

Municipal Consent

SP 4204-40

City of Marshall

October 25, 2022

Municipal consent submittal letter

SP 4204-40 Layout Flap 1A - Separate file (Signed copy to be hand delivered)

State Statues 161.162 through 161.167

Project schedule

Current Cost Estimate

Sample Resolution for Municipal Consent

Sample Resolution to Waive Municipal Consent

October 5, 2022

Robert J. Byrnes
Mayor
City of Marshall
344 West Main Street
Marshall, MN 5658

RE: Request for City Approval (Municipal Consent) of the Final Layout Flap for SP 4204-40

Dear Mayor Byrnes

MnDOT is proceeding with plans to complete State Project 4204-40, Reconstruction of Hwy 19 from 4th Street to Bruce Street. In accordance with Minnesota Statute 161.164, I am submitting for City approval the project's Final Layout Flap, identified as Layout Flap No. 1A, S.P. 4204-40.

The City's approval (municipal consent) is required for this project because it alters access (Many access 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).

Approval or disapproval of the final layout flap is by resolution of the City Council. (A sample resolution is attached). 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).

The deadlines (per MN Statute 161.164) for the City's responsibilities regarding municipal consent of the attached layout flap are as follows, based on a submittal date of the final layout to the City of [10/25/2022]:

- Within 60 days of the layout flap submittal, approve or disapprove the layout by resolution (by 12/26/2022).

Project Purpose

This project has a deteriorated pavement, indicated by a sub-standard Ride Quality Index (RQI) rating. The RQI rating is projected to continue to decline. This project also has pedestrian access facilities, ramps and sidewalks that do not meet the Americans with Disabilities Act (ADA) standards. This project also has aging underground city utilities; sewer and water mains that are in poor condition.

The purpose of this project is to:

- A) Improve the RQI on this project which will help the entire Highway System achieve the Pavement Performance Targets, and to improve pavement structural integrity and reduce maintenance costs.
- B) Upgrade the pedestrian ramps/sidewalk to meet ADA standards
- C) Facilitate replacement of the deteriorating underground utilities.

Project Description

SP 4204-40 will be a full reconstruction of Trunk Highway (TH) 19 from 4th Street to approximately 134' west of Bruce Street in Marshall, MN. The project will include but not limited to Concrete Paving, a Roundabout at the intersection of Hwy 19, Country Club Drive, and South 2nd Street, new Signals at Saratoga Street and Main Street (TH 59), Rectangular Rapid Flashing Beacons (RRFB), Bridge approach panel work at Bridge No. 5083, Lighting, Storm Sewer, City utilities (Sanitary and Water), and some additional sidewalk and pedestrian curb ramps from Marlene Street to 4th Street and at Bruce Street.

Planned Project Schedule

SP 4204-40 is planned to be let on November 22, 2024, Construction is to begin the spring of 2025 and is anticipated to take up to two construction seasons to complete all work, there will be detours and staged construction.

City's Estimated Project Costs

Some project costs are the City's responsibility, as detailed in MnDOT's cost participation policy. (See the policy and the *Cost Participation and Maintenance with Local Units of Government Manual* at MnDOT's this website: <http://www.dot.state.mn.us/policy/financial/fm011.html>).

Attached is MnDOT's current estimate of the City's costs for S.P. 4204-40. It also shows MnDOT's estimated costs.

As shown on the attached, the City of Marshall's total cost participation for SP 4204-40 is estimated to be \$5,179,680.

The alleys between West Lyon and West Marshall streets will require additional Right of Way (R/W) to be built to city standards. It is the intent for MnDOT to obtain the R/W to construct the alleys to standard and then turn back to the city.

City's Maintenance Responsibilities

The City of Marshall will also be responsible for the following:

- Approach legs to the intersections to the outside edge of the shoulder line or outer radius of roundabouts.
- Removal of snow from parking lanes.

- Responsible for maintenance of Parking- related markings installed on MnDOT roadways.
- Routine maintenance of all sidewalks and shared use paths, including but not limited to patching, snow and ice control/removal, sweeping, debris removal, vegetation control, signs, and pavement markings.

