIRKHOLZ'S 8TH ADDITION

LEGEND

PROJECT # 9041

DISTRICT # 806

ASSESSMENT DISTRICT BOUNDARY

PROJECT LIMITS

CITY LIMITS

FUTURE ASSESSMENT DISTRICT

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ENGINEER'S REPORT

The following report is submitted to the City Council of Grand Forks regarding the proposed Project No. 9083 benefiting District No. 802.

1. Purpose and general nature:

   Improvement of the municipal system serving the district by paving streets to serve the properties at the Birkholz 8th Addition development. This project will benefit adjacent property owners by providing paved roadways, thereby reducing vehicle wear and bringing increased traffic to the served properties. The addition of street lighting will improve public safety and property security. It is also expected that paved roadways will increase the value of properties served by this system.

2. Location:

   Described as follows: Armstrong Ct., intersecting 17th Ave S. on the north side of the development and ending in a cul-de-sac to the south in the Birkholz Development.

3. Feasibility and cost:

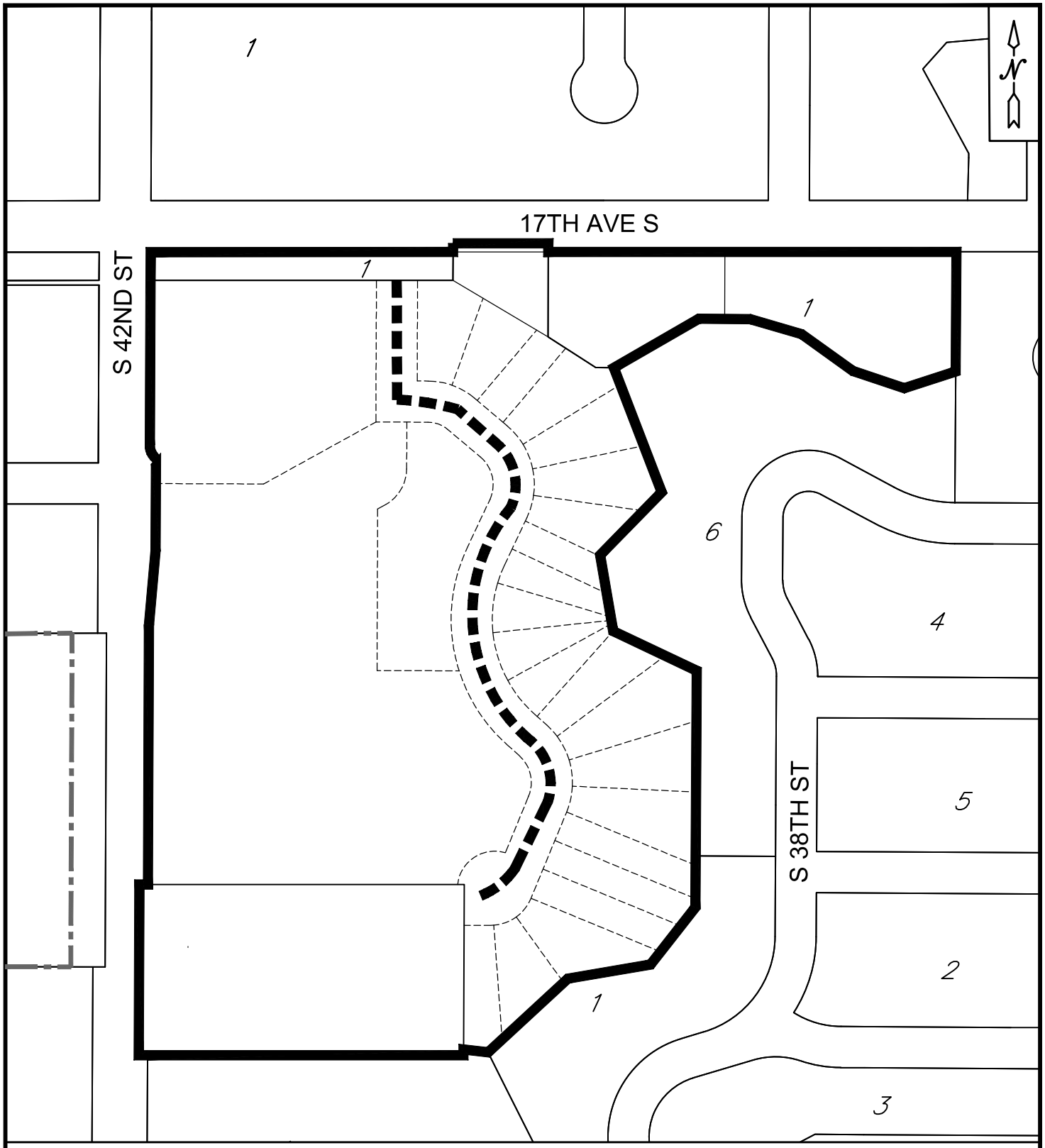
   In the opinion of the undersigned, the improvement is feasible, and the probable cost thereof is estimated to be approximately $1,994,382 including construction, engineering, financing, contingencies, and other incidental costs.

