

# **JAMESTOWN EAST BUSINESS LOOP RECONSTRUCTION**

**Project No.**

**PCN**

SU-2-987(029)033

16749

FROM 12<sup>TH</sup> STREET SE TO INTERSTATE 94

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Prepared by

CITY OF JAMESTOWN  
JAMESTOWN, NORTH DAKOTA

<http://www.jamestownnd.com>

CITY ADMINISTRATOR  
Jeff Fuchs

Principal Author: Matt Kinsella, PE  
ULTEIG ENGINEERS, INC.

June 2009

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# 1. Introduction

## **INTRODUCTION**

The Public Hearing for Project SU-2-987(029)033 was held on May 12, 2009 at the Jamestown City Commission Chambers. The hearing began at 6:00 p.m. with an open house. The formal presentation began at 6:15 p.m. This was the fourth scheduled Public Hearing. Due to weather and flooding, hearings were scheduled and cancelled on March 10, 2009, March 31, 2009, and April 21, 2009. These hearings were advertised in *The Jamestown Sun* and information flyers were sent to residences and businesses in the project area.

The hearing was advertised on April 24, 2009 edition of *The Jamestown Sun*. Information flyers were sent out on May 1, 2009 to approximately 168 residences and businesses in the project area.

## **EXPLANATION OF HEARING PROCESS**

### **PURPOSE**

Public hearings, in regard to state highway projects, are held to inform the public of proposed highway improvements and to make known to the North Dakota Department of Transportation (NDDOT) the views of interested parties, prior to finalizing project decisions.

Such 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.

### **PROPOSED HIGHWAY IMPROVEMENTS**

The proposed highway improvements are implemented only after careful study, review, and consideration of all known pertinent factors. Engineering and economic factors, traffic behavior and desires, and also safety have, out of necessity, played an important part in the development of this project. However, the present and future environmental, economic and social needs of the individuals, the community and state have also been considered. Study documentation, covering all considered alternatives, are available for examination or reproduction.

### **HEARING PROCEDURE**

The hearing was conducted as a combination of open house and presentation meeting. There were various maps, exhibits, and other displays placed outside the hearing room for the participants' examination. These displays were provided to help the participants understand the project's plans and proposals.

The participants were encouraged to make comments, ask questions and express their opinions. It is important that the participants have the opportunity to express and comment on their opinions, as the proposed construction will have impacts to the

## **2. Explanation of Public Process**

## **EXPLANATION OF PUBLIC HEARING PROCESS**

Oral comments were received and are identified later in this report. The information available to the public at the meeting is attached and consisted of the following:

1. Presentation
2. Power Point Presentation
3. Display Boards
  - a. Existing Roadway
  - b. Typical Roadway Sections
  - c. Mainline, Frontage, and Stop 'n Go Access Alternatives
  - d. Work Zone Traffic Control
4. A comment sheet was included in the public hearing handouts for written comments.
5. A copy of the project concept report was available for review.

Transcripts are furnished to the NDDOT and the Federal Highway Administration (FHWA) and are made available to any interested parties. These records are used in reviewing the points brought forth at the hearing and are used for final project decision making.

## **POST HEARING**

Following the hearing, state, city and federal highway officials will review the alternatives under consideration on the basis of what has been expressed at the hearing. When all issues have been satisfactorily accommodated, the NDDOT and the City will make the final project decisions and request approval from the Division of Administration of the FHWA of project location and design features before proceeding with the final plan preparation.

### **3. Transcript of Presentation and Oral Comments**

IN THE MATTER OF

JAMESTOWN EAST BUSINESS LOOP RECONSTRUCTION  
12TH STREET SE TO INTERSTATE 94

NDDOT Project Number SU-2-987(029)033

TRANSCRIPT OF  
PUBLIC HEARING

Taken At  
Jamestown City Hall  
102 3<sup>rd</sup> Avenue SE  
Jamestown, North Dakota  
May 12, 2009

ULTEIG ENGINEERS

**To:** Project File – UEI Project No. 307.374  
**From:** Jennifer Hanley, PE  
**CC:** Steve Windish, Josh Olson, Matt Kinsella, Jeff Fuchs, Reed Schwartzkopf, Seng Marohl, Stacey Hanson, John Thompson, Ron Blaufuss, Clint Zinke, Mayor Clarice Liechty  
**Re:** Jamestown East Business Loop Project Concept Report  
Jamestown ND, North Dakota  
**Date:** June 24, 2009  
Transcript of Public Hearing  
May 12, 2009  
SU-2-987(029)033

A public hearing was held on May 12, 2009 at the Jamestown City Council Chambers. The hearing began at 6:00 pm with an open house. The formal presentation began at 6:15 pm. Approximately 26 people were in attendance. See attached attendance roster, hand-out and meeting agenda.

Mayor Clarice Liechty called meeting to order. Presentation was given by Steve Windish of Ulteig Engineers, Inc.

**Mayor Liechty:** And we have Steve Windish with Ulteig Engineers who will give us an update or preview of what the project is going to be.

**Steve Windish, Ulteig Engineers:** Thank you Mayor, there is a couple of city council persons here tonight. What we are here to do is to present what the proposed project entails at this time. We are here also to get your input, we have not completed the report, and we are the final draft stage. We will take your comments – incorporate them appropriately into the document into the final design of the project and go from there. Tonight there will be a public hearing, but we will accept formally from you (from the public), which means we would ask that you state your name, address so we can have a record of all comments and questions asked. We'll take those comments, there is also going to be a comment period for two weeks. We will cover that a little bit more later. Proceed with the presentation right now. With me also, besides myself, Steve Windish of Ulteig Engineers. Josh Olson, Matt Kinsella and Jen Hanley- they are the primary authors of the report and they are doing most of the leg work. They are just letting me do the presentation, so I might be referring to them for questions. With us from the DOT is Paul Benning, acting local government engineer and Stacey Hanson, the Urban Engineer and Jon Thompson with the Valley City District. With that, we will start the presentation.

What we are going to cover tonight is the project context, what the project is, the project need, the project history, corridor issues, project alternatives as we studied them, the funding for the project, the remaining schedule, and at the end we will open it up for formal comments, they will be on the record. The comments will be transcribed and included in the report.

This roadway is not just any old local road, this is a pretty important principal arterial road for the City of Jamestown and the region of Stutsman County. It's the main interchange access route for the east part of the city- it's a very important truck route. All agencies realize that, because of this there is superior federal funding for this project. The federal highway department is funding 80% of this project, which is a little bit more than they usually do and its split, 80% federal, 10% DOT money and 10% local, which is City of Jamestown, so it is a very good cost for this project.

Why are we doing the project? We need to correct the deteriorated pavement conditions; it's almost 50 years old since the roads been built. It definitely needs to be upgraded. The geometrics are below standards, the roadway is narrow, and the in slopes are very steep, shallow ditches, no room for turning trucks. We need to enhance access for pedestrians and bicyclists and we need to improve the storm drainage out there.

A little bit about the project history, for this project itself, we started this project a little over a year ago. We met with the property owners, mostly back in May of last year and we had a public hearing meeting at the end of June. I believe most of you were there, had some good input and we listened to what you had to say. We will go through those in a little bit. We then developed a report and submitted it the DOT, the City and federal highway for review back around mid-December. We got their comments and incorporated them for a final draft report.

We were to be here in front of you about 3 months ago, but due to the storms and flooding this has been delayed a few times, but now we're finally here, a couple months behind but we will be fine to finish this project out. So here we are on May 12, having our public hearing. I don't have the date on here, but the city council will act on this study on June 1 at their regular meeting. We expect to have project decisions approved and noticed to proceed from federal highway around July 1<sup>st</sup>. Which means we can start designing it sometime in July. We have about a year to design it. It will be bid, October 2010, with construction in 2011. It'll take most of the construction season to complete it, it's quite a complicated project.

But before we knew where we were heading, we had to know where we were. This is a typical section of the highway. We have a frontage road that's about 35' wide, varies in width, depends on where you are at. There's no real curb and gutter, just grass up against the sides, parking lots on the other. We have a grass medium, with shallow, steep ditches along the roadway and then a roadway that has a two 12' lanes and basically no shoulders. Little bit of a drop off shoulder and into the ditch. We needed to see what we had, what we needed to fix and how we were going to proceed with the alternatives.

The alternatives we have presented to you last year and have worked on since then are roadway improvements including access to your businesses, various alignment alternatives and the typical section alternatives. Included in that is sidewalk, we had originally proposed the sidewalk being along the northerly side of the right-of-way. At the public input meeting, we heard a lot of concern about having all the pedestrian traffic along the driveways. We'll show that in the future typical section how we proposed to change that. There were some parking alternatives; there are a lot of businesses that park along the frontage road, so we had to look at how we were going to handle that. The frontage road itself, how to improve it, if to improve it. Sanitary sewer, we don't show the water mains going to be improved on here and drainage alternatives also. Quite a complex project.

The first typical section, the one we had presented last year, we showed the frontage road with just 2 driving lanes, that's what the federal highway will participate in, on a local roadway is just the driving lanes. We showed the center median with probably some possible drainage, lighting in the middle and the 3-lane roadway for the new roadway and the sidewalk up against the property line. During the public input process, we heard the concerns about having pedestrians walking by the businesses and traffic either driving out or backing out and having a concern about that. So, we developed another alternative that showed a sidewalk down the median. We studied that and discussed it and I'll get into that a little more briefly, the main line stayed basically the same with the 3-lane section. Those are the 2 typical sections that we had looked at and discussed with all the agencies involved. What we came up with is a final typical section to date is the frontage road, with 2 lanes and a parking lane, the parking lane funded 100% city, and federal highway won't participate in that.

The sidewalk is still along the right-of-way, we will not put a sidewalk in the median. We had several meetings to discuss this, with the City, the DOT, both the district and Bismarck and federal highway. The reason is for it is safety. If we had the driveway over here, and Max is over here. There are cars parked in front of Max's store. People/kids could run up between the parked cars into the traffic. We still had to provide the sidewalk along the frontage road to provide access along for business to business to business. So, we were actually building 2 sidewalks and increasing the risk on pedestrians crossing the roadway on unmarked crossings. It was a consensus of all parties, all agencies that having the sidewalk in the middle was not the safest way to go.

The main roadway did not change, we are still having a 3-lane roadway with the turn lane to get the turning vehicles out of the through lanes to increase the safety and mobility of the main lane. We have provided space for tree plantings and bushes in the medians and in the southerly right-of-way, so that when that enhancement project is scheduled, which it is not yet at this time, but when it is, they won't have to worry about pavement in the way.

There are some other issues that we looked at for other alternatives, especially at the corner of the state hospital road and how it intersected the east business loop. A couple alternatives, one alternative basically leave as is and re-do the striping that is out that is worn out. We recognize the issue with Stop 'n Go's driveway, and if you're coming southbound and you stop where that white pickup is to go into Stop 'n Go, most traffic is coming down the same lane to head out to the interstate, because right now this is a turn lane to state hospital road. Serious issue out there for safety. This curve is a little on the tight side and does not meet the 35 mile an hour design regulations

at this time. We showed a crosswalk in this location because of the intersection that we thought would be the best place to put it, but not a very good place for a crosswalk for people to get across and into Stop 'n Go.

So, we visited with Stop 'n GO in their corporate office in Fargo and showed them that, and we said we have an idea that we'd like to present. If we move your driveway across from the state hospital road, we'd have basically a 4-legged intersection that people are used to. You'd have a turning lane designated for access into your business, a through lane and then a right turn lane to go south. They said, "We like that idea". They had the same concerns that everybody else did about safety. So, this is one we'd like to bring forward, we move the crosswalk up to the north side of 12<sup>th</sup> street, its narrower, has better sightlines and we feel it is better for the pedestrians in that neighborhood also.

A big concern for us and definitely for you is how to get access to your businesses during construction. What we have proposed is a 2 phase construction timeline, the red is phase 1 for construction and that would be mainline road construction, the new sanitary sewer main that is going in to replace your 60 year old, 30" main trunk that is going out to the lift station. The storm sewer, most of the lighting, all that kind of work would be done. We would be then carrying the traffic on the frontage road, and obviously during that time period there would be no parking on the frontage road, but you would have access to your businesses during construction. On the detour, on the frontage road, we will carry it all the way out to the furthest east driveway into the truck stop, that is still a platted street and we can use that for the use of this detour.

For phase 2 construction, that would be the reconstruction of the frontage road and the water main for this part of town that is under the frontage road, so the water main and the street would be constructed at this time and the sidewalk. The main line would be available for use on the green and access to the businesses, right now they could probably do this in phases, one block and then have access to the front, and then switch the construction back and forth. We haven't phased it out completely, but that could happen. While the construction is in front of your business, we can bring them back through the alley and provide access that way. Most everybody has access to the back, and if not, we will work with you to provide access one way or the other to your business. There will be some utility work in 14<sup>th</sup> that we are aware of, we have spoken with WedgeCorp, and they can get in their property by going up 16<sup>th</sup> and back through the alley- with some minor improvements which are all project cost eligible. There are also signs that have been approved for usage on roadways and I think they had them on the west 281 project, where the sign with the business name and the arrow directing you to your businesses, those have worked really good, we have used them on many projects. Once they are up, people get used to seeing where to go for construction.

Funding is always an important thing to talk about. We broke it into 3 different phases, mainline frontage road, sidewalk, and right-of-way issues are split out. Federal highway- \$3.37 million, local share, which includes a lot of the frontage road on that extra parking lane- \$2.3 million roughly and the state picks up \$350,000. That's the 80-10-10 split, with the extra City portion thrown in. The water and sanitary sewer are 100% City costs, those have been programmed, they were in the scoping report at about \$1.5 million, the City has been planning for this project for quite some time.

The storm sewer depending on how that actually lays out, we've estimated right now that the storm sewer would be about \$180,000 for federal portion, \$23,000 for the state and \$233,000 for the City. And the reason the City has such a large portion of the storm sewer because of the cost share of the storm sewer is determined by the drainage area of the system. The DOT has a standard width corridor that they use to calculate drainage areas that are contributing to the roadway. Anything beyond that is considered City cost/City share and there is a large chunk basically of WedgeCorp and up to the railroad track that is contributing to this storm sewer.

What happens next, we will take your input, and it will be recorded. We will incorporate it into the document, we will come back to the City on June 1<sup>st</sup> for their decisions and acceptance of the report and that will be forwarded to the ND DOT and onto Federal Highway for their acceptance of the report which we would expect around July 1<sup>st</sup> and then we would start designing right-of-way acquisition through 2009-2010 with bidding in October and construction in 2011. I didn't have a slide regarding the right-of-way. What we are proposing for right-of-way right now is temporary construction easements along the frontage road, so we can tie the new roadway into your parking lots. Probably about a 20' strip of parking lot, so we can pave it in and match it. Some permanent drainage easements from the new roadway out to the James River in a couple locations and a little bit of right-of-way up

along past Stop and Go where that curve is, we need a couple little pieces of right-of-way that weren't acquired when the roadway was first built to make that curve fit, very minor amounts of right-of-way. Possibly what the road will look like when we're done in the end of 2011.

And with that we would be happy to take any comments, questions. We will answer them the best we can, if we can't answer them tonight, we will have your name on record, we can get back to you on them. Who has the first question?

**Councilman Kourajian:** Where are the lights?

**Steve Windish:** We didn't put the lights on this one, we are thinking the lights will be down the median and we can cover the frontage road and the mainline- we haven't done the design for the lights yet to see if we need lighting on both sides of the mainline.

**Councilman Kourajian:** The sidewalk would be?

**Steve Windish:** The sidewalk would be in the grass median, there is no place to put the sidewalk in the parking lot of the truck stop.

**Harley Trefz, Chair of the Planning Commission:** In light of our new issues, with flooding, and I know we have a wider grass way on the south side, will that solve some of that overland water issue over the man holes and things around there? Or will you need to adjust that differently?

**Steve Windish:** We can blow up our sketch on the computer, to better talk through it. In order to build a flood proof dike, you have to have a certified FEMA dike, which would be maximum flood plus 3'. What I think we'll do and I will have to visit with the City, we'll determine some elevation that they want to build the roadway to, you're still probably going to have to dike alongside the road during flood like we have now, once every 50 years.

**Harley Trefz:** The right-of-way is quite a bit wider than the road bit of course, so when you build the new one, that will be level so there will be room to build dike if we had to rather than having to put it on the edge of the road as it is now.

**Steve Windish:** That is something we'll have to discuss because there is a wetland right here that we will be effecting now and also the 100 year flood plain for the James is being affected by the roadway. The more we do, the more impacts there will be to those 2 issues. It will be a balancing act and we will work with your City Engineer.

**Dr. Gary Pearson, Prairie Veterinary Hospital:** By putting the parking on the south side of the frontage road and the sideway on the north side, you are creating a safety hazard because people who park along the south side will have no choice except to walk straight across the frontage road. There is no sidewalk for them to go anywhere they just go straight across the road and that isn't just people who work along there, any members of the public who park in your designated parking area will have no place to go except straight across the frontage road. You are creating a safety hazard instead of solving one.

**Steve Windish:** That was part of our discussion when we discussed the parking and the sideway. Federal Highway did ask that we put the parking along the north side of the frontage road, that was their preferred option. We said that would be fine, except Hanson Tire, Alpha Opportunities, Patzers and Max would lose a tremendous amount of access to their businesses. Hanson Tires right now uses that because they don't have enough space for their semis to come in. Patzers drive in and out, they don't have room to maneuver in the parking lot except in and out. It was a lengthy discussion.

**Dr. Gary Pearson:** The obvious answer is that you need to put a second sidewalk on the south side, because people who park on the south side have no option except to walk directly across the street.

**Steve Windish:** That is correct

**Dr. Gary Pearson:** Thank you

**Paul Benning, ND DOT:** November bidding, not October bidding

**Allen Entzel:** I am wondering if the project can possibly address the issue at the culvert where the Oxbow flows underneath the state hospital road, just the south edge of the current project. Is it possible to address the issue of the flow through that culvert under that state hospital road, this may become more of an issue with the project as I understand from looking at the maps out in the lobby there will be some additional storm drainage into the portion of the Oxbow behind the Farmer's Union feed area and further east.

**Steve Windish:** The culvert crossing was looked at briefly and felt that it was outside the scope of this project to do a major hydraulic study for that to determine the culvert that would something that would have to be done at another time. We did discuss with the City staff the maintenance of the pumps and when there is rain and the river is high- they have to get out there and get the pumps going, turn off the upstream and downstream and the process that needs to be followed for that. We looked at it and the amount of runoff coming into this oxbow, would not be greater than the capacity of the pumps once the dike has been closed off even with all the drainage to the north and west. The addition we are adding to the system is pretty small comparatively speaking.

**Allen Entzel:** Second question relating to funding: the local obligation was going to be about 4 million, can you or someone from the City explain how that 4 million will be funded. Will that be a City wide issue or will it be addressed to local business or property owners?

**Steve Windish:** Jeff can you speak to that?

**Jeff Fuchs, City Administrator:** There will be a district established for the benefited properties in that business loop area. A good share of the local cost for the roadway will be assessed to those local property owners, especially when you're talking about the parking area along the frontage road and the frontage roads. Relative to the replacement of the 30" sanitary force main and the water line, again the 30" sanitary does serve the entire City and goes out to our main lift station, so that will be covered somehow on a City-wide basis, whether through the utility or something of that nature. The water main that serves that area will be assessed to those property owners that are benefited by it. And in any project the City does, they generally pick up 10% of that cost, that local cost on a City-wide basis. And in some cases, on a Federal project such as this, they have gone to 15%, which is a decision the council's going to have to make when we get closer to making some of the final numbers.

**Randy Borowicz, Mac's:** Roughly on these drawings, how much parking am I going to lose in front of my store?

**Steve Windish:** Nothing

**Randy Borowicz., Mac's:** Do we really need a sidewalk over here?

**Steve Windish:** The sidewalk in front of your businesses, starting at the Prairie Veterinarian will be a continuous driveway sidewalk all the way through. It will be a concrete slab port. The Federal Highway said, the only way they will not require a sideway is if you can prove 100% for the life of the project you will not have a pedestrian on that roadway. In an urban setting you can't do that, so we have to have a sideway. It will be a sidewalk/driveway combination. You will not lose anything, we are not going to restrict your driveway, and we are not going to put any cuts in there. It's going to be continuous in the front of your property.

**Steve Windish:** Any other questions/comments. There is continuing opportunity for comments. You should have picked up a comment sheet, on there is our mailing address or e-mail address with a 2-week comment period which will end May 27, 2009. At that time, we will compile the comments and bring back to the City on June 1<sup>st</sup>. We are here for another hour and 10 minutes for sure, if you have any more comments or concerned. We would like them in here if possible, so that they are part of the record. I know we had some conversations out in the hallway, but to get them on the record we should have them in here as well.

**Steve Windish:** The water main improvement will include water service to the properties south of the frontage road, the greenhouse and that area that don't have City water at this time, we will be adding that to the project.

**Mayor Liechty:** When you start the project, what are you looking at time wise from the start of construction to the finish of construction?

**Steve Windish:** Construction will probably start as soon as the contractor can get started in April or May. If we have another year like this year, 2 years from now, hard to say, but normal construction will start mid-April with pavements removals, moving traffic, starting the underground. Most likely because of the scope of the project and how much there is to be done, it will probably go into October. It will be a long season, there is a lot of work to be done.

**Darrell Patzer, Patzer & Patzer:** Is the allocation of the total cost done with the front footage of your business or values of total square feet or how is it looked at?

**Steve Windish:** Most cities, and I can't speak for Jamestown exactly, but it's based on front footage, except for the storm sewer, that's typically based on drainage area. So if you're WedgeCorp, you have a larger area than Patzer and Patzer. I can't speak for that at this time for sure, but that is typically how it is done.

**Harley Trefz, Planning Commission:** I would rather see parking along the north side alongside the sidewalk as well and I know that means there are less parking spaces along that strip. Would it be possible, to let us know how many parking places there are in comparison between south and north, if you left the front open, the driveway/sidewalk combination in front of those business it looks like it would eliminate all but a few parking places on that north block, is that correct?

**Steve Windish:** that is correct. There would be no parking in front of Ansen's, Elfa, Patzer and Patzer because they have access all the way through, and Max if we gave them 2 driveways instead of 1 long one they might get 1 or 2 spots, but that's it. They need to maintain access to the businesses.

**Harley Trefz, Planning Commission:** You'd be losing about 20-25 parking spaces along there.

**Steve Windish:** More than that, and it would become: is it cost effective to put the parking lane there for parking in front of Prairie Veterinarian for a few spots and maybe up here by the intersection, but there would be virtually no spots elsewhere.

**Harley Trefz, Planning Commission:** In that block there'd be no parking?

**Steve Windish:** In that block, right.

**Harley Trefz, Planning Commission:** Ok, thank you.

**Laurie Podoel, Alpha Opportunities:** I was wondering about snow removal, pretty much all of us right now remove snow and put it in the ditch- what's up with our choices for snow removal?

