



# Capital City Construction, Inc.

1501 E. Calgary Ave. • P.O. Box 7337 • Bismarck, ND 58507  
Phone 701-255-4002 • FAX 701-222-0731



June 18, 2024

North Dakota Public Service Commission  
Attn: Executive Secretary  
600 East Boulevard Avenue, Department 408  
Bismarck, ND 58505-0480

RE: North Dakota One-Call Complaint, Case Number DM-24-230, 711 6th Avenue SW, Mandan, ND

To Whom It May Concern:

This letter is in response to Lumen/Century Link One-Call Complaint submitted regarding a project located at 711 6th Avenue SW, Mandan, North Dakota.

The attached sheet C101 (Exhibit A) shows the job site where the line was hit. In the lower left corner it states, "CenturyLink line to be relocated existing line abandoned in place" which we have highlighted. Excavation for the new building began the summer of 2023, Bowers Excavating, who was contracted to do the earthwork portion of this job, had exposed this line, removed what was under the building footprint, and left the remnants and nothing was said. Fast forward to this summer we started pouring the concrete parking lot. Bowers Excavating would not show up on site so we continued the dirt work on our own.

The original locate request was submitted April 29th, Ticket #24030196 (Exhibit B) and a re-spot request was submitted on May 17th, Ticket #24043716 (Exhibit C). I received a call from an employee that all the lines had been located and flagged except the phone. We double checked the plan that stated the line was to be relocated and left in place. So we continued on. We were then informed that the line was hit. I did a quick review of our tickets mistakenly checking Ticket # 24016751 not realizing it should have been Ticket #24043716 which was good for this area. This is why I thought we did not have a current locate, but upon further review I believe we did.

To clarify the alleged concerns, Capital City Construction, Inc. did not intentionally tear out lines. Capital City Construction, Inc. did have an active locate Ticket #24043716 and interpreted Exhibit A as the lines that were relocated and abandoned in place.

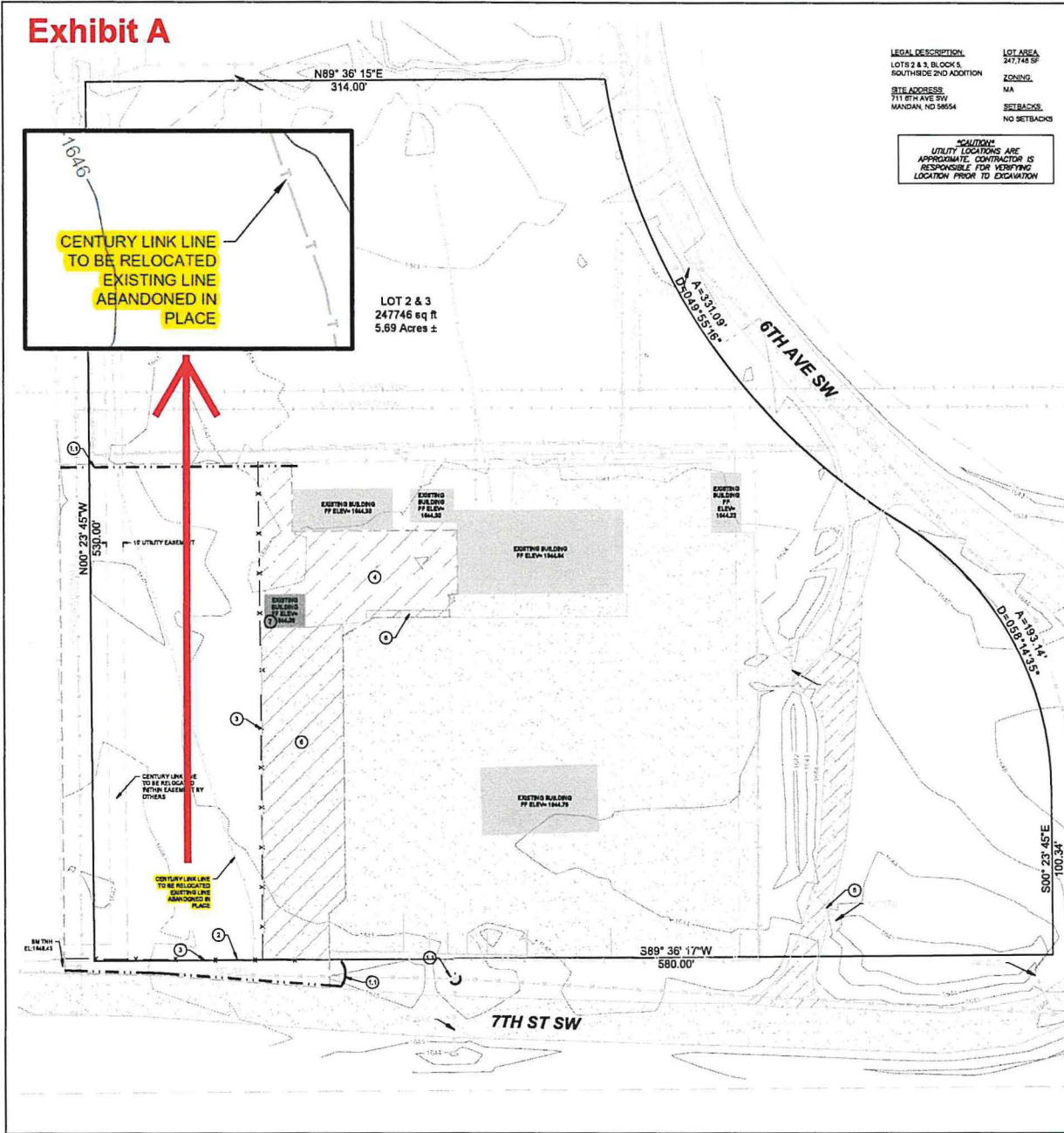
If you have any questions, please feel free to contact our office.

