

## **CITY OF KINDRED**

### **POLICY ON PRIVATELY DESIGNED PUBLIC INFRASTRUCTURE**

The City of Kindred supports privately designed developments. Projects that are designed by the private sector (“Developer”) still require City staff involvement to provide guidance on overall infrastructure needs, verify adherence to City standards of design and construction, maintenance of proper construction records, among other activities discussed in this policy. City staff involvement is critically important since the privately installed public infrastructure is turned over to the city for ownership, operation and maintenance. These newly developed areas of the city place increased demand for all City operations, thus requiring City involvement in the planning, design and construction of the infrastructure they will use and operate.

For these reasons, the city has a Project Administrative Fee (“Fee”) for projects privately designed. The fee is set by the City Council and charged by the City Auditor. The Developer will be contractually obligated to the Fee via a Developer Agreement (privately financed) or Improvement District Agreement (publicly financed).

The Fee is intended to cover, but not be limited to, the following activities required by City staff, including time billed by the City Engineer and City Attorney related to the project:

#### **1. PLANNING PHASE**

- a. Attendance to all planning meetings with the Developer and other stakeholders.
- b. Correspondence with the Developer and other stakeholders (including other impacted jurisdictions).
- c. Review of master planning of infrastructure related to proposed infrastructure to be installed, including but not limited to the sanitary sewer system, water system, storm sewer system, flood protection, streets, sidewalks/paths, street lighting, signage, and landscaping. Providing recommendations to ensure orderly planned infrastructure within and around the proposed development. The review will include preliminary sizing/capacity, layouts/alignments, typical sections, redundancy/resiliency, and public safety.
- d. Review of area plan, preliminary plat, and final plat.
- e. Drafting of Improvement District Agreement or Developer Agreement by City Attorney.
- f. Assistance in reviewing the Developer Agreement or Improvement District agreement prepared by the City Attorney.
- g. Review of the Preliminary Engineering Report (PER) indicating the proposed infrastructure to construct, prior to proceeding into the Design phase. See Exhibit C for the requirements of the PER to be completed by the Developer’s consultant.
- h. Updating City’s Capital Improvement Plan

#### **2. DESIGN PHASE**

- a. Providing Developer’s consultant Engineer of Record (“EOR”) any city records needed for design.
- b. Attendance of all design meetings with the Developer and other stakeholders, as necessary.

- c. Correspondence with the Developer and other stakeholders (including other impacted jurisdictions).
- d. Review of all infrastructure systems designs. Review will include items such as final sizing/capacity, layout/alignment, typical sections, redundancy/resiliency, and public safety.
- e. Review plans and specifications. Ensuring conformance with city standards.
- f. Review of the construction contract, if publicly financed.
- g. Review of the bidding documents and proposed construction contract between Owner and Contractor, if publicly bid/financed.
- h. Communicate with Developer on recommendation to award a construction contract, if publicly financed.
- i. Review of the Engineer's Statement of Estimated Cost for the project, if publicly financed.
- j. The following activities are specifically excluded:
  - i. Funding Applications and Administration
  - ii. Acquisition of Right-of-Way
  - iii. Permitting
  - iv. Private Utility Coordination

### **3. CONSTRUCTION PHASE**

- a. Attendance of all construction meetings with the Contractor, Developer and other stakeholders, as necessary.
- b. Site visits to observe the progress of the installation of infrastructure.
- c. Correspondence with the Developer and other stakeholders (including other impacted jurisdictions) related to construction activities.
- d. Attending Substantial Completion and Ready for Final Payment Inspections.
- e. The following activities are specifically excluded:
  - i. Administration of the Construction Contract (to be completed by EOR)
  - ii. Construction staking
  - iii. Construction Inspection
  - iv. Private Utility Coordination

### **4. POST CONSTRUCTION PHASE**

- a. Updating city's GIS database
- b. Updating all City Maps in PDF format
  - i. Zoning Map
  - ii. Plat Map
  - iii. Sanitary Sewer System
  - iv. Water System
  - v. Storm Sewer System
  - vi. Street Classifications (Local, Collector, Arterial)
  - vii. Street Material Types (Gravel, Asphalt, Concrete)
  - viii. Sidewalk/Path Network
- c. Updating city's models and master plans for sanitary sewer system, water system and storm system.

