



TO: Mayor Shaun Sipma
Members of the City Council

FROM: Dan Jonasson, Director of Public Works

DATE: December 13, 2021

SUBJECT: 3529.1 MI-5 project flood control C& M agreement with BNSF and SRJB

I. RECOMMENDED ACTION

1. Recommend the Council approve the C&M agreement with the SRJB and BNSF
2. Authorize the Mayor to sign the agreement

II. DEPARTMENT CONTACT PERSONS

Dan Jonasson, Public Works Director	701-857-4140
Jason Sorenson, Assistant Public Works Director	701-857-4140

III. DESCRIPTION

A. Background

MI-5 consists of flood control along Railway Avenue between 3rd street NE and approx.. 13th street NE area. This portion of the project provides the NE tieback of Milestone 1 and ties into high ground east of 13th street NE. This consists of flood walls, levee, roadway and utility relocation, A portion of this work is on BNSF ROW so permanent and temporary easements are required to work on their property.

B. Proposed Project

MI-5 consists of flood control along Railway Avenue between 3rd street NE and approx. 13th street NE area. This portion of the project provides the NE tieback of Milestone 1 and ties into high ground east of 13th street NE. This consists of flood walls, levee, roadway and utility relocation. A cost participation and maintenance agreement is required by BNSF which outlines the property, permanent and temporary parcels needed, along with responsibilities for construction cost and future maintenance responsibilities. This three way agreement between the SRJB, City of Minot and BNSF lays out agency (SRJB) and BNSF and City responsibilities for future construction and long term maintenance. The SRJB will be responsible for construction and the City will be responsible for long term maintenance.

C. Consultant Selection

This was completed for flood control and Houston Eng. Is completing this phase of the project.

IV. IMPACT:

A. Strategic Impact:

This is a crucial portion of the Milestone 1 phases for providing flood protection on the north side of the river.

B. Service/Delivery Impact:

This agreement lays out requirements that need to be maintained during construction, estimate of costs for those and construction and maintenance responsibility of various entities.

C. Fiscal Impact:

(1) Costs(Est.)

(a) \$2500 – Admin Fee

(b) \$241K – Temporary Easement

(c) \$11,700 – Permanent Easement

(d) \$1.45M -Exhibit D

- Railroad Flagging Protection – 600 Days \$794,815
- Inspector / Coordinator Services – 36 Months \$350,000
- Agency: BR 0033-0202.600 Deck Tie Replacements, Span 1 \$168,886
- Yard Lighting Pole Relocations \$80,200
- **Total \$1,393,901 (state 65% City 35%)**

- City only cost : BR 0033-0202.600 Deck Tie Replacements, Span 4 \$59,379(City Sales Tax 100%) This is protection above the existing pedestrian underpass.

V. **ALTERNATIVES**

The only other alternative is for the Council to deny approving the C&M agreement. By not approving the agreement, the project is essentially cancelled.

VI. **TIME CONSTRAINTS**

VII. **LIST OF ATTACHMENTS**

A. C&M Agreement with BNSF, SRJB and City of Minot.