

CITY OF MILACA
SPECIAL CITY COUNCIL MEETING
COUNCIL AGENDA
NOVEMBER 25, 2024
5:30 p.m.

1. Call Meeting to Order 5:30 p.m.
2. Pledge of Allegiance
3. Roll Call- Present: Mayor-Dave Dillan ____ Council Members; Ken Muller ____ Norris Johnson ____ Lindsee Larsen ____
Laurie Gahm ____ Absent; _____
4. **PUBLIC HEARING:**
 - a. Discuss Funding Options and the Hwy 23 Project in Detail and to Approve
Final Layout for SP 4801-26 Hwy 23 Project

§ 30.19 ORDER OF BUSINESS; AGENDA

(C) Unless the Council, in its discretion, votes to consider matters not appearing on the agenda, no item of business shall be considered unless it appears on the agenda for the meeting.

District 3
3725 12th Street North
St. Cloud, MN 56303

10/03/24

Tammy Pfaff
City Manager
City of Milaca
255 First Street East, Milaca, MN 56353

RE: Request for City Approval (Municipal Consent) of the Final Layout for SP 4801-26

Dear Ms. Pfaff

MnDOT is proceeding with plans to complete State Project 4801-26, TH 23 reconstruction from the Rum River bridge to CSAH 2 in Milaca. In accordance with Minnesota Statute 161.164, I am submitting for City approval the project's Final Layout, identified as Layout No. 1B, S.P. 4801-26

The City's approval (municipal consent) is required for this project because it requires permanent easement and alters access of 3rd Street SE, 10th Ave SE, and 110th Ave to TH 23. Municipal consent of MnDOT projects is described in Minnesota Statutes 161.162 through 161.167 (attached).

Approval or disapproval of the final layout is by resolution of the City Council. (A sample resolution is attached). However, if the City neither approves nor disapproves the final layout within 90 days of the public hearing, 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 are as follows, based on a submittal date of the final layout to the City of 10/03/2024:

- Within 15 days of receiving the final layout, schedule a public hearing (by 10/18/24).
- Within 60 days of receiving the final layout, conduct the public hearing (by 12/3/24).
- Provide at least 30-days' notice of the public hearing.
- Within 90 days of the public hearing, approve or disapprove the layout by resolution.

MnDOT will attend the public hearing to present the final layout and answer questions, as required by statute.

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Project Purpose

The highway needs reconstruction to address pavement, intersection safety, and ADA improvements.

Project Description

TH 23 reconstruction from the Rum River bridge to CSAH 2 in Milaca. TH 23 will have 5 roundabouts constructed with access alterations to 3rd Street SE, 10th Ave SE, and 110th Ave.

Other activities include:

Upgrading existing sidewalks and extending them to 3rd Ave SW, add a shared use trail along the north side of TH 23 from 3rd Ave SW to 110th Ave, and upgrade street lighting.

Planned Project Schedule

The project is schedule for a 09/25/2026 letting with construction beginning spring/summer 2027. The construction is planned to be completed in 2028. During construction, TH 23 will be detoured in stages while maintaining access to all local businesses and homes.

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. 4801-26.

The estimate includes costs for the city leg of the 3rd Ave SW roundabout, city utility replacements, and street lighting.

As shown on the attached, the City of Milaca's total cost participation for SP 4801-26 is currently estimated to be \$850,000-\$900,000.

The total project cost is estimated to be \$19,000,000.

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City's Maintenance Responsibilities

The City of Milca will be responsible for the maintenance of all lighting and routine maintenance of the trail, sidewalks and storm sewer. Routine maintenance of sidewalks includes snow removal, sweeping, crack repair, and other minor items. Routine maintenance of storm sewers includes, but is not limited to, removal of sediment, debris, vegetation and ice from grates and catch basins, and any other maintenance activities necessary to preserve the facilities and to prevent conditions such as flooding, erosion, or sedimentation, this also includes informing the District Maintenance Engineer of any needed repairs.

