

MINNESOTA TRANSPORTATION DEPARTMENT
TRAFFIC CONTROL SIGNAL
AGREEMENT NO. 90880M
BETWEEN
THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION
AND
THE COUNTY OF ANOKA
AND
THE CITY OF BLAINE
AND
THE CITY OF COON RAPIDS
TO

Provide Maintenance and Electrical Energy for the three new Traffic Control Signals with Street Lights, Emergency Vehicle Pre-emption and Signing on County State Aid Highway No. 14 (Old Trunk Highway No. 242) at Ulysses Street and at Trunk Highway No. 65, and on County State Aid Highway No. 14 at Aberdeen Street/Central Avenue; Install Interconnect on County State Aid Highway No. 14 (Old Trunk Highway No. 242) from Ulysses Street to Aberdeen Street/Central Avenue; Provide Maintenance and Electrical Energy for the two existing Traffic Control Signals with Street Lights, Emergency Vehicle Pre-emption, Interconnect and Internally Illuminated Signing on Trunk Highway No. 47/10 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242); and Turn Back the one new Traffic Control Signal on Trunk Highway No. 242 (New County State Aid Highway No. 14) at Ulysses Street; and the seven existing Traffic Control Signals on Trunk Highway No. 242 (New County State Aid Highway No. 14) at Polk Street/Oak Park Blvd., at Jefferson Street NE, at County State Aid Highway No. 51/University Avenue, at Foley Blvd., at County Road No. 78/Hanson Blvd., at Shenandoah Blvd., and at Coon Creek Blvd. in Blaine and Coon Rapids, Anoka County, Minnesota.

S.P. 0208-123

Prepared by Metropolitan District Traffic Engineering

ESTIMATED AMOUNT RECEIVABLE

AMOUNT ENCUMBERED

None

None

Otherwise Covered

PARTIES

THIS AGREEMENT is entered into by the Minnesota Department of Transportation, (State), and the County of Anoka, (County), the City of Blaine, (Blaine), and the City of Coon Rapids, (Coon Rapids).

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 County and the State agreed to the turn back of a portion of Trunk Highway No. 242 to the County, which shall be in accordance to Cooperative Agreement No. 90886 between the County and the State.

The portion of Trunk Highway No. 242 to be turned back is from Trunk Highway No. 65 in Blaine to the junction of Trunk Highway No. 47/10 in Coon Rapids.

Upon completion of the turn back of Trunk Highway No. 242, the new roadway designation henceforth shall be County State Aid Highway No. 14.

Upon completion of the turn back of Trunk Highway No. 242, the existing intersections of Trunk Highway No. 10/47 East and West Ramps at Trunk Highway No. 242, henceforth shall be

Trunk Highway No. 10/47 East and West Ramps at County State Aid Highway No. 14.

The County and the State mutually agree to the immediate turn back of seven existing traffic control signals on Trunk Highway No. 242 (New County State Aid Highway No. 14) at Polk Street/Oak Park Blvd., at Jefferson Street NE, at County State Aid Highway No. 51/University Avenue, at Foley Blvd., at County Road No. 78/Hanson Blvd., at Shenandoah Blvd., and at Coon Creek Blvd.

The parties have determined that there is justification and it is in the public's interest to remove the existing traffic control signals on Trunk Highway No. 65 at 121st Avenue, at Trunk Highway No. 242, and at 129th Avenue, and on County State Aid Highway No. 14 at Aberdeen Street/Central Avenue; and install new traffic control signals with street lights and signing (Traffic Control Signals) on County State Aid Highway No. 14 (Old Trunk Highway No. 242) at Ulysses Street (System "A"), and at Trunk Highway No. 65 (System "B"), and on County State Aid Highway No. 14 at Aberdeen Street/Central Avenue (System "C"); and install interconnect (Interconnect) on County State Aid Highway No. 14 (Old Trunk Highway No. 242) from Ulysses Street to Aberdeen Street/Central Avenue; and provide maintenance and electrical energy for the existing traffic controls with street lights, interconnect and Internally Illuminated signing (Traffic Control

Signal(s)) on Trunk Highway No. 47/10 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242).