4. A map of the district is attached.

8-10-26
Date

Christian Danielson, PE – City Engineer

Construction Cost	$1,470,100
Consultant Cost	$234,500
Land Acquisition	$ -
Less City Share	($ -)
Assessed Construction Cost	$1,704,600
Project Related Expenses	
City Engineering (3%)	$51,138
Advertising, Legal & Miscellaneous (2%)	$34,092
Administration (8%)	$136,368
Interim Financing (4%)	$68,184
Total Assessment Amount	$1,994,382



BIRKHOLZ'S 8TH ADDITION - PAVING & STREETLIGHTS

LEGEND

- PROPOSED LOT LINES
- PROJECT LIMITS
- CITY LIMITS
- ASSESSMENT DISTRICT BOUNDARY
- FUTURE ASSESSMENT DISTRICT

PROJECT # 9083

DISTRICT # 802

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ENGINEER'S REPORT

The following report is submitted to the City Council of Grand Forks regarding the proposed Project No. 9086 benefiting District No. 628.

1. Purpose and general nature:

   Improvement of the municipal system serving the district by constructing a box culvert crossing over Legal Drain 9 to serve the properties at the Birkholz 8th Addition development. This project will benefit adjacent property owners by enabling a paved roadway connection from the development site to 17th Ave S. Without this crossing, properties would be limited to access to City streets only along S. 42nd St.

2. Location:

   Described as follows: Armstrong Ct. crossing of Legal Drain 9 (English Coulee) on the north side of the development.