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

Sincerely,




Russell Fellbaum
Project Manager
District 3 Project Development
3725 12th St. North
St. Cloud, MN 56303
Direct: 320-247-3138

Attachments:

- Estimated City Project Costs
- Sample City Resolution
- MN Statutes 161.162 - 161.167
- Final Layout for SP 4801-26, dated 06/12/2024

An Equal Opportunity Employer



			S.P. 4801-026 TH 23 MILACA RECONSTRUCTION															
			PRELIMINARY COST ESTIMATE															
ITEM DESCRIPTION			UNITS			UNIT BID PRICE			JUNE 2024									
									ESTIMATED MNDOT QUANTITY	ESTIMATED MNDOT COST	ESTIMATED SHARED MNDOT/COUNTY QUANTITY	ESTIMATED SHARED MNDOT/COUNTY COST	ESTIMATED MIL LACS COUNTY QUANTITY	ESTIMATED MIL LACS COUNTY COST	ESTIMATED CITY QUANTITY	ESTIMATED CITY COST	ESTIMATED TOTAL QUANTITY	ESTIMATED TOTAL COST
PROJECT PRO-RATA																		
MOBILIZATION	LS	\$	890,000.00	85%	\$	756,500.00	4%	\$	35,600.00	7%	\$	62,300.00	5%	\$	44,500.00		\$	898,900.00
FIELD OFFICE & LAB	LS	\$	75,000.00	85%	\$	63,750.00	4%	\$	3,000.00	7%	\$	5,250.00	5%	\$	3,750.00		\$	75,750.00
TRAFFIC CONTROL	LS	\$	390,000.00	85%	\$	331,500.00	4%	\$	15,600.00	7%	\$	27,300.00	5%	\$	19,500.00		\$	393,900.00
PROJECT PRO-RATA SUBTOTALS					\$	1,151,750.00		\$	54,200.00		\$	94,850.00		\$	67,750.00		\$	1,368,550.00
PROJECT PRO-RATA GRAND TOTAL					\$1,368,550.00													
TH 23 RECONSTRUCTION																		
RECONSTRUCTION ITEMS																		
REMOVE CURB AND GUTTER	LIN FT	\$	6.50	18232	\$	118,508.00	566	\$	3,679.00	1102	\$	7,163.00	310	\$	2,015.00	20210	\$	131,365.00
REMOVE CONCRETE SIDEWALK	SQ FT	\$	1.50	4219	\$	6,328.50		\$	-	610	\$	915.00		\$	-	4829	\$	7,243.50
REMOVE PAVEMENT	SQ YD	\$	5.00	65825	\$	329,125.00	3511	\$	17,555.00	3125	\$	15,625.00	604	\$	3,020.00	73065	\$	365,325.00
EXCAVATION-COMMON	CU YD	\$	17.00	87767	\$	1,492,039.00	4681	\$	79,577.00	4167	\$	70,839.00	805	\$	13,685.00	97420	\$	1,656,140.00
COMMON EMBANKMENT (CV)	CU YD	\$	10.00	36288	\$	362,880.00	2188	\$	21,880.00	2021	\$	20,210.00	489	\$	4,890.00	40986	\$	409,860.00
SELECT GRANULAR EMBANKMENT (CV)	CU YD	\$	27.50	38072	\$	1,046,980.00	2125	\$	58,437.50	2343	\$	64,432.50	580	\$	15,950.00	43120	\$	1,185,800.00
AGGREGATE BASE (CV) CLASS 6	CU YD	\$	50.00	19036	\$	951,800.00	1062	\$	53,100.00	1171	\$	58,550.00	289	\$	14,450.00	21558	\$	1,077,900.00
BITUMINOUS PAVEMENT	TON	\$	105.00	18182	\$	1,909,110.00	1189	\$	124,845.00	939	\$	98,595.00	241	\$	25,305.00	20551	\$	2,157,855.00
BITUMINOUS TRAIL	TON	\$	95.00	1859	\$	176,605.00		\$	-		\$	-	38	\$	3,610.00	1897	\$	182,215.00
4" PERF FE PIPE DRAIN	LIN FT	\$	12.50	20600	\$	257,500.00	659	\$	8,237.50	2021	\$	25,262.50	460	\$	5,750.00	23740	\$	296,750.00
4" CONCRETE WALK	SQ FT	\$	8.00	45388	\$	363,104.00	2472	\$	19,776.00	2052	\$	16,416.00	387	\$	3,096.00	50299	\$	402,392.00
6" CONCRETE WALK	SQ FT	\$	11.50	33036	\$	379,914.00	3306	\$	38,019.00	10069	\$	115,793.50	1157	\$	13,305.50	47568	\$	547,032.00
7" CONCRETE WALK	SQ FT	\$	15.00	14765	\$	221,475.00		\$	-	690	\$	10,350.00		\$	-	15455	\$	231,825.00