- d. Updating city's master plans for streets and sidewalks/paths.
- e. Correspondence with the Developer and other stakeholders (including other impacted jurisdictions) on defective work identified after acceptance of the improvements.
- f. Attending Special Assessment Commission meetings and reviewing proposed special assessment lists, if publicly financed.
- g. Updating City's Capital Improvement Plan
- h. Ensuring the delivery of all project documentation required in **Exhibit A – Project Documentation**.
- i. Final review of all project requirements per the Developer Agreement or Improvement District Agreement.

**Fee Amount and Timing for Payment:**

A. Public Financing

- a. The city will establish the preliminary Fee based on 4% of the estimated construction cost from the approved Engineer's Report. The final fee will be based on the final payment for construction.
- b. The Developer will be required to make a pre-payment for 10% of the Fee prior to staff reviews beginning in the Planning Phase, which will pay for any preliminary administrative expenses prior to the Improvement District Agreement being executed. In the discretion of the City, City officials may have an initial meeting or meetings with the developer before the fee is required to be paid in order for both sides to discuss feasibility. The fee, however, shall be due no later than submission of the Preliminary Plat. The pre-payment will be reimbursed back to the Developer after the Improvement District Agreement is executed and the city's financing is secured. The Fee will be included in the total project cost to be specially assessed. If the Project is withdrawn prior to the Design Phase, the City will refund any fund paid, less billed engineering fees and attorney's fees related to the project.

B. Private Financing

- a. The city will establish the Fee based on 4% of the Engineer's Opinion of Probable Construction Cost from the Developer's Engineer of Record. The Engineer's Opinion of Probable Construction Cost will be reviewed and approved by city staff.
- b. The Developer will be required to make a pre-payment for 10% of the Fee prior to staff reviews beginning in the Planning Phase, which will pay for any preliminary administrative expenses prior to the Developer Agreement being executed. In the discretion of the City, city officials may have an initial meeting or meetings with the developer before the fee is required to be paid in order for both sides to discuss feasibility. The fee, however, shall be due no later than submission of the Preliminary Plat. The pre-payment will be applied to the total Fee paid, with the balance due as part of the city's approval of the Developer Agreement. If the Project is withdrawn prior to the Construction Phase, the City will refund any Fee paid, less engineering fees and attorney's fees related to the project.

## EXHIBIT A – PROJECT DOCUMENTATION

The Developer shall provide the City the following records within each project phase prior to proceeding into the next phase.

### 1. **PLANNING PHASE**

- a. Annexation Plat AUTOCAD DWG (or DXF)
- b. Subdivision Plat AUTOCAD DWG (or DXF)
  - i. Plats with detention ponds will not be approved by the City Engineer until the design of the ponds are considered final. This may take place during the Design Phase.
  - ii. Copy of the final plat file shall be submitted in an electronic format and must be on the North Dakota State Plane South Zone Coordinates, US Survey Foot. Acceptable file formats are AUTOCAD DWG (or DXF).
- c. Preliminary Engineering Report (stamped by a PE in ND) in PDF per Exhibit C

### 2. **DESIGN PHASE**

- a. Design calculations for wastewater system, storm water system, and drinking water system
- b. Stamped Plans and Specifications in PDF and AUTOCAD DWG (or DXF)
- c. All documents required by Funding Agencies, if using public funds.

### 3. **CONSTRUCTION PHASE**

- a. Certificate of Substantial Completion issued by the Engineer of Record
- b. Daily logs for inspections of the infrastructure
- c. Final approved shop drawings and construction submittals
- d. Video televising for sanitary sewer mains and services, and storm sewer mains
- e. Records of water main pressure tests (can be noted in daily logs)
- f. Records of Bac-T tests from testing agency
- g. Mandrel testing results noted in daily logs
- h. Lien waivers from all contractors, subcontractors and all suppliers who worked on or supplied material for the project
- i. Copies of easements required that were not included on the plat
- j. Record Drawing Submittal per Exhibit B
- k. Notice of Termination (NOT) for Stormwater Discharge
- l. All documents required by Funding Agencies, if using public funds.
- m. Recommendation for Final Payment by Developer's Consultant Engineer of Record (EOR)

The City will not issue Building Permits until the Certificate of Substantial Completion has been issued by the Developer's EOR and is approved by the City Council, which will include all permanent equipment being fully operational with completed start-ups.

