



Public Works Utility Operations

DATE: April 9, 2024

FROM: Michelle Klose, Director Public Works Utilities

ITEM: Land Purchase Agreement for Future Lift Station

REQUEST:

Approval to finalize the purchase of property for future lift station.

BACKGROUND INFORMATION:

As the City of Bismarck continues to expand, a new lift station was planned as part of the Hay Creek Project. This project was approved by Commission in 2021. City departments have been working with a landowner to secure the property for this need. The discussion has advanced to the point of consensus of all parties regarding the terms of the purchase agreement. Funding for this purchase will be from Public Works Utility Operations.

RECOMMENDED CITY COMMISSION ACTION:

Approve land purchase for future lift station and execute accordingly.

STAFF CONTACT INFORMATION:

Amber Araujo, Executive Assistant, 701-355-1739, aaraujo@bismarcknd.gov

ATTACHMENTS:

1. 6974



Public Works Utility Operations Department

DATE: 11/16/2021
FROM: Michelle Klose, Public Works Utility Water Director
ITEM: Amendment to Task Order 2 to the Agreement with Apex Engineering Group, Inc. for Hay Creek Lift Station Improvements

REQUEST:

Request approval of the Amendment to Task Order 2 to the Agreement with Apex Engineering Group, Inc. for Hay Creek Lift Station Improvements

Please place this item on the November 23, 2021 City Commission meeting agenda.

BACKGROUND INFORMATION:

Amendment to Task Order 2 is for right-of-way services to secure property for a future Hay Creek Lift Station gravity sewer and forcemain for the City of Bismarck. Engineering fees for this amendment will not exceed \$198,700.00.

RECOMMENDED CITY COMMISSION ACTION:

Approve Amendment to Task Order 2 for the agreement with Apex Engineering Group, Inc. in the amount not to exceed \$198,700.00 for the Hay Creek Lift Station Improvements.

STAFF CONTACT INFORMATION:

Michelle Klose, Director of Utility Operations, 355-1700, mklose@bismarcknd.gov

This is **EXHIBIT K**, consisting of 5 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated March 27th, 2018.

Amendment To Task Order No. 2

1. Background Data:

- a. Effective Date of Task Order: September 8th, 2020
- b. Owner: City of Bismarck
- c. Engineer: Apex Engineering Group, Inc.
- d. Specific Project: Hay Creek Lift Station Improvements

2. Description of Modifications

- a. Engineer shall perform the following Additional Services: As described in Attachment 1, Right-of-Way Services.
- b. The responsibilities of Owner with respect to the Task Order are modified as follows: As described in Attachment 1, Right-of-Way Services.
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: \$198,700 Hourly Not To Exceed

3. Task Order Summary (Reference only)

- a. Original Task Order amount: \$331,100
- b. Net change for prior amendments: \$0
- c. This amendment amount: \$198,700
- d. Adjusted Task Order amount: \$529,800

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is November 23rd, 2021.

OWNER:

ENGINEER:

By: _____

By: Mike Berg

Print Name: Steve Bakken

Print Name: Mike Berg

Title: President of Board of City Commissioners

Title: Principle / Vice President

Date Signed: 11/23/2021

Date Signed: 11/5/21



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Attachment 1, Right-of-Way Services

Hay Creek Lift Station

City of Bismarck, North Dakota

November 5th, 2021

Phase No.	Description
1	Right-Of-Way Services

Project Background

A future Hay Creek Lift Station is planned to be located near the junction of the Hay Creek and Apple Creek sewersheds. This lift station will require a gravity sewer extension from the City's existing wastewater collection system and a forcemain that conveys wastewater to an existing trunk sewer near the airport.

Right-Of-Way Services

Objective:

The objective of the Right-Of-Way services will be to secure property and easements for a future Hay Creek Lift Station gravity sewer, and forcemain for the City of Bismarck.