**Jeff Fuchs, City Administrator:** I can address that, as far as snow removal. Basically, we do have a City ordinance that does prohibit anybody from taking snow from parking lots and any private property and putting it on right-of-way. The City has been somewhat lax in enforcing that. When this project is done, that will be enforced and you will have to remove that snow, as do many other business properties around the community. We had that issue up on 281 South as well, and once we go to the Urban Section, you will not be allowed to put that snow in the public right-of-way. The other question, that was asked, dealt with how the assessments work, whether it's a front footage or square footage. As long as I've been with the City, our assessments have always been done on a square footage basis, which is a unit value and a typical unit is 7,000 sq. feet and I'm anticipating unless special assessment commission comes up with a new formula, that we will continue to do that. The one thing I can say because we have the river on the south side, we take a look at what the usable property is, when there's a river lot or a hillside and we do use some depth factors. If you have some property that is totally unusable because it fronts the river or on a hillside, that is taken into consideration. But, generally speaking it's done on a unit basis, based on 7,000 sq. feet.

**Steve Windish:** If there are no other questions or comments, Mayor?

**Mayor Liechty:** We will close the public hearing and the decision will come before the council on June 1<sup>st</sup> to approve or disapprove the project. Thank you for coming.  
A full audio tape of meeting is available at Ulteig.

## **4. Summation of Comments**

PRAIRIE VETERINARY HOSPITAL  
1305 Business Loop East  
Jamestown, North Dakota 58401  
Telephone (701) 252-9470

May 13, 2009

Re: May 12, 2009, Public Hearing on Jamestown East Business Loop Reconstruction

Mr. J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, North Dakota 58504

RECEIVED BY

MAY 14 2009

ULTEIG ENGINEERS

Dear Mr. Windish:

I would again, for the record of the May 12, 2009, Public Hearing on the Jamestown East Business Loop Reconstruction, like to express my strong objection to the provision in selected Alternative 2 for the placement of the sidewalk along the north side of the frontage road.

Placement of the sidewalk across the entrances to the businesses on the north side of the frontage road clearly creates a safety hazard for anyone using the sidewalk, as is clearly demonstrated by the fact that the entire sidewalk from our parking lot east to 15<sup>th</sup> Avenue S.E. would not actually be a sidewalk but would be entrances to those businesses. Encouraging bicyclists to use the designated 'sidewalk' area crossing the entrances to those businesses further escalates the safety hazard for both the bicyclists and the motorists patronizing those businesses.

The Federal Highway Administration's contention that placement of the sidewalk in the median along the south side of the frontage road would create a safety hazard because children might run from the sidewalk between cars parked on the south side of the frontage road to businesses on the north side is without merit because the same potential exists with any street in the city. That is why we have sidewalks and designated pedestrian crossings and ordinances prohibiting crossing streets at other than designated crosswalks.

Selected Alternative 2 would establish a designated parking lane along the south side of the frontage road with no sidewalk, thus leaving the public—including children—with no alternative except to jaywalk by (a) crossing the frontage road directly to businesses on the north side, or (b) walking in the traffic lane of the frontage road to cross at an intersection. Indeed, the design deliberately creates the very safety hazard it purports to avoid. As the designer of the project, Ulteig Engineers needs to explain to the Federal Highway Administration the absurdity of spending public funds to create a parking area on the frontage road that cannot be safely or legally used.

I would further submit that the creation of a designated parking lane on the south side of the frontage road constitutes a clear invitation to the public to use it, and that failure to provide an appropriate means for the public using that parking lane to get to a designated pedestrian crossing

easily and safely arguably could establish legal liability for Ulteig Engineers, Inc., the City of Jamestown, and the North Dakota Department of Transportation in the event that a child or other member of the public were to be injured or killed walking on or crossing the frontage road from the parking lane<sup>1</sup>.

I would again point out that the most logical way to achieve the stated goals of providing parking along the frontage road and enhanced access for pedestrians and bicyclists is to place the sidewalk in the median along the south side of the frontage road adjacent to the parking lane, with designated pedestrian crossings at appropriate locations (including specifically Alpha Opportunities, Inc.), just as is done in other areas of the city.

I request that this letter be included in the official record of the May 12, 2009, Public Hearing on the Jamestown East Business Loop Reconstruction.

Sincerely,



Gary L. Pearson, D.V.M.

pc: North Dakota Department of Transportation Director Francis G. Ziegler, P.E.  
Jamestown Mayor Clarice Liechty  
Jamestown City Council Member Charlie Kourajian  
Jamestown City Administrator Jeff Fuchs  
Jamestown City Attorney Kenneth Dalsted  
Jamestown City Planning Committee Chairman Harley Trefz  
Carecentric  
Mac's Hardware  
Patzner & Patzer, Inc.  
Alpha Opportunities, Inc.  
Hanson Tire Service, Inc.  
Editor, The Jamestown Sun

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<sup>1</sup> Inclusion of this letter in the record of the May 12, 2009, Public Hearing on the Jamestown East Business Loop East Reconstruction provides confirmation that Ulteig Engineers, Inc., the City of Jamestown, and the North Dakota Department of Transportation were made aware of this potential liability issue before the project was approved.



The City of  
Jamestown, ND  
RECEIVED BY



MAY 21 2009

**May 12, 2009 COMMENT CARD**

(Please return by May 27, 2009)

**PUBLIC HEARING:** Jamestown East Business Loop Reconstruction

**NAME** (please print): Vernon Quam **ADDRESS** (please print): City Hall, 1023rd Ave SE  
City Forester Jamestown

(Comments may also be submitted by email to: [Steve.Windish@ulteig.com](mailto:Steve.Windish@ulteig.com))

**I wish to offer the following comments:**

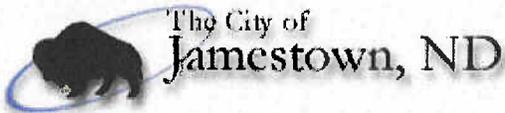
1. On your proposed drawing, I notice only trees on the right side and only shrubs on the left side. I would like to see trees on both sides, planted in a staggered rows (2 rows) and shrub plantings integrated to reduce mowing. I realize this is only a conceptual stage, but felt I should remind you before a final plan is developed.

2. Diversity in the planting design will allow more flexible change if required and make the planting more attractive.

I'm sorry I was not able to attend the meeting on May 12,  
Vernon Quam May 20, 2009

Please leave your comment sheet with us tonight or mail your comments by May 27, 2009 to:

**J. Steven Windish, P.E.**  
**Ulteig Engineers, Inc.**  
**1412 Basin Avenue**  
**Bismarck, ND 58504**



May 12, 2009 COMMENT CARD

(Please return by May 27, 2009)

PUBLIC HEARING: Jamestown East Business Loop Reconstruction

NAME (please print): Patzer & Patzer, Inc ADDRESS (please print): 1313 Business Loop East

(Comments may also be submitted by email to: [Steve.Windish@ulteig.com](mailto:Steve.Windish@ulteig.com))

I wish to offer the following comments: I agree completely with Dr. Gary Pearson's letter, dated May 13, 2009. Sidewalk on the north side of the frontage road will have continual traffic crossing. Sidewalk on the south side will have no traffic crossing, plus has the advantage of lighting at night. This is safer for the public and reduces liability for everyone. It's a win-win.

Danell Patzer  
5-14-09

RECEIVED BY

MAY 22 2009

ULTEIG ENGINEERS

Please leave your comment sheet with us tonight or mail your comments by May 27, 2009 to:

J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, ND 58504



# Communication Record

Time: 11:19 AM	Date: May 20, 2009
----------------	--------------------

I, *Steve Windish*, talked with *Richard Seeking*

Of *Starlight Motel*.

Phone Number (701) 252-5896

- |                                                            |                                                  |                                        |
|------------------------------------------------------------|--------------------------------------------------|----------------------------------------|
| <input type="checkbox"/> I Called                          | <input checked="" type="checkbox"/> Party Called | <input type="checkbox"/> I Visited     |
| <input checked="" type="checkbox"/> I Returned             | <input type="checkbox"/> Party Returned          | <input type="checkbox"/> Party Visited |
| <input type="checkbox"/> Conference Call<br>Others on Line |                                                  |                                        |

UEI Job No. 307.155 Subject Jamestown East Business Loop Reconstruction

I returned Mr. Seeking's phone call at 11:45 AM. Following is a summary of Mr. Seeking's questions and response thereto.

Mr. Seeking stated that he has heard recently the roadway will not have curb and gutter, and last year he was told it would be. Which is it? The proposed design includes curb and gutter.

Are there minutes from the public hearing? The public hearing was recorded on an audio tape and will be transcribed. The transcription will be included in the final document.

When will it be acted on? The time line includes the City Council to act on the report at their June 1<sup>st</sup> regular meeting. After that it will be forwarded to NDDOT and FHWA. It is expected that authorization to proceed will be received around July 1, 2009.

What recourse do the adjacent properties have? Contact City Hall.

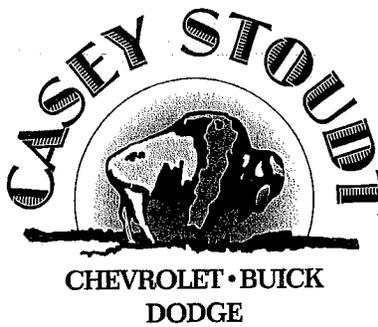
Are maps available for review? Maps are available at City Hall.

What could the median be constructed with? The proposed design includes the median to be grass. It could also be concrete or asphalt but these will be more expensive. If the median is grass, there is a potential for future landscaping.

Action Needed

None at this time.

Copied To: Reed Schwartzkopf, Jeff Fuchs,



RECEIVED BY

MAY 27 2009

ULTEIG ENGINEERS

Mr. Jeff Fuchs  
City Administrator  
City of Jamestown  
102 3<sup>rd</sup> Avenue SE  
Jamestown, ND 58401

5/24/2009

Dear Jeff,

Please accept this letter as comment about the upcoming East Business Loop project. I am deeply concerned about the location of the sidewalk in this project. I see two solutions.

1. Delete the sidewalk and it's current as well as future maintenance cost
2. Move the sidewalk to the south side of the frontage road

It would be a disappointment to lose the entire project over such a simply solved issue.

Thank you,

Casey Stoudt

cc: Ulteig Engineers

1513 Business Loop East • PO Box 1938 • Jamestown, ND 58402  
701-252-2360 • Fax: 701-252-5735 • Toll-free: 888-287-9522



[www.caseystoudt.com](http://www.caseystoudt.com)

MICHELIN  
BF GOODRICH  
DUNLOP  
GOODYEAR  
MEDALIST

# HANSON TIRE SERVICE, INC.

SALES AND SERVICE

1321 Business Loop East  
Jamestown, ND 58401  
(701) 252-7075  
Fax (701) 252-4619

MICHELIN AND  
GOODYEAR  
RECAPPING  
UNIROYAL  
TITAN

5-22-09

Mr. Steven Hindisch  
Ulteig Engineers Inc.

RECEIVED BY

MAY 28 2009

Dear Mr. Hindisch:

ULTEIG ENGINEERS

I also agree with Dr. Pearson's letter dated March 13, 2009 Sidewalk on the north side of the frontage road would create problems for our customers, vehicles, to enter service doors to our building. Sidewalk on the south side would be better in the median or eliminated. In our business it is important to also have parking area for our customers, and safe conditions for others.

Sincerely,

Brian J. Hanson

## Jennifer Hanley

---

**From:** Steve Windish  
**Sent:** Friday, June 05, 2009 7:42 AM  
**To:** Reed Schwartzkopf; Jennifer Hanley; Josh Olson; Matt Kinsella  
**Subject:** FW: Business Loop East Reconstruction

Public input

*J. Steven Windish PE*  
Ass't Vice President  
Surface Transportation & Infrastructure  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, ND 58504  
Phone: 701.355.2333  
Cell: 701.471.5621  
Fax: 701.224.1163

[Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com)

<http://www.ulteig.com>

---

**From:** Wade Lambrecht [mailto:wlambrec@fastenal.com]  
**Sent:** Friday, June 05, 2009 7:37 AM  
**To:** Steve Windish  
**Subject:** Business Loop East Reconstruction

Concerns about the project.

1. Time of construction. I do feel that the time that is "estimated" is quite extensive. I believe the project could be done much quicker than suggested. An 8 month span of construction will have a huge impact on our business, along with the business of others along the road.
2. The sidewalk seems to be a concern with the other businesses on the north end of the road. This particular piece of the project does not affect me, but I do feel it is not necessary due to the lack of foot traffic they do have.
3. I am for the use of concrete versus asphalt for the project. This will increase the connectivity of the road.

My other concern of course will be the cost. These will be unknown until the assessment committee will meet, and the "bugs" are ironed out. Due to my company owning the property, I am unsure on what their feelings will be on the project with any assessments. They will notify me of their decisions when we are able to find out more information on what will be handed down.

Wade Lambrecht

General Manager  
Fastenal



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JUN 08 2009

May 12, 2009 COMMENT CARD

ULTEIG ENGINEERS (Please return by May 27, 2009)

PUBLIC HEARING: Jamestown East Business Loop Reconstruction

NAME (please print): MAC's IWC Randy Borawick ADDRESS (please print): 1309 BUSINESS LOOP EAST

(Comments may also be submitted by email to: Steve.Windish@ulteig.com)

I wish to offer the following comments: The ISSUES That come to

me about Business Loop EAST Road projects are:

1) I don't think we need a sidewalk or parking AREA on the frontage Road. (only a overlay)

2) NO work on the sewer

3) we need to know what each one of us is going to pay in specials

4) NO sewer work

5) NO curb and gutter

6) A short construction season of only 45-60 days

7) I don't think we need turning lanes on the main ROAD.

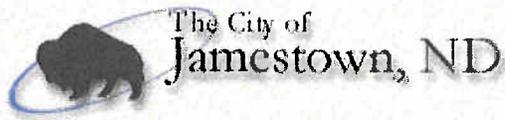
(Main concerns cost and length of project or cancel the project)

Lyle Ramin  
MAC's IWC 252-7866

Please leave your comment sheet with us tonight or mail your comments by May 27, 2009 to:

I believe we should cancel the project...

J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, ND 58504



May 12, 2009 COMMENT CARD

(Please return by May 27, 2009)

PUBLIC HEARING: Jamestown East Business Loop Reconstruction

NAME (please print): James & Debra Schumacher ADDRESS (please print): Loop East Storage

(Comments may also be submitted by email to: [Steve.Windish@ulteig.com](mailto:Steve.Windish@ulteig.com))

I wish to offer the following comments: We Feel that the City should rebuild the main Road with Both water & sewer main Replacements. - Our property is located on South side of main Road. so we would not be impacted from Improvements or Leaving North Street as is so we have no opin on regard what to do to that area- However if storm water improvement need to be made that should also be done. as long as assements do not Fall only on property owners on North or South Roadway.

RECEIVED BY

James - & Debra Schumacher

owners of Loop East Storage.

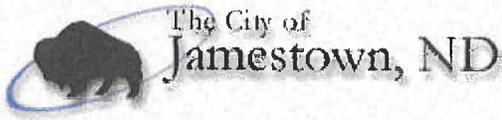
JUN 09 2009

Mark You as please

ULTEIG ENGINEERS

Please leave your comment sheet with us tonight or mail your comments by May 27, 2009 to:

J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, ND 58504



May 12, 2009 COMMENT CARD

(Please return by May 27, 2009)

PUBLIC HEARING: Jamestown East Business Loop Reconstruction

NAME (please print): Patzner & Patzner Inc. ADDRESS (please print): 1313 Business Loop East

(Comments may also be submitted by email to: [Steve.Windish@ulteig.com](mailto:Steve.Windish@ulteig.com))

I wish to offer the following comments:

Two requested changes:

1. Sidewalk to south of frontage road.
2. Eliminate parking lane on frontage road

Due to the projected costs for me as a business owner, I request that the frontage road not be pursued and that redoing the mainline is optional.

*Daniel Patzner*

RECEIVED BY

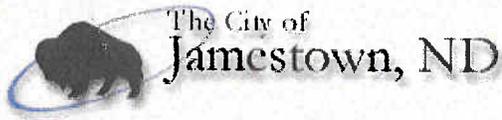
6-8-09

JUN 09 2009

ULTEIG ENGINEERS

Please leave your comment sheet with us tonight or mail your comments by May 27, 2009 to:

J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, ND 58504



June 2  
**May 12, 2009 COMMENT CARD**

June 16  
(Please return by ~~May 27~~, 2009)

**PUBLIC HEARING:** Jamestown East Business Loop Reconstruction

**NAME** (please print): Gary L. Pearson **ADDRESS** (please print): 1305 Business Loop East

*(Comments may also be submitted by email to: [Steve.Windish@ulteig.com](mailto:Steve.Windish@ulteig.com))*

**I wish to offer the following comments:** I request that the attached letter and enclosures

be included in the record of the public hearing on the Jamestown East Business Loop

Reconstruction

RECEIVED BY  
JUN 15 2009  
ULTEIG ENGINEERS

Please leave your comment sheet with us tonight or mail your comments by ~~May 27~~, 2009 to:

**J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, ND 58504**

**PRAIRIE VETERINARY HOSPITAL**  
1305 Business Loop East  
Jamestown, North Dakota 58401  
Telephone (701) 252-9470

June 12, 2009

Re: June 2, 2009, Public Meeting on Jamestown East Business Loop Reconstruction

Mr. J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, North Dakota 58504

Dear Mr. Windish:

A prior commitment prevented me from attending the June 2, 2009, Public Meeting on the proposed Jamestown East Business Loop Reconstruction project. However, I have reviewed a tape recording of the meeting and have talked with others who attended the meeting, and it is apparent that the only viable alternative at this point for Jamestown East Business Loop business owners and managers is to proceed with preparations to protest the assessments for the project. This conclusion is based on the following:

1. Lack of Involvement of the Affected Community in Development of the Project

At the June 2, 2009, Public Meeting, Jamestown City Engineer Reed Schwartzkopf expressed surprise at the level of opposition to the project because:

“There is supposed, in effect, to be some sort of unified community support for a Federal aid project before it gets off the conceptual drawing board.”

I have owned and operated the Prairie Veterinary Hospital on the East Business Loop for over 25 years, but the first I heard of the proposed reconstruction project was in your March 21, 2008, visit where you outlined the proposed realignment of Highway 52 and the reconstruction of the frontage road, including the construction of a sidewalk along the north side of the frontage road.

To my knowledge, none of the East Business Loop business owners were consulted or advised in any way about the project before the preliminary roadway alignment and frontage road reconstruction were developed.

Your June 11, 2008, memorandum to City Administrator Jeff Fuchs and Mayor Clarice Liechty stated that:

“The following narrative summarizes the feedback received from Dr. Pearson. If the sidewalk is constructed where it is shown, it will probably affect his sign and mailbox. *The sign will have to be moved off the city right-of-way. The mailbox may be relocated*

*as a part of the project. Customer access during construction will be important.”*  
(Emphasis in original)

Consequently, your memorandum confirms that the general design of the project and the location of the sidewalk already had been determined before I and other East Business Loop business owners even had been told there was going to be a project. Your memorandum does not reflect the fact that I told you explicitly that our sign is located on Prairie Veterinary Hospital property and not on City property.

The failure to involve the affected community in the development of the project is further demonstrated by the fact that the three project alternatives presented at the June 24, 2008, Public Meeting on the East Business Loop Project Concept Report were developed without further consultation with or opportunities for involvement of the East Business Loop business owners.

Even the June 2, 2009, Public Meeting, which ostensibly was to “address the questions and concerns” of East Business Loop business owners, was scheduled at 5:30 PM and the agenda was developed without consultation with the business owners. The meeting clearly was scheduled for the convenience of the officials involved, without consideration for the fact that some of the businesses owners and operators work until 6:00 PM or later and/or might already have other commitments.

## 2. Failure to Address Business Owners’ Questions and Concerns Objectively and Substantively

When the representative from Mr. Schwartzkopf’s office stopped by on May 28, 2009, to inform me of the June 2, 2009, Public Meeting, I told her that I had a prior commitment and would not be able to attend. I also told her that, based on my discussions with other East Business Loop business owners, the meeting would be a waste of time unless it was going to address the information outlined in the business owners’ May 20, 2009, request and the concerns outlined in their May 26, 2009, letter to City officials. However, the agenda for the meeting began with a reiteration of the same information you had presented at the May 12, 2009, Public Hearing, and when you were asked when the information requested by the business owners on May 20, 2009, and in their May 26, 2009, letter would be provided, you said:

“You will have to turn that over to the City because we weren’t given a copy of the questions and the letter.”

How can it be claimed that the purpose of the meeting was to address the questions and concerns of the business owners when principal participating officials hadn’t been told of the questions and concerns those business owners already had presented formally? Clearly, the purpose of the meeting was not to address the questions and concerns of the business owners, but rather simply another attempt to sell the project to them.

Enclosed for your information and for the record of the Public Hearing on the Jamestown East Business Loop Reconstruction project are copies of (1) our May 20, 2009, formal request to City officials for information on the costs and assessments for the project and (2) our May 26, 2006, letter to City officials formally raising additional concerns about the costs and assessments for the project and recommending consideration of a less extravagant alternative. Incidentally, we still have not received responses to our May 20, 2009, request and May 26, 2009, letter.

Attendees at the June 2, 2009, Public Meeting were repeatedly told that they needed to tell Ulteig Engineers and the City what they want. However, instead of the attendees’ input being

considered seriously, virtually every time they tried to tell you and the City officials their concerns and what they wanted, their comments were dismissed with non-substantive, irrelevant, self-serving and/or inconsistent arguments. For example, when attendees repeatedly said that they did not want a sidewalk on the north side of the frontage road, they were told that it doesn't matter what they want, there will be a sidewalk on the north side of the frontage road.

For the record, I DO NOT want a sidewalk on the north side of the frontage road.

#### 2 A. *Costs*

First, it is important to remember that the business owners did not ask for this project and they are not the ones who are proposing it. The business owners explained repeatedly at the June 2, 2009, Public Meeting that they cannot determine what they want without knowing what it is going to cost them and whether they can afford it. However, instead of providing them with estimates of the costs of various project features and of their assessments for those features, they were told that:

“There has not been an assessment district set up yet because we don't know what the costs are going to be, we don't know what we are building, so all we can talk right now is generalities.”

However, selected Alternative 2 clearly outlines the principal features of the project that is being proposed and the gross costs have been estimated. In addition, the City obviously could develop some 'ballpark' information of how the estimated local costs will be assessed so the business owners could make more informed decisions about the project. Perhaps government and government project designers can decide what they want without considering what it will cost, but business owners who operate that way don't survive very long.

