



*City Council Memorandum*

**To: Mayor Fasbender & City Councilmembers**  
**From: Chris Jenkins, Parks & Recreation Director**  
**Date: October 13, 2020**  
**Item: Amendment to Joint Powers Agreement**

**Council Action Requested:** Accept and sign the attached Amendment to current Joint Powers Agreement with Dakota County for Mississippi River Regional Trail Reconstruction Project.

**Background Information:**

During project design meetings for the MRRT trail it was discovered additional funding was necessary to incorporate modifications desired by Dakota County based upon Regional Trail Standards. Dakota County was agreeable to funding these modifications.

The attached, County Board approved, Amendment formalizes the increase in funding for the MRRT trail project.

**Financial Impact:**

Amendment provides additional funding for MRRT project components. Project remains on budget.

**Advisory Commission Discussion:** None

**Council Committee Discussion:** None

**Attachments:**

- Joint Powers Agreement Amendment 1

**FIRST AMENDMENT TO JOINT POWERS AGREEMENT  
BETWEEN THE COUNTY OF DAKOTA  
AND  
THE CITY OF HASTINGS  
FOR COST SHARING OF REGIONAL TRAIL IMPROVEMENTS RECONSTRUCTION PROJECT**

WHEREAS, effective February 18, 2020, the County of Dakota and the City of Hastings entered into a joint powers agreement (Agreement) for the cost sharing of regional trail improvements and reconstruction of a mile of Hamburg Avenue to improve drainage issues in the road ditches by replacing culverts, reducing sediment build-up and improve water infiltration; and

WHEREAS the parties desire to amend certain terms of the Agreement as more fully set forth below; and

WHEREAS, the Agreement provides that any amendments shall be valid only when expressed in writing and duly signed by the parties.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. To amend Section 5 Payment as follows:
  - a. 5.1 Contribution Amount. The County shall reimburse the City a total amount not to exceed Two-hundred seventy-four thousand five-hundred Dollars and 00/100 (\$274,500.00), including a 10 percent contingency, for actual construction costs incurred for the paving, crack repair work, reconstruction, and widening of 3,300 feet of the Mississippi Regional Trail to Hastings. The areas of construction, crack repair work, widening, and reconstruction are depicted and highlighted in magenta in Exhibit 1. In addition, crack repair work may occur within any area where the County will assume jurisdiction and operation as identified in Exhibit 1.
2. All other terms of the Agreement between the County of Dakota and the City of Hastings trail improvements and reconstruction shall remain in full force and effect unless otherwise amended or terminated in accordance with law or the terms of the Agreement.
3. In any case where this Amendment conflicts with the Agreement, the Amendment shall govern.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the date(s) indicated below.

COUNTY OF DAKOTA

CITY OF HASTINGS

By \_\_\_\_\_  
Steven C. Mielke, Director  
Physical Development Division  
Date of Signature \_\_\_\_\_

By \_\_\_\_\_  
Mary Fasbender, Mayor  
  
Date of Signature: \_\_\_\_\_

APPROVED AS TO FORM:

/s/ Helen R. Brosnahan \_\_\_\_\_ 10/2/20  
Assistant Dakota County Attorney Date  
Resolution No. 20-445  
KS-18-403-001

By \_\_\_\_\_  
Julie Flaten, City Clerk  
  
Date of Signature: \_\_\_\_\_