



**TO:** Mayor Shaun Sipma  
Members of the City Council

**FROM:** Emily Huettl, PE, Assistant City Engineer

**DATE:** September 8, 2020

**SUBJECT:** 2019 SIDEWALK, CURB & GUTTER REPLACEMENT – FINAL PAYMENT (4382)

**I. RECOMMENDED ACTION**

1. Approve the final payment of \$49,819.27 to be paid to Keller Paving & Landscaping, Inc. and authorize the Mayor to sign.
2. Approve the budget amendment in the amount of \$564.74.

**II. DEPARTMENT CONTACT PERSONS**

Lance Meyer, City Engineer	(701) 857-4100
Emily Huettl, Assistant City Engineer	(701) 857-4100

**III. DESCRIPTION**

A. Background

This annual maintenance project consists of the constructing, rebuilding, or repairing of sidewalk and curb & gutter in the right of way. In the fall of 2018 several problem areas were assessed by Engineering Department staff and design work began. This spring and summer, staff will mark areas for replacement and the Contractor will complete as much as possible within the budget.

In addition to the City’s regular maintenance portion of the project, this also includes any assessment roll work. For the assessment roll work of the project, Section 28-80 of the Minot Municipal Code, and Section 40-29-02 of the North Dakota Century Code, states that it is the duty of the owner, to maintain or construct where required, sidewalks adjacent to their properties. City Staff have identified properties where the sidewalks are not in compliance with these Codes. In accordance with Section 40-29-03 of the North Dakota Century Code, the Engineering Department will be providing notices to property owners to construct, rebuild, or repair sidewalks adjacent to their properties within the city right of way. Upon notice, the property owner will have the option to:

- 1.) Repair or install the sidewalk themselves;
- 2.) Hire a licensed contractor to perform the work; or
- 3.) Sign a waiver and have the City Contractor repair the sidewalk where the costs will be assessed to the property owner.

If the property owner fails to comply with the notice that was sent, Sections 40-29-04 and 40-29-05 of the North Dakota Century Code provides the municipality the power to special assess the properties for the work performed and any administrative fees.

B. Proposed Project

This year's project was broken into seven units of work throughout town.

Unit 7 will include any additional areas identified by the Engineering Department, as the budget allows, as well as any assessment roll work of constructing, rebuilding, or repairing sidewalks that are deemed a safety issue or are not installed. An estimate of quantities was created for bidding purposes.

C. Consultant Selection

On Tuesday, March 19, 2019 at 11:00 am, bids were opened for the 2019 Sidewalk, Curb & Gutter Replacement Project. Keller Paving & Landscaping, Inc was the low bidder.

**IV. IMPACT:**

A. Strategic Impact:

N/A

B. Service/Delivery Impact:

This project will provide needed maintenance of existing infrastructure throughout the City.

C. Fiscal Impact:

The project will be paid for with budgeted funds from the property tax levy. If any non-compliant sidewalk repair work is added, it will be special assessed to the property owners.

Projected Project Costs

Contractor's Bid Price (Units 1-6)	\$ 216,431.00
<u>Other Project Costs</u>	<u>\$ 5,500.00</u>
Total	\$ 221,931.00

Contractor's Bid Price (Unit 7) \$ 31,515.00 (for bidding purposes only)

Actual Project Costs

Contractor's Bid Price (Units 1-6)	\$ 216,431.00
Additional Work & Change Orders	\$135, 684.40
<u>Other Project Costs</u>	<u>\$ 4,835.34</u>
Total	\$ 356,950.74

Special Assessment Work (Unit 7) \$ 14,396.00

Project Funding

Sidewalk, Curb & Gutter Projects	\$ 220,000.00
Account No. 001-4000-431.08-76	
Transferred Street Improvement Funds	\$ 136,186.00
<u>Quest Income</u>	<u>\$ 200.00</u>
Total	\$ 356,386.00

Special Assessments (Unit 7) \$ 14,396.00

At the end of 2019, funds that were encumbered by the project were carried over into 2020 and the remaining funds were released back into the General Fund. When the project was completed in 2020, some additional work was required and the cost exceeded the funds that were encumbered. A Budget Amendment is necessary to move \$564.74 cash reserves from the General Fund to the Street Division to make this final payment.

**V. ALTERNATIVES**  
NA

**VI. TIME CONSTRAINTS**  
None except timely payment to contractor for services provided.

**VII. LIST OF ATTACHMENTS**  
A. Contractors Application for Payment No. 8 (Final)  
B. Budget Amendment