Sincerely,

Allen Darling, Field Supervisor  
**CAPITAL CITY CONSTRUCTION, INC.**

AD/jw

# Exhibit A



**LEGAL DESCRIPTION:**  
 LOT 2 & 3, BLOCK 5,  
 SOUTH SIDE 2ND ADDITION

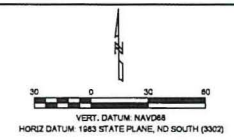
**SITE ADDRESS:**  
 711 6TH AVE SW  
 MANDAN, ND 58554

**LOT AREA:**  
 247,746 SF

**ZONING:**  
 NA

**SETBACKS:**  
 NO SETBACKS

**CAUTION:**  
 UTILITY LOCATIONS ARE  
 APPROXIMATE. CONTRACTOR IS  
 RESPONSIBLE FOR VERIFYING  
 LOCATION PRIOR TO EXCAVATION



**LEGEND**

SANITARY SEWER MANHOLE	EXISTING STORM SEWER
STORM SEWER MANHOLE	EXISTING SANITARY SEWER
ELECTRIC BOX	EXISTING WATERMAIN
IRON	EXISTING CONTOUR
LIGHT POLE	EXISTING CONCRETE
FIRE HYDRANT	EXISTING ASPHALT
EXISTING CURB STOP	EXISTING BUILDING
EXISTING GATE VALVE	CONSTRUCTION LIMITS
UNDERGROUND ELECTRIC	PROPOSED EROSION CONTROL
UNDERGROUND TELEPHONE	
UNDERGROUND GAS	
EXISTING FENCELINE	

1. INSTALL EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION
2. INSTALL 6" STRAW MATS
3. INSTALL ROCK CONSTRUCTION ENTRANCE PER DETAIL - SEE SHEET C500
4. REMOVAL OF EXISTING FENCE BY OWNER
5. REMOVE & SALVAGE & STOCKPILE EXISTING GRAVEL
6. REMOVE & EXISTING GRAVEL APPROACH & CULVERT, REGRADE AREA FOR POSITIVE DRAINAGE (BY OWNER)
7. REMOVE & DISPOSE OF ASPHALT (THICKNESS VARIES)
8. BUILDING TO BE REMOVED BY OTHERS - REMOVE CONCRETE PAVEMENT (THICKNESS UNKNOWN)

**GENERAL NOTES:**  
 SPECIFICATIONS: All work shall conform to the Project Manual and Specifications as supplemented or modified by the following plan notes. All work in the City of Mandan Right of Way shall conform to the City of Mandan Construction Specifications and Details.

**PERMITS:** The Contractor is required to obtain all permits that may be required prior to construction. The Contractor will also be required to complete and file a Notice of Intent (NOI) with the North Dakota Dept. of Health division of water quality. Approval permit is required for proposed erosion work within the City ROW. The Contractor shall also notify the City of Mandan prior to working within the City ROW.

**CONTRACTOR PARKING STAGING AREA:** The Contractor shall not use private property to park vehicles, store materials, or use as a staging area without written permission from the owner of that property. Any damages to private property shall be repaired to the satisfaction of the owner by and at the Contractor's expense.

