

# **TRANSCRIPT OF PUBLIC HEARING**

Held on May 28, 2009  
at the Fargo City Hall Commission Chambers  
Fargo, North Dakota

**Project No.**  
SU-8-081(031)926

**PCN**  
17434

**Structure Repairs, Concrete Pavement Reconstruction, and  
Incidentals**



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Prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
BISMARCK, NORTH DAKOTA

<http://www.dot.nd.gov/>

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June 2009

**PUBLIC HEARING TRANSCRIPT**  
SU-8-081(031)926  
US Hwy 81 Fargo 10<sup>th</sup> St from 5<sup>th</sup> Ave S – NP Ave

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Prepared by: North Dakota Department of Transportation  
Topic: Proposed improvements to Fargo 10<sup>th</sup> St from 5<sup>th</sup> Ave S – NP  
Date: May 28, 2009  
Time: 5:30 pm to 7:30 pm CDT  
Hearing Location: Fargo City Hall Commission Chambers

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## I. Notice of Public Hearing

### A. Announcement

The public hearing announcement was published in the Fargo Forum on May 11, 2009. The announcement that was published is shown in Figure I.1. The affidavit of publication is shown in Figure I.2.

## PUBLIC HEARING

**WHY?**

To discuss; proposed improvements for US Highway 81 Fargo  
10<sup>th</sup> St From 5<sup>th</sup> Ave S – NP Ave, the closure of the West  
Access Road and improvements to the Main Ave structure.

**WHEN?**

Thursday May 28<sup>th</sup>, 2009  
Open House: 5:30 p.m. to 7:30 p.m.

**WHERE?**

Fargo City Hall Commission Chambers  
200 3<sup>rd</sup> St. N. – Fargo, ND 58105

**OPEN HOUSE  
CONDUCTED BY**

ND Department of Transportation (NDDOT) and the City of  
Fargo

This hearing is designed to allow for public input which is required for compliance with the National Environmental Policy Act of 1970 and National Historic Preservation Act of 1966.

Representatives from the NDDOT, the City of Fargo and the Federal Highway Administration will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by June 12<sup>th</sup>, 2009 to James Rath, Project Manager, Design Division, NDDOT, 608 East Boulevard Ave., Bismarck, North Dakota 58505-0700.  
Email: jrath@nd.gov  
Note "Public Hearing" in email subject heading.

DISABILITIES: People with disabilities who plan to attend the meeting and need special arrangements should contact James Rath, Project Manager, Design Division before the meeting.  
Phone: 701-328-1722 TTY : 701-328-4156

PUBLIC INSPECTION: The project maps, sketches, and other pertinent information are available for public inspection at the NDDOT Fargo District Office, 503 38<sup>th</sup> St S, Fargo and at the NDDOT Central Office, Design Division, 608 East Boulevard Avenue, Bismarck.

**Figure I.1 Public Hearing Advertisement**

## Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **ND Transportation Department, Design Division – US Highway 81 Fargo, 1 time(s)** as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: Colleen Park

State of ND

County of BURLEIGH

Subscribed and sworn to before me this 21<sup>ST</sup> day of MAY, 2009.

Linda J. Judd

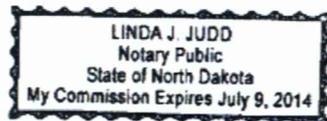


Figure I.2 Affidavit of Publication

## B. Press Release

A NDDOT press release was published on May 13<sup>th</sup>, 2009. The press release notified the public of the time and location of the hearing. It gave a brief description of the project and instructions on how to submit comments. The press release is shown in Figure I.3.



**NDDOT** News Release  
North Dakota  
Department of Transportation

May 13, 2009

For more information:  
James Rath, NDDOT (701) 328-1722  
Peggy Anderson, NDDOT (701) 328-2671

### Public Hearing to be held May 28 to discuss proposed improvements to US Highway 81 in Fargo

A Public Hearing will be held from 5:30 p.m. to 7:30 p.m. on May 28 at the Fargo City Hall Commission Chambers, 200 3rd St. N. in Fargo. The Public Hearing will utilize an open house format.

The purpose of the Public Hearing is to discuss proposed improvements for U.S. Highway 81 (Fargo 10th St.) from 1st Ave. S. to NP Ave., the closure of the west access road, and improvements to the Main Ave. structure. The Public Hearing will provide opportunity for people with either public or private interests to become fully acquainted with the proposed project and to receive input from those people. Representatives from the North Dakota Department of Transportation, Federal Highway Administration, and the city of Fargo will be available to answer questions.