MnDOT will be responsible for the following:

- Maintenance activities associated with all trunk highway roadway and shoulder items.
- Non-routine storm sewer system maintenance is defined as removal of sediment from the pipes, replacement, reconstruction, rehabilitation, or improvement of portions of storm water drainage infrastructure such as castings, manhole or catch basin structures, and pipe segments or aprons, including rip-rap.

Please feel free to contact me if you have any questions about this submittal.

Sincerely,

Jesse Vlaminc /s/

Jesse Vlaminc
Project Manager
MnDOT District 8
2505 Transportation Road
Willmar, MN 56201
320-212-0206
jesse.vlaminc@state.mn.us

Attachments:

Final Layout Flap for SP 4204-40, dated 9/12/2022
MN Statutes 161.162 – 161.167
Estimated Project Costs
Project Schedule
Sample City Resolution
Sample City Waiver Resolution

cc:

Sharon Hanson – Marshall City Administrator
Jason Anderson – Marshall City Engineer

161.162 DEFINITIONS.

Subdivision 1. **Applicability.** The terms in sections 161.162 to 161.167 have the meanings given them in this section and section 160.02.

Subd. 2. **Final layout.** (a) "Final layout" means geometric layouts and supplemental drawings that show the location, character, dimensions, access, and explanatory information about the highway construction or improvement work being proposed. "Final layout" includes, where applicable, traffic lanes, shoulders, trails, intersections, signals, bridges, approximate right-of-way limits, existing ground line and proposed grade line of the highway, turn lanes, access points and closures, sidewalks, proposed design speed, noise walls, transit considerations, auxiliary lanes, interchange locations, interchange types, sensitive areas, existing right-of-way, traffic volume and turning movements, location of storm water drainage, location of municipal utilities, project schedule and estimated cost, and the name of the project manager.

(b) "Final layout" does not include a cost participation agreement. For purposes of this subdivision "cost participation agreement" means a document signed by the commissioner and the governing body of a municipality that states the costs of a highway construction project that will be paid by the municipality.

Subd. 3. **Final construction plan.** "Final construction plan" means the set of technical drawings for the construction or improvement of a trunk highway provided to contractors for bids.

Subd. 4. **Governing body.** "Governing body" means the elected council of a municipality.

Subd. 5. **Municipality.** "Municipality" means a statutory or home rule charter city.

History: 2001 c 191 s 3; 2002 c 364 s 3

161.163 HIGHWAY PROJECT REVIEW.

Subdivision 1. **Projects requiring review.** Sections 161.162 to 161.167 apply only to projects that alter access, increase or reduce highway traffic capacity, or require acquisition of permanent rights-of-way.

Subd. 2. **Traffic safety measures.** Nothing contained in sections 161.162 to 161.167 limits the power of the commissioner to regulate traffic or install traffic-control devices or other safety measures on trunk highways located within municipalities regardless of their impact on access or traffic capacity or on the need for additional right-of-way.

Subd. 3. **Construction program.** Nothing contained in sections 161.162 to 161.167 limits the commissioner's discretion to determine priority and programming of trunk highway projects.

History: 2001 c 191 s 4

161.164 FINAL LAYOUT APPROVAL PROCESS.

Subdivision 1. **Submission of final layout.** Before proceeding with the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality, the commissioner shall submit to its governing body a final layout and project report covering the purpose, route location, and proposed design of the highway. The final layout must be submitted as part of a report containing any supporting data that the commissioner deems helpful to the governing body in reviewing the final layout submitted. The supporting data must include a good-faith cost estimate of all the costs in which the governing body is expected to participate. The final layout must be submitted before final decisions are reached so that meaningful early input can be obtained from the municipality.

Subd. 2. **Governing body action.** (a) Within 15 days of receiving a final layout from the commissioner, the governing body shall schedule a public hearing on the final layout. The governing body shall, within 60 days of receiving a final layout from the commissioner, conduct a public hearing at which the Department of Transportation shall present the final layout for the project. The governing body shall give at least 30 days' notice of the public hearing.

(b) Within 90 days from the date of the public hearing, the governing body shall approve or disapprove the final layout in writing, as follows:

(1) If the governing body approves the final layout or does not disapprove the final layout in writing within 90 days, in which case the final layout is deemed to be approved, the commissioner may continue the project development.

(2) If the final construction plans contain changes in access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the governing body, the commissioner shall resubmit the portion of the final construction plans where changes were made to the governing body. The governing body must approve or disapprove the changes, in writing, within 60 days from the date the commissioner submits them.