3. Feasibility and cost:

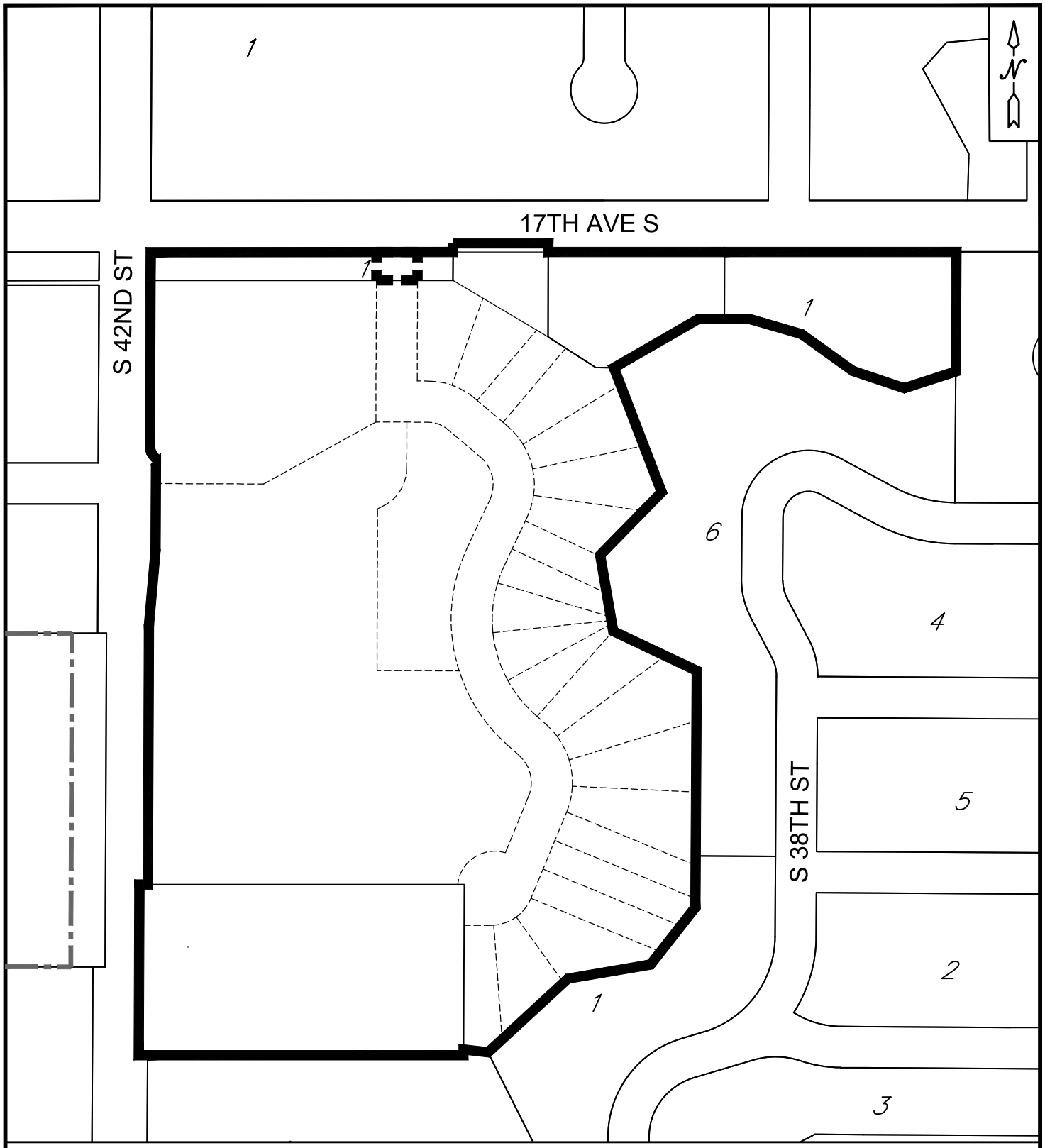
   In the opinion of the undersigned, the improvement is feasible, and the probable cost thereof is estimated to be approximately $1,218,438 including construction, engineering, financing, contingencies, and other incidental costs.

4. A map of the district is attached.

8-10-26
Date

Christian Danielson, PE – City Engineer

Construction Cost	$1,216,700
Consultant Cost	$174,700
Land Acquisition	$ -
Less City Share	($350,000)
Assessed Construction Cost	$1,041,400
Project Related Expenses	
City Engineering (3%)	$31,242
Advertising, Legal & Miscellaneous (2%)	$20,828
Administration (8%)	$83,312
Interim Financing (4%)	$41,656
Total Assessment Amount	$1,218,438



BIRKHOLZ'S 8TH ADDITION - ARMSTRONG CT
BOX CULVERT IN LEGAL DRAIN #9

LEGEND

- PROPOSED LOT LINES
- PROJECT LIMITS
- CITY LIMITS
- ASSESSMENT DISTRICT BOUNDARY
- FUTURE ASSESSMENT DISTRICT

PROJECT # 9086

DISTRICT # 628

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AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES— TASK ORDER EDITION

PART 3 OF 4: TASK ORDER FORM

Prepared by

FOR REVIEW AND COMMENT
07/21/20

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07/21/26

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TASK ORDER NO. 9041, 9083, & 9086

This is Task Order No. **9041**, **9083 & 9086**, consisting of **6** pages.