If unable to attend the public hearing, written statements or comments must be mailed by Friday, June 12, 2009, to James Rath, Project Manager, Design Division, NDDOT, 608 East Boulevard Ave., Bismarck, North Dakota 58505-0700. E-mails may also be sent to [jrath@nd.gov](mailto:jrath@nd.gov) with "Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Hearing and need special arrangements should contact James Rath, NDDOT, at (701) 328-1722, and TTY: 701-328-4156.

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North Dakota Department of Transportation 608 East Boulevard, Bismarck, ND 58505

Figure I.3 Press Release

### C. Solicitation Letter

The following solicitation letter was sent to the public on May 14, 2009, by the City of Fargo. The letter was sent to any land or business owner between 5<sup>th</sup> Ave S to 2<sup>nd</sup> Ave N from 14<sup>th</sup> St to Broadway.



#### ENGINEERING DEPARTMENT

200 3rd Street North  
Fargo, North Dakota 58102  
Phone: (701) 241-1545  
Fax: (701) 241-8101  
E-Mail: feng@cityoffargo.com



May 14, 2009

Dear Citizens,

We would like to inform you of an upcoming public hearing regarding a joint City of Fargo and NDDOT project on US Highway 81 (Fargo 10<sup>th</sup> St) from 5<sup>th</sup> Ave South to NP Avenue. Key points of the project are listed below:

- Concrete Reconstruction from 1<sup>st</sup> Ave S to NP Ave
- Repairs to the Main Ave Bridge and Retaining Walls
- Sidewalk Replacement
- Pedestrian Improvements
- Lighting Upgrades
- Permanent Closure of the West Access Road Adjacent to 10<sup>th</sup> St
- Temporary Closure of 10<sup>th</sup> St from 1<sup>st</sup> Ave S to NP Ave for Construction Activities
- Detour of 10<sup>th</sup> St Traffic

This hearing is designed to allow for public input. Representatives from the City of Fargo, NDDOT, FM Metro COG, and Federal Highway Administration will be on hand to answer your questions and discuss your concerns.

Exhibits will be on display at the hearing providing additional information about the proposed project. The project exhibits and other pertinent information are available for public inspection at the NDDOT Fargo District Office, 503 38<sup>th</sup> St S, Fargo and at the NDDOT Central Office, Design Division, 608 East Boulevard Avenue, Bismarck.

A comment sheet is also attached if you will not be attending the public hearing but would still like to voice your comments and concerns.

Your input pertaining to the project is greatly appreciated and will be taken into consideration during the design process. It should be noted that there will be no special assessments to properties to help pay for this project. All the funding will be federal, state or city dollars. If you have questions or need more information, feel free to contact me at 241-1545.

Sincerely,

Jeremy M. Gorden, P.E.  
Senior Engineer, Transportation

JMG/jme

Street Lighting  
Sidewalks

Design & Construction  
Traffic Engineering

Truck Regulatory  
Flood Plain Mgmt.

Mapping & GIS  
Utility Locations



### Figure I.4 Letter to Public

## II. Summary

### A. Location and Date

The public hearing was held from 5:30 pm to 7:30 pm CDT on May 28<sup>th</sup>, 2009. It was held at the Fargo City Hall Commission Chambers located at 200 3<sup>rd</sup> St. N. – Fargo, ND 58105.

### B. Purpose

Public hearings, in regard to US highway projects, are held to inform the public of proposed highway improvements and the impacts the project will have on them. Also, the views of interested parties are made known to the North Dakota Department of Transportation (NDDOT).

Hearings, or acceptable substitute procedures, are required by federal law involving the expenditure of federal funds for highway improvements. In addition, they are in accordance with the policy of the NDDOT to ensure that proper consideration is given to all social, economic, and environmental factors before final decisions are reached.

### C. Hearing Procedure

The public hearing was an open house format, with information provided by the Project Concept Report, a repeating PowerPoint slideshow, a handout with project information, and six exhibits displaying the proposed features. The six exhibits presented were titled:

- Fargo 10<sup>th</sup> St from 5<sup>th</sup> Ave S – NP Ave
- Mainline Paving & Access Road Typical
- Structure Improvements
- Access Roads
- Pedestrians, Hydraulics & Cultural Resources
- Work Zone Traffic Control - Detour

These exhibits and corresponding handout were available at the Fargo District Office and the Bismarck Central office two weeks prior to the meeting. Surrounding landowners and businesses were mailed letters notifying them prior to the hearing. Representatives from the NDDOT and the City of Fargo were present to answer questions.