**BENCHMARK:** Benchmarks and survey control points for this project are shown on the plans. Care shall be taken as to not move, remove, damage, obscure, move or destroy set benchmarks, level, nails, property pins, or other survey monuments. Any damaged or destroyed control points shall be replaced at the Contractor's expense.

**SURVEYING:** The Contractor shall be responsible for all layout surveying and staking needed for construction activities. Project construction staking shall be provided by the Contractor. Any damaged or destroyed survey points will be replaced by the Engineer at the Contractor's expense. Electronic files and control point information will be available through the Engineer for use of grading contractors utilizing GPS equipment.

**PROTECTION OF EXISTING UTILITIES:** The Contractor is advised that existing utilities are shown in their approximate location and have been taken from information supplied by North Dakota One Call and documents of record. The Contractor shall exercise care in construction operations to ensure that existing utilities, precasted, tree, electric, gas, water, sewer, phone, cable, and other utilities, private irrigation systems, and other site improvements located on or around the construction limits are not disturbed. The Contractor is responsible for locating and protecting all existing utilities. The Contractor shall be responsible for repairing any damage to existing utilities caused by the construction process. Any discrepancies shall immediately be brought to the attention of the Architect/Engineer.

**TESTING:** Testing shall be conducted according to project specifications. The Contractor shall provide at its expense the necessary testing and inspection services required by the plans and specifications. The Contractor shall employ an accredited independent testing laboratory certified through the American Association of State Highway and Transportation Officials (AASHTO). All site grading and construction testing shall conform to the Geotechnical Report performed by Terross, dated May 4, 2021. The Contractor shall be responsible for scheduling tests according to specifications and shall supply test results to the project Engineer/Architect, and to the Owner.

**EROSION CONTROL:**  
 -Projects disturbing one or more acres shall have a NIDES permit to discharge storm water runoff. If the project is an acre or more the Contractor will also be required to complete and file a Notice of Intent (NOI) with the North Dakota Dept. of Health division of water quality. No land disturbing activities shall occur until a NIDES permit has been issued by the NDDOH. The Contractor shall check with local officials to be sure all local storm water management considerations are addressed.  
 -Best management practices shall be utilized for all erosion control. All surface water shall not leave the site without passing through the Management Practice erosion control structure.  
 -The BMPs shall be inspected daily by the permittee/contractor and maintained as necessary to ensure their continued functioning. The Contractor shall prevent the erosion of exposed soil surfaces and trapping sediments being transported, and erosion and sedimentation into existing storm sewer and adjacent properties will be minimized.  
 -Down-sloping of storm water on site and of tractors due to ground water shall be the Contractor's responsibility. There shall be no standing water on site.  
 -Contractor shall be required to install a Rock Construction Entrance as shown in the plan details.  
 -Mud tracking onto adjacent streets shall be kept to a minimum. The Contractor shall be responsible for cleaning any mud or debris tracked from the construction site onto adjacent streets. The Contractor shall remove all soil and sediment tracked or deposited off-site on pervious areas. Soil removal shall be accomplished by shoveling or sweeping on a daily basis. Street washing will not be allowed.  
 -The BMPs shown on the plans are the minimum requirements for the anticipated conditions. As construction progresses and unexpected or unusual conditions occur, the permittee/contractor shall recognize that more BMPs may be necessary to ensure erosion and sediment control on site.  
 -All temporary erosion and sediment control measures shall be properly disposed of within 30 days after final site stabilization is achieved or after the temporary measure are no longer needed.  
 -After construction and backfill of each hole, manhole, or level and section, the Contractor shall install 1" filter socks around the perimeter of the hole needed to minimize the amount of soil size the installed storm sewer. If erosion of soil enters into the installed or existing storm sewer, it shall be cleaned and material disposed of, at the cost of the Contractor.

**EXCESS MATERIAL:** Any surplus material shall be stockpiled on site in a location determined by Owner. Cost to transport and dispose of this material shall be considered incidental to material removal.

**REMOVALS:** All Asphalt and Concrete Pavement to be removed shall be saw-cut full depth prior to pavement removal. All pavement removed shall be disposed of by the Contractor. Damaged pavement outside the limits shown shall be corrected at Contractor's expense.

**WASTE:** All materials which is not designated to be salvaged shall be removed and become the property of the Contractor. Cost to transport and dispose of this material shall be considered incidental to the project.

**CLEANUP:** All trash on site from construction activities shall be disposed of off site by the Contractor, this shall be considered incidental to the project.  
 -Prior to final inspection the contractor shall sweep and clean the construction site of all debris.

