



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 12, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Project ST-015 / SP 4204-40): 2025 MnDOT College Drive Improvement Project - Consider Resolution for Municipal Consent and Layout Approval
Background Information:	<p>MnDOT is proceeding with plans to complete State Project 4204-40, Reconstruction of Hwy 19 from 700' west of Marlene Street through Bruce Street. In accordance with Minnesota Statute 161.164, MnDOT is submitting for City approval the project's Final Layout Flap, identified as Layout Flap No. 2A, S.P. 4204-40.</p> <p>The City's approval (municipal consent) is required for this project because it alters access (Many accesses will be closed and /or altered to right in right out), requires acquisition of permanent rights of way (permanent right of way will be obtained to bring city alleys to city access standards). Municipal consent of MnDOT projects is described in Minnesota Statutes 161.162 through 161.167 (attached).</p> <p>Approval or disapproval of the final layout flap 2A is by resolution of the City Council. However, if the City neither approves nor disapproves the final layout flap within 60 days from the date the commissioner submits them, the layout is deemed approved (per MN Statute 161.164).</p> <p>Included with this memorandum is a "Municipal Consent Packet" as provided by Jesse Vlaminck, MnDOT Project Manager. The packet includes a memorandum, applicable State Statutes, project schedule, project cost estimate, and resolutions for the City to utilize for offering municipal consent.</p> <p>During the previous municipal consent layout approval proceedings, State Statutes requirements were fulfilled as follows:</p> <ul style="list-style-type: none"> - City to schedule a public hearing within 15 days of receiving the final layout (by 7/28/2021), and the public hearing was scheduled at the 07/13/2021 City Council meeting to be held 08/24/2021. - Conduct a public hearing within 60 days of receiving the final layout (by 9/11/2021), and the public hearing was held at the 08/24/2021 City Council meeting. - Approve or disapprove the layout by resolution within 90 days of the public hearing (by 12/10/2021), and the resolution was approved on 08/24/2021. <p>State Statutes for subsequent municipal consent layout approval were fulfilled as follows:</p> <ul style="list-style-type: none"> - Approve or disapprove of the layout flap submittal by resolution within 60 days of the flap submittal (by 12/26/2022), and the resolution was approved on 10/25/2022. <p>The project is coming before the Council for acknowledgement and acceptance again because the project limits have changed to include a complete reconstruction of College Drive from South 4th Street to a point 700' west of Marlene Street. State Statutes for this layout will require the following:</p> <ul style="list-style-type: none"> - Approve or disapprove of the layout flap submittal by resolution within 60 days of the flap submittal (by 02/11/2024).

	<p>MnDOT Project Manager, Jesse Vlaminck is present at this meeting to help present this topic and answer City Council questions. Jesse will help explain the additional municipal consent process and guide Council expectations moving forward.</p>
Fiscal Impact:	<p>No fiscal impact at this time.</p> <p>All improvements may be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem. Final approval of the project must include determination of funding sources.</p>
Alternative/ Variations:	<p>No alternative actions recommended.</p>
Recommendations:	<p>that the Council adopt RESOLUTION NUMBER 23-077 which is the "Resolution for Municipal Consent and Layout Approval."</p>

RESOLUTION NO. 23-077
RESOLUTION FOR MUNICIPAL CONSENT AND LAYOUT APPROVAL

WHEREAS, the Commissioner of Transportation has prepared a final layout flap for State Project 4204- 40 on Trunk Highway 19, from 700' west of Marlene Street to 4th Street within the City of Marshall for Reconstruction improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final layout flap is on file in the District 8 Minnesota Department of Transportation office, Willmar, Minnesota, being marked as Layout Flap No. 2A, S.P. 4204-40, from R.P. 33+00.895 to 34+00.012.

NOW, THEREFORE, BE IT RESOLVED that said final layout for the improvement of said Trunk Highway within the corporate limits be and is hereby approved.

Passed and adopted by the City Council this 12th day of December 2023.

ATTEST:

City Clerk

Mayor

Upon the call of the roll the following Council Members voted in favor of the Resolution:

The following Council Members voted against its adoption:

At a Meeting of the City Council of the City of Marshall, held on the 12th day of December, 2023, the following Resolution was offered by _____ and seconded by _____ that the Council adopt RESOLUTION NUMBER 23-077 which is the "Resolution for Municipal Consent and Layout Approval."

State of Minnesota, County of Lyon, City of Marshall

I do hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of Marshall, Minnesota at a duly authorized meeting thereof held on the 12th day of December, 2023, as shown by the minutes of said meeting in my possession.

(SEAL)

Steven Anderson
City Clerk