### D. Issues

The key points of the project addressed at the public hearing included the following:

- Concrete Reconstruction from 1<sup>st</sup> Ave S to NP Ave
- Repairs to the Main Ave Bridge and Retaining Walls
- Sidewalk Replacement
- Pedestrian Improvements
- Lighting Upgrades
- Cultural Resource Impacts
- Hydraulic Improvements
- Permanent Closure of the West Access Road Adjacent to 10<sup>th</sup> St
- Temporary Closure of 10<sup>th</sup> St from 1<sup>st</sup> Ave S to NP Ave for Construction Activities
- Detour of 10<sup>th</sup> St Traffic

## III. Handout

The following handout was presented at the public hearing.

**Public Hearing**

Fargo 10<sup>th</sup> Street from 5<sup>th</sup> Avenue South to NP Avenue

Project: SU-8-081(031)926 PCN: 17484

Open House: Thursday, May 28<sup>th</sup>, 2009 – 5:30 PM – 7:30 PM CT

Fargo City Hall Commission Chambers – 200 3<sup>rd</sup> St. N. - Fargo, ND 58105

**Welcome.....**

Welcome and thank you for attending. Your input is appreciated. There are several exhibits on display. You are invited to make comments, ask questions, and express your views. Representatives from the NDDOT, FHWA, and the City of Fargo are available to answer questions.

**Purpose of Hearing.....**

The purpose of this hearing is to provide an opportunity for people with either public or private interests to become fully acquainted with the proposed project and to receive input from those people.



**Need for Project.....**

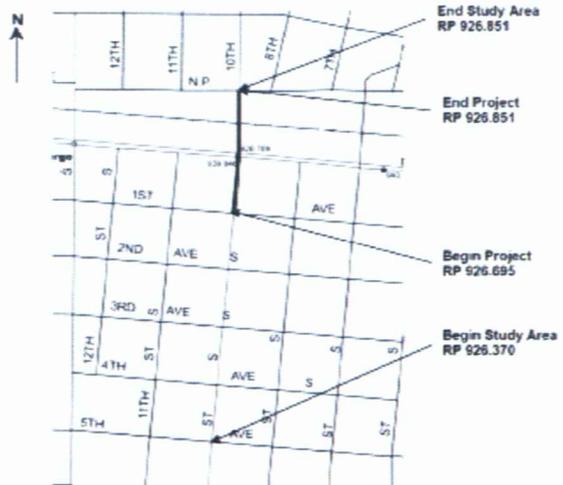
The purpose of this project is to improve the following; ride quality and load carrying capacity of the roadway, drainage, appearance and longevity of the structures and retaining walls, safety features, traffic operations, and pedestrian facilities.

**Traffic.....**

The following table presents the current Average Daily Traffic (ADT) per roadway segment and the 22 year projected future average daily traffic per roadway segment.

Roadway Segment	Current (ADT)	Future (ADT)
10th St (1st Ave S - NP Ave)	10890	13945
East Access Road	952	1240
West Access Road	213	275

**Map of Project Area.....**



**Proposed Improvements.....**

**I. Mainline**

The mainline pavement will be reconstructed with 8" of concrete. The profile at the NP Ave intersection will be lowered. The existing sidewalks and curb & gutter will be replaced. The sidewalks adjacent to mainline will be extended southward to meet 1<sup>st</sup> Ave S.

**II. Access Roads**

The West Access Road will be closed from the south access point. There are two Layouts regarding the closed road.

- Layout A: Close South Half of West Access Road  
The south half of the west access road will be closed northward to the alley. This will leave the north half open to traffic.
- Layout B: Close Entire West Access Road  
The existing pavement and curb & gutter on the entire west access road will be removed and replaced with topsoil and grass.

Note: The East Access Road will remain open and will be milled 1" and overlain with 2" asphalt pavement.

Figure III.1 Public Hearing Handout pg. 1

### III. Structural Improvements

Retaining walls throughout the project will be rehabilitated. Many improvements to the Main Ave structure will take place including spall repairs, crack repairs, railing restoration and a special surface finish.