## ICON ARCHITECTURAL GROUP

100 COLLINS AVE  
 SUITE 101  
 MANDAN, ND 58554

701.781.2420 / 701.781.1504  
 www.iconarchitectural.com

ICON Architectural Group  
 100 Collins Ave Suite 101  
 Mandan, ND 58554  
 (701) 781.2420 Office  
 (701) 781.1504 Fax

Public Engineering  
 819 Riverwood Dr. Suite 205  
 Mandan, ND 58554  
 (701) 256.3483 Office  
 (701) 256.8857 Fax

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 819 Riverwood Dr. Suite 205  
 Mandan, ND 58554  
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 (701) 256.8857 Fax

Tomson Engineering Co.  
 501 1st St. NW  
 Mandan, ND 58554  
 (701) 863.8483 Office  
 (701) 863.0222 Fax

## Mandan Parks & Recreation

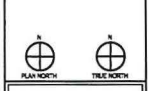
**Mandan Park District Maintenance Facility**

711 6th Ave SW  
 Mandan, ND 58554

**Drawing History**

No.	Description	Date

DRAWN BY: Author JTB 11/2025



**BID DOCUMENTS**

**Removals & Erosion Control**

SHEET  
**C101**

# Exhibit B

## North Dakota One Call

<b>Ticket number</b>	24030196	<b>Type</b>	LORQ ROUTINE NXT
<b>Relocated by</b>	24043716		
<b>Original call date</b>	04/29/24 10:23 am		
<b>Work to begin date</b>	05/02/24 12:01 am		
<b>Expiration date</b>	05/23/24 12:01 am		

### Excavator information

<b>Excavation company</b>	CAPITAL CITY CONSTRUCTION INC	<b>Type</b>	CONTRACTOR
<b>Address</b>	1501 CALGARY AVE BISMARCK, ND 58503	<b>Fax</b>	
<b>Caller</b>	JACINDA WOLLAN	<b>Caller phone</b>	701-255-4002
<b>Alt contact name</b>	JACINDA WOLLAN	<b>Alt contact phone</b>	701-255-4002
<b>Email</b>	<a href="mailto:jacinda@cccincnd.com">jacinda@cccincnd.com</a>		

### Excavation information

<b>Purpose of excavation</b>	REPAIR PARKING LOT		
<b>Work done for</b>	MANDAN PARK DISTRICT		
<b>Explosives</b>	N	<b>Depth</b>	2FT
<b>Tunneling or boring</b>	N	<b>White lining/site identification</b>	DIGITAL WHITE LINING

### Location information

<b>County</b>	MORTON	<b>City/place</b>	MANDAN
<b>Address/street</b>	711 6TH AVENUE SW	<b>City limits</b>	Y
<b>Nearest intersecting street</b>	7TH STREET SW		
<b>Location description</b>	AREA WITHIN FENCE LINE ON NORTH AND SOUTH, EAST BOUNDARY ARE BUILDINGS, WEST BOUNDARY IS PARCEL LINE.		

