

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2003-073

A RESOLUTION APPROVING THE AGREEMENT WITH THE
STATE OF MINNESOTA OF TRANSPORTATION FOR SHARING COSTS
FOR THE TRAFFIC SIGNAL SYSTEM AT LAKE ELMO AVENUE (CSAH 17)
AND STATE HIGHWAY 36

BE IT RESOLVED, that the City of Lake Elmo enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To provide maintenance and electrical energy for the new traffic control signal with street lights that comply with the Lake Elmo Outdoor Lighting regulations, emergency vehicle pre-emption on Trunk Highway No. 36 at County State Aid Highway No. 17 – Lake Elmo Avenue North in Grant and Lake Elmo; and for the Interconnect on Trunk Highway No. 36 from County State Aid Highway No. 17 – Lake Elmo Avenue North to County State Aid Highway No. 15 – Manning Avenue North in Grant in accordance with the terms and conditions set forth and contained in Agreement No. 85526M, a copy of which was before the Council.

BE IT RESOLVED that the proper City officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

CERTIFICATION

State of Minnesota
County of Washington
City of Lake Elmo

I hereby certify that the forgoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Lake Elmo at a duly authorized meeting thereof held on the 2nd day of September, 2003, as shown by the minutes of said meeting in my possession.


Deputy City Clerk

MINNESOTA TRANSPORTATION DEPARTMENT
TRAFFIC CONTROL SIGNAL
AGREEMENT NO. 85526M

BETWEEN

THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION
AND
THE COUNTY OF WASHINGTON
AND
THE CITY OF GRANT
AND
THE CITY OF LAKE ELMO

Provide Maintenance and Electrical Energy for the new Traffic Control Signal with Street Lights, Emergency Vehicle Pre-emption on Trunk Highway No. 36 at County State Aid Highway No. 17 - Lake Elmo Avenue North in Grant and Lake Elmo; and for the Interconnect on Trunk Highway No. 36 from County State Aid Highway No. 17 - Lake Elmo Avenue North to County State Aid Highway No. 15 - Manning Avenue North in Grant, Washington County, Minnesota.

S.P. 8204-48

Prepared by Pre-Letting Services

ESTIMATED AMOUNT RECEIVABLE

None

AMOUNT ENCUMBERED

None

Otherwise Covered

PARTIES

THIS AGREEMENT is entered into by the Minnesota Department of Transportation, (State) and the County of Washington, (County), and the City of Grant and the City of Lake Elmo.

RECITALS

Minnesota Statutes Section 161.20 authorizes the Commissioner of Transportation to enter into agreements with any governmental authority for the purposes of constructing, maintaining and improving the Trunk Highway system.

The State has determined that there is justification and it is in the public's best interest to install a new traffic control signal including street lights, (Traffic Control Signal) at the location(s) set out in this Agreement.

The City of Grant and the City of Lake Elmo requests and the State agrees to the installation of an Emergency Vehicle Pre-emption System, (EVP System) as a part of the new Traffic Control Signal installation.

It is considered in the public's best interest for the State to provide a new cabinet and control equipment to operate the new Traffic Control Signal.

The County, the City of Grant and the City of Lake Elmo and the State will participate in the cost, maintenance and operation of the new Traffic Control Signal and EVP System.

CONTRACT

1. The State will prepare the necessary plan, specifications and proposal, (Preliminary Engineering). The State will also perform all necessary construction inspection, (Construction Engineering).

2. The Cost of Construction, (Construction Cost) consists of the contract cost of the work or, if the work is not contracted, the actual cost of all labor, materials, and equipment rental required to complete the work. Construction Cost does not include the cost of providing the power supply to the service pole or pad.

3. The State, with its own resources or by contract, will install a new Traffic Control Signal and EVP System on Trunk Highway No. 36 at County State Aid Highway No. 17 - Lake Elmo Avenue North; and install interconnect on Trunk Highway No. 36 from County State Aid Highway No. 17 - Lake Elmo Avenue North to County State Aid Highway No. 15 - Manning Avenue North, pursuant to State Project No. 8204-48. State's share is 100 percent.