#### 2 B. *Sidewalk From Nowhere to Nowhere*

The location of a sidewalk along the north (business) side of the frontage road in selected Alternative 2 is only a small component of the entire project, but it has been raised as a significant concern by a number of the business owners, and it serves as an example of the unwillingness of the project designers to address issues raised by the business owners in a substantive and objective manner. For example, although I outlined specific concerns with the location of the sidewalk on the north side of the frontage road in my May 20, 2009, formal letter to you for the record of the May 12, 2009, Public Hearing (copy enclosed), your remarks regarding the location of the sidewalk at the June 2, 2009, Public Meeting totally ignored those issues. And when attendees at the June 2, 2009, Public Meeting raised other issues about the location of the sidewalk, instead of addressing those issues objectively and factually, you responded with irrelevant and self-serving arguments clearly intended to dismiss the issues raised by the business owners and to defend a decision that already had been made.

According to the brochure that Ulteig Engineers prepared for the May 12, 2009, Public Hearing on the Jamestown East Business Loop Reconstruction Project Concept Report, which you distributed again at the June 2, 2009, Public Meeting, one of the current deficiencies in the project area is:

“Pedestrian/Bicyclist Access and Safety. Currently there are no sidewalks or paths within the project area.”

Consequently, the purpose of having a sidewalk on the frontage road (despite the facts that it is not a Federal highway and most bicyclists coming to and leaving town use the Route 52 main highway) ostensibly is to enhance pedestrian and bicyclist access and safety. However, the nearest sidewalk that pedestrians and bicyclists might use to get to the frontage road is more than a quarter of a mile to the west, on the north side of 10 Street, S.E. (Route 52) running west from 11<sup>th</sup> Avenue, S.E. (The sidewalk around the island at the intersection of 10<sup>th</sup> Street, S. E., and 12<sup>th</sup> Avenue, S. E., is virtually inaccessible to both pedestrians and bicyclists.) And the sidewalk would simply end at the east end of the frontage road so anyone who might use it would be turned back out on the highway. The proposed sidewalk on the frontage road is, literally, a sidewalk from nowhere to nowhere.

Attendees at the June 2, 2009, Public Meeting pointed out that the frontage road qualifies under two (Cost is excessively disproportionate to need and Sparse population indicates an absence of need) of the three provisions exempting Federal aid highway projects from the requirement for sidewalks. However, instead of considering the validity of these exemptions for the East Business Loop, they were simply dismissed as not being applicable.

Attendees at the June 2, 2009, Public Meeting pointed out that most of their customers drive to their businesses and virtually none walk there. But instead of addressing these statements of fact objectively, you dismissed them with the ludicrous argument that, because just one person might walk from Hanson Tire to MAC's Hardware sometime in the next 35 years, it is necessary to have a sidewalk on the north side of the frontage road. You completely disregard the increased safety risks for pedestrians and bicyclists associated with the placement of a sidewalk across the entrances to the parking areas of the businesses. For example, anyone familiar with the frontage road knows that semis and large farm implements commonly are parked in front of Hanson Tire for service, right in the area you are proposing for the sidewalk. Pedestrians and bicyclists using the sidewalk clearly would be exposed to increased safety risks from collision with those vehicles or from being forced to turn out onto the frontage road to get past them.

It is instructive to note that in Alternative 2, after running on the north (business) side of the frontage road from 13<sup>th</sup> Avenue, S. E., to 16<sup>th</sup> Avenue, S.E., at 16<sup>th</sup> Avenue, S. E., the sidewalk would abruptly be shifted to the south (median) side running east from 16<sup>th</sup> Avenue, S. E. Why this shift from the business side to the non-business side? Apparently because of the safety hazards presented by traffic at the Truck Stop. But, why then are similar safety hazards not presented by traffic entering other businesses on the north side of the frontage road?

Finally, your arguments for placement of a sidewalk on the north (business) side of the frontage road are flatly refuted by the demonstrable fact that the sidewalk for the Route 281 south frontage road is located on the non-business (median) side. Consequently, it clearly is not necessary for the sidewalk for the East Business Loop frontage road to be on the business side in order to qualify for Federal funding.

The failure to address even this one small issue raised by the East Business Loop business owners in a substantive and logical manner provides a clear indication of what can be expected with the other issues they have raised. Consequently, I am in full agreement with Mr. Casey Stout that the location of the sidewalk for the East Business Loop frontage road is a 'deal breaker' for the entire project.

### *2 C. Loss of Business Revenues During Construction*

All of the East Business Loop business owners have expressed, both verbally and in writing, their concerns over the loss of business revenues during the April to October 2011 project construction period, and some have indicated that the loss of business revenues coupled with the increased assessments for the project may force them out of business. However, rather than addressing this major concern objectively and specifically, project officials have offered only vague generalities about things that could be done to reduce the impacts.

A case in point is the proposal to improve the alley behind the businesses on the north side of the frontage road and to route customers to those businesses via the alley. However, the proposal is not workable because parking space is not available behind most of those businesses, the alley does not go through at the west end, it is not wide enough to accommodate two-way traffic safely, and there is not sufficient space for vehicles to turn around in the alley. Indeed, the extreme difficulty of accessing those businesses from the alley would still result in substantial losses of revenues for the businesses.

I would point out further that routing traffic to the alley would necessarily result in other businesses' customers using our parking lot for parking and for turning around so they could head back east on the alley, thus significantly increasing the safety hazards, not just for one person, but for all of our staff, our clients and our patients.

### *2 D. Overlay Alternative*

At the June 2, 2009, Public Meeting, business owners proposed the alternative of overlaying the frontage road instead of the proposed complete reconstruction. However, instead of addressing the suggestion factually and objectively, you summarily dismissed it by stating that even a 1.5-inch overlay would block drainage coming from the north. The comment is ludicrous for two reasons. First, a 1.5-inch overlay would block drainage only to a depth of 1.5 inches. And second, it would be relatively simple and inexpensive to lower the level of the frontage road by 1.5 inches in those areas. This is simply another example of the pervasive unwillingness to consider substantively and objectively public input that would involve modification of the project as it already has been designed.

### *2 E. Use of Federal Funding as a Cudgel*

I don't know where you were on April 15<sup>th</sup>, but the last time I checked the Federal Government had no money and all of its funds came directly or indirectly from the public. The notion that Federal—and State—funds for the Jamestown East Business Loop Reconstruction project are 'free' is a myth that is a principal contributor to everyone's rising tax burden. The truth is the public, including the East Business Loop business owners, are paying for this and thousands of other Federal aid projects like it across the country.

Several times during the June 2, 2009, Public Meeting, instead of addressing public input objectively and factually, the possible loss of 80% Federal funding was raised as a threat to avoid addressing the issues. For example, no evidence was provided that the sewer and water lines on the East Business Loop will have to be replaced in the foreseeable future, but the attendees were told that if the sewer and water lines are not replaced now, they will be responsible for the full costs if they should have to be replaced in the future. No consideration was given to the possibility that the existing sewer and water lines may not have to be replaced within the next 35 years or to the fact that replacing the lines now will not guarantee that they will last 35 years and

that the businesses will still be assessed for any repairs that are necessary in the future even if the lines are replaced now.

The East Business Loop business owners pointed out in their May 26, 2009, letter that they have seen no evidence that the proposed project will result in any tangible benefits to compensate them for the lost revenues and increased taxes resulting from the project, and that they do not feel the availability of 80% Federal funding justifies the substantial negative economic impacts to their businesses. At the June 2, 2009, Public Meeting, Betty Jo Krenz pointed out that the availability of Federal funding doesn't matter if her lost business revenues and increased assessments force her out of business. However, these issues have not been addressed.

#### *2 F. Lack of Comprehensive Planning*

The Public Hearing on the Jamestown East Business Loop Reconstruction project was postponed three times, from March 24, 2009, to April 9, 2009, to May 1, 2009, to May 12, 2009, because of flooding in Jamestown.

In their May 26, 2009, letter, the East Business Loop business owners pointed out that:

“At this time of economic uncertainty and with the City facing major costs for repair and replacement of infrastructure associated with the current flood, we do not believe that such an extravagant project is warranted or wise.”

On May 31, 2009—three days before the June 2, 2009, Public Meeting—*The Jamestown Sun* reported that the principal concern shown by the flooding is the pipes that make up the sanitary sewer system, and it quoted City Engineer Reed Schwartzkopf as saying:

“There is a fair amount of infrastructure that dates to the 1890s, and a lot of stuff that is 80 or 90 years old.”

“I'd like to get to the point where all of the below ground infrastructure is less than 50 years old. **If we can achieve this without going bankrupt.**” (Emphasis added)

The *Sun* went on to report that:

“Schwartzkopf said \$10 million could be spent on immediate needs of the sanitary sewer system. He suggested total repairs may reach \$25 million.”

and:

“It is going to take seven to 12 years to get where we need to be.”

and it quoted Mayor Liechty as saying that:

“[The sewer problems] should be the number one priority for the city staff and council.”

A substantial portion of those \$10-\$25 million infrastructure costs undoubtedly will be assessed to the citizens and businesses throughout Jamestown, including the East Business Loop business owners. However, despite the fact that the \$10-\$25 million costs for the City's “number one priority” renovation of its sewer system could bankrupt the City, we have seen no consideration

of how the proposed East Business Loop sewer replacement fits in with those priorities or if the City can afford those additional costs.

Attendees at the June 2, 2009, Public Meeting were told that the sewer lines that would be replaced in the East Business Loop project are approximately 60 years old and they were slip-lined about 30 years ago. Because the costs for renovating the City's sewer system could bankrupt the City, comprehensive planning clearly is necessary in order to establish the relative priority of replacing the 60-year-old sewer lines on the East Business Loop compared with the priority of replacing 80 to 110 year-old sewer lines elsewhere in the City. Indeed, those 80-110 year-old sewer lines already have functioned 20-50 years longer than the newer 60-year-old lines that presumably are made of better materials.

Consequently, based on your statement that the new road will last 35 years so the City has to decide if it wants to gamble on a sewer line that will be over 100 years old (actually 95 years old) before the road wears out, it appears that it would be better for the City to spend the money on replacing those 80 to 110 year-old sewer lines now and deal with the sewer lines on the East Business Loop later when they actually need renovation.

Despite the flooding problems that have been going on for the past two-and-a-half months, no mention was made at the June 2, 2009, Public Meeting of how the proposed East Business Loop Reconstruction project fits into a comprehensive plan to meet the City's needs now and in the future. Instead, the East Business Loop Reconstruction is being approached in a piecemeal fashion as an isolated project without consideration for how it fits with other higher priority needs of the City or whether the City can even afford it.

### 3. Conclusion

If Ulteig Engineers wants to continue spending time and money designing a Jamestown East Business Loop Reconstruction project that is not going to be built, that is their business. However, if the City of Jamestown is seriously interested in developing a viable project, it will be necessary to engage an engineering firm that is prepared to work professionally and cooperatively with the East Business Loop business owners to design a project that addresses their concerns and that they and the City can afford.

Sincerely,



Gary L. Pearson, D.V.M.

pc w/encl: Francis G. Zieglert, PE, Director, North Dakota Department of Transportation  
Gerald Floden PE, PLS, President and Chief Executive Officer, Ulteig Engineers, Inc.  
Kevin Nelson, PE, LIS, Assistant Vice President, Ulteig Engineers, Inc.  
Reed Schwartzkopf, Jamestown City Engineer

pc w/o encl: Jamestown Mayor Clarice Liechty  
Jeff Fuchs, Jamestown City Administrator  
Charles Kourajian, Jamestown City Council Member  
Kelani Parsien, Jamestown City Council Member  
Ken Schulz, Jamestown City Council Member  
Patrick Nygaard, Jamestown City Council Member  
Harley Trefz, Chairman, Jamestown City Planning Committee

**INFORMATION REQUESTED BY  
JAMESTOWN EAST BUSINESS LOOP BUSINESS OWNERS/MANAGERS  
REGARDING THE  
JAMESTOWN EAST BUSINESS LOOP RECONSTRUCTION PROJECT**

May 20, 2009

6:30

made

Project Costs

An itemized accounting of the costs of the proposed East Business Loop frontage road reconstruction project, including:

1. Design and engineering
2. Site preparation
3. Paving
4. Curbing
5. Lighting
6. Sidewalks
7. Sewer
8. Total frontage road reconstruction costs

Project Payment

1. Apportionment of payment of costs among Federal, State and City funds and private businesses located on the frontage road.
2. Total and annual assessments to each business located on the frontage road based on the estimated costs of the project.

Request

The Jamestown East Business Loop frontage road business owners/managers request that this information be provided to them in writing and that two weeks be provided for them to review the information and to submit comments at a meeting with Jamestown City officials responsible for authorizing the proposed project. The frontage road business owners/managers request that the Jamestown City officials delay their decision on the project until issues raised by the business owners/managers have been addressed.

CDS Investments, Inc

Car HSO Pres.

Stop N Go 435

Wally Mgr

S & R Truck Plaza

Carl Redman

Farmers Union Oil Co

John Fritz

Billy J. King

Pratt's Petals

**INFORMATION REQUESTED BY  
JAMESTOWN EAST BUSINESS LOOP BUSINESS OWNERS/MANAGERS  
REGARDING THE  
JAMESTOWN EAST BUSINESS LOOP RECONSTRUCTION PROJECT**

May 20, 2009

6:30

Hotel

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Dean Acker  
Don McPerry  
Richard Lehnis  
Danell Fager  
Randall J. Baum

C. Alan Tuben  
Don's Garden Center  
Star Lite Motel  
Fager & Fager Inc.  
MACS INC

**INFORMATION REQUESTED BY  
JAMESTOWN EAST BUSINESS LOOP BUSINESS OWNERS/MANAGERS  
REGARDING THE  
JAMESTOWN EAST BUSINESS LOOP RECONSTRUCTION PROJECT  
May 20, 2009**

*F. James Chris*

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*W. J. ...*  
\_\_\_\_\_

*Mary J. Pearson, D.O.M.*  
\_\_\_\_\_

*Bob Grant*  
\_\_\_\_\_

*Gamie Podell*  
\_\_\_\_\_

*Festner*  
\_\_\_\_\_

*Proctor Veterinary Hospital*  
\_\_\_\_\_

*Step - N - Ho*  
\_\_\_\_\_

*Alpha App Inc.*  
\_\_\_\_\_

## ***JAMESTOWN EAST BUSINESS LOOP BUSINESSES***

May 26, 2009

Re: Proposed Jamestown East Business Loop Reconstruction Project

Mayor Clarice Liechty  
Jamestown City Hall  
102 3<sup>rd</sup> Avenue, S. E.  
Jamestown, North Dakota 58401

Mr. Jeff Fuchs  
Jamestown City Administrator  
Jamestown City Hall  
102 3<sup>rd</sup> Avenue, S. E.  
Jamestown, North Dakota 58401

Jamestown City Council Members  
Jamestown City Hall  
102 3rd Avenue, S. E.  
Jamestown, North Dakota 58401

Dear Mayor Liechty, Administrator Fuchs and Members of the City Council:

We, as a group of owners and operators of businesses located on the East Business Loop, have met twice to discuss the proposed Jamestown East Business Loop reconstruction project presented by Ulteig Engineers, Inc., at the May 12, 2009, public hearing held at Jamestown City Hall. As a result of our first meeting on May 20, 2009, a request was submitted to the City for itemized information on the costs and assessments for the project, and we asked that Jamestown City officials delay their decision on the project until issues raised by the business owners and operators have been addressed.

In our discussions, East Business Loop business owners and operators have raised serious concerns about both the assessments for the project and the devastating impacts of the six-month construction period (April to October 2011) on their businesses. Several of the business owners and operators are concerned that the loss of business revenue during the construction period coupled with substantial increases in their special assessments to pay for the project could put them out of business. Indeed, we have seen no evidence that the proposed project will result in any tangible benefits for our businesses to compensate for our lost revenues and increased taxes.

At this time of economic uncertainty and with the City facing major costs for repair and replacement of infrastructure associated with the current flood, we do not believe that such an extravagant project is warranted or wise. Moreover, we do not feel that the availability of 80% Federal funding for the proposed project justifies the substantial negative economic impacts to the businesses and the prospect of forcing several of the businesses to close.

With the construction of the bypass west of Jamestown, traffic on the East Business Loop – especially heavy trucks – has diminished significantly. Therefore, we believe that another alternative involving resurfacing of the highway and frontage road needs to be considered seriously and objectively. This would substantially reduce the immediate impacts of construction on the businesses as well as their assessments over the next decade and a half.

We ask that you take into consideration the small town businesses that pay taxes every year to support the City, and we would appreciate your vote not to approve the proposed East Business Loop Reconstruction project on June 1<sup>st</sup>.

Thank you.

Sincerely,

Business Owner/Operator

Business

Betty Dake  
~~Leanne King~~  
 Richard A. Bach  
 Don McCreary  
 L D PO  
 Carol McHenry  
 Gary J. Pearson, D.U.M.  
 Madalyn H. mgr  
 Don J. Nelson  
 Scott Walden  
 Wade  
 Danell Patzer  
 Randall Bair  
 Cary  
 Brian

Krenz's Prairie Petals  
 STAR LITE MOTEL  
 Starlite Motel  
 Don's Barber Cuts  
 Trout Wells  
 Don's Garden Center  
 Prairie Veterinary Hospital  
 Stop N Go #435  
 Alpha Opportunities, Inc. 1517 Business Loop East  
 Kitched Solvers of S.C.N.D.  
 Festival Inc.  
 Patzer Patzer Inc.  
 MACS  
 CAS Investments, Inc.  
 Hanson Tire Service Inc

Barbara D. Hanson

Oak Ridge

John Fritz

Hanson Lumber Inc.

B & R Truck Plaza

Farmers Union Oil Co.

**PRAIRIE VETERINARY HOSPITAL**  
1305 Business Loop East  
Jamestown, North Dakota 58401  
Telephone (701) 252-9470

May 13, 2009

Re: May 12, 2009, Public Hearing on Jamestown East Business Loop Reconstruction

Mr. J. Steven Windish, P.E.  
Ulteig Engineers, Inc.  
1412 Basin Avenue  
Bismarck, North Dakota 58504

Dear Mr. Windish:

I would again, for the record of the May 12, 2009, Public Hearing on the Jamestown East Business Loop Reconstruction, like to express my strong objection to the provision in selected Alternative 2 for the placement of the sidewalk along the north side of the frontage road.

Placement of the sidewalk across the entrances to the businesses on the north side of the frontage road clearly creates a safety hazard for anyone using the sidewalk, as is clearly demonstrated by the fact that the entire sidewalk from our parking lot east to 15<sup>th</sup> Avenue S.E. would not actually be a sidewalk but would be entrances to those businesses. Encouraging bicyclists to use the designated 'sidewalk' area crossing the entrances to those businesses further escalates the safety hazard for both the bicyclists and the motorists patronizing those businesses.

The Federal Highway Administration's contention that placement of the sidewalk in the median along the south side of the frontage road would create a safety hazard because children might run from the sidewalk between cars parked on the south side of the frontage road to businesses on the north side is without merit because the same potential exists with any street in the city. That is why we have sidewalks and designated pedestrian crossings and ordinances prohibiting crossing streets at other than designated crosswalks.

Selected Alternative 2 would establish a designated parking lane along the south side of the frontage road with no sidewalk, thus leaving the public—including children—with no alternative except to jaywalk by (a) crossing the frontage road directly to businesses on the north side, or (b) walking in the traffic lane of the frontage road to cross at an intersection. Indeed, the design deliberately creates the very safety hazard it purports to avoid. As the designer of the project, Ulteig Engineers needs to explain to the Federal Highway Administration the absurdity of spending public funds to create a parking area on the frontage road that cannot be safely or legally used.

I would further submit that the creation of a designated parking lane on the south side of the frontage road constitutes a clear invitation to the public to use it, and that failure to provide an appropriate means for the public using that parking lane to get to a designated pedestrian crossing

easily and safely arguably could establish legal liability for Ulteig Engineers, Inc., the City of Jamestown, and the North Dakota Department of Transportation in the event that a child or other member of the public were to be injured or killed walking on or crossing the frontage road from the parking lane<sup>1</sup>.

I would again point out that the most logical way to achieve the stated goals of providing parking along the frontage road and enhanced access for pedestrians and bicyclists is to place the sidewalk in the median along the south side of the frontage road adjacent to the parking lane, with designated pedestrian crossings at appropriate locations (including specifically Alpha Opportunities, Inc.), just as is done in other areas of the city.

I request that this letter be included in the official record of the May 12, 2009, Public Hearing on the Jamestown East Business Loop Reconstruction.