Activities:

Task 1, Lift Station Property Acquisition (assuming work on 2 properties)

- 1.1 Property Identification: Identify the preferred and alternative lift station property locations.
- 1.2 Preliminary Property Owner Contacts: Make the initial property owner contacts and reassess the preferred and alternative locations as needed.
- 1.3 Title Work: Obtain a preliminary and final title certificate. Provide title insurance as needed.
- 1.4 Preliminary Plat: Perform the property survey and provide the preliminary plat.
- 1.5 Valuation: Perform an accredited appraisal to determine fair market value of the lift station property.
- 1.6 Acquisition Documents: Prepare all right-of-way acquisition documents.
- 1.7 Negotiations: Meet and negotiate with the property owners.
- 1.8 Execution: Assist the City in reviewing and executing the property acquisition documents. Coordinate with the property owner to get the acquisition documents executed.
- 1.9 Recording: Record the final plat.

Task 2, Gravity Sewer and Forcemain Right-Of-Way Acquisition (assuming work on 8 properties plus the airport)

- 2.1 Final Determination of Pipeline Routes: Reevaluate the pipeline routes as needed based on the final lift station property location. Determine route adjustments as needed to accommodate new lift station property.
- 2.2 Preparation of Easement Figures: Prepare preliminary figures of the proposed easements for discussions with property owners.
- 2.3 Preliminary Property Owner Contacts: Make the initial property owner contacts and reassess the preferred pipeline route as needed.
- 2.4 Title Work: Obtain the preliminary and final title certificates. Provide title insurance if needed.
- 2.5 Preliminary Plats: Perform the property surveys and provide the preliminary plats.
- 2.6 Acquisition Documents: Prepare all right-of-way acquisition documents.
- 2.7 Negotiations: Meet and negotiate with the property owners.
- 2.8 Execution: Assist the City in reviewing and executing the easement acquisition documents. Coordinate with the property owners to get the acquisition documents executed.
- 2.9 Recording: Record the easements.

City of Bismarck Responsibilities:

- ✓ Execute contract between Bismarck and Apex.
- ✓ Review right-of-way updates
- ✓ Execute right-of-way acquisition agreements.
- ✓ Make final payments to property owners for the purchase of property, permanent easements, and temporary easements.

Project Team Responsibilities and Deliverables:

- ✓ Property surveys
- ✓ Title work
- ✓ Appraisals
- ✓ Property owner negotiations
- ✓ Preparation of right-of-way agreement documents
- ✓ Recording of documents

Project Schedule: Lift Station property acquisition activities will begin immediately upon authorization by the City. Gravity sewer and forcemain right-of-way acquisition activities will begin during the lift station property negotiation phase.



Public Works Utility Operations Department

DATE: August 31, 2020

FROM: Michelle Klose, Utility Operations Director

ITEM: Task Order No. 2 to the Agreement with Apex Engineering Group, Inc. for Hay Creek Lift Station Improvements

REQUEST

Request for approval to accept Task Order No. 2 to the Agreement with Apex Engineering Group, Inc. for Hay Creek Lift Station improvements.

Please place this item on the 9/8/2020 City Commission meeting agenda.

BACKGROUND INFORMATION

Task Order No. 2 is for engineering services related to improvements at the Hay Creek Lift Station and its associated forcemain. The preliminary design phase is to identify the basis of design and to resolve all major design decisions (\$147,200.00); and the final design phase is to produce final plans and specifications and updated cost estimates, and to conduct a public bid for the proposed improvements (\$183,900.00). The total estimated fee for Task Order No. 2 is not to exceed \$331,100.00.

RECOMMENDED CITY COMMISSION ACTION

Approve Task Order No. 2 to the agreement with Apex Engineering Group, Inc. in the amount not to exceed \$331,100.00 for the Hay Creek Lift Station improvements.

STAFF CONTACT INFORMATION

Michelle Klose, PE | Utility Operations Director, 355-1700 or mklose@bismarcknd.gov.
I will be available at the meeting to respond to questions.