



## STAFF REPORT

DATE: November 7, 2018  
CONSENT  
ITEM #: 5

**AGENDA ITEM:** Approve Second Amendment to MnDOT Agreement #03330 to extend contract expiration for the State Highway 36 South Frontage Road Study

**SUBMITTED BY:** Jack Griffin, City Engineer

**REVIEWED BY:** Kristina Handt, City Administrator  
Chad Isakson, Assistant City Engineer

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**ISSUE BEFORE COUNCIL:** Should the City Council approve the second amendment to MNDOT Agreement #03330 to extend the contract expiration for the State Highway 36 South Frontage Road Study?

**BACKGROUND AND PROPOSAL DETAILS/ANALYSIS:** In April 2013 the City of Lake Elmo entered into an Agreement with MnDOT to receive federal funding to complete preliminary engineering work to develop a preferred future alignment of a south frontage road and study approach alternatives to State Highway 36. The original agreement called for a five-year study with an expiration of April 2018. In December 2017 an amendment to the agreement was approved to extend the expiration to December 31, 2018.

Included in your packet is a resolution and a copy of the second amendment to the agreement. The amendment extends the termination until June 30, 2019. Staff is requesting the additional time to complete the final revisions as requested by MnDOT and Washington County and to finalize the Study deliverables.

**FISCAL IMPACT:** NA.

**RECOMMENDATION:** Staff is recommending that the City Council, *as part of the Consent Agenda*, approve a resolution, thereby approving the second amendment to MnDOT Agreement #03330 to extend the contract expiration for the State Highway 36 South Frontage Road Study. If removed from the consent agenda, the recommended motion for the action is as follows:

***“Move to approve Resolution No. 2018-124 approving the second amendment to MnDOT Agreement #03330 to extend the contract expiration for the State Highway 36 South Frontage Road Study”.***

**ATTACHMENTS:**

1. Resolution Approving the Second Amendment to MnDOT Agreement #03330.
2. Amendment #2 to MnDOT Agreement #03330.

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2018-XXX**

**A RESOLUTION APPROVING THE SECOND AMENDMENT TO  
MINNESOTA DEPARTMENT OF TRANSPORTATION AGENCY  
AGREEMENT NO. 03330**

**WHEREAS**, in April 2013, the City of Lake Elmo received a grant in the amount of 80% of the total project agreement costs of \$80,000, to study roadway approach alternatives along State Highway 36 between Hilton Trail and Manning Avenue; and

**WHEREAS**, said grant funds were originally set to expire in April 2018; and

**WHEREAS**, in December 2017 MnDOT and the City of Lake Elmo Amended the Agreement to extend the expiration of funds until December 31, 2018; and

**WHEREAS**, the City of Lake Elmo is requesting a second amendment to the agreement to extend the expiration of funds until June 30, 2019.

**NOW THEREFORE, IT IS RESOLVED**, that pursuant to Minnesota Statute Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Lake Elmo to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

**BE IT FURTHER RESOLVED**, that the Mayor and the City Clerk are hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 03330", a copy of which said agreement was before the City Council and which is made part hereof by reference.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE TWENTIETH DAY OF  
NOVEMBER, 2018.**

**CITY OF LAKE ELMO**

(Seal)  
ATTEST:

By: \_\_\_\_\_  
Mike Pearson  
Mayor

\_\_\_\_\_  
Julie Johnson  
City Clerk

**AMENDMENT # 2 TO MnDOT Grant Agreement #: 03330.**

Agreement Start Date:	<u>04/12/2013</u>	Original Agreement Amount:	<u>\$80,000.00</u>
Orig. Agreement Exp. Date:	<u>04/12/2018</u>	Prev. Amendment(s) Total:	<u>\$0.00</u>
Amended Exp. Date	<u>6/30/2019</u>	Current Amendment Amount:	<u>\$0.00</u>
		Current Agreement Total	<u>\$80,000.00</u>

Project Identification :	<u>Study roadway approach alternatives along TH 36 between Hilton Trail and Manning Ave leading up to the Saint Croix River Crossing</u>		
State Project (SP):	<u>206-080-001</u>	Route #:	<u>TH 36</u>
Federal Project #	<u>HPPH H126(002)</u>		

This amendment is by and between the State of Minnesota, through its Commissioner of Transportation (“MnDOT”) and City of Lake Elmo (“City”).

**Recitals**

The MnDOT has an Agreement with the City identified as MnDOT Contract No. 03330 (“Original Agreement”) for the purpose of act as agent in accepting federal aid funds on behalf of the City of Lake Elmo.

This agreement is being amended at the request of the city to extend the end date from April to the end of the calendar year.

The MnDOT and the City are willing to amend the Original Agreement as stated below.

**Agreement Amendment**

In this Amendment deleted agreement terms will be ~~struck out~~ and the added agreement terms will be underlined.

**REVISION 1.** Article VI. “**Term of Agreement**” is amended as follows:

TERM OF AGREEMENT. This agreement will be effective upon execution by the City and by appropriate State officials, pursuant to Minnesota Statutes Section 16C.05, and will remain in effect until ~~December 31, 2018~~ June 1, 2019 or until all obligations set forth in this agreement have been satisfactorily fulfilled, whichever occurs first.

The terms of the Original Agreement are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Agreement and all previous amendments remain in full force and effect.

**CITY**

The City certifies that the appropriate person(s) have executed the agreement on behalf of the City as required by applicable articles, by laws, resolutions, or ordinances.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**MnDOT CONTRACT MANAGEMENT**

By: \_\_\_\_\_

Date: \_\_\_\_\_