Sincerely,

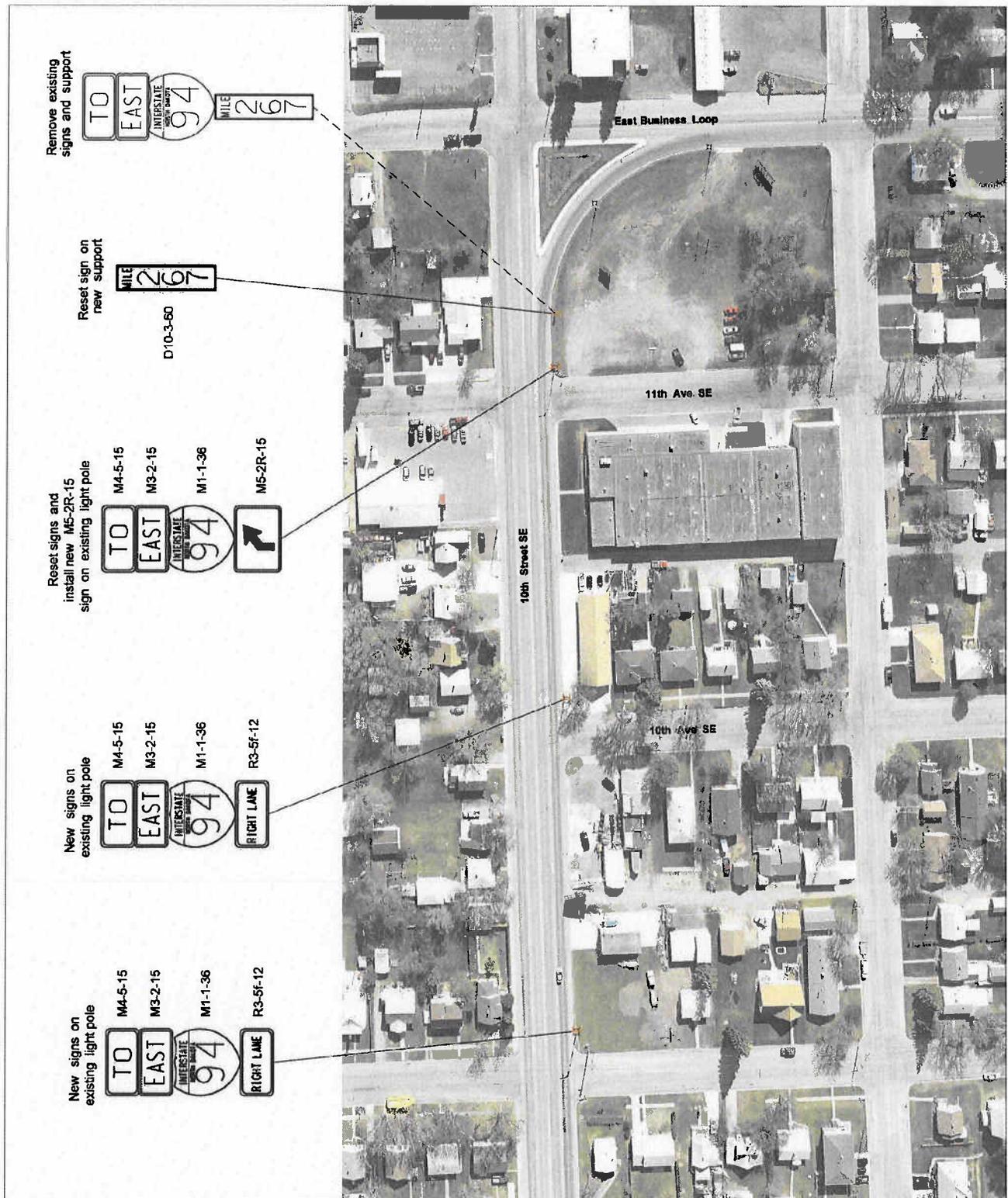
Gary L. Pearson, D.V.M.

pc: North Dakota Department of Transportation Director Francis G. Ziegler, P.E.  
Jamestown Mayor Clarice Liechty  
Jamestown City Council Member Charlie Kourajian  
Jamestown City Administrator Jeff Fuchs  
Jamestown City Attorney Kenneth Dalsted  
Jamestown City Planning Committee Chairman Harley Trefz  
Carecentric  
Mac's Hardware  
Patzner & Patzer, Inc.  
Alpha Opportunities, Inc.  
Hanson Tire Service, Inc.  
Editor, The Jamestown Sun

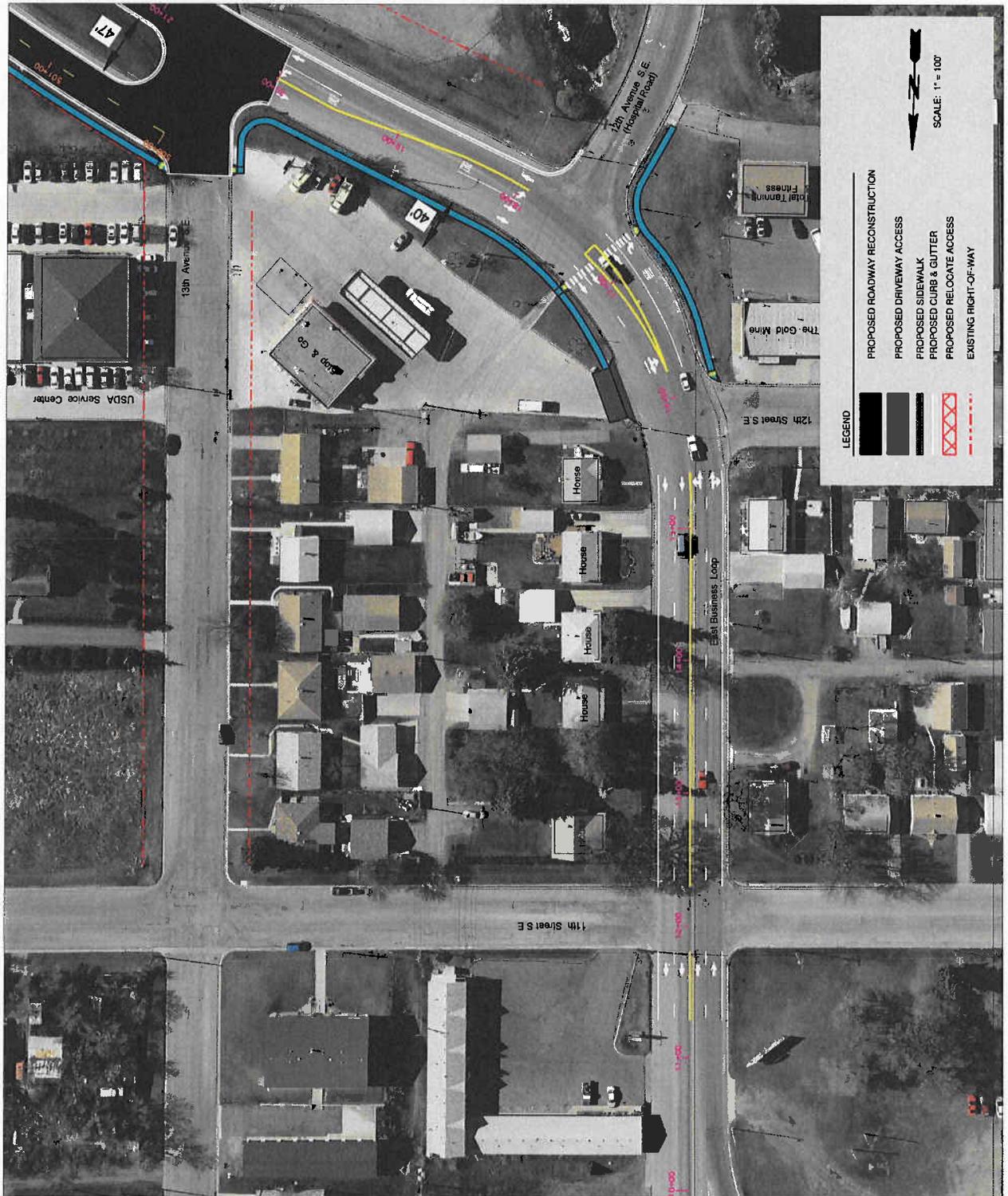
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<sup>1</sup> Inclusion of this letter in the record of the May 12, 2009, Public Hearing on the Jamestown East Business Loop East Reconstruction provides confirmation that Ulteig Engineers, Inc., the City of Jamestown, and the North Dakota Department of Transportation were made aware of this potential liability issue before the project was approved.

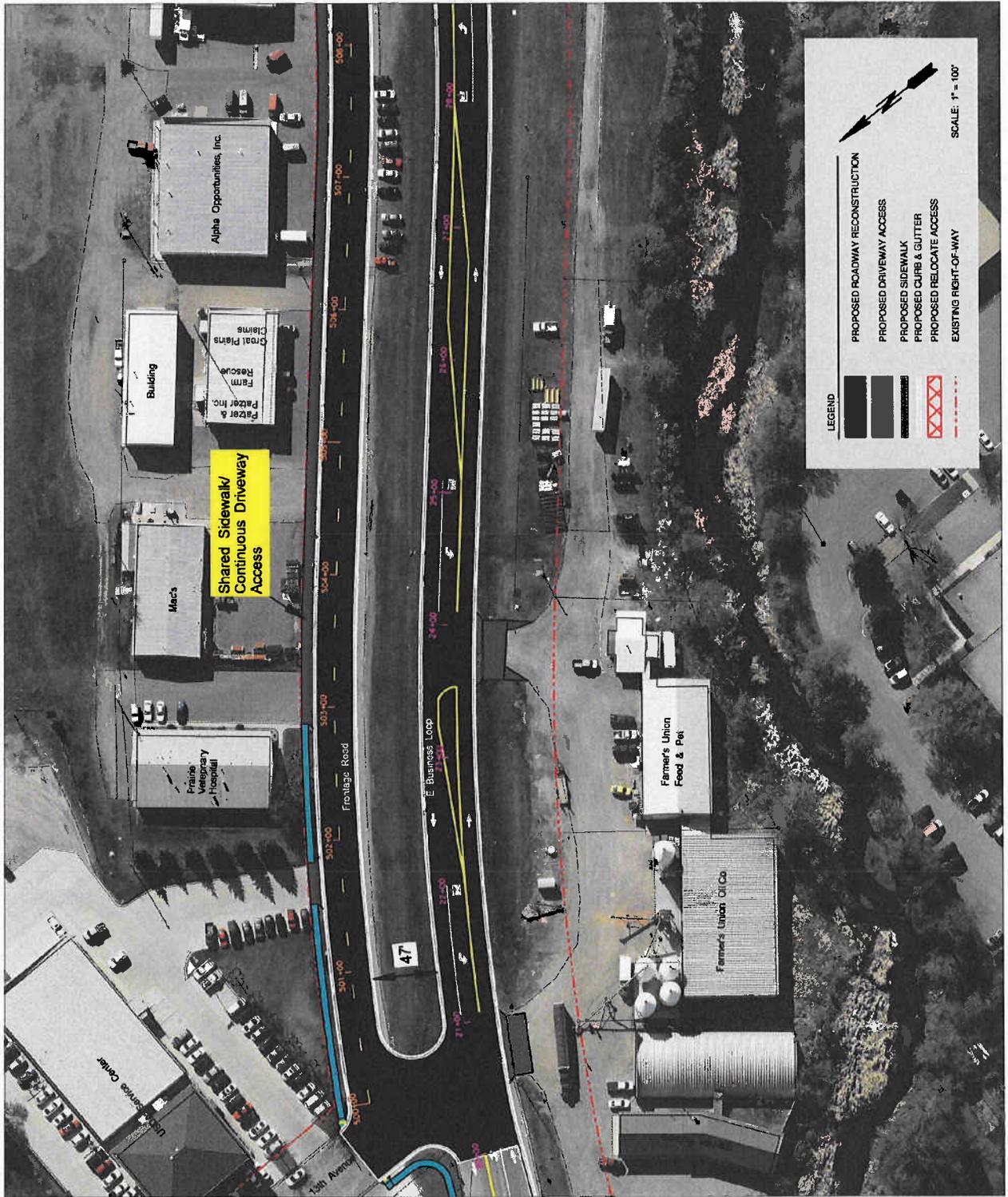
## **5. Exhibits and Presentation**



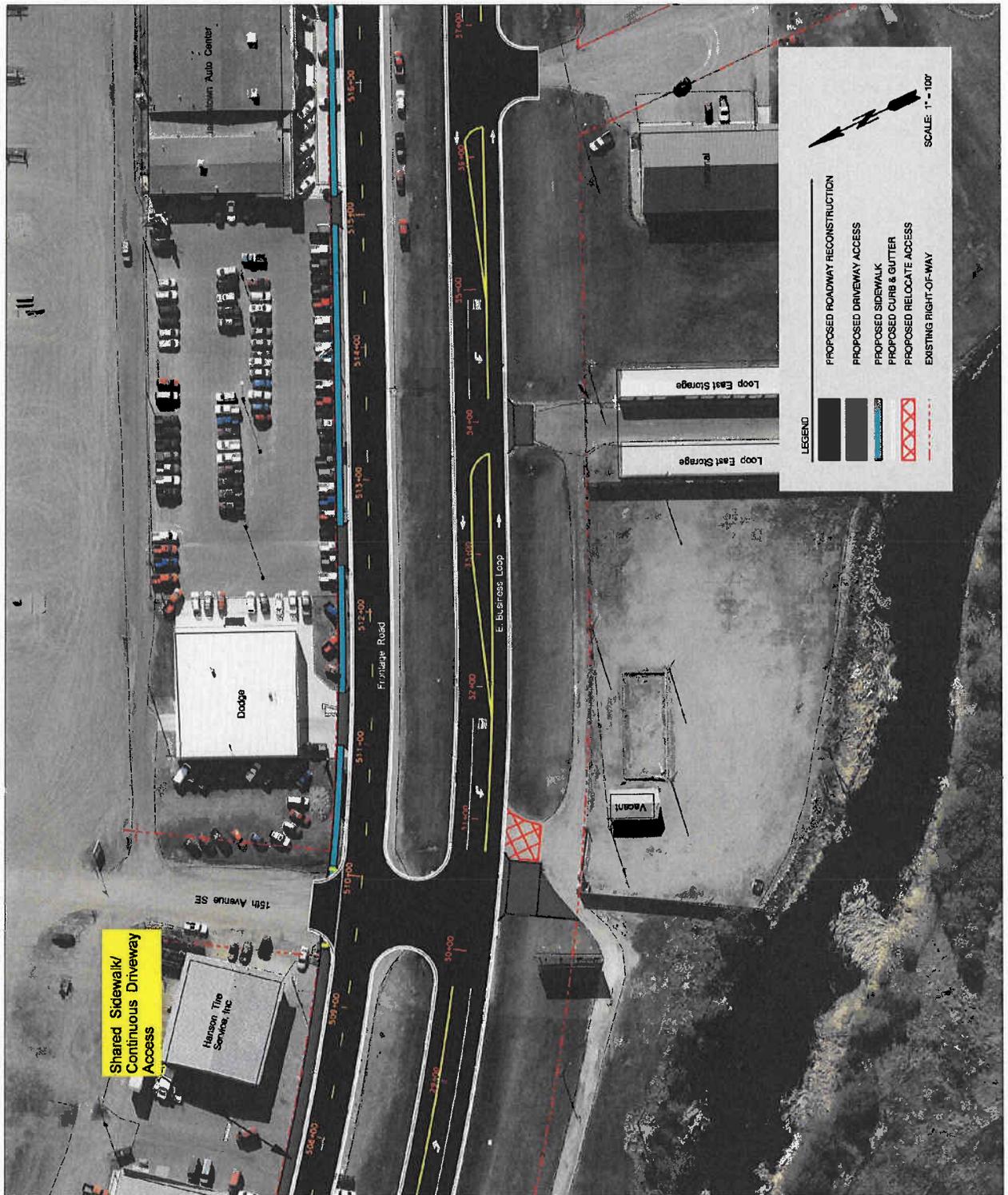
**Figure III-1 Signing Improvements**



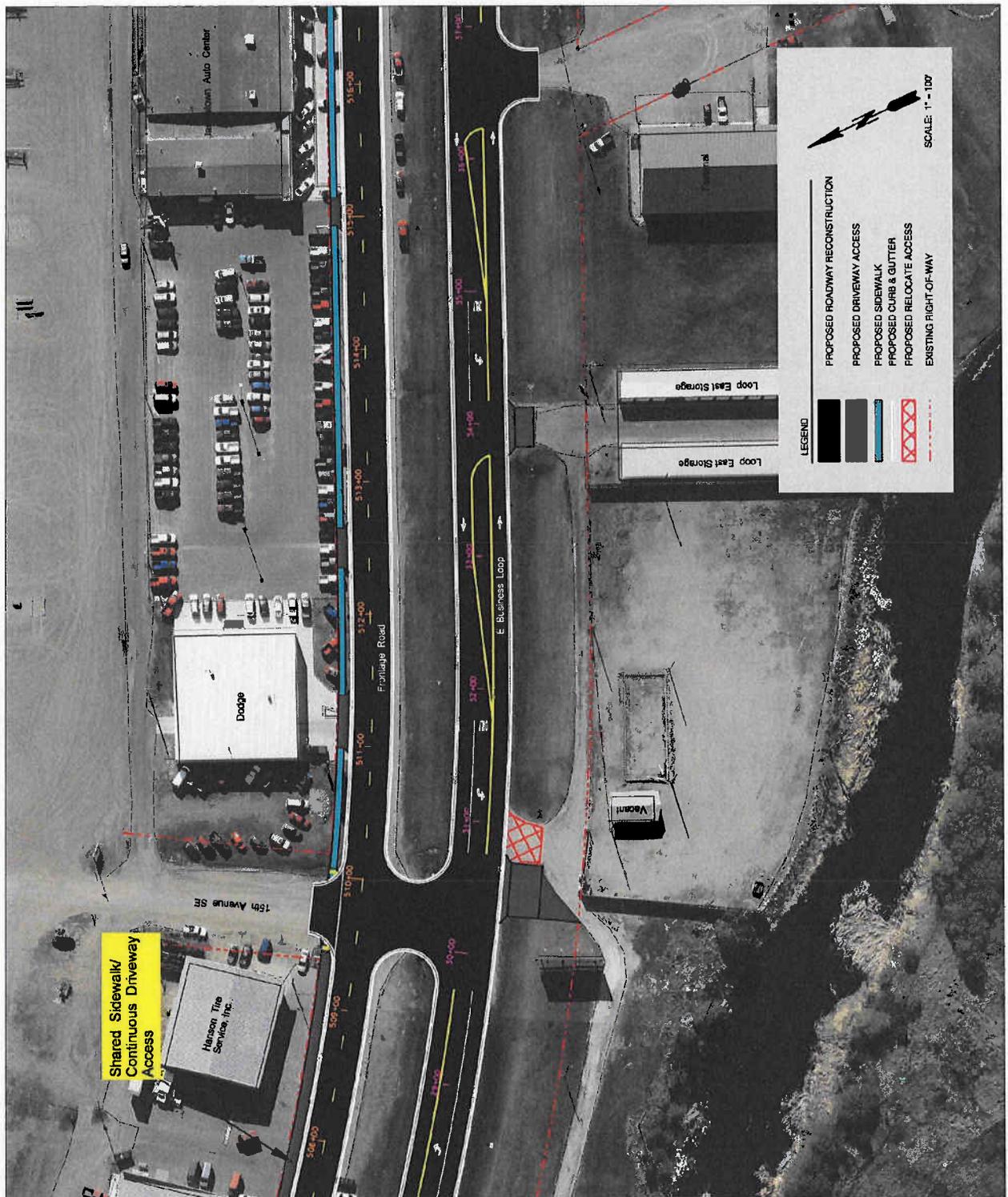
**Figure III-2 Alternative 1 Layout  
Mainline, Frontage, Sidewalk (1 of 5)**



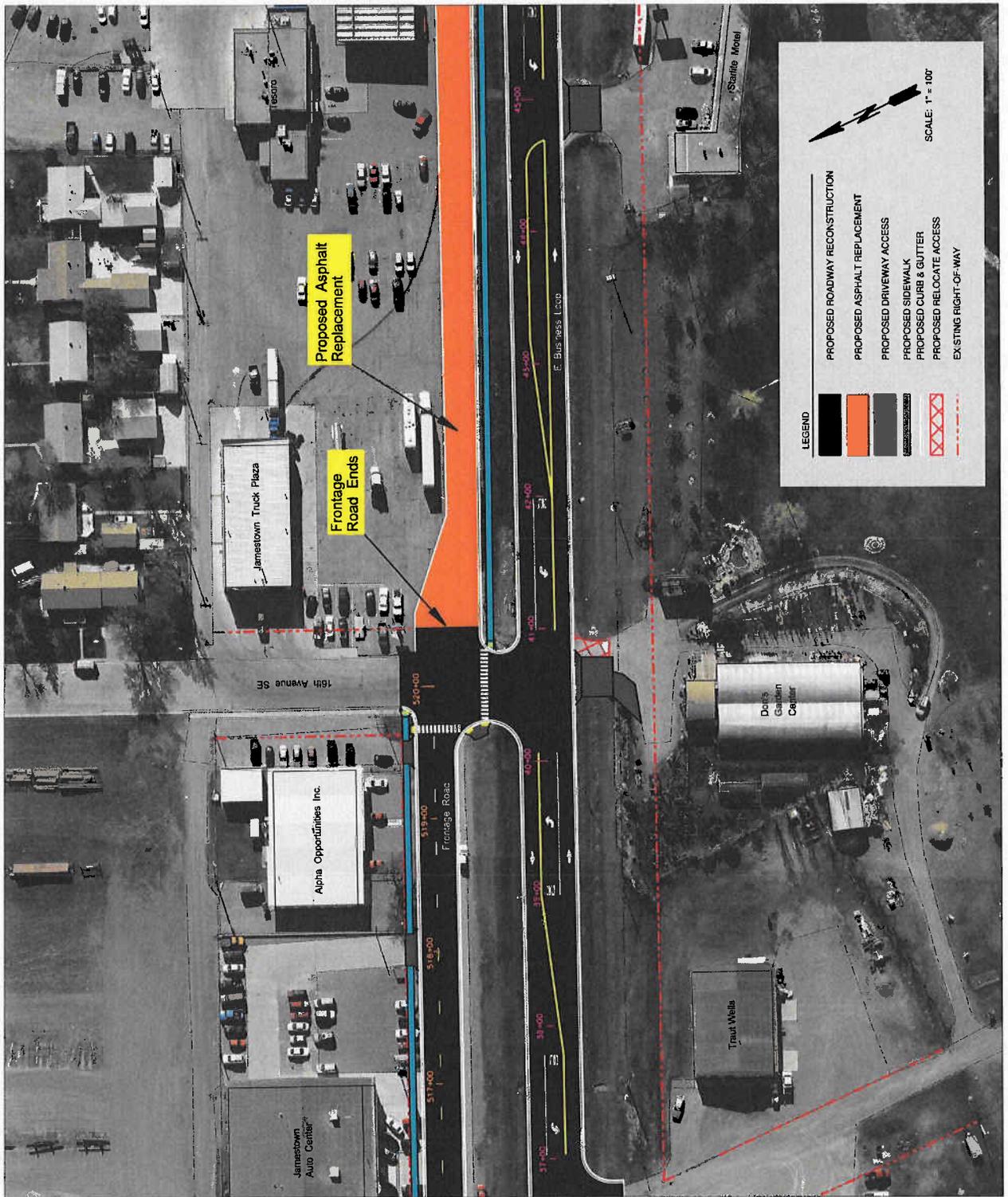
**Figure III-2 Alternative 1 Layout  
Mainline, Frontage, Sidewalk (2 of 5)**