(3) If the governing body disapproves the final layout, the commissioner may make modifications requested by the municipality, decide not to proceed with the project, or refer the final layout to an appeal board. The appeal board shall consist of one member appointed by the commissioner, one member appointed by the governing body, and a third member agreed upon by both the commissioner and the governing body. If the commissioner and the governing body cannot agree upon the third member, the chief justice of the supreme court shall appoint a third member within 14 days of the request of the commissioner to appoint the third member.

Subd. 3. **Appeal board.** Within 30 days after referral of the final layout, the appeal board shall hold a hearing at which the commissioner and the governing body may present the case for or against approval of the final layout referred. Not later than 60 days after the hearing, the appeal board shall recommend approval, recommend approval with modifications, or recommend disapproval of the final layout, making additional recommendations consistent with state and federal requirements as it deems appropriate. It shall submit a written report containing its findings and recommendations to the commissioner and the governing body.

History: 2001 c 191 s 5

161.165 COMMISSIONER ACTION; INTERSTATE HIGHWAYS.

Subdivision 1. **Applicability.** This section applies to interstate highways.

Subd. 2. **Action on approved final layout.** (a) If the appeal board recommends approval of the final layout or does not submit its findings and recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project.

(b) If the final construction plans change access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. **Action on final layout approved with changes.** (a) If, within 60 days, the appeal board recommends approval of the final layout with modifications, the commissioner may:

(1) prepare final construction plans with the recommended modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare final construction plans substantially similar to the final layout referred to the appeal board, and proceed with the project. The commissioner shall, before proceeding with the project, file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. **Action on disapproved final layout.** (a) If, within 60 days, the appeal board recommends disapproval of the final layout, the commissioner may either:

(1) decide not to proceed with the project; or

(2) prepare final construction plans substantially similar to the final layout referred to the appeal board, notify the governing body and the appeal board, and proceed with the project. Before proceeding with the project, the commissioner shall file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

History: 2001 c 191 s 6

161.166 COMMISSIONER ACTION; OTHER HIGHWAYS.

Subdivision 1. **Applicability.** This section applies to trunk highways that are not interstate highways.

Subd. 2. **Action on approved final layout.** If the appeal board recommends approval of the final layout or does not submit its findings or recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project. If the final construction plans change access or traffic capacity or require additional acquisition of right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plan that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. **Action on final layout approved with changes.** (a) If the appeal board approves the final layout with modifications, the commissioner may:

(1) prepare final construction plans including the modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare a new final layout and resubmit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. **Action on disapproved final layout.** If the appeal board disapproves the final layout, the commissioner may:

(1) decide not to proceed with the project; or

(2) prepare a new final layout and submit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

History: 2001 c 191 s 7; 2020 c 83 art 1 s 51

161.167 REIMBURSEMENT OF EXPENSES.

Members of the appeal board shall submit to the commissioner an itemized list of the expenses incurred in disposing of matters presented to them. The appeal board members shall be reimbursed for all reasonable expenses incurred by them in the performance of their duties. The commissioner shall pay these costs out of the trunk highway fund.

History: 2001 c 191 s 8

Project Schedule – 4204-40

15% Detailed Design/ADA Detailed Design Submittal	November 2022
30% Detailed Design/ADA Detailed Design Submittal	March 2023
60% Detailed Design/ADA Detailed Design Submittal	August 2023
90% Detailed Design/ADA Detailed Design Submittal	January 2023
100% Detailed Design/ADA Detailed Design Submittal	July 2024
Project Letting	November 2024
Begin Construction	Spring 2025



TH 19 Marshall

Concept Cost Estimate (based upon 2020 bid price information)
 Prepared By: SRF Consulting Group, Inc., September, 29, 2022

