

RESOLUTION NO. 3665

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT ENTITLED "CITY AGREEMENT COLD MILLED BITUMINOUS MATERIAL" WITH THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City of Miles City desires to receive and make use of cold millings salvaged from Federal Aid highway projects by the State of Montana, and for such cold millings to be stockpiled for public use as surfacing material;

AND WHEREAS the State of Montana Department of Transportation has prepared an Agreement as to the stockpiling and use of said cold millings, and the City of Miles City desires to enter into such Agreement;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The City Agreement Cold Milled Bituminous Material, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25TH DAY OF FEBRUARY, 2014.


C.A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk

CITY AGREEMENT

COLD MILLED BITUMINOUS MATERIAL

This agreement for beneficial use of cold-milled bituminous material from MDT project 8th/Stower – Miles City, UPP 8009(6) is entered into this 4th day of March, 2014, between the State of Montana, Department of Transportation, hereinafter called the State, and the City of Miles City, hereinafter called the City.

Cold-milled bituminous materials salvaged from Federal Aid highway projects and provided to local Governments are intended for beneficial public use. The City agrees that such materials provided to them from the 8th/Stower – Miles City project is to be used as a surfacing material for public transportation facilities. Acceptable uses include: use in asphalt paving, use as a base course or surfacing material, use as embankment for guardrail widening, surfacing approaches on public right-of-way, or other uses on public transportation facilities. It is not acceptable to use the materials on private roadways, private driveways, private parking lots, or any other facilities not owned and maintained by local Governments or other public agencies.

The City has provided locations owned or controlled by the City and not on State right-of-way for stockpiling excess cold-milled material from the 8th/Stower – Miles City project. Excess cold-milled material will be that material milled from the project and not required for use on the project. Once the material designated for City use is removed from the project and either stockpiled or transported to other locations designated by the City, the City agrees to assume all responsibility for the removed material, including any environmental issues, its beneficial use and ultimate disposal.

The State agrees to have its contractor for the 8th/Stower – Miles City project transport and stockpile approximately 135 tons of material not required for use on the project to the City of Miles City stockpile site located approximately 1.0 miles northwest of the beginning of the project on the west end of Orr Street, directly southwest of the MDT Maintenance yards.

By: Shane Mintz Date: 3/4/14
Shane Mintz, District Administrator

By: Chris Grenz
Chris Grenz, Miles City Mayor