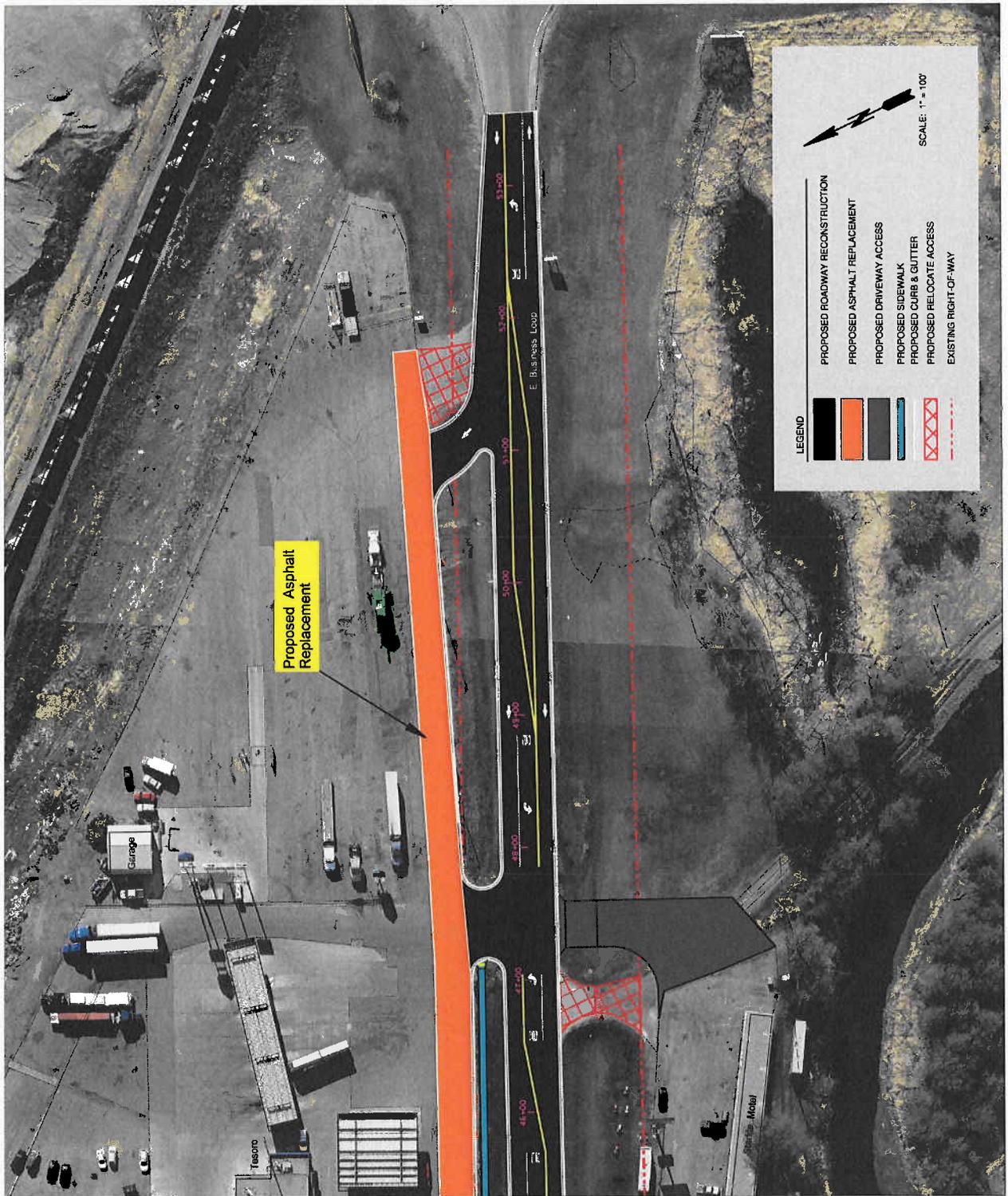
**Figure III-2 Alternative 1 Layout  
Mainline, Frontage, Sidewalk (3 of 5)**



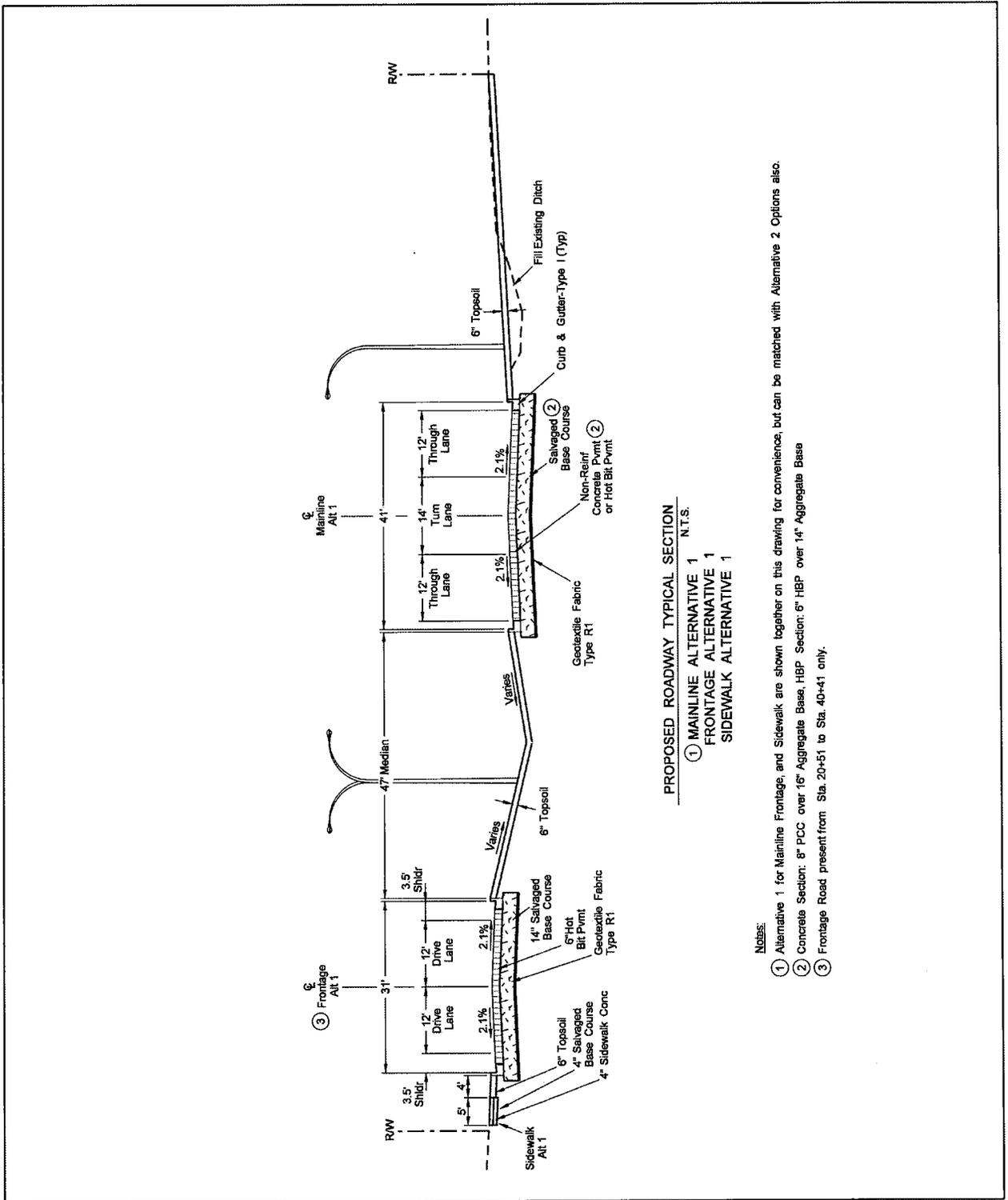
**Figure III-2 Alternative 1 Layout  
Mainline, Frontage, Sidewalk (3 of 5)**



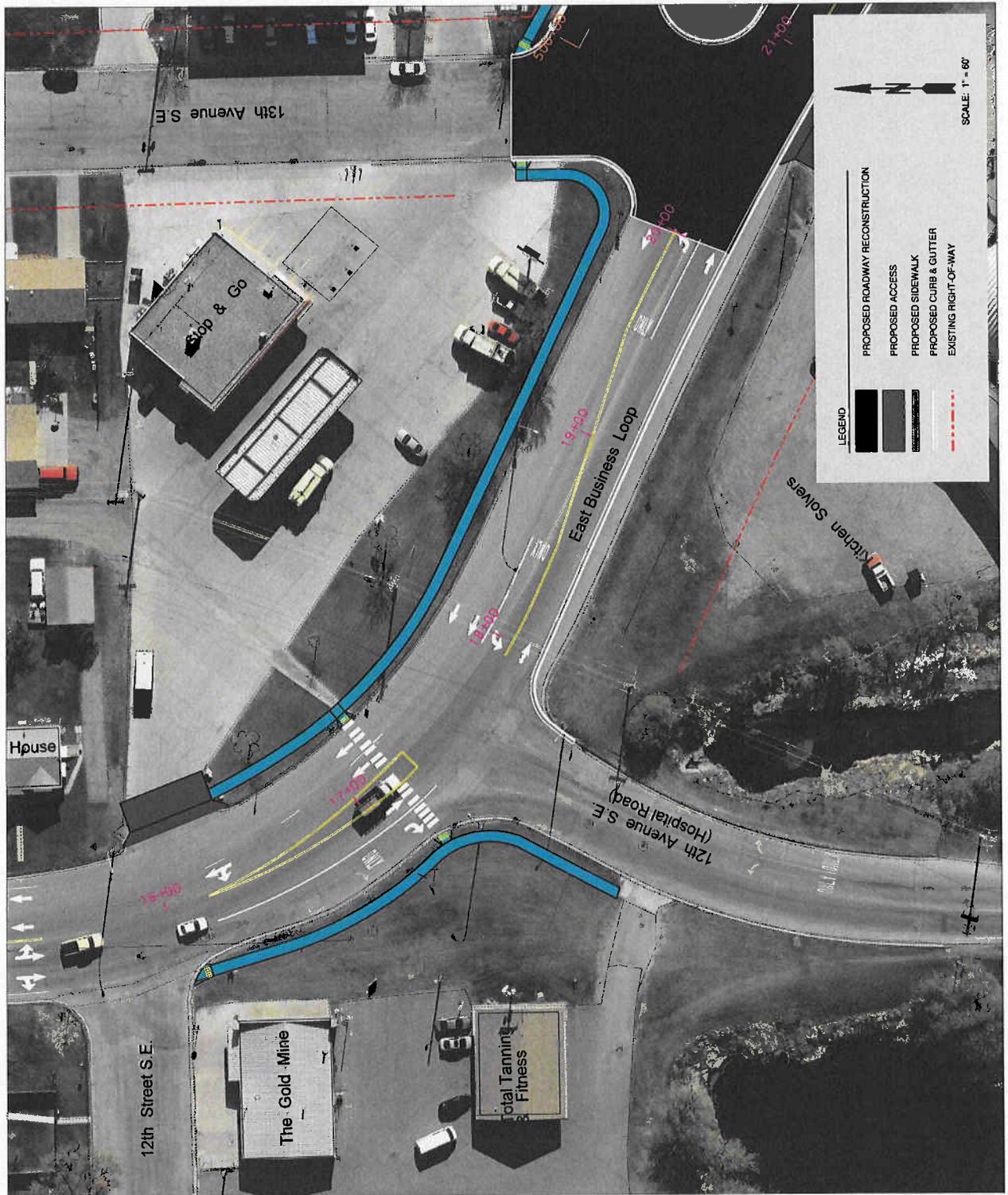
**Figure III-2 Alternative 1 Layout  
Mainline, Frontage, Sidewalk (4 of 5)**



**Figure III-2 Alternative 1 Layout  
Mainline, Frontage, Sidewalk (5 of 5)**



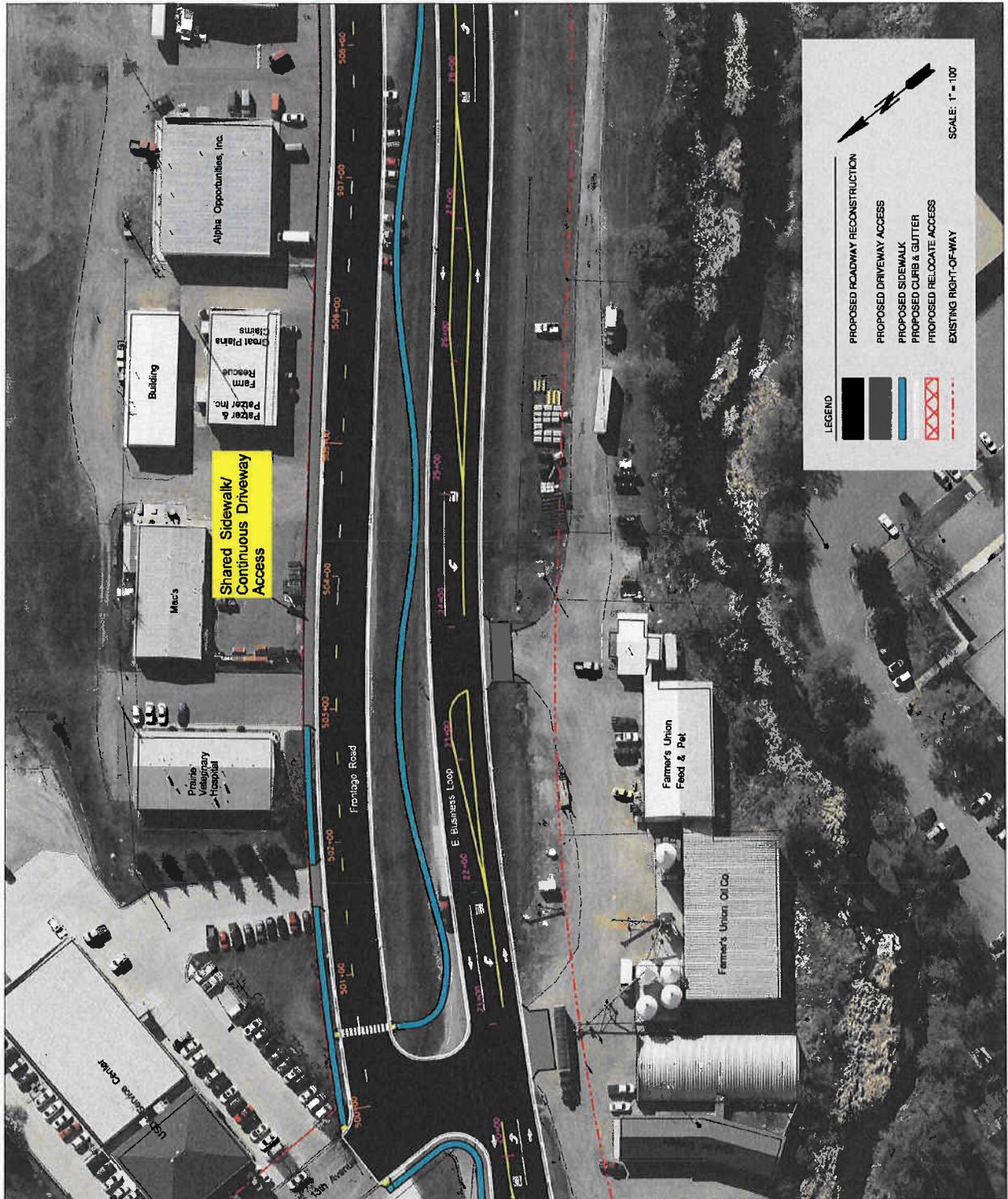
**Figure III-4 Proposed Typical Section – Alternative 1  
Mainline, Frontage, and Sidewalk**



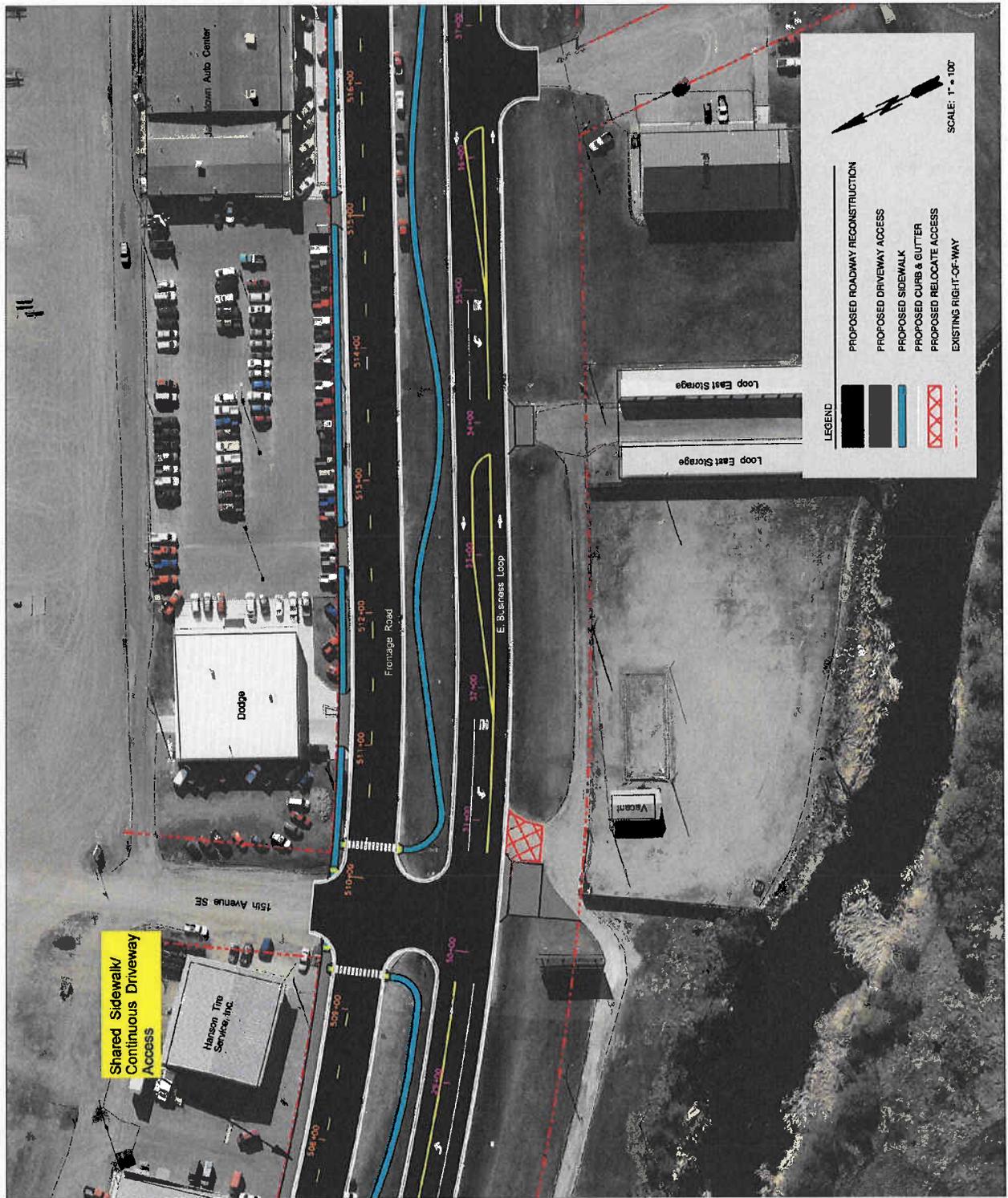
**Figure III-5 Alternative 1 - Stop-n-Go Intersection Detail**



**Figure III-6 Alternative 2 Layout  
Mainline, Frontage, Sidewalk (1 of 5)**



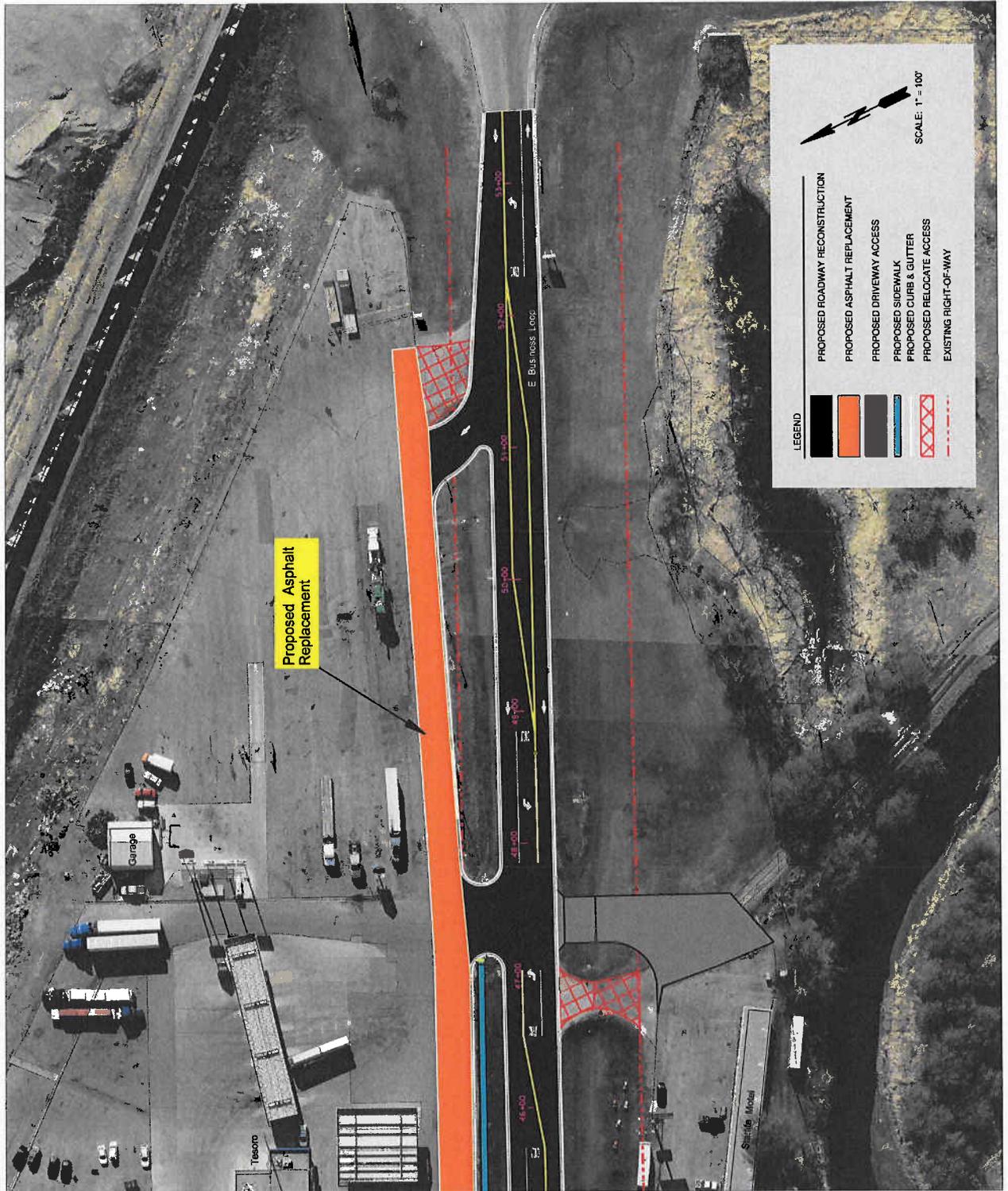
**Figure III-6 Alternative 2 Layout  
Mainline, Frontage, Sidewalk (2 of 5)**