In accordance with Paragraph 1.01, Main Agreement, of the Agreement Between Owner and Engineer for Professional Services—Task Order Edition dated April 3, 2023, Owner and Engineer agree as follows:

1. TASK ORDER DATA

a.	Effective Date of Task Order:	**August 3, 2026**
b.	Owner:	**City of Grand Forks**
c.	Engineer:	**CPS, Ltd.**
d.	Specific Project (title)	**Paving & Streetlights for Birkholz's 8th Addition and Legal Drain 9 Crossing. Project 9083 Paving & Streetlights for Birkholz's 8th Addtn, Project 9086 Armstrong Ct. Box Culvert in Legal Drain #9, and Project 9041 S. 42nd St. Imp. for Birkholz 8th Addtn.**
e.	Specific Project (description):	**Study and Report, Preliminary Engineering, Final Engineering, Bidding Phase, Construction Phase, Post Construction, & Resident Project Representative (RPR).**
f.	Related Task Orders Supplemented by this Task Order: Superseded by this Task Order:	**Task Order 8703-8706 Sanitary Sewer, Watermain, Storm Sewer, and Stormwater Pond for Birkholz's Eighth Addition**

FOR REVIEW AND COMMENT
07/21/26

2. BASELINE INFORMATION

Baseline Information. Owner has furnished the following Specific Project information to Engineer as of the Effective Date of the Task Order. Engineer's scope of services has been developed based on this information. As the Specific Project moves forward, some of the information may change or be refined, and additional information will become known, resulting in the possible need to change, refine, or supplement the scope of services.

Type and Size of Facility:	6400 sy of paving, reinforced concrete box culvert, street lights, and related work.
Description of Improvements:	Paving and Street Lights for Birkholz's 8th Addtn., Armstrong Ct. Box Culvert in Legal Drain #9, and S. 42nd St. Improvements for Birkholz's 8th Addition.
Expected Construction Duration:	January 2027 to December 2027

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Prior Studies, Reports, Plans:	Development Plan for Birkholz's 8th Addition, Prepared by CPS, Ltd.
Facility Location(s):	Birkholz's 8th Addition
Current Specific Project Budget:	$3,300,000 - Construction Cost
Funding Sources:	Special Assessment and City Cost Participation
Known Design Standards:	City of Grand Forks Stormwater Management Standards and Design Manual, Ten States Standards, AASHTO Green Book, and MUTCD.

3. SERVICES OF ENGINEER ("SCOPE")

A. The specific Basic Services to be provided or furnished by Engineer under this Task Order are:

1. Exhibit A to Task Order, "Engineer's Services for Task Order," as attached to this specific Task Order under Part 4 of 4.

B. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order, with the exception of Resident Project Representative Services, if any, which are compensated separately.

C. Resident Project Representative (RPR) Services:

1. Exhibit D to Task Order is expressly incorporated in this Task Order.

D. Additional Services: Services not expressly set forth as Basic Services in Paragraph 3.A above, and necessary services listed as not requiring Owner's written authorization, or requiring additional effort in an immediate, expeditious, or accelerated manner as a result of unanticipated construction events or Specific Project conditions, are Additional Services, and will be compensated by the method indicated for Additional Services in this Task Order. All other Additional Services require mutual agreement and may be authorized by amending the Task Order as set forth in Paragraph 8.05.B.2 of the Main Agreement, with compensation for such other Additional Services as set forth in the amending instrument.

4. DELIVERABLES SCHEDULE

A. In submitting required Documents and taking other related actions, Engineer and Owner will comply with Exhibit B to Task Order, attached to this specific Task Order.

5. ADDITIONS TO OWNER'S RESPONSIBILITIES

A. Owner shall have those responsibilities set forth in Article 2 of the Main Agreement, and the following supplemental responsibilities that are specific to this Task Order:

1. Review Deliverables
2. Pay for Advertisement for Construction Bids
3. Prepare Construction Contract

FOR REVIEW AND COMMENT
07/21/26

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6. TASK ORDER SCHEDULE

A. See Part 4 of 4 of the Task Order.

7. ENGINEER'S COMPENSATION

A. The terms of payment are set forth in Article 4 of the Main Agreement.

B. Owner shall pay Engineer for services rendered under this Task Order as follows:

Sub-Project	Study Phase	Preliminary Design Phase	Final Design Phase	Bidding Phase	Construction Phase	Post Const. Phase	Rounded Total
9083 | Paving & Streetlights for Birkholz 8th Addition	$ 5,144	$ 71,136	$ 23,861	$ 2,153	$ 120,689	$ 11,514	$ 234,500
9041 | S. 42nd St. Improvements for Birkholz 8th Addition	$ 4,003	$ 22,171	$ 11,253	$ 2,153	$ 70,628	$ 5,074	$ 115,300
9086 | Armstrong Ct. Box Culvert in Legal Drain 9	$ 34,841	$ 38,197	$ 20,270	$ 2,153	$ 73,688	$ 5,516	$ 174,700
Total	$ 43,988	$ 131,504	$ 55,384	$ 6,459	$ 265,005	$ 22,104	$ 524,500

Basis of compensation is based on hourly rates plus reimbursable expenses.

C. Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only.

8. ENGINEER'S PRIMARY SUBCONSULTANTS FOR TASK ORDER, AS OF THE EFFECTIVE DATE OF THE TASK ORDER:

A. Bolton & Menk, Inc. – Traffic Engineer, & Electrical Engineer for Street Lighting

B. Veterans Testing and Inspecting – Material Testing

9. EXHIBITS AND SCHEDULES:

A. Exhibit A to Task Order—Engineer's Services Under Task Order

B. Exhibit B to Task Order—Task Order Deliverables Schedule

C. Exhibit E to Task Order-EJCDC® C-626, Notice of Acceptability of Work (Form)

Execution of this Task Order by Owner and Engineer makes it subject to the terms and conditions of the Main Agreement and its exhibits and appendices, which Main Agreement, exhibits, and appendices are incorporated by this reference.

FOR REVIEW AND COMMENT
07/21/26

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OWNER: CITY OF GRAND FORKS	ENGINEER: CPS, LTD.
By:	By:
Print Name: Brandon Bochenski	Print Name: Michael K. Korman
Title: Mayor	Title: President
Date:	Date:
Attest:	Attest:
Title: Finance Director	Title: Executive Vice President
DESIGNATED REPRESENTATIVE FOR TASK ORDER:	DESIGNATED REPRESENTATIVE FOR TASK ORDER:
Name: Edward Liberman	Name: Michael K. Korman
Title: Assistant City Engineer	Title: President
Address: 255 North 4th Street PO Box 5200 Grand Forks, ND 58206-5200	Address: 308 2nd Avenue North, Suite 101 Grand Forks, ND 58203
E-Mail Address: Eliberman@grandforksgov.com	E-Mail Address: Mike.korman@cpsengineering.net
Phone: 701.746.2640	Phone: 701.746.7459

FOR REVIEW AND COMMENT
07/21/26

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TIMETABLE FOR SPECIAL ASSESSMENT PROJECTS

Project Name: Paving, Street Lights and Box Culvert Crossing for Birkholz 8th Addition; Widening of S. 42nd St. near Birkholz 8th Addition

Project Number: 9083, 9086, 9041 District No.: 802, 628, 806

☐ Water
☐ Sanitary Sewer
☐ Storm Sewer
☒ Paving and Street Lights, Box Culvert Crossing

This timetable prepared by EJL Date: 07/31/2026
Revised by: Date:

Action	Date of Action			Approved
	Other	Committee	Council	
Approval of Engineers Report including estimate. Resolution creating assessment district. Direct engineering to prepare plans & specifications and advertise for construction bids.		8/10/26	8/17/26	We are here
*Special Assessment Commission to meet to determine preliminary distribution of benefits.	Week of 8/17/26			
*Notices sent to property owners.	Week of 8/24/26			
Approval of plans & specs.		10/26/26	11/2/26	
**Advertisement for bids prepared.	10/29/26			
*Advertisement for bids published.	11/4/26			
*Resolution of Necessity published.	11/4/26			
Discuss Project. (Optional)		11/9/26		
***Bids received, opened & tabulated.	11/19/26			
Expiration of protest period.	12/4/26			
***Certificate as to sufficiency.	12/7/26			
Recommend award of contract.		11/23/26	12/7/26	

*Responsibility of Finance & Administrative Services Office
**Responsibility of Engineering Department.
***Responsibility of Finance & Administrative Service Office & Engineering Department.