### IV. Lighting

The current lighting does not properly serve the underpass for vehicles or pedestrians. A new lighting system will be installed to increase the safety of the underpass.



### V. Pedestrians

All sidewalks within the project will be replaced. The sidewalks adjacent to mainline will be extended south to meet 1<sup>st</sup> Ave S. ADA ramps will be installed at all sidewalk crossing locations.



Figure III.2 Public Hearing Handout pg. 2

### Traffic Control.....

Primary traffic control through the underpass will consist of closing the roadway and installing a detour. The detour will send traffic west on 1<sup>st</sup> Ave S, north on University (reverse a lane of traffic) and then east on NP Ave. The detour will be in place for at least 1 month.

### Construction.....

It is anticipated that construction will take place in 2010.

### Funding.....

The funding breakdown for the project can be found in the table below.

2008 STIP	
Federal – 80%	\$2,400,000
State – 10%	\$300,000
City – 10%	\$300,000
Total	\$3,000,000

The amount of Federal and State funding is capped at the above levels. If additional work is requested by the City of Fargo and results in a cost above \$3,000,000, it will need to be funded by 100% city funds.

### Comment Period.....

Comments must be received on or before June 12<sup>th</sup> 2009, to be incorporated into the project development process. Statements not submitted at the public hearing should be sent to:

James Rath, P.E.  
Program Manager  
Design Division  
ND Dept of Transportation  
608 East Boulevard Ave  
Bismarck, ND 58505-0700  
(701) 328-1722  
Email: jrath@nd.gov

#### IV. Comments

##### A. Written

Written comments were received from two parties regarding the public hearing. The comment period deadline was June 12, 2009. Written comments are:

Lee Watkins – Property Owner  
11 South 8<sup>th</sup> St.  
Fargo, ND 58102

*Comment: Only concern is possibility of altering the detour route from University to 8<sup>th</sup> St & Roberts. In addition to R.R. delays & construction of Roberts St Apts & commercial development the buildup of traffic would be detrimental to the function of street parking & small business operations. Many of which are shoestrung operations & cannot afford or survive the major inconvenience this project will entail. Concern is more only because sometimes things change. Hopefully this will not be the case.*

Bob Stein – City of Fargo, Planning  
111 Roberts St.  
Fargo, ND 58102

*Comments:*

- 1. Why not add pigeon netting underneath to deal with the little pests?*
- 2. Lighting improvements will help, even though the ped/bike width is very narrow.*
- 3. The grass strip on the west access road should be landscaped with flowers & shrubs – and a long term use could be community garden.*

##### B. Verbal

Verbal comments and questions were raised and it was emphasized that all comments should be written down on a comment sheet and submitted to ensure proper documentation and action. The following verbal comments were received:

*Comment: The existing speed limit is 30 mph. Many vehicles drive much faster. The higher speeds coupled with the closeness of the pedestrians to the roadway make for a very uncomfortable feeling when using the sidewalks adjacent to 10<sup>th</sup> St. Pedestrians have nowhere to escape if a vehicle were to veer off the roadway onto the sidewalk. Is it possible to separate the pedestrians from mainline traffic?*

*Comment: The existing lighting is proposed to be replaced. At night, the lighting through the underpass is more than sufficient. During the daytime the lighting is in-sufficient, it is very dark inside the underpass even when the lights are on. It would be nice if more lights were installed than currently exist.*

*Comment: There are many proposed aesthetic improvements to the structure. However, there is no proposed work to clean and repaint the steel girders. It would make sense to clean and improve the appearance of the girders since the entire structure is receiving similar improvements.*

**V. Post Hearing**

Following the hearing; state, city and federal highway officials will review the proposals under consideration and the basis of what has been expressed at the public hearing. When all factors affecting design features have been satisfactorily accommodated, the NDDOT will make final design decisions and request approval from the division administrator of the Federal Highway Administration (FHWA) before proceeding with the final plans.

**VI. Comments & Roster**

Copies of the comments received and the sign in roster used at the public hearing can be found on the following three pages.