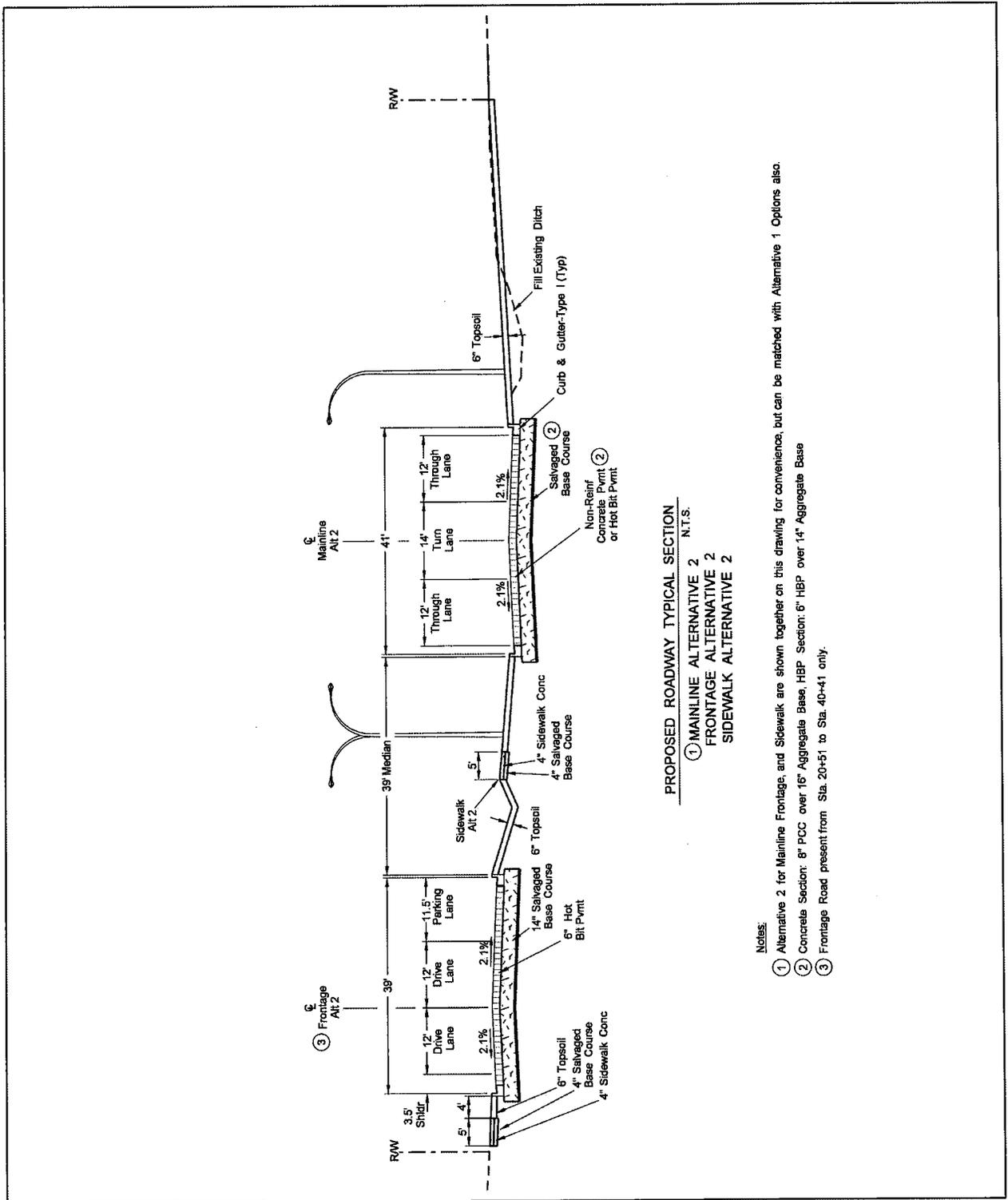
**Figure III-6 Alternative 2 Layout  
Mainline, Frontage, Sidewalk (3 of 5)**



**Figure III-6 Alternative 2 Layout  
Mainline, Frontage, Sidewalk (4 of 5)**



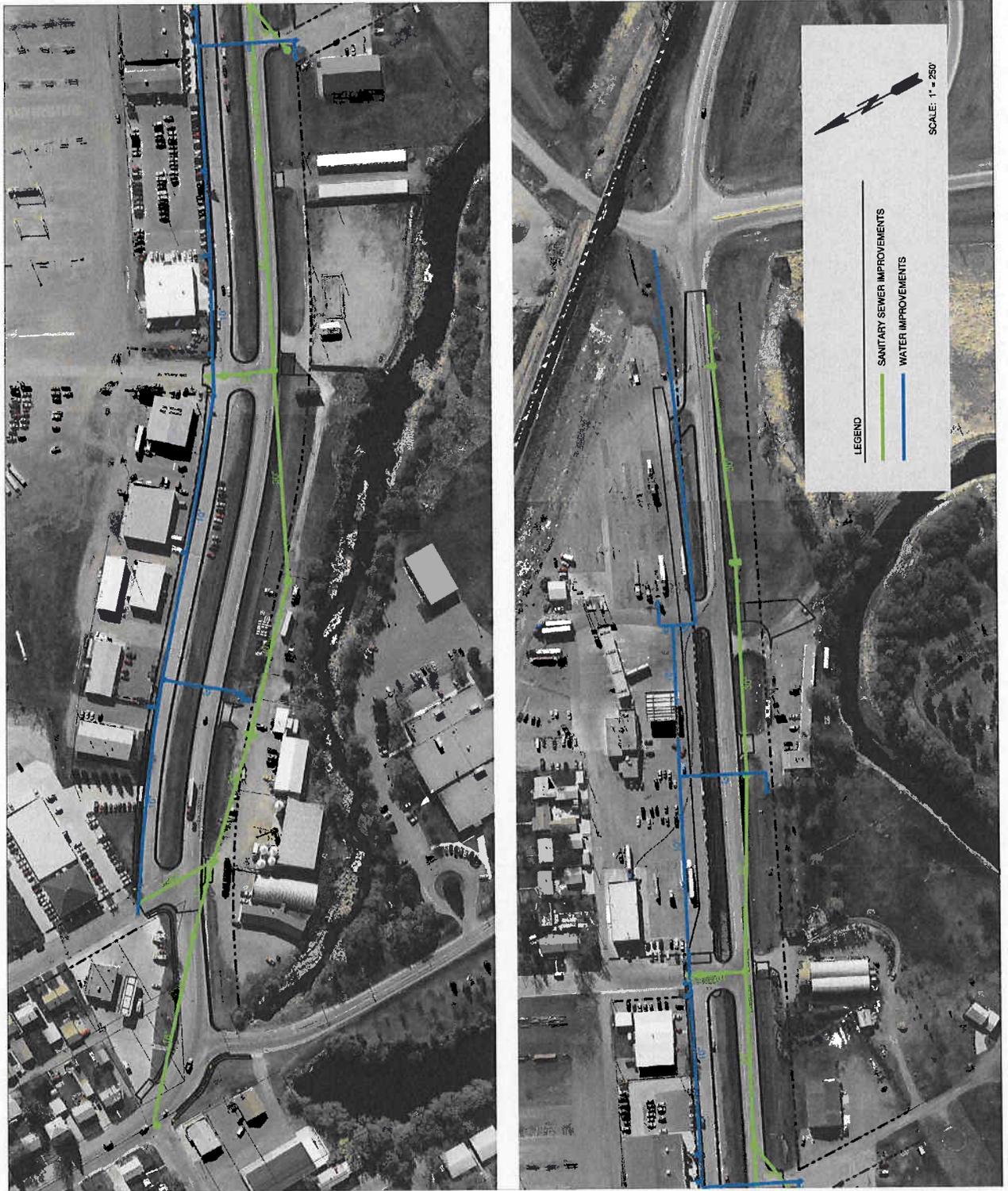
**Figure III-6 Alternative 2 Layout  
Mainline, Frontage, Sidewalk (5 of 5)**



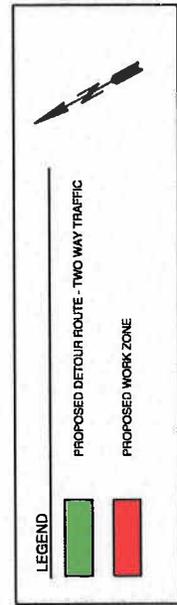
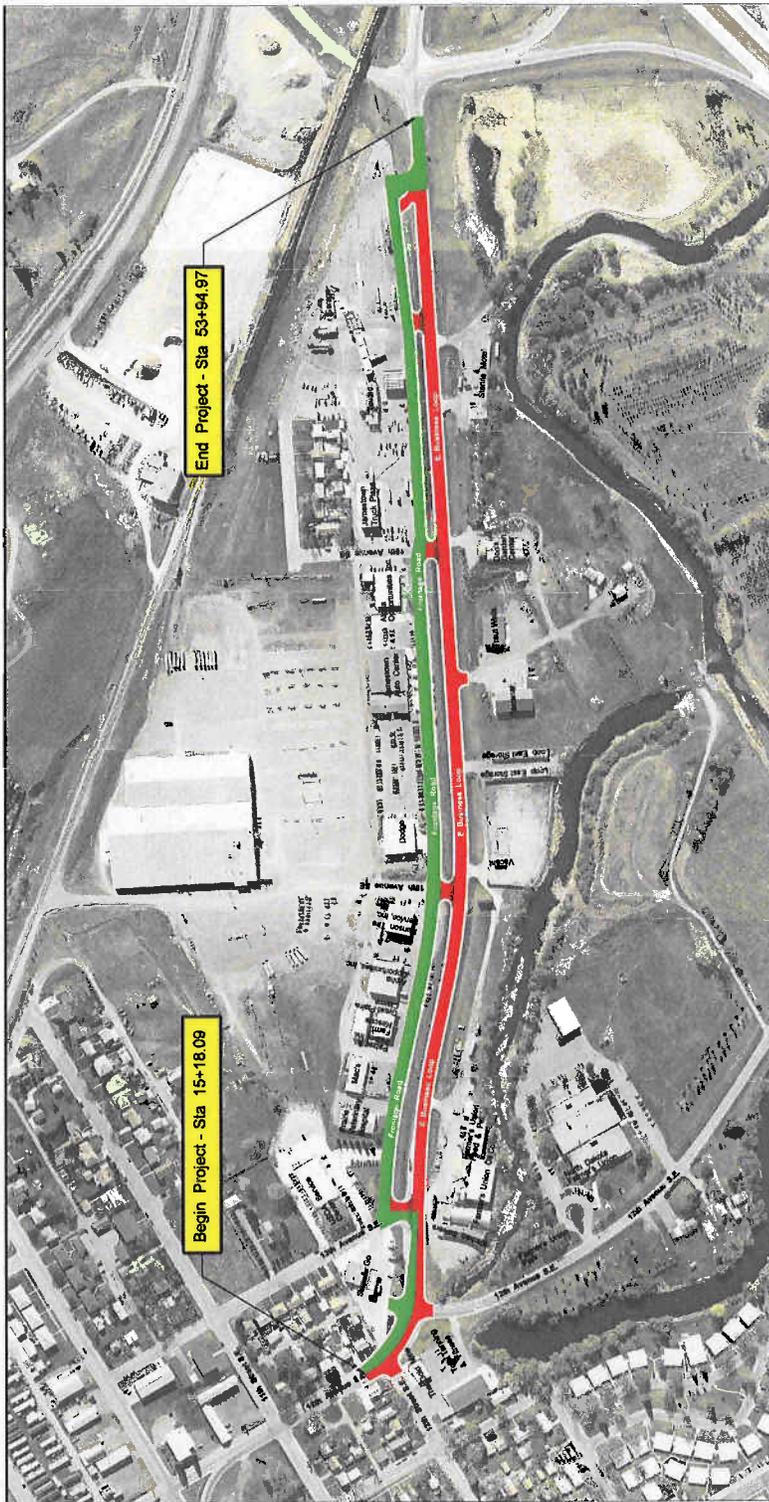
**Figure III-7 Proposed Typical Section – Alternative 2  
 Mainline, Frontage, and Sidewalk**



**Figure III-8 Alternative 2 – Stop-n-Go Intersection Detail**



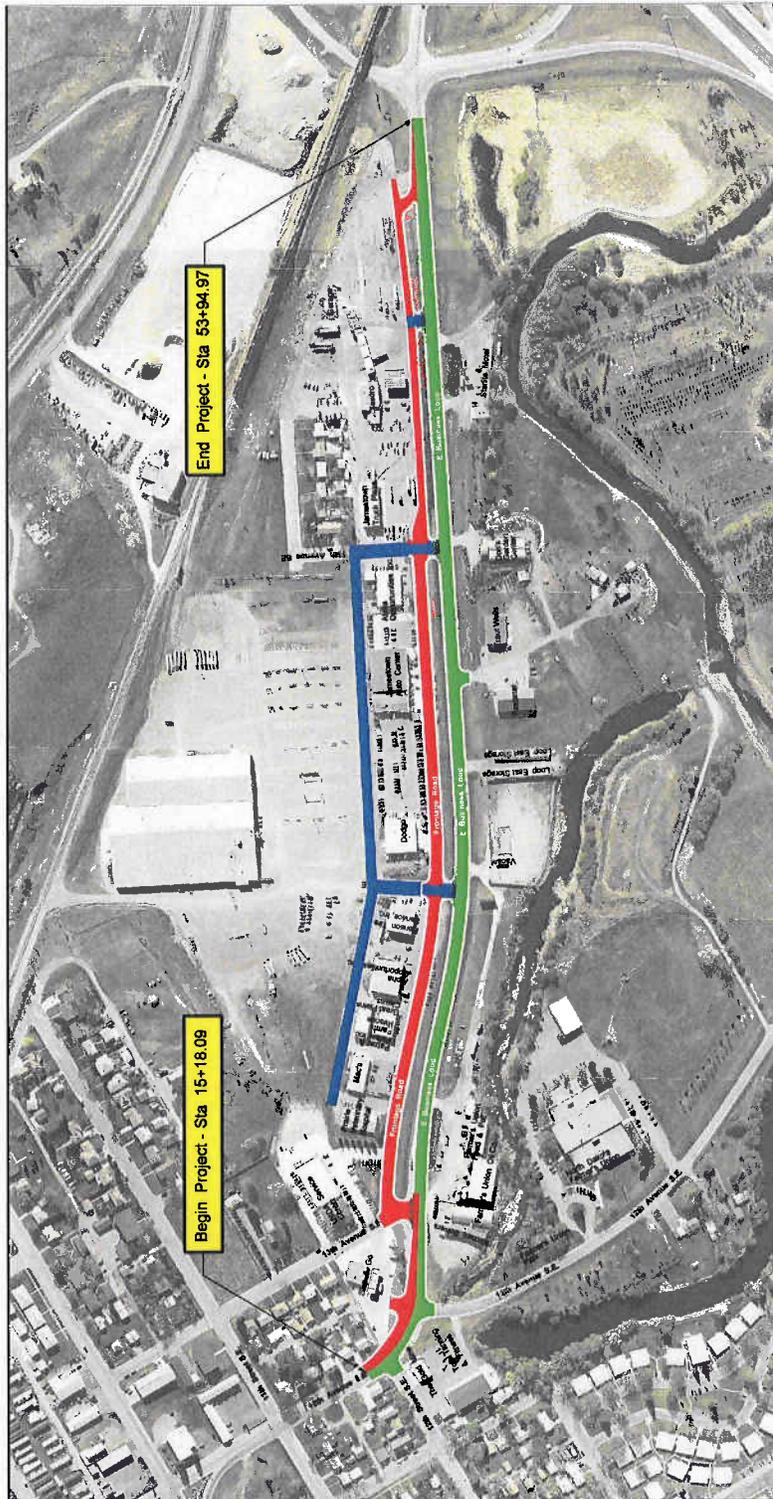
**Figure III-9 Proposed Sanitary Sewer and Watermain Utilities**



**PHASE 1 - NOTES:**

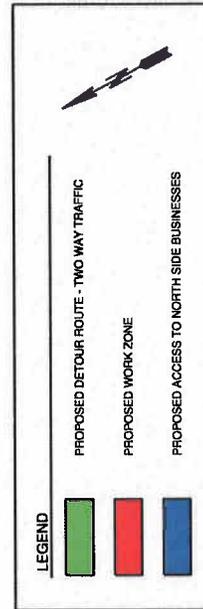
1. TRAFFIC CONTROL SIGNING SHALL COMPLY WITH ALL STANDARDS OF THE 2003 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS (MUTCD).
2. ACCESS SHALL BE PROVIDED TO BUSINESSES ON THE SOUTH SIDE OF THE EAST BUSINESS LOOP AND FRONTAGE ROAD AT ALL TIMES.
3. WORK ZONE BUSINESS SIGNS SHALL BE INSTALLED AND SHALL COMPLY WITH NDDOT STANDARD DRAWING D-704-4.

**Figure III-10 Construction Staging and Work Zone Traffic Control  
(1 of 2)**

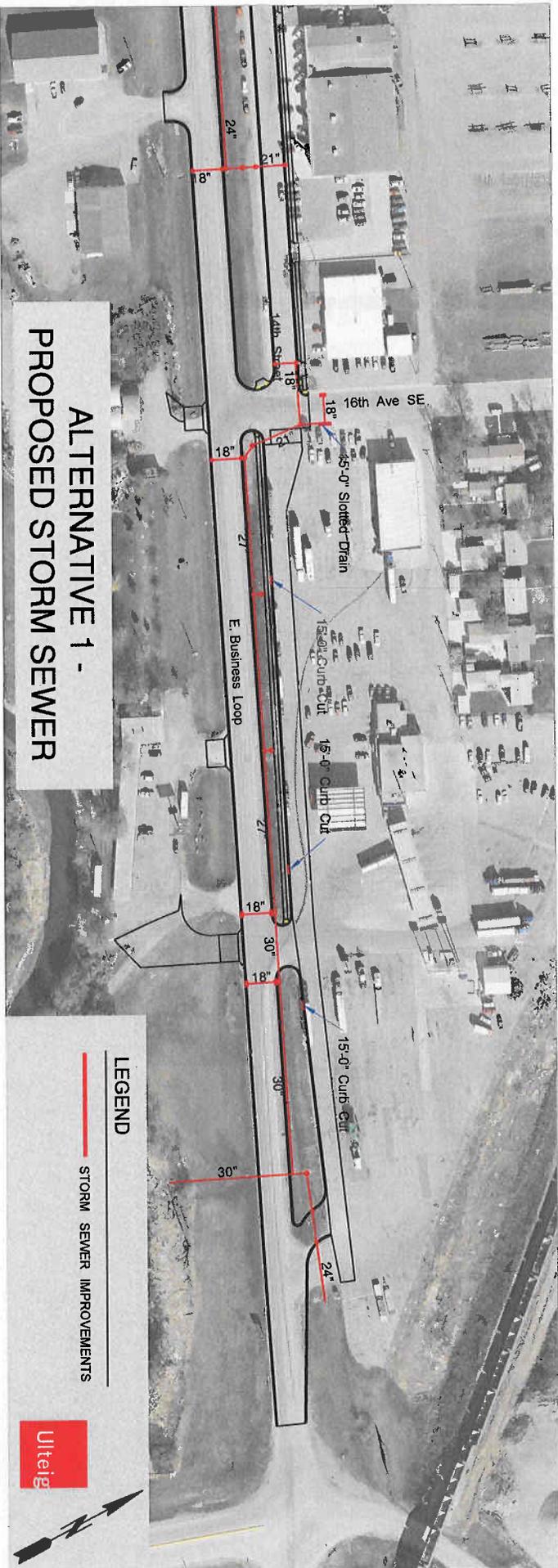
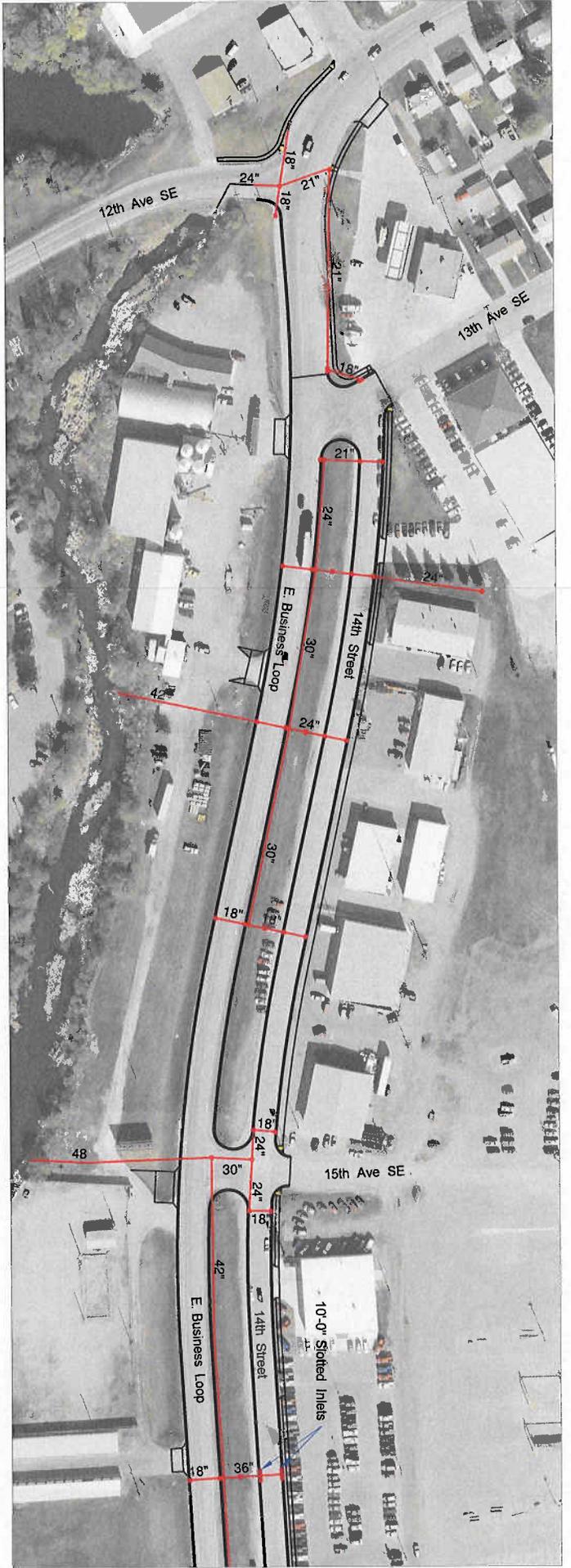


**PHASE 2 - NOTES:**

1. TRAFFIC CONTROL SIGNING SHALL COMPLY WITH ALL STANDARDS OF THE 2003 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS (MUTCD).
2. ACCESS SHALL BE PROVIDED TO BUSINESSES ON THE NORTH SIDE OF THE EAST BUSINESS LOOP AND FRONTAGE ROAD AT ALL TIMES.
3. WORK ZONE BUSINESS SIGNS SHALL BE INSTALLED AND SHALL COMPLY WITH NDDOT STANDARD DRAWING D-704-4.