Blaine requests, Coon Rapids requested and the County and the State agrees/agreed to the installation of Emergency Vehicle Pre-emption Systems, (EVP Systems), as a part of the new and existing Traffic Control Signal Systems.

Upon completion of this project, the County and the State mutually agree to the turn back of the new Traffic Control Signal and EVP System (System "A") on Trunk Highway No. 242 (New County State Aid Highway No. 14) at Ulysses Street.

It is in the public's best interest for the County to furnish three new cabinets and controllers and one new master controller (County-furnished Materials) for said new Traffic Control Signals.

The County, Blaine, Coon Rapids, and the State will participate in the maintenance and operation of the new and existing Traffic Control Signals, Interconnect and EVP Systems.

CONTRACT

1. The State, with its own resources or by contract, will remove the existing traffic control signals on Trunk Highway No. 65 at 121st Avenue, at Trunk Highway No. 242, and at 129th Avenue, and on County State Aid Highway No. 14 at Aberdeen Street/Central Avenue; and install three new Traffic Control

Signals and EVP Systems on County State Aid Highway No. 14 (Old Trunk Highway No. 242) at Ulysses Street (System "A"), and at Trunk Highway 65 (System "B"), and on County State Aid Highway No. 14 at Aberdeen Street/Central Avenue (System "C"); and install Interconnect on County State Aid Highway No. 14 (Old Trunk Highway No. 242) from Ulysses Street to Aberdeen Street/Central Avenue pursuant to State Project No. 0208-123. The Construction Costs and County Furnished Materials Costs are covered in Municipal Agreement No. 90886 between the County and the State and Municipal Agreement No. 90926 between Blaine and the State.

2. Blaine will be responsible for the cost and application to secure an adequate power supply to the service pads or poles (Systems "A", "B" and "C"). Upon completion of this project, Blaine will thereafter pay all monthly electrical service expenses necessary to operate the new Traffic Control Signals and EVP Systems (Systems "A", "B" and "C").

3. Upon completion of this project (System "B"),
a) It shall be the County's responsibility, at its cost and expense, to: (1) relamp and clean and paint the new traffic control signal; and (2) clean the new controller and service cabinet; b) It shall be Blaine's responsibility, at its cost and expense, to: (1) clean and paint the luminaire mast arm extensions; (2) maintain the luminaires and all its components,

including replacement of the luminaire if necessary; and (3) relamp the street lights; and (c) It shall be the State's responsibility to maintain the interconnect and the traffic control signal cabinet and control equipment, repair knockdowns of the new traffic control signal system, perform all other traffic control signal and street light maintenance, and be responsible for timing and operation of the new Traffic Control Signal, all on a reimbursable basis with the County. Painting will be in accordance with Mn/DOT Standard Specification 2565.3T, unless approved by the State's District Traffic Engineer.

4. The Traffic Control Signal and EVP System maintenance responsibilities for Systems "A" and "C" will be covered in a separate agreement between the County and Blaine.

5. The new EVP System (System "B") and the existing EVP Systems on Trunk Highway No. 10/47 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242) will be installed, operated, maintained, or removed in accordance with the following conditions and requirements:

- a) It shall be the State's responsibility, at its cost and expense, to maintain the new and existing EVP Systems which is to be performed by the County on a reimbursable basis.
- 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. Blaine and/or Coon Rapids will
provide the State's Metropolitan District
Engineer or his/her designated representative
a list of all vehicles with emitter units,
upon request.

- c) Malfunction of the new and/or existing EVP
Systems must be reported to the County
immediately.
- d) In the event the new and/or existing EVP
Systems 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
Blaine and/or Coon Rapids receives written
notice from the State, the State may remove
the new and/or existing EVP Systems. Upon
removal of the new and/or existing EVP
Systems pursuant to this Paragraph, all of
its parts and components become the property
of the State.

e) All timing of the new and/or existing EVP Systems will be determined by the County's Traffic Engineer.

6. Upon completion of the turn back of Trunk Highway No. 242, Coon Rapids will continue to pay all monthly electrical service expenses necessary to operate the existing Traffic Control Signals and EVP Systems at the intersections of Trunk Highway No. 10/47 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242).