ITEM DESCRIPTION	UNIT	UNIT PRICE	TH 19 - MnDOT		TH 19 - CITY		TOTAL		
			EST. QUANTITY	EST. AMOUNT	EST. QUANTITY	EST. AMOUNT	EST. QUANTITY	EST. AMOUNT	
PAVING AND GRADING COSTS									
1 Local & Frontage Road Pavement (Bituminous)	(1)	sq. yd.	\$35.00	5,240	\$183,400	2,090	\$73,150	7,330	\$256,550
2 Concrete Walk / Trail / Median	(2)	sq. yd.	\$75.00	15,050	\$1,128,750	870	\$65,250	15,920	\$1,194,000
3 Truck Apron, Driveway & Alleyway	(1)	sq. yd.	\$81.00	4,450	\$360,450	760	\$61,560	5,210	\$422,010
4 Mainline Pavement (TH 19-Concrete)	(1)(6)	sq. yd.	\$81.00	32,440	\$2,627,640	1,350	\$109,350	33,790	\$2,736,990
5 Mainline Shoulder Pavement (parking)	(1)(3)	sq. yd.	\$81.00	780	\$63,180	90	\$7,290	870	\$70,470
6 2106 Excavation - common & subgrade		cu. yd.	\$10.00	60,700	\$607,000	4,600	\$46,000	65,300	\$653,000
7 2106 Common Embankment (CV)		cu. yd.	\$4.00	75,000	\$300,000	2,900	\$11,600	77,900	\$311,600
8 2106 Granular Subgrade (CV)		cu. yd.	\$25.00	47,800	\$1,195,000	3,500	\$87,500	51,300	\$1,282,500
9 Contaminated Materials Hauling	(5)	cu. yd.	\$55.00	200	\$11,000	800	\$44,000	1,000	\$55,000
10 Bridge No 5083. - Approach Panels		sq. yd.	\$250.00	155	\$38,750			155	\$38,750
11 ADA Pedestrian Curb Ramp		each	\$1800.00	86	\$154,800	8	\$14,400	94	\$169,200
12 Concrete Curb and Gutter		lin. ft.	\$35.00	18,370	\$642,950	2,080	\$72,800	20,450	\$715,750
SUBTOTAL PAVING AND GRADING COSTS:					\$7,312,920		\$592,900		\$7,905,820
DRAINAGE, UTILITIES AND EROSION CONTROL									
1 Removals - Pavement		sq. yd.	\$6.00	48,290	\$289,740	3,930	\$23,580	52,220	\$313,320
2 Local Utilities - Sanitary Sewers	(9)	l.s.	\$499,500			1	\$499,500	1	\$499,500
3 Local Utilities - Watermains	(9)	l.s.	\$483,900			1	\$483,900	1	\$483,900
4 Local Utilities - Storm Sewers	(9)	l.s.	\$486,000			1	\$486,000	1	\$486,000
5 Drainage - urban		25%			\$1,829,000				\$1,829,000
6 Traffic Control		3%			\$220,000		\$18,000		\$238,000
7 Dewatering		10%		0.3	\$237,300	0.7	\$553,700	1	\$791,000
8 Turf Establishment & Erosion Control		3%			\$220,000		\$18,000		\$238,000
9 Landscaping									
SUBTOTAL DRAINAGE, UTILITIES AND EROSION CONTROL					\$2,796,040		\$2,082,680		\$4,878,720
SIGNAL AND LIGHTING COSTS									
1 Signals (permanent)	(4)	each	\$250,000	2	\$500,000	1	\$250,000	3	\$750,000
2 Roadway Lighting (MnDOT)	(7)	each	\$7,000	8	\$56,000	4	\$28,000	12	\$84,000
3 Roadway Lighting (City)	(8)	each	\$3,100			17	\$52,700	17	\$52,700
4 Decorative Lighting (Single Assembly)	(8)	each	\$4,000			17	\$68,000	17	\$68,000
5 Decorative Lighting (Double Assembly)	(8)	each	\$6,400			22	\$140,800	22	\$140,800
6 Decorative Lighting (Intersection Lighting)	(8)	each	\$1,600			8	\$12,800	8	\$12,800
7 Ped Flasher System (RRFB)		each	\$78,000	1	\$78,000			1	\$78,000
8 Landscaping		l.s.	\$20,800			1	\$20,800	1	\$20,800
SUBTOTAL SIGNAL AND LIGHTING COSTS:					\$634,000		\$573,100		\$1,207,100
SIGNING & STRIPING COSTS									
1 Mainline Signing (C&D)		mile	\$35,000	1.7	\$59,500	0.3	\$10,500	2	\$70,000
2 Mainline Striping		mile	\$5,000	1.7	\$8,500	0.3	\$1,500	2	\$10,000
SUBTOTAL SIGNING & STRIPING COSTS:					\$68,000		\$12,000		\$80,000
SUBTOTAL CONSTRUCTION COSTS:					\$10,810,960		\$3,260,680		\$14,071,640
MISCELLANEOUS COSTS									
1 Mobilization		5%			\$541,000		\$164,000		\$705,000
2 Non Quantified Minor Items									
3 Temporary Pavement & Drainage		5%			\$541,000		\$164,000		\$705,000
SUBTOTAL MISCELLANEOUS COSTS:					\$1,082,000		\$328,000		\$1,410,000
ESTIMATED TOTAL CONSTRUCTION COSTS without Contingency:					\$11,892,960		\$3,588,680		\$15,481,640
1 Contingency or "risk"		10%			\$1,190,000		\$359,000		\$1,549,000
ESTIMATED TOTAL CONSTRUCTION COSTS PLUS CONTINGENCY:					\$13,082,960		\$3,947,680		\$17,030,640
INFLATION COST (CURRENT YR. TO YR. OF OPENING)		Factor	14%		\$1,900,000		\$600,000		\$2,500,000
					\$14,982,960		\$4,547,680		\$19,530,640
OTHER PROJECT COSTS:									
DESIGN ENG. & CONSTRUCTION ADMIN.		Lump Sum	16%		\$2,094,000		\$632,000		\$2,726,000
TOTAL PROJECT COST (OPENING YEAR DOLLARS)					\$17,076,960		\$5,179,680		\$22,256,640