**Figure III-10 Construction Staging and Work Zone Traffic Control  
(2 of 2)**



**ALTERNATIVE 1 -  
PROPOSED STORM SEWER**

**LEGEND**

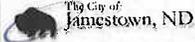
— STORM SEWER IMPROVEMENTS





**Public Hearing  
Jamestown East Business Loop  
May 12, 2009**



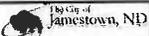
Utleg **NDDOT** North Dakota Department of Transportation 

Utleg **NDDOT** North Dakota Department of Transportation 

**What We Will Cover**

- Project Context
- Project Need
- Project History
- Corridor Issues
- Project Alternatives
- Remaining Schedule
- Formal Comments – On Record

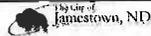
Utleg Jamestown East Business Loop May 12, 2009

Utleg **NDDOT** North Dakota Department of Transportation 

**Project Context - Not Just Another Local Road**

- Principal Arterial Roadway
  - Interchange Access Road
  - Important Truck Route
- Superior Federal Funding
  - Typical Urban Roads Program Funding
    - 80% Federal, 20% Local
  - Roadway Funding – This Project
    - 80% Federal, 10% State, 10% Local

Utleg Jamestown East Business Loop May 12, 2009

Utleg **NDDOT** North Dakota Department of Transportation 

**Project Need**

- To Correct Deteriorated Pavement Conditions
- To Correct Substandard Geometrics
- To Enhance Access for Peds/Bicyclists
- To Improve Storm Drainage

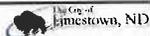
Utleg Jamestown East Business Loop May 12, 2009

Utleg **NDDOT** North Dakota Department of Transportation 

**Project History**

▪ Initiated Planning	3/3/08
▪ Traffic Operations	3/24/08
▪ Ground Survey	4/18/08
▪ Wetland Delineation	5/14/08
▪ Property Owner Meetings	5/23/08
▪ Public Input Meeting	6/24/08
▪ Agency Coordination	12/15/08
▪ Concept Development	12/15/08
▪ Final Draft PCR Submitted	12/15/08

Utleg Jamestown East Business Loop May 12, 2009

Utleg **NDDOT** North Dakota Department of Transportation 

**Remaining Activities**

▪ Public Hearing	5/12/09
▪ Project Decisions	7/01/09
▪ Design	7/01/09 – 9/01/10
▪ Bidding	10/15/10
▪ Est. Construction	4/15/11 – 10/15/11

Utleg Jamestown East Business Loop May 12, 2009

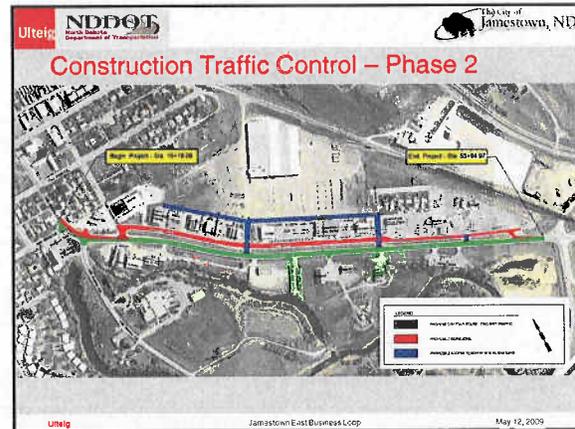
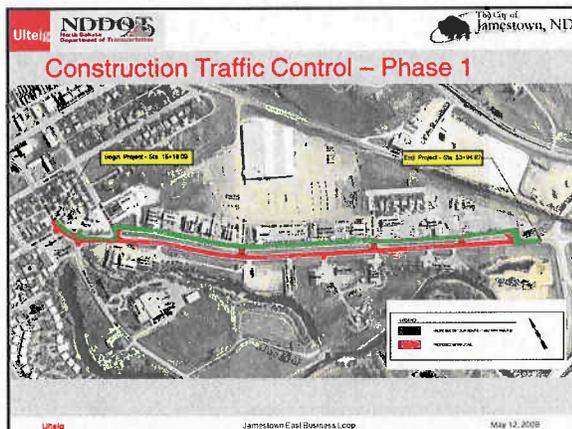
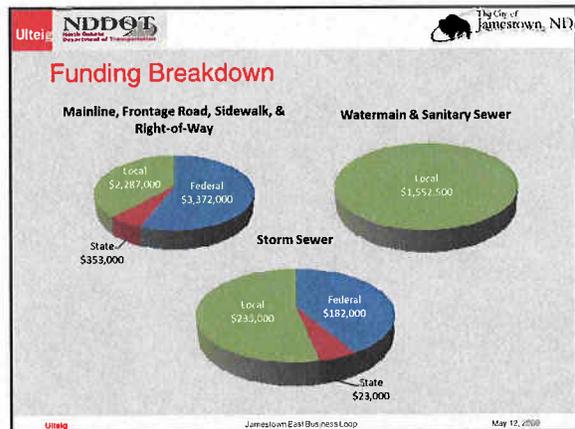


Ulteig NDDOT North Dakota Department of Transportation The City of Jamestown, ND

### Project Alternatives

- Roadway Improvement Alternatives
  - Access Alternatives
  - Alignment Alternatives
  - Typical Section Alternatives
- Sidewalk Alternatives
- Parking Alternatives
- Frontage Road Alternatives
- Sanitary Sewer Replacement Alternatives
- Drainage Alternatives

Ulteig Jamestown East Business Loop May 12, 2009



Ulteig NDDOT North Dakota Department of Transportation The City of Jamestown, ND

### What Happens Next

- Incorporate Input / Report Distribution
- City Decisions & Acceptance Of Report
- NDDOT Decisions & Acceptance Of Report
- Design/Right of Way Acquisition 2009/2010
- Bid Late 2010
- Construction Spring and Summer 2011

Ulteig Jamestown East Business Loop May 12, 2009



Public Hearing  
Jamestown East Business Loop  
May 12, 2009



COMMENTS...QUESTIONS...ANSWERS

 **NDDOT**  
North Dakota  
Department of Transportation

 The City of  
Jamestown, ND

## **6. Handout**



## Public Hearing

Jamestown East Business Loop Reconstruction  
Project Concept Report  
SU-2-987(029)033

May 12, 2009



Jamestown  
East Business Loop  
Public Hearing



### Project Description

Project: Reconstruct East Business Loop  
From: 12th Street SE to Interstate 94 Ramps

### Project Schedule

Plans Complete: September 1, 2010  
Bid Opening: November 19, 2010  
Construction: 2011

### Purpose and Need of Project

The project proposes to improve traffic operations, safety, mobility, access, lighting, and surface drainage by converting the existing rural roadway section into an urban section. The project is needed to address safety and operational issues, and to replace and upgrade roadway and utility facilities that are approaching or have exceeded their useful service life.

#### Existing conditions

- Pavement: The condition and ride of the existing pavement is poor (Project Scoping Report)
- Storm Drainage: The existing ditches do not have the capacity to convey the surface storm drainage in the project corridor.
- City Utilities: The existing sanitary sewer and water utilities are almost 50 years old and need to be upgraded.

#### Deficiencies

- Pedestrian/Bicyclist Access and Safety: Currently there are no sidewalks or paths within the project area.
- Geometry: Certain sections of the existing roadway geometry have substandard geometry. Some intersections are not designed to handle the large truck turning movements that occur.
- Lighting: Existing lighting is sporadic and is generally substandard where present.

### Project Cost Breakdown

	Federal (%)	State (%)	Urban Roads Federal (%)	City Local (%)
Mainline / Mainline Storm Sewer (at 12th Ave SE and east of 16 Ave SE)	40	10	40	10
Frontage Road / Sidewalk	40	-	40	20
Frontage Road Parking				100
City Utilities				100
Storm Sewer (from 13th Ave SE to 16 Ave SE)	25.2	6.3	25.2	43.3



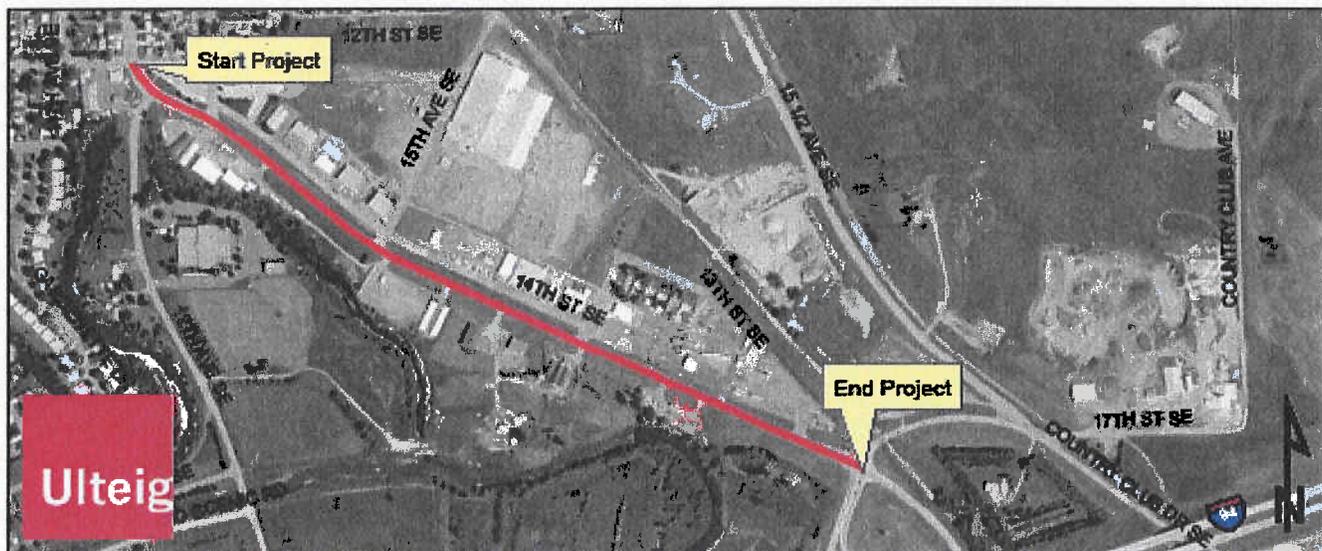
### Completed Activities

The planning effort was initiated on March 25, 2008. Individual meetings with local businesses along the corridor were held. The preliminary ground survey, a traffic operations study, Class I and Class III cultural resources inventories, and the wetland delineation within the project boundary have been completed. A Public Information Meeting was held on June 24, 2008. The Final Project Concept Report has been submitted to the NDDOT and the City of Jamestown.

### Public Hearing Agenda

- |                                |           |
|--------------------------------|-----------|
| 1. Open House                  | 6:00 p.m. |
| 2. Introductions               | 6:15 p.m. |
| 3. Formal Presentation         | 6:20 p.m. |
| a. Project Context             |           |
| b. Project Need                |           |
| c. Project History             |           |
| d. Corridor Issues             |           |
| e. Project Alternatives        |           |
| f. Remaining Schedule          |           |
| g. Formal Comments – On Record |           |
| 4. Open House                  | 7:00 p.m. |
| 5. Adjourn                     | 8:00 p.m. |

### Project Location Map





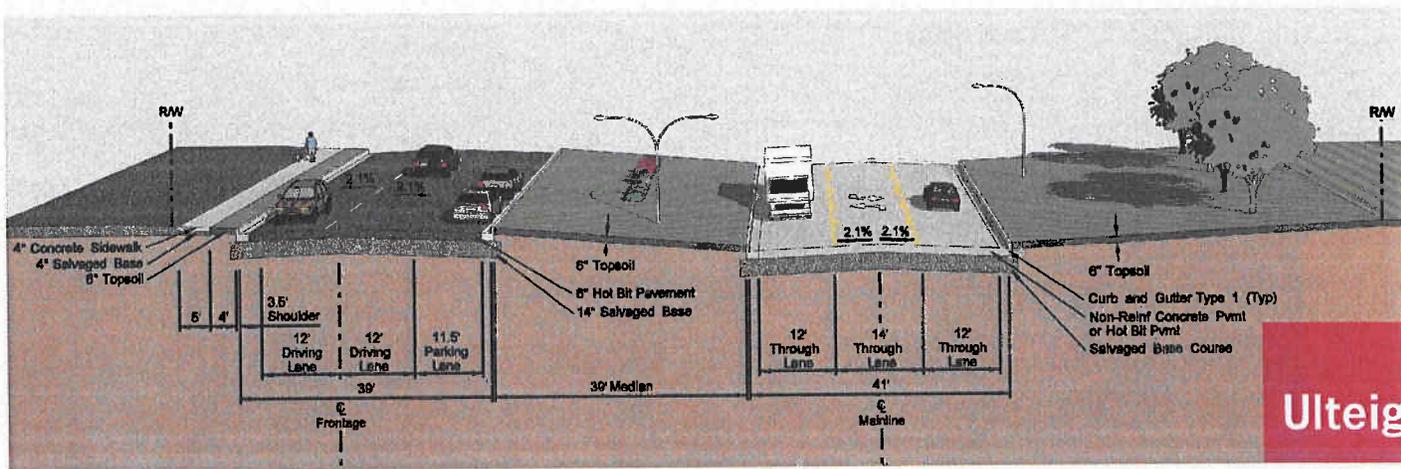
### Public Input Opportunities & Contact Info

Your input at this meeting is important. You have the opportunity to influence the decisions of this study and the selection of improvements that will ultimately be implemented.

Questions or comments pertaining to this study may be submitted to:

J. Steven Windish, PE  
 Ulteig Engineers, Inc.  
 1412 Basin Avenue  
 Bismarck, ND 58504  
 Phone: 701-258-6507  
 Fax: 701-224-1163  
 email: [steve.windish@ulteig.com](mailto:steve.windish@ulteig.com)

### Proposed Typical Section



**Ulteig**

## **7. Public Notification**

Affidavit of Publication

STATE OF NORTH DAKOTA ]  
]ss

County of Stutsman

I, Velma Dockter being first duly sworn, on my oath, say that I am the legal clerk of The Jamestown Sun, a daily newspaper of general circulation, published in the city of Jamestown, in said county and state, and that the advertisement headed:

Public Hearing East Business Loop

A printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement, for

1 consecutive week[s] starting

20 February 2009 to wit:

Straight Matter Lines \_\_\_\_\_ @ \$0.66

Column Inches 12 @ \$7.14

First Publication \$ 85.68 February 20, 2009

Subsequent Publication \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2009

Subsequent Publication \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2009

Subsequent Publication \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2009

Total Cost of Legal, \$ 85.68

Robyn McDonald

Subscribed and sworn to before me this 3<sup>rd</sup> Day of March A.D. 2009

My Commission Expires Sept. 1, 2009  
State of North Dakota  
Notary Public  
KATHY HILGEMANN

[Seal] Kathy Hilgeman

Notary Public, State of North Dakota.

My Commission Expires September 1, 2009.

WHITE:  
You are hereby summoned and appear at the hearing to state any of the parties' assets, ex-

## PUBLIC HEARING

### WHY?

To discuss proposed improvements to East Business Loop (Interstate 94 to the intersection of 12th Avenue SE and 11th Street SE). The project consists of street and frontage road reconstruction, and utility improvements. Parking and property access will also be discussed.

### WHEN?

Tuesday, March 10, 2009  
Open House: 5:30 p.m. to 7:30 p.m.  
Formal Presentation: 5:45 p.m. to 6:15 p.m.

### WHERE?

Jamestown City Hall  
City Council Chambers  
102 3rd Avenue SE  
Jamestown, ND 58104

### OPEN HOUSE CONDUCTED BY

The City of Jamestown, ND Department of Transportation (NDDOT)  
and Ulfelg Engineers

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.

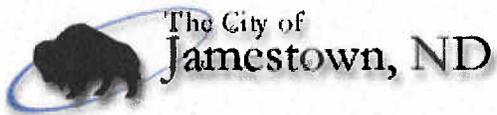
Representatives from the City of Jamestown, NDDOT and Ulfelg Engineers will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by Wednesday, March 25, 2009, to Steve Windish, Project Manager, Ulfelg Engineers, 1412 Basin Ave, Bismarck, ND 58504.  
Email: Steve.Windish@ulfelg.com  
Phone: 701-258-6507  
Note: Jamestown East Business Loop in email subject heading.

DISABILITIES: People with disabilities who plan to attend the meeting and need special arrangements should contact Sengroun March, NDDOT Local Government before the meeting.  
Phone: 701-328-4449 TTY: 701-328-4156

PUBLIC INSPECTION: The project maps, sketches, and other pertinent information are available for public inspection at the City of Jamestown, 102 3rd Ave SE, Jamestown, ND and at NDDOT Valley City District Office, 1524 8th Avenue SW, Valley City, ND.

February 20, 2009



102 3<sup>rd</sup> Avenue SE  
Jamestown, North Dakota 58401  
Telephone (701) 252-5900  
Fax (701) 252-5903  
Web [www.jamestownnd.com](http://www.jamestownnd.com)

## MEMORANDUM

TO: Resident or Business Owner

FROM: J. Steven Windish, PE, Project Manager - Ulteig Engineers, Inc.

DATE: February 27, 2009

SUBJECT: **Public Hearing**  
**Jamestown East Business Loop Reconstruction**  
**Location:** Jamestown City Hall  
102 3<sup>rd</sup> Ave SE  
Jamestown, ND 58401  
**Date:** Tuesday, March 10, 2009 **Time:** 5:30 p.m. to 7:30 p.m.

Dear Resident or Business Owner:

The City of Jamestown, NDDOT and Ulteig Engineers, Inc. invite you to attend a Public Hearing which will be held at Jamestown City Hall in Jamestown, North Dakota.

All interested persons are invited to participate in this meeting. The meeting will begin at 5:30 p.m. with an open house and end at 7:30 p.m. on Tuesday, March 10, 2009. A half hour formal presentation will be given at 5:45 p.m. with opportunities to review project materials before and after the presentation.

**Meeting Purpose:** To discuss the Final Project Concept Report for the proposed improvements to the Jamestown East Business Loop (Interstate 94 to the intersection of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE – refer to map on back of letter). The project consists of utility improvements, and street and frontage road reconstruction. Parking and property access will also be discussed.

**Issues:** Property impacts, environmental impacts, traffic impacts, constructability, access needs and parking.

If you are unable to attend the meeting but still wish to provide comments, please submit comments by Wednesday, March 25, 2009. Comments or requests for special facilities should be directed to J. Steven Windish at 1412 Basin Avenue, Bismarck, ND 58504; email [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) or by phone at 701-258-6507.

March 3, 2009

For more information contact:

Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507

Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## **Public Hearing to be held on March 10, 2009 to discuss proposed improvements to the Jamestown East Business Loop**

A Public Hearing will be held from 5:30 p.m. to 7:30 p.m. on March 10, 2009 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, ND. The Public Hearing will utilize an open house format with a formal presentation from 5:45 p.m. - 6:15 p.m.

The purpose of the Public Hearing is to discuss proposed improvements from Interstate 94 to the junction of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE in Jamestown. Issues to be discussed include utility improvement, road and frontage road reconstruction, parking and private access. The Public Hearing will provide opportunity for public input. Representatives from the NDDOT, staff from the City of Jamestown and Ulteig Engineers will be on hand to answer questions.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, March 25, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, ND 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Input Meeting and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

## Jennifer Hanley

---

**From:** Jennifer Hanley  
**Sent:** Monday, March 09, 2009 2:45 PM  
**To:** 'kathys@jamestownsun.com'; 'news@ksjbam.com'; 'bigdog@daktel.com'; 'loris@daktel.com'; 'news@kcsitv.com'; 'shillius@nd.gov'; 'jdfyrscu@daktel.com'; 'jbergqui@nd.gov'; 'mayorliechty@daktel.com'; 'grabingers@daktel.com'; 'djhmst@daktel.com'; 'parisien@jamestownnd.com'; 'kschulz@csicable.net'; 'surness@amfmradio.biz'; 'redhead@drtel.net'; 'dcleader@drtel.net'; 'kqlx@kqlx.com'; 'gscourrier@invisimax.com'; 'edgeleymail@drtel.net'; 'tcnews@daktel.com'; 'chronicl@drtel.net'; 'bulletin@drtel.net'; 'oakestms@drtel.net'; 'vctr@daktel.com'; 'wishekstar@drtel.net'; 'kulm@drtel.net'; 'shawnelliott@amfmradio.biz'  
**Cc:** Steve Windish; Josh Olson; Matt Kinsella; Jeff Fuchs (jfuchs@daktel.com)  
**Subject:** CANCELLED / RESCHEDULED: Public Hearing on March 10 to discuss proposed improvements to the Jamestown East Business Loop  
**Importance:** High

March 9, 2009

For more information contact:  
Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507  
Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## March 10 Public Hearing rescheduled due to weather

Hearing to discuss proposed improvements to Jamestown East Business Loop now scheduled for March 31

The Public Hearing to be held on Tuesday, March 10 at the Jamestown City Hall in Jamestown has been rescheduled due to inclement weather conditions.

The Public Hearing has been rescheduled for 6 to 8 p.m. on Tuesday, March 31 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, N.D. The Public Hearing will utilize an open house format with a formal presentation from 6:15 to 6:45 p.m.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, April 15, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, N.D. 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Hearing and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

Affidavit of Publication

STATE OF NORTH DAKOTA]

]ss

County of Stutsman

I, Robyn McDonald, being first duly sworn, on my oath, say that I am the public notice clerk of The Jamestown Sun, a daily newspaper of general circulation, published in the city of Jamestown, in said county and state, and that the advertisement headed:

Public Notice - Rescheduled

A printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement, for

1 Consecutive week[s] starting

17 March, 2009 to wit:

Column Inches 13 @ \$13.60

First Publication \$ 183.80, March, 17, 2009

Subsequent Publication \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2009

Total Cost of Public Notice \$ 183.80

Robyn McDonald

Subscribed and sworn to before me this 17<sup>th</sup> Day of March A.D. 2009

[Seal] Kathy Hilgemann

Notary Public, State of North Dakota

My Commission Expires September 1, 2009.

KATHY HILGEMANN  
Notary Public  
State of North Dakota  
My Commission Expires Sept. 1, 2009

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## PUBLIC HEARING

### WHY?

To discuss proposed improvements to East Business Loop (Interstate 94 to the intersection of 12th Avenue SE and 11th Street SE). The project consists of street and frontage road reconstruction, and utility improvements. Parking and property access will also be discussed.

### WHEN?

Tuesday, March 31, 2009  
Open House: 6:00 p.m. to 8:00 p.m.  
Formal Presentation: 6:15 p.m. to 6:45 p.m.

### WHERE?

Jamestown City Hall  
City Council Chambers  
102 3rd Avenue SE  
Jamestown, ND 58104

### OPEN HOUSE CONDUCTED BY

The City of Jamestown, ND Department of Transportation (NDDOT) and Ulteig Engineers.

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.

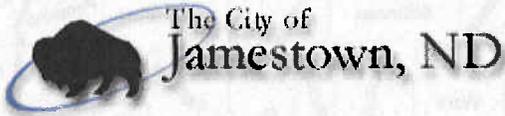
Representatives from the City of Jamestown, NDDOT and Ulteig Engineers will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by Wednesday, April 15, 2009, to Steve Windisch, Project Manager, Ulteig Engineers, 1412 Basin Ave, Bismarck, ND 58504.  
Email: [Steve.Windisch@Ulteig.com](mailto:Steve.Windisch@Ulteig.com)  
Phone: 701-258-6507

Note Jamestown East Business Loop in email subject heading.