7. Upon completion of the turn back of Trunk Highway No. 242, the maintenance and operation responsibilities for the existing Traffic Control Signals on Trunk Highway No. 10/47 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242) are as follow: a) It shall be the County's responsibility, at its cost and expense, to: (1) relamp and clean and paint the existing traffic control signals; and (2) clean the controller and service cabinets; b) It shall be Coon Rapid's responsibility, at its cost and expense, to: (1) clean and paint the luminaire mast arm extensions; (2) maintain the luminaires and all its components, including replacement of the luminaire if necessary; (3) relamp the street lights; and (4) relamp and maintain the internally illuminated signing; and (c) It shall be the State's responsibility to maintain the interconnect and the traffic control signal cabinets and control equipment, repair

knockdowns of the existing traffic control signal systems, perform all other traffic control signal and street light maintenance, and be responsible for timing and operation of the existing Traffic Control Signals, all on a reimbursable basis with the County. Painting will be in accordance with Mn/DOT Standard Specification 2565.3T, unless approved by the State's District Traffic Engineer.

8. The County will maintain and keep in repair the new Traffic Control Signal and EVP System (System "B"), and the existing Traffic Control Signals and EVP Systems on Trunk Highway No. 10/47 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242). The County will operate the new Traffic Control Signal and EVP System, including timing, as specified in Paragraphs 3 and 5, and the existing Traffic Control Signals and EVP Systems, including timing, as specified in Paragraphs 5 and 7. The County will defend and indemnify the State from any claims arising out of the performance or non-performance of the County's obligations under this paragraph. The County's liability is governed by Minnesota Statutes Chapter 466 and other applicable law.

9. The County will invoice the State annually for the actual costs it incurs in maintaining and keeping in good repair the new and existing Traffic Control Signals and EVP Systems, as specified in Paragraphs 3, 5 and 7 excluding the following:

Maintenance of the luminaires and all its components, including replacement of the luminaire if necessary; relamping the new and existing traffic control signal and street lights; cleaning and painting the new and existing traffic control signals and luminaire mast arm extensions; cleaning the new and existing controllers and service cabinets; and relamping and maintaining the internally illuminated signing, assigned to the County, Blaine and Coon Rapids by this Agreement. The invoice must be submitted to the State's Metropolitan Electrical Service Unit. The invoice must include a detailed itemization of costs and be signed by a responsible County official, attesting to the validity of the expenses. Subject to State's approval of the expenses and encumbrance of funds, the State will promptly pay the invoice. The invoice, and any supporting documents are subject to audit by proper State officials, for a minimum of six years.

10. All timing of the new Traffic Control Signal (System "B") and the existing Traffic Control Signals on Trunk Highway No. 10/47 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242) will be determined by the County's Traffic Engineer.

11. Each party will be solely responsible for its own acts and omissions, and the results therof, 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.

12. The State or the County may terminate the terms and conditions covering maintenance and operation contained in Paragraphs 3, 5, 7, 8, 9 and 10 upon providing 30 days notice to the other party. The County's termination must be accomplished by a resolution of the County Board. The State's termination must be accomplished by a letter from Mn/DOT's Metropolitan District Engineer or his/her duly authorized representative. Upon termination, responsibility for the new Traffic Control Signal and EVP System (System "B") will be as follows: a) The County will, at its cost and expense: (1) relamp and clean and paint the new traffic control signal; and (2) clean the new controller and service cabinet; b) It shall be Blaine's responsibility, at its cost and expense, to: (1) clean and paint the luminaire mast arm extensions; (2) maintain the luminaires and all its components, including replacement of the luminaire if necessary; and (3) relamp the street lights; and (c) It shall be the State's responsibility to maintain the interconnect and the traffic control signal cabinet and control equipment, repair knockdowns of the new traffic control signal system, perform all other traffic control signal and street light maintenance. In addition, all timing of the new Traffic Control Signal and EVP System will

be determined by the State, and no changes may be made except with the approval of the State. Furthermore, upon termination, signal maintenance and operation responsibility for the existing Traffic Control Signals and EVP Systems on Trunk Highway No.