**PUBLIC HEARING ROSTER**

North Dakota Department of Transportation, Design  
SFN 3512 (Rev. 10-2005)

**PLEASE PRINT**

Project Number SU-8-081(031)926	PCN: 17484	Date May 28, 2009
Object Description Fargo 10th St from 5th Avenue South to NP Avenue		
Structure Repairs, Concrete Pavement Reconstruction, and Incidentals		
Location Fargo City Hall Commission Chambers - 200 3rd St N		

NAME	ADDRESS	PHONE	OTHER CONTACT E-MAIL/Other Phone	SEND TRANS- SCRIPT
Bob Walton	503 38 <sup>th</sup> St S	239-8900	bwalton@nd.gov	
Andru Sturefeld	1757 Lilac Ln	328-2559	asturefeld@nd.gov	
Robert Deraas <small>for CHS Inc.</small>	18 13 1/2 St.	232-3036	robert.deraas@chsinc.com	
KAREN JILEK <small>(Jill Kube)</small>	11 N. 10 <sup>th</sup> St / PO Box 3104	239-4400	KARN@JKLUBE.COM	
Travis Spaeth		231-1078	trspaeth@nd.gov	
Matt Linneman		231-1075	m.linneman@nd.gov	
Eric Gunderson		491-8055	ejgunderson@nd.gov	
Jacob Braunagel		290-9218	Jacob.Braunagel@ndsu.edu	
Tyler Peterson		820-8796	tyler.l.peterson@ndsu.edu	
Paul Deutch		306-8074	paul.deutch.1@ndsu.edu	
Stephanie Bartels			stephanie.bartels@ndsu.edu	No
Dave Orsm	The Forum	241-5555		
Nicole Crutchfield	City of Fargo, Planning	247-7782		
Bob Stein	"	476-6628		
Dave Anderson	203 4 <sup>th</sup> Ave N	298-6965	dave@fmdowntown.com	
Terry Udland	Bismarck ND 58007	328-1969		
LEE WATKINS	11 So. 8 <sup>th</sup> St Fgo	237-6257		
Dave Johnson	200 N 3 <sup>rd</sup> St	241-1545	djohnson@cityoffargo.com	
Justin Kristan	Metro COG		jkristan@metroco.org	
Mark Bittner	City of Fargo	241-1572	mbittner@cityoffargo.com	

Comment Sheet

Public Hearing held May 28, 2009

Fargo 10<sup>th</sup> St From 5<sup>th</sup> Ave S - NP Ave

Project: SU-8-081(031)926 PCN: 17434

Name (Please Print)

LEE WATKINS

Address (Please Print)

11 So. 8th St., Fargo

I wish to offer the following comments:

ONLY CONCERN IS POSSIBILITY OF ALTERING THE DETOUR ROUTE FROM UNIVERSITY TO 8<sup>th</sup> ST & ROBERTS. IN ADDITION TO R.R. DELAYS & CONSTRUCTION OF ROBERTS ST APTS & COMMERCIAL DEVELOPMENT THE BUILDUP OF TRAFFIC WOULD BE DETRIMENTAL TO THE FUNCTION OF ST. PKW & SMALL BUSINESS OPERATIONS - MANY OF WHICH ARE SHOESTRING OPERATIONS & CANNOT AFFORD OR SURVIVE THE MAJOR INCONVENIENCE THIS PROJECT WILL ENTAIL.

CONCERN IS MADE ONLY BECAUSE SOMETIMAS THINGS CHANGE. HOPEFULLY THIS WILL NOT BE THE CASE.

THANKS

LEE WATKINS

5.28.09

Please submit comments by June 12, 2009, to:

James Rath, P.E.  
Design Division  
ND Dept of Transportation  
608 East Boulevard Ave  
Bismarck, ND 58505-0700  
Email: jrath@nd.gov

Comment Sheet  
Public Hearing held May 28, 2009  
 Fargo 10<sup>th</sup> St From 5<sup>th</sup> Ave S - NP Ave  
Project: SU-8-081(031)926 PCN: 17434  
Name (Please Print)

RC Stein

Address (Please Print)

111 Roberts St  
Fargo ND 58102

I wish to offer the following comments: \_\_\_\_\_

- Why not add pigeon netting underneath  
to deal with the 14k Opossums?

- Lighting improvements will help, even  
though the ped/bike rad is very narrow.

- The grass strip on the west access  
road should be landscaped with flowers +  
shrubs - and a long term use could  
be community garden

Please submit comments by June 12, 2009, to:

James Rath, P.E.  
Design Division  
ND Dept of Transportation  
608 East Boulevard Ave  
Bismarck, ND 58505-0700  
Email: jrath@nd.gov