DISABILITIES: People with disabilities who plan to attend the meeting and need special arrangements should contact Bengarum Marohl, NDDOT Local Government before the meeting.  
Phone: 701-328-4449 TTY: 701-328-4156

PUBLIC INSPECTION: The project maps, sketches, and other pertinent information are available for public inspection at the City of Jamestown, 102 3rd Ave SE, Jamestown, ND and at NDDOT Valley City District Office, 1524 8th Avenue SW, Valley City, ND.



102 3<sup>rd</sup> Avenue SE  
Jamestown, North Dakota 58401  
Telephone (701) 252-5900  
Fax (701) 252-5903  
Web [www.jamestownnd.com](http://www.jamestownnd.com)

## MEMORANDUM

TO: Resident or Business Owner

FROM: J. Steven Windish, PE, Project Manager - Ulteig Engineers, Inc.

DATE: March 24, 2009

SUBJECT: **Public Hearing**  
**Jamestown East Business Loop Reconstruction**  
**Location:** Jamestown City Hall  
102 3<sup>rd</sup> Ave SE  
Jamestown, ND 58401  
**Date:** Tuesday, March 31, 2009 **Time:** 6:00 p.m. to 8:00 p.m.

Dear Resident or Business Owner:

The City of Jamestown, NDDOT and Ulteig Engineers, Inc. invite you to attend a Public Hearing which will be held at Jamestown City Hall in Jamestown, North Dakota.

All interested persons are invited to participate in this meeting. The meeting will begin at 6:00 p.m. with an open house and end at 8:00 p.m. on Tuesday, March 31, 2009. A half hour formal presentation will be given at 6:15 p.m. with opportunities to review project materials before and after the presentation.

**Meeting Purpose:** To discuss the Final Project Concept Report for the proposed improvements to the Jamestown East Business Loop (Interstate 94 to the intersection of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE – refer to map on back of letter). The project consists of utility improvements, and street and frontage road reconstruction. Parking and property access will also be discussed.

**Issues:** Property impacts, environmental impacts, traffic impacts, constructability, access needs and parking.

If you are unable to attend the meeting but still wish to provide comments, please submit comments by Wednesday, April 15, 2009. Comments or requests for special facilities should be directed to J. Steven Windish at 1412 Basin Avenue, Bismarck, ND 58504; email [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) or by phone at 701-258-6507.

March 23, 2009

For more information contact:

Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507

Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## **Public Hearing to be held on March 31, 2009 to discuss proposed improvements to the Jamestown East Business Loop**

A Public Hearing will be held from 6:00 p.m. to 8:00 p.m. on March 31, 2009 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, ND. The Public Hearing will utilize an open house format with a formal presentation from 6:15 p.m. - 6:45 p.m.

The purpose of the Public Hearing is to discuss proposed improvements from Interstate 94 to the junction of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE in Jamestown. Issues to be discussed include utility improvement, road and frontage road reconstruction, parking and private access. The Public Hearing will provide opportunity for public input. Representatives from the NDDOT, staff from the City of Jamestown and Ulteig Engineers will be on hand to answer questions.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, April 15, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, ND 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Input Meeting and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

March 30, 2009

For more information contact:

Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507

Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## **March 31 Public Hearing rescheduled due to weather**

Hearing to discuss proposed improvements to Jamestown East Business Loop now scheduled for April 21

The Public Hearing to be held on Tuesday, March 31 at the Jamestown City Hall in Jamestown has been rescheduled due to inclement weather conditions.

The Public Hearing has been rescheduled for 6 to 8 p.m. on Tuesday, April 21 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, N.D. The Public Hearing will utilize an open house format with a formal presentation from 6:15 to 6:45 p.m.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, May 6, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, N.D. 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Hearing and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

Affidavit of Publication

STATE OF NORTH DAKOTA]

]ss

County of Stutsman

I, Robyn McDonald, being first duly sworn, on my oath, say that I am the public notice clerk of The Jamestown Sun, a daily newspaper of general circulation, published in the city of Jamestown, in said county and state, and that the advertisement headed:

Public Hearing

A printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement, for

1 Consecutive week[s] starting

April 3, 2009 to wit:

Column Inches 13 @ \$13.60

First Publication \$ 183.80, April, 3, 2009

Subsequent Publication \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2009

Total Cost of Public Notice \$ 183.80

Robyn McDonald

Subscribed and sworn to before me this 6<sup>th</sup> Day of April A.D. 2009

[Seal] Kathy Hilgemann

Notary Public, State of North Dakota

KATHY HILGEMANN  
Notary Public  
State of North Dakota  
My Commission Expires September 1, 2009.

## PUBLIC HEARING

### WHY?

To discuss proposed improvements to East Business Loop (Interstate 94 to the intersection of 12th Avenue SE and 11th Street SE). The project consists of street and frontage road reconstruction, and utility improvements. Parking and property access will also be discussed.

### WHEN?

Tuesday, April 21, 2009  
Open House: 6:00 p.m. to 8:00 p.m.  
Formal Presentation: 6:15 p.m. to 6:45 p.m.

### WHERE?

Jamestown City Hall  
City Council Chambers  
102 3rd Avenue SE  
Jamestown, ND 58104

### OPEN HOUSE CONDUCTED BY

The City of Jamestown, ND Department of Transportation (NDDOT) and Ulteig Engineers

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 City of Jamestown, NDDOT and Ulteig Engineers will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by Wednesday, May 6, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Ave, Bismarck, ND 58504.  
Email: [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com)  
Phone: 701-258-6507

Note Jamestown East Business Loop in email subject heading.

DISABILITIES: People with disabilities who plan to attend the meeting and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government before the meeting.  
Phone: 701-328-4449 TTY: 701-328-4156

PUBLIC INSPECTION: The project maps, sketches, and other pertinent information are available for public inspection at the City of Jamestown, 102 3rd Ave SE, Jamestown, ND and at NDDOT Valley City District Office, 1524 8th Avenue SW, Valley City, ND.

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## MEMORANDUM

TO: Resident or Business Owner

FROM: J. Steven Windish, PE, Project Manager - Ulteig Engineers, Inc.

DATE: April 9, 2009

SUBJECT: **Public Hearing**  
**Jamestown East Business Loop Reconstruction**  
**Location:** Jamestown City Hall  
102 3<sup>rd</sup> Ave SE  
Jamestown, ND 58401  
**Date:** Tuesday, April 21, 2009 **Time:** 6:00p.m. to 8:00 p.m.

Dear Resident or Business Owner:

The City of Jamestown, NDDOT and Ulteig Engineers, Inc. invite you to attend a Public Hearing which will be held at Jamestown City Hall in Jamestown, North Dakota.

All interested persons are invited to participate in this meeting. The meeting will begin at 6:00 p.m. with an open house and end at 8:00 p.m. on Tuesday, April 21, 2009. A half hour formal presentation will be given at 6:15 p.m. with opportunities to review project materials before and after the presentation.

**Meeting Purpose:** To discuss the Final Project Concept Report for the proposed improvements to the Jamestown East Business Loop (Interstate 94 to the intersection of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE – refer to map on back of letter). The project consists of utility improvements, and street and frontage road reconstruction. Parking and property access will also be discussed.

**Issues:** Property impacts, environmental impacts, traffic impacts, constructability, access needs and parking.

If you are unable to attend the meeting but still wish to provide comments, please submit comments by Wednesday, May 6, 2009. Comments or requests for special facilities should be directed to J. Steven Windish at 1412 Basin Avenue, Bismarck, ND 58504; email [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) or by phone at 701-258-6507.

April 15, 2009

For more information contact:

Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507

Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## **Public Hearing to be held on April 21, 2009 to discuss proposed improvements to the Jamestown East Business Loop**

A Public Hearing will be held from 6:00 p.m. to 8:00 p.m. on April 21, 2009 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, ND. The Public Hearing will utilize an open house format with a formal presentation from 6:15 p.m. - 6:45 p.m.

The purpose of the Public Hearing is to discuss proposed improvements from Interstate 94 to the junction of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE in Jamestown. Issues to be discussed include utility improvement, road and frontage road reconstruction, parking and private access. The Public Hearing will provide opportunity for public input. Representatives from the NDDOT, staff from the City of Jamestown and Ulteig Engineers will be on hand to answer questions.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, May 6, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, N.D. 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Hearing and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

April 17, 2009

For more information contact:

Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507  
Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## **April 21 Public Hearing rescheduled due to flooding**

Hearing to discuss proposed improvements to Jamestown East Business Loop now scheduled for May 12

The Public Hearing to be held on Tuesday, April 21 at the Jamestown City Hall in Jamestown has been rescheduled due to flooding of the James River.

The Public Hearing has been rescheduled for 6 to 8 p.m. on Tuesday, May 12 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, N.D. The Public Hearing will utilize an open house format with a formal presentation from 6:15 to 6:45 p.m.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, May 27, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, N.D. 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Hearing and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

Affidavit of Publication

STATE OF NORTH DAKOTA]

]ss

County of Stutsman

I, Robyn McDonald, being first duly sworn, on my oath, say that I am the public notice clerk of The Jamestown Sun, a daily newspaper of general circulation, published in the city of Jamestown, in said county and state, and that the advertisement headed:

Public Hearing

A printed copy of which is here annexed, was published in the regular and entire issue of said newspaper during the period and time of publication, and that the notice was published in the newspaper proper, and not in a supplement, for

1 Consecutive week[s] starting

24 April, 2009

to wit:

Column Inches

13

@ \$13.60

First Publication

\$ 183.80, April, 24, 2009

Subsequent Publication

\$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2009

Total Cost of Public Notice \$ 183.80

Robyn McDonald

Subscribed and sworn to before me this 28<sup>th</sup> Day of April A.D. 2009

[Seal] Kathy Hilgemann

Notary Public, State of North Dakota

My Commission Expires September 1, 2009.

KATHY HILGEMANN  
Notary Public  
State of North Dakota  
My Commission Expires Sept. 1, 2009

## **PUBLIC HEARING**

### **WHY?**

To discuss proposed improvements to East Business Loop (Interstate 94 to the intersection of 12th Avenue SE and 11th Street SE). The project consists of street and frontage road reconstruction, and utility improvements. Parking and property access will also be discussed.

### **WHEN?**

Tuesday, May 12, 2009  
Open House: 6:00 p.m. to 8:00 p.m.  
Formal Presentation: 6:15 p.m. to 6:45 p.m.

### **WHERE?**

Jamestown City Hall  
City Council Chambers  
102 3rd Avenue SE  
Jamestown, ND 58104

### **OPEN HOUSE CONDUCTED BY**

The City of Jamestown, ND Department of Transportation (NDDOT) and Ulteig Engineers

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 City of Jamestown, NDDOT and Ulteig Engineers will be on hand to answer your questions and discuss your concerns.

**WRITTEN STATEMENTS** or comments about this project must be mailed by Wednesday, May 27, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Ave, Bismarck, ND 58504.  
Email: [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com)  
Phone: 701-258-6507

Note Jamestown East Business Loop in email subject heading.

**DISABILITIES:** People with disabilities who plan to attend the meeting and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government before the meeting.

Phone: 701-328-4449 TTY: 701-328-4156

**PUBLIC INSPECTION:** The project maps, sketches, and other pertinent information are available for public inspection at the City of Jamestown, 102 3rd Ave SE, Jamestown, ND, and at NDDOT Valley City District Office, 1524 8th Avenue SW, Valley City, ND.

## MEMORANDUM

TO: Resident or Business Owner

FROM: J. Steven Windish, PE, Project Manager - Ulteig Engineers, Inc.

DATE: May 1, 2009

SUBJECT: **Public Hearing**  
**Jamestown East Business Loop Reconstruction**  
**Location:** Jamestown City Hall  
102 3<sup>rd</sup> Ave SE  
Jamestown, ND 58401  
**Date:** Tuesday, May 12, 2009 **Time:** 6:00p.m. to 8:00 p.m.

Dear Resident or Business Owner:

The City of Jamestown, NDDOT and Ulteig Engineers, Inc. invite you to attend a Public Hearing which will be held at Jamestown City Hall in Jamestown, North Dakota.

All interested persons are invited to participate in this meeting. The meeting will begin at 6:00 p.m. with an open house and end at 8:00 p.m. on Tuesday, May 12, 2009. A half hour formal presentation will be given at 6:15 p.m. with opportunities to review project materials before and after the presentation.

**Meeting Purpose:** To discuss the Final Project Concept Report for the proposed improvements to the Jamestown East Business Loop (Interstate 94 to the intersection of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE – refer to map on back of letter). The project consists of utility improvements, and street and frontage road reconstruction. Parking and property access will also be discussed.

**Issues:** Property impacts, environmental impacts, traffic impacts, constructability, access needs and parking.

If you are unable to attend the meeting but still wish to provide comments, please submit comments by Wednesday, May 27, 2009. Comments or requests for special facilities should be directed to J. Steven Windish at 1412 Basin Avenue, Bismarck, ND 58504; email [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) or by phone at 701-258-6507.

May 5, 2009

For more information contact:

Steve Windish, Project Manager, Ulteig Engineers, (701) 258-6507

Sengaroun Marohl, NDDOT Local Government, (701) 328-4449

## **Public Hearing to be held on May 12, 2009 to discuss proposed improvements to the Jamestown East Business Loop**

A Public Hearing will be held from 6:00 p.m. to 8:00 p.m. on May 12, 2009 at the Jamestown City Hall, City Council Chambers, 102 3rd Avenue SE in Jamestown, ND. The Public Hearing will utilize an open house format with a formal presentation from 6:15 p.m. - 6:45 p.m.

The purpose of the Public Hearing is to discuss proposed improvements from Interstate 94 to the junction of 12<sup>th</sup> Avenue SE and 11<sup>th</sup> Street SE in Jamestown. Issues to be discussed include utility improvement, road and frontage road reconstruction, parking and private access. The Public Hearing will provide opportunity for public input. Representatives from the NDDOT, staff from the City of Jamestown and Ulteig Engineers will be on hand to answer questions.

If unable to attend the Public Hearing, written statements or comments must be mailed by Wednesday, May 27, 2009, to Steve Windish, Project Manager, Ulteig Engineers, 1412 Basin Avenue, Bismarck, ND 58504.

E-mails may also be sent to [Steve.Windish@Ulteig.com](mailto:Steve.Windish@Ulteig.com) with "Jamestown East Business Loop Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Input Meeting and need special arrangements should contact Sengaroun Marohl, NDDOT Local Government, at (701) 328-4449, and TTY: (701) 328-4156.

initiatives.

It's worth revisiting these in the wake of the 2009 flood — an epic event that surpassed the Flood of 1997 in extent even if it doesn't approach the 1997 flood in the amount of damage done. That's partly because Grand Forks was able to get effective flood protection in place before the 2009 flood.

In all of its work, IFMI stressed that flooding is an issue for everyone in the basin, not just the major

pilot project, and IFMI's work has been presented at conferences around the world.

The aftermath of another flood is a good time to renew IFMI's groundbreaking work, to review what's been done and what remains to be done and to extend the process to other water issues in the Red River Basin.

It's a good way to get together to end flooding in the valley.

## LETTERS TO THE EDITOR

### Sidewalk should be placed adjacent to parking lane

Regarding the Jamestown East Business Loop reconstruction, I object to the provision in Alternative 2 to place the sidewalk along the north side of the frontage road.

Placing the sidewalk across the entrances to businesses on the north side of the frontage road creates a safety hazard for anyone using the sidewalk. The entire sidewalk from our parking lot east to 15th Avenue would not actually be a sidewalk but would be entrances to those businesses. Encouraging bicyclists to use the designated "sidewalk" area crossing the entrances to those businesses further escalates the safety hazard for bicyclists and motorists patronizing those businesses.

The Federal Highway Administration's contention that placing the sidewalk in the median along the south side of the frontage road would create a safety hazard because children might run from the sidewalk between cars parked on the south side of the frontage road to businesses on the north side is without merit because the same potential exists with any street in the city. That is why we have sidewalks, designated pedestrian crossings and ordinances prohibiting crossing streets at other than designated crosswalks.

Alternative 2 would establish a designated parking lane along the south side of the frontage road with no sidewalk, leaving the public — including children — with no

alternative except to jaywalk by (a) crossing the frontage road directly to businesses on the north side, or (b) walking in the traffic lane of the frontage road to cross at an intersection. The design deliberately creates the safety hazard it purports to avoid. As the designer of the project, Ulteig Engineers need to explain to the Federal Highway Administration the absurdity of spending public funds to create a parking area on the frontage road that cannot be safely or legally used.

Creating a designated parking lane on the south side of the frontage road constitutes a clear invitation to the public to use it, and that failure to provide an appropriate means for the public using that parking lane to get to a designated pedestrian crossing easily and safely arguably could establish legal liability for Ulteig Engineers Inc., the City of Jamestown and North Dakota Department of Transportation if a child or other member of the public were to be injured or killed walking on or crossing the frontage road from the parking lane.

The most logical way to achieve the stated goals of providing parking along the frontage road and enhanced access for pedestrians and bicyclists is to place the sidewalk in the median along the south side of the frontage road adjacent to the parking lane, with designated pedestrian crossings at appropriate locations, just as is done in other areas of the city.

**Gary L. Pearson, D.V.M.**  
Jamestown

Jamestown Sun  
Wed. May 20<sup>th</sup>, 2009

# Property owners oppose street work

By **TONI PIRKL**  
THE JAMESTOWN SUN

While the proposed reconstruction of Business Loop East is still very much in the discussion phase, property owners along the roadway said Tuesday they were opposed to the project.

About 20 property owners were at a public hearing conducted by the project manager, Steve Windish of Ulteig Engineers. This was an extension of a previous hearing on the proposed reconstruction of Business Loop East, which would occur in 2011.

Several business owners said a six-month construction project would destroy their business traffic. They said they couldn't afford the loss of revenue

*"There's no way for a special assessment commission to figure out what the cost would be to a property."*

**Jeff Fuchs**

city administrator

plus the special assessments they would have to pay.

"100 percent of the property owners object to the project because of the nega-

See **BIZ LOOP**: Page A3

## BIZ LOOP: State money can't be rerouted

From Page A1

...tive impact on the businesses," one woman said. "There are 15 property owners and we're opposed to doing the project at all."

Part of the plan would be to maintain traffic access through the area and to all businesses along the street despite construction. But property owners said they don't think that will be enough.

The basic plan is to change the roadway from near Stop 'N' Go South to the Interstate 94 off ramp from a rural design with ditches to one with curbs and gutters. The potential design includes a center turning lane between driving lanes. The frontage road was also included in the scope of work.

The property owners have been asked what they would like to have. Ideas such as a parking lane on the frontage road and a sidewalk are some of the suggestions. Homeowners argued that it would get too expensive to do any of that. One business owner suggested an overlay of the road instead. Others wanted a figure on what the assessment would be for the different

options.

There are 20 to 100 different options," said City Administrator Jeff Fuchs. "There's no way for a special assessment commission to figure out what the cost would be to a property."

However, the project could still be rejected down the road when the special assessment commission does know the cost to property owners. If 75 percent of the property owners in the assessment district say no, the construction project will not be done.

Windish made a presentation on Ulteig's concept of the new roadway, the project timeline and the process. He said nothing has been decided yet. The design won't even be finished until Sept. 1, 2010. Before it goes to design the City Council has to decide on the various alternatives.

"Our intent is to allow you to get information and give input. We also ask you to put your comments on comment sheets," said City Engineer Reed Schwartzkopf said. He added that the comment period had been extended by two weeks to

give the property owners more time. The comments must be done in writing.

The estimated price tag is about \$8 million, with federal highway funds picking up 80 percent, the state chipping in 10 percent and leaving 10 percent in local funding. Usually the local share is 20 percent.

In this case, the roadway carries state highway traffic and is also used for traffic from the I-94 interchange. For those reasons, once the bypass was completed on the west side of Jamestown, the North Dakota Department of Transportation wanted Business Loop East reconstructed.

"It's the primary entrance to our community," said Harley Trefz, Planning Commission chairman. And in answer to a business owner's comment to use the money elsewhere, "The federal money could be used on another project, but the state money would go away."

Sun reporter **Toni Pirkl** can be reached at (701) 952-8453 or by e-mail at [tonip@jamestownsun.com](mailto:tonip@jamestownsun.com)

## **8. Attendance Roster**

PLEASE PRINT

ATTENDANCE ROSTER

SUBJECT PUBLIC HEARING Jamestown East Business Loop Reconstruction SU-2-987(029)033

MEETING LOCATION Jamestown City Hall

DATE/TIME Tuesday, May 12, 2009 / 6:00 PM - 8:00 PM

Name / Organization	Address	Phone	Email
Stacey Hanson - DOT	1008 E Blvd Ave Bismarck	(701) 328-4419	smhanson@nd.gov
Jennifer Hawley, Ulteig	3350 38 <sup>th</sup> Ave S, Fargo	(701) 280-8582	jennifer.hawley@ulteig.com
Matt Kinsella, Ulteig	" "	(701) 280-8672	matt.kinsella@ulteig.com
Josh Olson - Ulteig	" "	(701) 280-8620	josh.olson@ulteig.com
Mike Gerbarger	1622 13 <sup>th</sup> St SE JUST	252-2110	
John Thompson	1524 8 <sup>th</sup> Ave SW	845-8811	
Gary L. Pearson	1305 Business Loop East	701-252-9410	gary.pearson@cs.cable.net
Paul Johnson	1321 Bus Loop E	701-252-7075	
Austin Ertzer	1506 9 <sup>th</sup> Ave SE	251-1450	ABERTZER@CSICABLE.NET
Orky Orphan	10 Rq	252-2340	

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Name / Organization	Address	Phone	Email
Dominee P. O'Connell Alpha Ops Trusts	P.O. Box 824	252-8575	
Keith Loran Sun		252-8452	
Britney J. Hansen Hansen Title	1324 Des Corp 2	252-7075	
Robert Kiechly	Box 467 Jamestown	252-5745	
Don M. Gray	Box 648 Jamestown	252-2011	
Paul Berning	608 E Blvd Bldg, ND	328-2271	
Maureen Jackson	1108-11th St. S.S.	252-4874	
CLINT Zink	102 31 Ave S.E.	252-5900	
Pat Nygaard City Council	1409 5th Ave NW	320-4502	
Charlie Kouzeja City Council	218-7th St. N.W. APT. 2	320-3015	
Darrell P. Styer	1313 Bunnings Corp Dr	952-2733	
Carol M. Gray	Box 648 - Jamestown	252-2011	
Don M. Gray	P.O. Box 824 Post	252-8162 Ext 12	
Steve Thompson	P.O. Box 2035 JHS	320-4291	