### Additional information

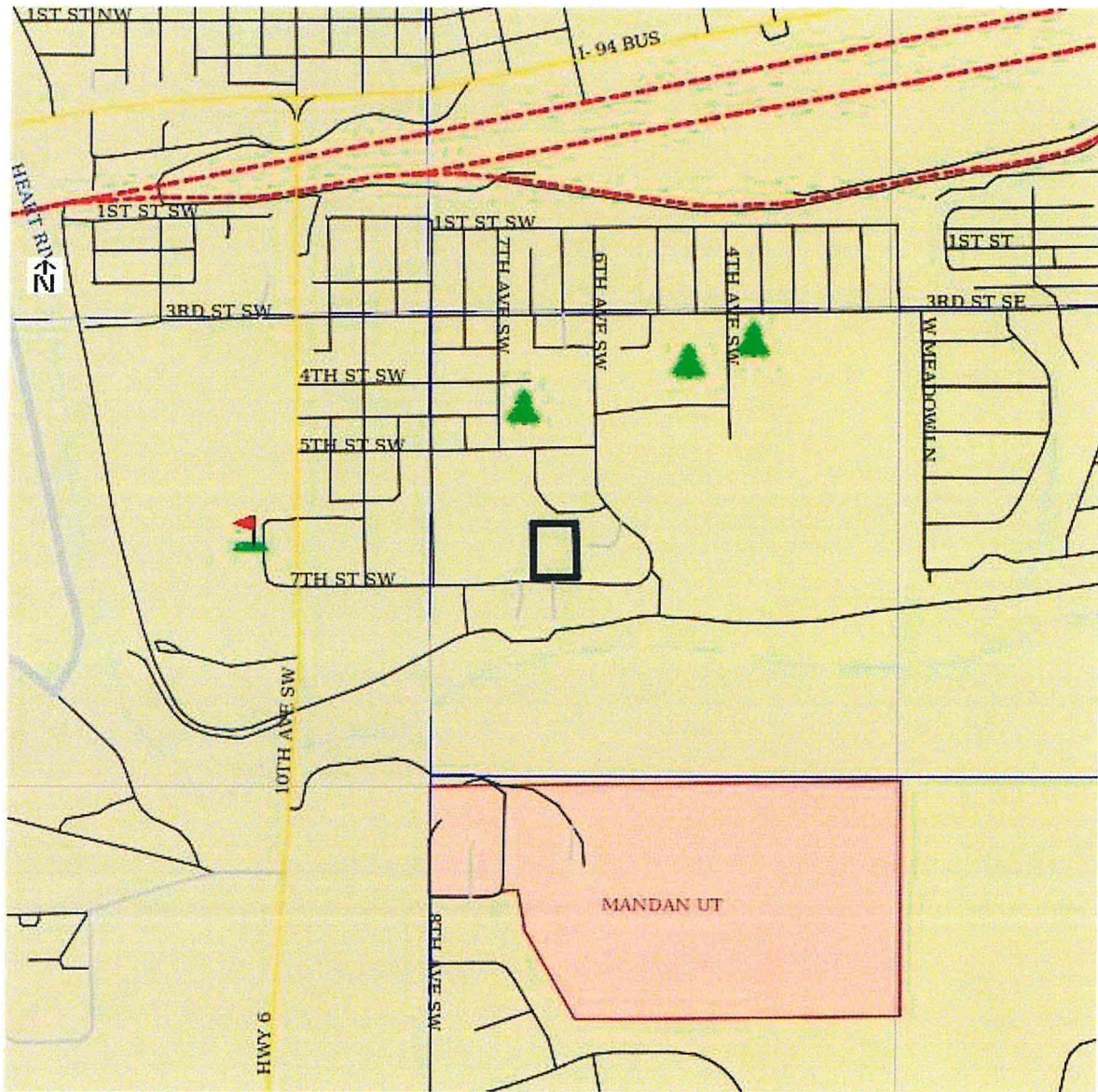
<b>Map Twp</b> 139N	<b>Rng</b> 81W	<b>Sect-qtr</b> 34-NW	
<b>NW Lat</b> 46.8180867	<b>Lon</b> -100.8995234	<b>SE Lat</b> 46.8172552	<b>Lon</b> -100.8985256

### Members notified

<b>Company name</b>	<b>District</b>	<b>Marking concerns</b>	<b>Status</b>
CTLQL-CENTURYLINK	CTLND01	800-283-4237	Marked
CITY OF MANDAN	MANDAN01	701-667-3240	Marked (DS Ls curb stop,water and sewer service are private)
MONTANA DAKOTA UTILITIES	MDU09	406-728-9343	Marked
MIDCONTINENT CABLE	MIDCON08	605-271-0202	Marked (paint and flag)

drop. refresh fiber  
crossing entry to lot)

Map



# Exhibit C

## North Dakota One Call

<b>Ticket number</b>	24043716	<b>Type</b>	LORG RESPOT NXT
<b>Relocate of</b>	24030196	<b>Relocate counter</b>	1
<b>Original call date</b>	05/17/24 06:59 am		
<b>Work to begin date</b>	05/22/24 12:01 am		
<b>Expiration date</b>	06/12/24 12:01 am		

### Excavator information

<b>Excavation company</b>	CAPITAL CITY CONSTRUCTION INC	<b>Type</b>	CONTRACTOR
<b>Address</b>	1501 CALGARY AVE BISMARCK, ND 58503	<b>Fax</b>	
<b>Caller</b>	JACINDA WOLLAN	<b>Caller phone</b>	701-255-4002
<b>Alt contact name</b>	JACINDA WOLLAN	<b>Alt contact phone</b>	701-255-4002
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### Location information

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<b>Address/street</b>	711 6TH AVENUE SW	<b>City limits</b>	Y
<b>Nearest intersecting street</b>	7TH STREET SW		
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CITY OF MANDAN	MANDAN01	701-667-3240	Marked (DS. BPS. Curb stop, water and sewer service are private.)
MONTANA DAKOTA UTILITIES	MDU09	406-728-9343	Marked
MIDCONTINENT CABLE	MIDCON08	605-271-0202	Clear/No conflict