10/47 East and West Ramps at County State Aid Highway No. 14 (Old Trunk Highway No. 242) are as follow: a) It shall be the County's responsibility, at its cost and expense, to: (1) relamp and clean and paint the existing traffic control signals; and (2) clean the controllers and service cabinets; b) It shall be Coon Rapid's responsibility, at its cost and expense, to: (1) clean and paint the luminaire mast arm extensions; (2) maintain the luminaires and all its components, including replacement of the luminaire if necessary; (3) relamp the street lights; and (4) relamp and maintain the internally illuminated signing; and (c) It shall be the State's responsibility to maintain the interconnect and the traffic control signal cabinets and control equipment, repair knockdowns of the existing traffic control signal systems, perform all other traffic control signal and street light maintenance. In addition, all timing of the existing Traffic Control Signals and EVP Systems will be determined by the State, and no changes may be made except with the approval of the State.

13. By signing this agreement, all parties to this agreement are authorized to enter upon State, County, Blaine or

Coon Rapids public right of way to install and maintain the new and existing Traffic Control Signals and EVP Systems.

14. Upon execution and approval by the County, Coon Rapids, and the State, this agreement shall supersede and terminate the operation and maintenance terms of Agreement No. 79966M dated June 9, 2000, between the County, Coon Rapids, and the State for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Trunk Highway No. 10/47 in Coon Rapids.

15. Upon execution and approval by the County, Coon Rapids, and the State, this agreement shall supersede and terminate the operation and maintenance terms of Agreement No. 79966M dated June 9, 2000, between the County, Coon Rapids, and the State for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at County State Aid Highway No. 18 (Coon Creek Blvd.) in Coon Rapids.

16. Upon execution and approval by the County, Coon Rapids, and the State, this agreement will supersede and terminate Agreement No. 77194, dated May 6, 1998, between the State and Coon Rapids for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Shenandoah Blvd. in Coon Rapids.

17. Upon execution and approval by Coon Rapids and the State, this agreement will supersede and terminate the EVP System

operation and maintenance terms of Agreement No. 79739R, dated April 4, 2000, between the State and Coon Rapids for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Shenandoah Blvd. in Coon Rapids.

18. Upon execution and approval by the County, Coon Rapids, and the State, this agreement will supersede and terminate Agreement No. 60346, dated May 18, 1981, between the State, the County, and Coon Rapids for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at County Road No. 78/Hanson Blvd. in Coon Rapids.

19. Upon execution and approval by Coon Rapids and the State, this agreement will supersede and terminate the operational and maintenance terms of Agreement No. 65206M, dated November 4, 1988, between the State and Coon Rapids for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Foley Blvd. in Coon Rapids.

20. Upon execution and approval by Coon Rapids and the State, this agreement will supersede and terminate Agreement No. 86575M, dated June 10, 2004, between the State and Coon Rapids for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Foley Blvd. in Coon Rapids.

21. Upon execution and approval by the County, Blaine, Coon Rapids, and the State, this agreement will supersede and terminate Agreement No. 58565, dated June 3, 1977, between the

County, Blaine, Coon Rapids, and the State for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at County State Aid Highway No. 51/University Avenue in Coon Rapids and Blaine.

22. Upon execution and approval by the County, Blaine, and the State, this agreement will supersede and terminate Agreement No. 83534R, dated July 29, 2002, between the County, Blaine, and the State for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Jefferson Street in Blaine.

23. Upon execution and approval by Blaine and the State, this agreement will supersede and terminate Agreement No. 64673, dated June 7, 1988, between the State and Blaine for the intersection of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Polk Street/Oak Park Blvd. in Blaine.

24. Upon execution and approval by the County, Blaine, Coon Rapids, and the State, this agreement will supersede and terminate the EVP Systems operation and maintenance terms of Agreement No. 78292R, dated May 26, 1999, between Blaine, Coon Rapids, the City of Spring Lake Park, and the State for the intersections of Trunk Highway No. 242 (New County State Aid Highway No. 14) at Polk Street/Oak Park Blvd. and at County State Aid Highway No. 51/University Avenue in Blaine and Coon Rapids.

