



Board of County Commissioners Agenda Request

8B

Agenda Item #

Requested Meeting Date: 4-25-23

Title of Item: MnDOT Detour Agreement No. 1050397

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <small><i>*provide copy of hearing notice that was published</i></small>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: John Welle		Department: Highway Department
Presenter (Name and Title): John Welle, Aitkin County Engineer		Estimated Time Needed: 10 minutes
Summary of Issue: <p>The attached Agreement No. 1050397 is proposed by MnDOT for utilization of Aitkin County Highways 3, 4, 5, and 12 during the 2023 and 2024 construction season to accommodate the reconstruction of Trunk Hwy 169/TH 210 from the Ripple River bridge in Aitkin to the Mississippi River bridge north of Hassman corner as shown on the attached map. For use of these routes, an estimated payment of \$89,015.54 will be paid to Aitkin County.</p> <p>For more information on the timing of the various detours contained in this agreement, please see the project website at http://www.dot.state.mn.us/d3/projects/aitkin-hassman/index.html.</p> <p>The Aitkin County Attorney has reviewed the agreement and has no concerns as to its form or content.</p>		
Alternatives, Options, Effects on Others/Comments: 		
Recommended Action/Motion: Approve attached resolution.		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
AITKIN COUNTY
DETOUR AGREEMENT**

For Trunk Highway No. 210 / No. 169 Detour

State Project Number (S.P.):	<u>0119-30</u>	Original Amount Encumbered
Trunk Highway Number (T.H.):	<u>210 = 002</u>	<u>\$89,015.54</u>
State Project Number (S.P.):	<u>0116-49</u>	
Trunk Highway Number (T.H.):	<u>169 = 035</u>	
Federal Project No.:	<u>CRRSAA 0122(152)</u>	

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and Aitkin County acting through its Board of Commissioners ("County").

Recitals

1. The State is about to perform grading, bituminous and concrete surfacing, lighting, ADA improvements, Bridge No. 01004, Bridge No. 01006 and culvert replacement construction upon, along, and adjacent to Trunk Highway No. 210 from the Ripple River to the North Jct. of Trunk Highway (T.H.) No. 169 and adjacent to T.H. No. 169 from the North Jct. of T.H. 210 to the Mississippi River under State Project No. 0119-30 (T.H. 210 = 002); and
2. The State requires a detour to carry T.H. 210 and T.H. 169 traffic on County State Aid Highway (C.S.A.H.) No. 3, County State Aid Highway No. 4, County State Aid Highway No. 5 and County State Aid Highway No. 12 during the construction; and
3. The State is willing to reimburse the County for the road life consumed by the detour as hereinafter set forth; and
4. Minnesota Statutes § 471.59, subdivision 10, § 161.25, and § 161.20, subdivision 2(b), authorize the parties to enter into this Agreement.

Agreement

1. Term of Agreement; Incorporation of Exhibits

- 1.1. **Effective Date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. **Expiration Date.** This Agreement will expire when the State removes all detour signs, returns the temporary Trunk Highway detour to the County, and pays for the detour compensation.

2. Agreement Between the Parties

2.1. Detour.

- A. Location.** The State will establish the T.H. 210 and T.H. 16 detour route on the following County road(s) as detailed in the project plans or Special Provisions:

North Detour – C.S.A.H. 5 and C.S.A.H. 3 for a total distance of 13.63 miles.

Middle Detour – C.S.A.H. 12 and C.S.A.H. 4 for a total distance of 14.95 miles.

<u>Stage</u>	<u>Tax Factor</u>	<u>ADT</u>	<u>Road Length (Miles)</u>	<u>Duration (Days)</u>	<u>Cost</u>
Middle: C.S.A.H. 12 & C.S.A.H. 4	0.00513	4,732	14.95	65	\$23,589.39
South/Middle: C.S.A.H. 4	0.00513	4,732	14.37	64	\$22,325.38
North/Middle: C.S.A.H. 12, C.S.A.H. 4, C.S.A.H. 5 & C.S.A.H. 3	0.00513	4,732	28.58	37	\$25,670.01

Road Life Consumed Amount: \$89,015.54

The State's total payment for the road life consumed by the detour is equal to the amount computed by using the "Gas Tax Method" formula plus any amount determined by using the "Equivalent Overlay Method" analysis that is in excess of twice the "Gas Tax Method" amount.

