



TO: Mayor Shaun Sipma
Members of the City Council

FROM: Emily Huettl, PE, Assistant City Engineer

DATE: 2/4/2019

**SUBJECT: RIGHT OF WAY ENCROACHMENT APPLICATION –
MONITORING WELLS – 1700 AND 1704 23RD AVE NW**

I. RECOMMENDED ACTION

1. Recommend approval of the Right of Way Encroachment Agreement Application submitted by Pace Development Inc for the installation of groundwater monitoring wells in the right-of-way at 1700 and 1704 23rd Ave NW.

II. DEPARTMENT CONTACT PERSONS

Emily Huettl, Assistant City Engineer	857-4100
Lance Meyer, City Engineer	857-4100

III. DESCRIPTION

A. Background

A Limit Site Investigation was completed for a property in northwest Minot and petroleum hydrocarbon contamination was detected. The ND Department of Health is requesting that additional investigation be completed by the owner.

B. Proposed Project

The proposal is to install permanent groundwater monitoring wells in the area of the contaminated property. Two of the proposed monitoring wells will encroach on the City’s right-of-way.

Encroachments within the right-of-way are interpreted as a permanent encroachment as defined in Article I. Section 28-3 of the Code of Ordinances. If the City Council deems that the request is warranted, it should be approved with the following recommendations:

1. That the City Council approves the encroachment listed above.
2. That the permit holder agrees that the costs of maintenance and replacement be their responsibility.
3. That the City Attorney prepares the encroachment permit agreement, including language to protect the City from liability.
4. That the City Council retains the right to revoke the encroachment permit if it becomes necessary for any reasons.
5. That the permit holder pays a \$100 permit fee.
7. No person may install the proposed monitoring wells within the public right-of-way without having first obtained a permit from the City Engineer.

- C. Consultant Selection
N/A

IV. IMPACT:

- A. Strategic Impact:
It is in the City's best long term interest to allow Pace Development Inc to install these monitoring wells and comply with ND Department of Health request to monitor the size and location of this contamination.
- B. Service/Delivery Impact:
Pace Development Inc may need to coordinate access to the residential properties during the installation of the monitoring wells.
- C. Fiscal Impact:
There will be no fiscal impact to the City. Pace Development Inc will be responsible for installing the monitoring wells and removing them if the need would arise.

V. ALTERNATIVES

Alt 1. Council could deny the encroachment permit. The owner would not be able to comply with ND Department of Health request and would not be able to monitor the contaminated property.

VI. TIME CONSTRAINTS
N/A

VII. LIST OF ATTACHMENTS

- A. Encroachment Application