25. 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.

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

27. 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.

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

29. 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.

30. Authorized Agents

- a. The State's Authorized Agent for the purpose of the administration of this Agreement is Allan Espinoza, Design Specialist, or his successor. His current address and phone number are 1500 County Road B2 West, Roseville, MN. 55113, (651) 654-2127.
- b. The County's Authorized Agent for the purpose of the administration of this Agreement is Doug Fischer, Anoka County Engineer, or his successor. His current address and phone number are Anoka County Highway Department, 1440 Bunker Lake Boulevard. Northwest, Andover, MN. 55304, (763) 862-4213.
- c. Blaine's Authorized Agent for the purpose of the administration of this Agreement is Ms. Jean Keely, City Engineer or her successor. Her current address and phone number are City Hall, 10801 Town Square Drive, Blaine, MN. 55449, (763) 785-6171.
- d. Coon Rapids Authorized Agent for the purpose of the administration of this Agreement is Doug Vierzba, City Engineer or her successor. His current address and phone number are 11155 Robinson Drive, Coon Rapids, MN. 55433, (763) 767-6479.

COUNTY OF ANOKA

By:

Dennis D. Berg
Dennis D. Berg, Chair
Board of Commissioners

Dated: 6/22/07

ATTEST

By:

Terry L. Johnson
Terry L. Johnson
County Administrator

Dated: 6/22/07

APPROVED BY

By:

Douglas W. Fischer
Douglas W. Fischer, PE
County Highway Engineer

Dated: 6/15/07

APPROVED AS TO FORM

By:

Dan Klint
Dan Klint
Assistant County Attorney

Dated: 6-25-07

CITY OF BLAINE

APPROVED AS TO FORM:

D. M. Doolney
City Attorney

By: Tom Ryan
Tom Ryan, Mayor

Date: 06/07/07

By: Ronald R. Wood
Ronald R. Wood, City Manager

Date: 06/07/07

CITY OF COON RAPIDS

APPROVED AS TO FORM:

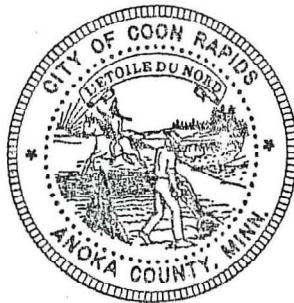


City Attorney



By J. Henn
Mayor

Date: 6/5/07



By: Matthew D. O.
Title City Manager
Date: 6/5/07

DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR APPROVAL:

for Michael J. Kelly
Metropolitan District Engineer

DEPARTMENT OF TRANSPORTATION

By: M. L. Lakin
State Design Engineer
Date: July 12, 2007

COMMISSIONER OF ADMINISTRATION

As delegated to Materials
Management Division

By: J. C.
Date: July 13, '07

APPROVED AS TO FORM AND EXECUTION:

By: J. C.
Contract Management
Date: July 13, '07

STATE OF MINNESOTA)
COUNTIES OF ANOKA & RAMSEY)
CITY OF BLAINE)

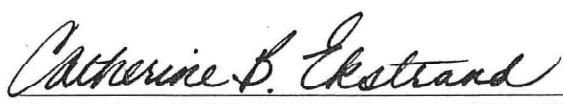
CERTIFICATE OF CLERK

I, the undersigned, Deputy City Clerk of Blaine, Minnesota, hereby certify that the copy of the resolution attached hereto relating to:

RESOLUTION NO. 07-107
APPROVE TRAFFIC CONTROL SIGNAL AGREEMENT NO. 90880M
COUNTY STATE AID HIGHWAY 14 (TRUNK HIGHWAY 242 TURNBACK) FROM
TRUNK HIGHWAY 47/10 TO ABERDEEN STREET/CENTRAL AVENUE
IMPROVEMENT PROJECT NO. 02-11
S.P. 0208-123

is a true and correct copy of the original resolution adopted by the City Council of the City of Blaine on file in my office.

WITNESS my hand this 8th day of June, 2007.



Catherine B. Ekstrand, Deputy City Clerk

Drafted by:



City of Blaine
10801 Town Square Drive NE
Blaine, MN 55449