## **EXHIBIT B – RECORD DRAWING SUBMITTAL**

One (1) copy of the detailed record drawings (“as-builts”) of the Developer public improvements shall be provided by the Developer in accordance with city standards no later than 90 days after acceptance of the improvements by the city, unless otherwise approved in writing by the Public Works Director. If the record drawings are not provided to the city within 90 days, the city may have the work done by others and pay for it with the Developer’s sureties. The record drawings must be the approved plans modified to reflect as-built conditions. The following items shall be included on the record drawings:

1. **As-Built Survey:** The record drawing requires a survey to be completed for all infrastructure system appurtenances. All as-built survey data collection must be within an accuracy tolerance of 0.10’ horizontal and 0.05’ vertical, based on the project’s horizontal and vertical datum. The as-built survey must be completed on current North Dakota State Plane South Zone, Cass County Ground Coordinates, US Survey Foot and NAVD88 and performed by or under the direct supervision of a Registered Land Surveyor. Survey coordinates (and elevations as noted) shall be provided on all infrastructure system appurtenances, including but not limited to the following:
  - a. Wastewater System
    - i. Manholes (rim)
    - ii. Pipe stubs (invert)
    - iii. Cleanouts (rim)
    - iv. Sewer service ends
    - v. Lift Station center or corners (rim)
    - vi. Gate Valves (rim)
  - b. Storm Water System
    - i. Manholes (rim)
    - ii. Catch Basins (rim)
    - iii. End Sections (invert)
    - iv. Pipe stubs (invert)
    - v. Lift Station center or corners (rim)
  - c. Drinking Water System
    - i. Hydrants (top nut)
    - ii. Gate Valves (rim)
    - iii. Curb Stops (rim)
    - iv. Manhole/pit (rim)
  - d. Survey points collected shall be shown on the drawings with a description of the point and an elevation to the nearest hundredth of an inch.

2. The record drawings shall provide the following items:
  - a. Cover page shall note the Engineer of Record, General Contractor, Subcontractors and their work.
  - b. Clearly note what infrastructure was removed or abandoned (do not delete from drawings).
  - c. Label all permanent easement and right-of-way boundaries with recorded document numbers.
3. Final record drawings shall be submitted in electronic format, both AUTOCAD DWG (or DXF) and PDF.

## **EXHIBIT C – PRELIMINARY ENGINEERING REPORT (PER) REQUIREMENTS**

A Preliminary Engineering Report (PER) is required for all privately designed public infrastructure projects within the City of Kindred. The PER must be prepared by the Developer's consultant with guidance and review from the City Engineer. The Developer's consultant must be an Engineer licensed to do work in the state of North Dakota. The PER ensures that all proposed infrastructure meets City standards and supports orderly, sustainable development. The PER must be submitted and approved by the City Engineer and City Council prior to proceeding into the Design Phase. The City reserves the right to require additional information or analysis as deemed necessary.

### **Required Content of the PER:**

- Project Background and Need
  - Description of the proposed development and its purpose. Explanation of why the project is necessary, including service area and anticipated growth.
- Existing Conditions
  - Summary of current site conditions and existing infrastructure. Identification of constraints, deficiencies, or opportunities.
- Alternatives Analysis
  - Evaluation of feasible alternatives for benefits and estimated costs. Discussion of the advantages and disadvantages of each alternative.
- Recommended Alternative
  - Justification for the selected alternative based on technical, financial, and operational considerations. Preliminary layout and description of proposed improvements.
- Preliminary Design Criteria
  - Preliminary sizing/capacity calculations for all infrastructure systems (sanitary sewer, water, stormwater, streets, etc.). Layouts/alignments, typical sections, redundancy/resiliency, and public safety considerations.
- Preliminary Cost Estimates
  - Opinion of probable construction cost for the recommended alternative, including any required soft costs and minimum 10% contingencies. Summary of anticipated operation and maintenance costs.
- Environmental Review
  - Identification of potential environmental impacts and proposed mitigation measures. Confirmation that no environmental constraints will prevent project implementation. Meet the environmental clearance requirements of the project funding agencies, which may include a separate Environmental Report.
- Regulatory and Permitting Considerations
  - Identification of required permits and regulatory approvals. Timeline for obtaining necessary approvals.
- Geotechnical Evaluation
  - Provide a geotechnical report and consider its recommendations for feasibility and construction costs of the proposed project.

- Private Utility Impacts
  - Identify utility conflicts or concurrent private utility improvements to be made and associated costs.
- Funding and Implementation Plan
  - If using Public Funds, outline of proposed funding sources and financing strategy. Preliminary project schedule, including key milestones.
- Supporting Documentation
  - Maps, figures, and preliminary plans. Relevant correspondence and agency coordination. Any additional information required by the City Engineer.