

**MEMORANDUM OF UNDERSTANDING
BETWEEN
ARCHER DANIELS MIDLAND COMPANY
AND
CITY OF MARSHALL**

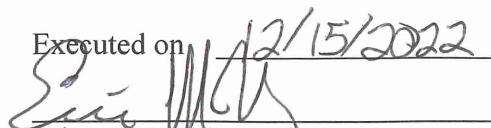
THIS AGREEMENT, as set forth herein between **Archer Daniels Midland Company (ADM)** and the **City of Marshall (City)** represents a mutual understanding as financial partners in a portion of City Project ST-002-2023: Bituminous Overlay on Various City Streets. The purpose for this city project is to resurface various city streets with a bituminous mill and overlay treatment.

City staff is proposing to include the resurfacing of North 7th Street with the ST-002-2023 project. City staff has communicated with ADM staff regarding the simultaneous resurfacing of the truck stacking lane to the east of North 7th Street that serves ADM truck traffic. City staff and ADM staff believe that it makes sense to resurface these areas at the same time to ensure the best, most uniform final product. The project is proposed as a bituminous mill and overlay, likely at a 2" depth.

Understanding shared interests with the resurfacing project adjacent to the ADM facility, both parties agree to the following:

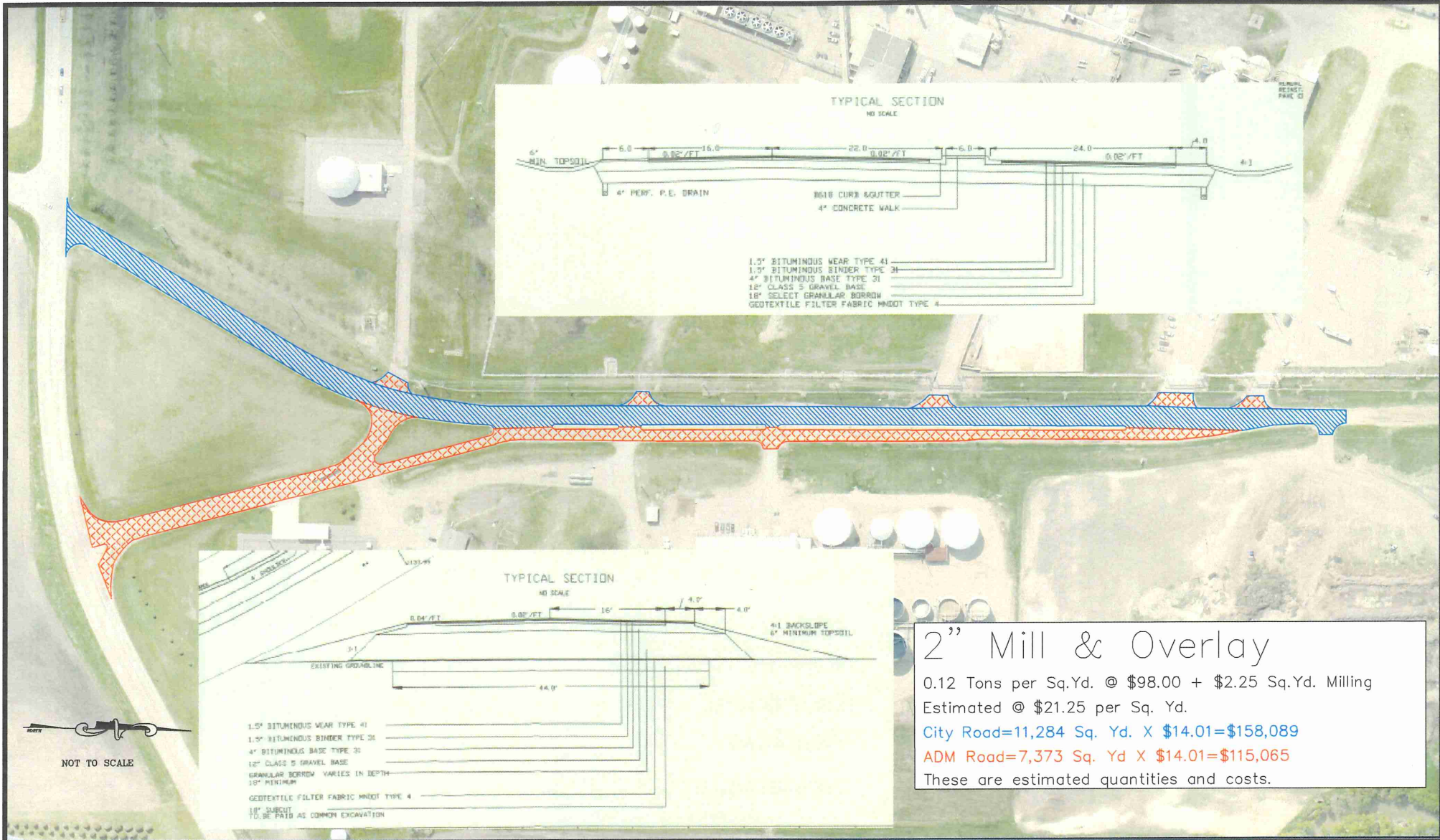
- 1) The City of Marshall Engineering Department will provide engineering services related to construction project administration for ST-002-2023. The construction project administration duties will include project design, bidding, inspection, testing and general construction project administration for the ST-002-2023 construction project. The ADM truck stacking lane area will be included within the scope of the ST-002-2023 construction project. The City of Marshall will cover all costs associated with construction project administration, as identified above.