- 3.2. Maximum Obligation.** **\$225,000.00** is the maximum obligation of the State under this Agreement and must not be exceeded unless the maximum obligation is increased by execution of an amendment to this Agreement.
- 3.3. Conditions of Payment.** The State will pay the County the State's total road life consumed payment amount after performing the following conditions.
- A. Execution of this Agreement and the County's receipt of the executed Agreement.
 - B. State's encumbrance of the State's total payment amount.
 - C. State's removal of all detour signs.
 - D. State notifies the County of the removal of the detour signs, and the number of days the detour was in effect.
 - E. State's receipt of a written request from the County for payment.

4. Release of Road Restoration Obligations

By accepting the State's road life consumed payment plan and total payment amount, the County releases the State of its obligation, under Minnesota Statutes § 161.25, to restore the county roads used as a T.H. 210/169 detour to as good of condition as they were before designation as temporary trunk highways.

5. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

5.1. The State's Authorized Representative will be:

Name, Title: Scott Zeidler – Engineering Specialist Senior (or successor)
 Address: 7694 Industrial Park Road, Baxter, MN 56425
 Telephone: 218-828-5800
 E-Mail: scott.zeidler@state.mn.us

5.2. The County's Authorized Representative will be:

Name, Title: John Welle, Aitkin County Engineer (or successor)
 Address: 1211 Air Park Dr., Aitkin, MN 56431

rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

11.3. *Suspension.* In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement. Any work performed during a period of suspension will be considered unauthorized work and will be undertaken at the risk of non-payment.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

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STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes § 16A.15 and 16C.05.

Signed: _____

Date: _____

SWIFT Purchase Order: 3000690954

AITKIN COUNTY

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF THE RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

AITKIN COUNTY

RESOLUTION

IT IS RESOLVED that Aitkin County enter into MnDOT Agreement No. 1050397 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of Trunk Highway No. 210 and Trunk Highway No. 169 traffic on County State Aid Highway No. 3, County State Aid Highway No. 4, County State Aid Highway No. 5 and County State Aid Highway No. 12 during the construction; and as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 210 from the Ripple River to the North Jct. of Trunk Highway No. 169 and adjacent to Trunk Highway No. 169 from the North Jct. of T.H. 210 to the Mississippi River under State Project No. 0119-30 (T.H. 210 = 002).

IT IS FURTHER RESOLVED that the _____
(Title)
and the _____
(Title)
are authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Commissioners of Aitkin County] at an authorized meeting held on the _____ day of _____, 2023, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this _____ day of _____, 2023

Notary Public _____

My Commission Expires _____

(Signature)