CONCRETE CURB & GUTTER	LIN FT	\$	40.00	20600	\$	824,000.00	659	\$	26,360.00	2021	\$	80,840.00	460	\$	18,400.00	23740	\$	949,600.00
TRAFFIC BARRIER DESIGN TYPE 31	LIN FT	\$	50.00	350	\$	17,500.00		\$	-		\$	-		\$	-		\$	17,500.00
RECTANGULAR RAPID FLASHING BEACON	EA	\$	25,000.00		\$	-		\$	-		\$	-	1	\$	25,000.00		\$	25,000.00
RETAINING WALL	SQ FT	\$	80.00	180.00	\$	14,400.00		\$	-		\$	-		\$	-	180	\$	14,400.00
PROJECT SUBTOTAL					\$	8,471,268.50		\$	451,466.00		\$	584,991.50		\$	148,476.50		\$	9,433,487.50
ALLOCATION ITEMS																		
MISCELLANEOUS & DRAINAGE REMOVALS	1.0%	\$	97,000.00	86%	\$	83,420.00	4%	\$	3,880.00	7%	\$	6,790.00	3%	\$	2,910.00		\$	97,000.00
LIGHTING	EA	\$	15,000.00	50	\$	750,000.00	5	\$	75,000.00	10	\$	150,000.00	12	\$	180,000.00	77	\$	1,155,077.00
SIGNING & STRIPING	2.0%	\$	194,000.00	86%	\$	166,840.00	4%	\$	7,760.00	7%	\$	13,580.00	3%	\$	5,820.00		\$	194,000.00
DRAINAGE	11.0%	\$	1,067,000.00	86%	\$	917,620.00	4%	\$	42,680.00	7%	\$	74,690.00	3%	\$	32,010.00		\$	1,067,000.00
EROSION CONTROL	1.5%	\$	145,500.00	86%	\$	125,130.00	4%	\$	5,820.00	7%	\$	10,185.00	3%	\$	4,365.00		\$	145,500.00
TURF ESTABLISHMENT	2.0%	\$	194,000.00	86%	\$	166,840.00	4%	\$	7,760.00	7%	\$	13,580.00	3%	\$	5,820.00		\$	194,000.00
CITY UTILITIES	LS	\$	200,000.00		\$	-		\$	-		\$	-	100%	\$	200,000.00		\$	200,000.00
PROJECT ALLOCATION SUBTOTALS					\$	2,209,850.00		\$	142,900.00		\$	268,825.00		\$	430,925.00		\$	3,052,500.00
PROJECT + ALLOCATION SUBTOTALS					\$	10,681,118.50		\$	594,366.00		\$	853,816.50		\$	579,401.50		\$	12,708,702.50
PROJECT TOTAL					\$12,708,702.50													
SUBTOTALS (PRO-RATA + PROJECT + ALLOCATION)					\$	11,832,868.50		\$	648,566.00		\$	948,666.50		\$	647,151.50		\$	13,854,537.50
CONTINGENCY (20%)					\$	2,366,573.70		\$	129,713.20		\$	189,733.30		\$	129,430.30		\$	2,815,450.50
PROJECT SUBTOTALS (2024 DOLLARS)					\$	14,199,442.20		\$	778,279.20		\$	1,138,399.80		\$	776,581.80		\$	16,892,703.00
ESCALATION TO 2027 DOLLARS (10%)					\$	1,419,944.22		\$	77,827.92		\$	113,839.98		\$	77,658.18		\$	1,689,270.30
PROJECT SUBTOTALS (2027 DOLLARS)					\$	15,619,386		\$	856,107		\$	1,252,240		\$	854,240		\$	18,581,973
PROJECT TOTAL (2027 DOLLARS)					\$18,581,973													

Minnesota Statutes

161.162 – 161.167

2013 Minnesota Statutes

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

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2013 Minnesota Statutes

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

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2013 Minnesota Statutes

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

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2013 Minnesota Statutes

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

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2013 Minnesota Statutes

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 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

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2013 Minnesota Statutes

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

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