- 2) ADM will provide financial support for the resurfacing of the pavement in the truck stacking lane area. The truck stacking lane area is identified visually in attached exhibit titled "MILL & OVERLAY N. 7TH/ADM" dated 10/17/2022. The City is providing an initial cost estimate of \$115,065 for the pavement mill and overlay of the truck stacking lane area. This cost is an estimate for budgeting purposes only and the actual project quantities and costs will be utilized for determination of costs to be billed to and paid by ADM.
- 3) At the request of ADM, City of Marshall staff will make their best effort to see that the project contractor bills ADM directly for the construction project costs in the truck stacking lane area (identified as the red hatched areas on the attached map). City of Marshall Engineering staff will work in coordination with the project contractor to agree upon the amount of project costs that will be billed to ADM prior to the contractor invoicing ADM. In the event that this billing process is not feasible or otherwise becomes unworkable for the City and/or its contractor, it is the requirement that ADM will pay the City of Marshall directly for the construction costs incurred for the resurfacing of the truck stacking lane area. Payment shall be made by ADM within 30 days of the invoice date as submitted to ADM by the City.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed intending to be bound thereby.

Executed on 12/15/2022

Eric McVey, General Manager
Archer Daniels Midland Company

Executed on _____


Robert J. Byrnes, Mayor
City of Marshall



2" Mill & Overlay
 0.12 Tons per Sq.Yd. @ \$98.00 + \$2.25 Sq.Yd. Milling
 Estimated @ \$21.25 per Sq. Yd.
 City Road=11,284 Sq. Yd. X \$14.01=\$158,089
 ADM Road=7,373 Sq. Yd X \$14.01=\$115,065
 These are estimated quantities and costs.

NOT TO SCALE

DESIGNED BY: _____	DATE	REVISIONS	INIT.
DRAWN BY: GJS			
APPROVED BY: JRA			
SCALE: NA			


MARSHALL
 ENGINEERING DEPARTMENT
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

MILL & OVERLAY N.7TH/ADM
 2" MILL & OVERLAY

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ LICENSE NO. 53322

CITY PROJECT NO. N/A	DATE 10/17/2022
STATE AID PROJECT NO. N/A	SHEET NO. 1 OF 1