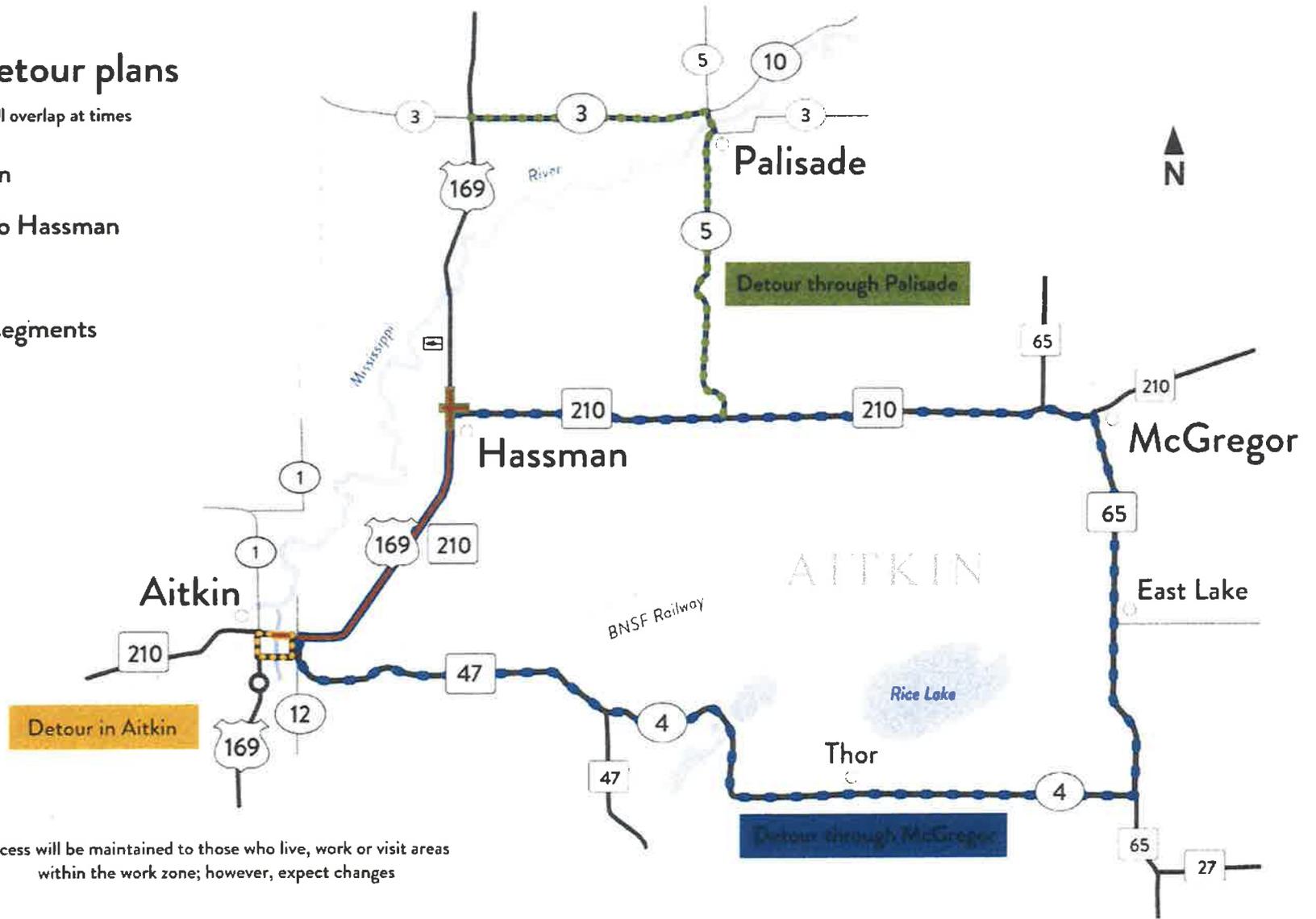
(Type or Print Name)

(Title)

2024 detour plans

Detour routes will overlap at times

- Hassman
- Aitkin to Hassman
- Aitkin
- Closed segments



CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED April 25, 2023

By Commissioner: xxx

20230425-xxx

MnDOT Detour Agreement No. 1050397

BE IT RESOLVED, that Aitkin County enter into MnDOT Agreement No. 1050397 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of Trunk Highway No. 210 and Trunk Highway No. 169 traffic on County State Aid Highway No. 3, County State Aid Highway No. 4, County State Aid Highway No. 5, and County State Aid Highway No. 12 during the construction; and as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 210 from the Ripple River to the North Junction of Trunk Highway No. 169 and adjacent to Trunk Highway No. 169 from the North Junction of Trunk Highway No. 210 to the Mississippi River under State Project No. 0119-30 (T.H 210=002).

BE IT FURTHER RESOLVED, that the Aitkin County Engineer is authorized to execute the Agreement and any amendments to the Agreement.

Commissioner xxx moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting xxx

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 25th day of April 2023, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 25th day of April 2023

Jessica Seibert
County Administrator