4. The County will be responsible for the cost and application to secure an adequate power supply to the service pad or pole. Upon completion of this project, the County will pay

all monthly electrical service expenses necessary to operate the Traffic Control Signal and EVP System. The City of Grant and the City of Lake Elmo agree to reimburse the County for the power cost. The City of Grant's share is 50% and the City of Lake Elmo's share is 50%.

5. Upon completion of this project, the County will, at its cost and expense: (1) maintain the luminaires and all its components, including replacing the luminaire when necessary; (2) clean and relamp the new traffic control signal and street lights; and (3) clean and paint the luminaire mast arm extensions. The State will, at its cost and expense, maintain the interconnect, and perform all other traffic control signal and street light maintenance. The City of Grant and the City of Lake Elmo agree to reimburse the County for the County performed maintenance of the luminaire system. The City of Grant's share is 50% and the City of Lake Elmo's share is 50%.

6. The EVP System will be installed, operated, maintained, or removed in accordance with the following conditions and requirements:

- a) All maintenance of the EVP System must be done by State forces.
- b) Emitter units may be installed only on authorized emergency vehicles, as defined in Minnesota Statutes Section 169.01, Subdivision 5. Authorized emergency vehicles

may use emitter units only when responding to an emergency. The City of Grant and the City of Lake Elmo will provide the State's Assistant Division Engineer or his/her designated representative a list of all vehicles with emitter units.

- c) Malfunction of the EVP System must be reported to the State immediately.
- d) In the event the EVP System or its components are, in the opinion of the State, being misused or the conditions set forth in Paragraph b above are violated, and such misuse or violation continues after the City of Grant or the City of Lake Elmo receives written notice from the State, the State may remove the EVP System. Upon removal of the EVP System pursuant to this Paragraph, all of its parts and components become the property of the State.
- e) All timing of the EVP System will be determined by the State.

7. Each party will be solely responsible for its own acts and omissions, and the results thereof, to the extent authorized by law. The State's liability is governed by the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736.

Each party will be solely responsible for its own employees for any Workers Compensation Claims.

8. All timing of the new Traffic Control Signal will be determined by the State, and no changes may be made except with the approval of the State.

9. Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

10. If the State fails to enforce any provisions of this Agreement, that failure does not waive the provision or its right to enforce it.

11. This Agreement contains all negotiations and agreements between the parties. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

12. Minnesota law governs this Agreement. Venue for all legal proceedings arising out of this contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. This Agreement is effective on the date the State obtains all required signatures under Minnesota Statutes 16C.05, Subdivision 2, and will remain in effect until terminated by written agreement of the parties.

COUNTY OF WASHINGTON

APPROVED AS TO FORM:

County Attorney

By: _____
Chairperson of the Board

Date: _____

RECOMMENDED FOR APPROVAL:

County Highway Engineer

By: _____
County Auditor

Date: _____

CITY OF GRANT

APPROVED AS TO FORM:

City Attorney

By: _____
Mayor

Date: _____

By: _____
City Clerk-Treasurer

Date: _____

CITY OF LAKE ELMO

APPROVED AS TO FORM:

[Signature]
City Attorney

By: *[Signature]*
Mayor

Date: 9/8/03

By: *[Signature]*
City Clerk-Treasurer

Date: 9/9/03

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR APPROVAL:

Assistant Division Engineer

DEPARTMENT OF TRANSPORTATION

APPROVED:

By: _____
State Design Engineer

Date: _____

COMMISSIONER OF ADMINISTRATION

As delegated to Materials
Management Division

By: _____

Date: _____

DEPARTMENT OF TRANSPORTATION
CONTRACT MANAGEMENT

As to form and execution:

By: _____

Date: _____