

PUBLIC WORKS & UTILITIES COMMITTEE

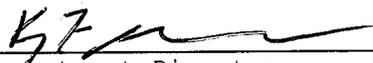
13-0507R

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO ROAD MAINTENANCE AGREEMENT WITH ST. LOUIS COUNTY TO EXTEND THE TERMINATION DATE TO SEPTEMBER 30, 2014.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute an amendment to the agreement for services between the city of Duluth and St. Louis County, substantially in the form of that on file in the office of the city clerk as Public Document No. \_\_\_\_\_, whereby such amendment extends the termination date to September 30, 2014; said agreement sets out the responsibilities of the parties in relation to maintenance and plowing of various roads during a ten year term; and payments deposited in Fund Number 110-121-1217-2140-4260 (General Fund, Public Administration, Maintenance Operations, Street Maintenance).

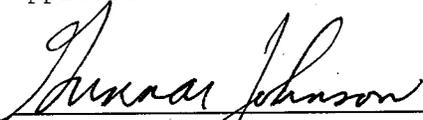
Approved:

  
\_\_\_\_\_  
Department Director

Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

DPA/MO KF:tmn 10/03/2013

STATEMENT OF PURPOSE: The purpose of this resolution is to extend the 10-year road maintenance agreement to September 30, 2014. The extension will allow the City of Duluth and St. Louis County to negotiate the terms of a new agreement to commence on October 1, 2014. The maintenance agreement with St. Louis County provides for efficiencies and cost-saving opportunities that exist within our street system. Many county roads are in the city and many city streets are near county tool houses or on county maintenance routes. Each government unit performs work on the other's roads with an agreed upon scope of work and unit price. St. Louis County makes annual payments of \$131,017.48 each October to the City of Duluth after subtracting the amount owed by the City.

## AMENDMENT TO AGREEMENT

The Road Maintenance Agreement (the "Agreement") between City of Duluth ("City") and St. Louis County ("County") relating to the general surface maintenance and snowplowing of certain streets, roadways, and highways within each party's jurisdiction is amended as set forth below. Capitalized terms used in this Amendment but not defined herein shall have the meanings ascribed to them in the Agreement.

WHEREAS, the City and County entered into the Agreement on or about May 7, 2003 (Approved by City Resolution #03-0290 (City Contract# #19393) and County Resolution #334); and

WHEREAS, the Agreement has expired and the parties wish to extend the term of the Agreement to September 30, 2014.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter contained, the parties agree as follows:

1. Paragraph 1 of the Agreement is amended as follows:
  1. The term of this Agreement shall be for a period commencing on October 1, 2002, and ending on ~~September 30, 2012~~ September 30, 2014
2. Paragraph 8 of the Agreement is amended as follows:
  8. The term of this Agreement shall be for a period of ~~ten-twelve~~ years commencing on October 1, 2002. However, either party may terminate this Agreement, with or without cause, upon thirty (30) days written notice.
3. Except as specifically amended pursuant to this Amendment, the Agreement remains in full force and effect. In the event of a conflict between the provisions of this Amendment and the provisions of the Agreement, the provisions of this Amendment shall govern.

IN WITNESS WHEREOF, the parties have set their hands the day and date first shown below.

**CITY OF DULUTH**

**ST. LOUIS COUNTY.**

By: \_\_\_\_\_  
Its Mayor

By: \_\_\_\_\_  
Its Chair of County Board  
Printed Name \_\_\_\_\_

Attest: \_\_\_\_\_  
Its City Clerk  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: Director of Public Works

Countersigned:

Printed Name \_\_\_\_\_

By: \_\_\_\_\_  
Its City Auditor

By: \_\_\_\_\_  
Its County Auditor  
Printed Name \_\_\_\_\_

Approved as to form:

Approved as to form

By: \_\_\_\_\_  
Its City Attorney

By: \_\_\_\_\_  
Its County Attorney  
Printed Name \_\_\_\_\_