NOTE (1) Assumed pavement and aggregate depths:

- TH 19 Concrete Pavement - 8" Concrete / 6" Class 6 Aggregate
- TH 19 Driveway/Truck Apron Pavement - 8" Concrete / 6" Class 6 Aggregate
- Local & Frontage Road Pavement - 5" Bituminous / 6" Class 6 Aggregate

- (2) Assumed 6" concrete / 6" aggregate base class 6.
- (3) Parking Areas, City will pay 10% of total parking area and MnDOT will pay 90%.
- (4) Signal Systems: Saratoga - 50/50, Main - MnDOT, Bruce St - 50/50

(5) Assumed 20% MnDOT cost and 80% City cost.

- (6) Includes reinforcement bars.
- (7) Lighting located on City streets; Cost split 4 for City and 8 for MnDOT.
- (8) Based on estimate provided from City.
- (9) Based on preliminary estimate and estimate provided from City. Includes Bruce Street utilities cost.

RESOLUTION NO. _____
Resolution for Layout Approval

At a Meeting of the City Council of the City of _____, held on the ___ day of _____, 20___, the following Resolution was offered by _____ and seconded by _____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout flap for State Project 4204-40 on Trunk Highway 19, from 4th Street to Bruce 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. 1A, S.P. 4204-40, from R.P. 34+00.012 to 35+00.514.

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.

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

The following Council Members voted against its adoption:

ATTEST:

Mayor _____ Dated _____, 20___

State of Minnesota

County of _____

City of _____

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 _____, Minnesota at a duly authorized meeting thereof held on the _____ day of _____, 20___, as shown by the minutes of said meeting in my possession.

(SEAL) _____

City Clerk

RESOLUTION No. _____

Resolution for Waiver of Municipal Consent

At a Meeting of the City Council of the City of _____, held on the __ day of _____, 20____, the following Resolution was offered by _____ and seconded by _____, to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 4204-40 on Trunk Highway 19, from 4th Street to Bruce 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 is on file in the District 8 Minnesota Department of Transportation office, Willmar, Minnesota, being marked as Layout Flap No. 1A, S.P. 4204-40, from R.P. 34+00.012 to 35+00.514; and

NOW, THEREFORE, BE IT RESOLVED that the City Council waives the municipal consent approval action, described in Minnesota Statutes 161.162 to 161.167, of the final layout for SP 4204-40 for the improvement of said and Trunk Highway 19 within the corporate limits.

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

The following Council Members voted against its adoption:

ATTEST:

Mayor _____ Dated _____, 20____

State of Minnesota

County of _____

City of _____

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 _____, Minnesota at a duly authorized meeting thereof held on the _____ day of _____, 20____, as shown by the minutes of said meeting in my possession.

(SEAL) _____

City Clerk