

COMMISSIONERS APPROVAL

FOSS 

CHILCOTT 

IMAN 

STOLTZ 

BURROWS 

Members Present.....Commissioner Suzy Foss, Commissioner Greg Chilcott, Commissioner J.R. Iman, Commissioner Ron Stoltz and Commissioner Jeff Burrows

Date.....November 29, 2012

► Minutes: Glenda Wiles

► The Board met at 9:00 a.m. to discuss and make a decision on an Agreement with Montana Department of Transportation for reconstruction on Ravalli County Road Segments which include pathway winter maintenance issues. This meeting was continued from November 26, 2012. A new agreement for reconstruction was received from MDOT Engineer Shane Stack which removed the maintenance of the pathway from the agreement. (See attached). After review of the Agreement, **Commissioner Iman made a motion to adopt the Florence East Agreement for Reconstruction of Ravalli County Road Segments. Commissioner Burrows seconded the motion and all voted "aye". (5-0)**

► At 3:00 p.m. The Board attended a meeting in regard to the CSKT - Montana Compact Water Rights issue presented by the Montana Reserved Water Right Compact Commission. Numerous members of the public were present. The public meeting was held in the Commissioners' Conference Room. Much of the information presented was included in the Commissioners' Minutes of September 14th.

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Members Present.....Commissioner Suzy Foss, Commissioner Greg Chilcott, Commissioner Ron Stoltz and Commissioner Jeff Burrows

Date.....November 30, 2012

▶ Minutes: Glenda Wiles

▶ The day was spent in office management.

**FLORENCE EAST
AGREEMENT FOR RECONSTRUCTION
OF RAVALLI COUNTY ROAD SEGMENTS**

THIS AGREEMENT is made and entered into by and between the State of Montana Department of Transportation (MDT or the State) and Ravalli County (County).

WITNESSETH THAT:

WHEREAS, MDT proposes to reconstruct a portion of several roads owned and maintained by the County (County roads) approximately as shown on the attached plans; and

WHEREAS, the County and MDT acknowledge that it is in the best interests of the people of the State of Montana to reconstruct a portion of the County roads, as described herein, into the design and construction of the Florence East Project, Federal Aid Project No. STPS-BR 203-1(12)100; and

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, it is mutually agreed as follows:

Section 1: Recitals

MDT is an agency of the State of Montana organized pursuant to Title 2, Chapter 15, Part 25, of the Montana Code Annotated. The County is a political subdivision of the State of Montana organized pursuant to Title 7 of the Montana Code Annotated.

Section 2: Purpose

The purpose of this Agreement is to establish mutually agreeable terms, conditions, specifications, and requirements for the design, construction, and maintenance of the reconstructed County roads.

Section 3: Design and Construction

MDT agrees to design a project and to award and administer a contract to reconstruct/pave a portion of several County roads with typical sections shown on the attached plans. County has reviewed the plans and agrees to the design and construction of the County roads. Additional new right-of-way easements necessary for the work on the County roads will be purchased in the name of the County and will be obtained by MDT for the purpose of the reconstruction of the County roads.

Section 4: County Roads

The County roads to be reconstructed/paved, as well as the scope of the work agreed to is as follows:

- Eight Mile – Reconstruct as shown on attached plans including new approaches.
- Reconstruction of County road approaches onto S-203 as shown on attached plans.

Section 5: Maintenance

The County agrees to continue to assume maintenance responsibility for the portions of the County roads subject to this Agreement and along the County roads beyond the point where the State is reconstructing, after completion and formal acceptance of the reconstruction. MDT agrees that, during construction, it

*Approved
Nov 29th*

will maintain those portions of County roads that are being reconstructed. During winter shutdown periods, the County agrees to perform all winter maintenance on the County roads related to this Agreement.

Section 6: Termination, Duration, Changes and Indemnification

- 6.01 This Agreement shall be effective upon signature of the parties.
- 6.02 This Agreement may be terminated by either party by written notification to the other party thirty (30) days prior to the desired termination date, but only until such time as the MDT construction project is awarded. After that time, the Agreement cannot be terminated by either party, and would have to be replaced by a new agreement.
- 6.03 Subject to the foregoing, this Agreement may be changed with additions and/or deletions upon mutual written consent of the parties hereto.
- 6.04 MDT acknowledges and agrees that it is responsible for the design and construction of the roads identified in this Agreement and agrees to protect, defend and indemnify the County from any claim, loss or damage arising out of, due to or allegedly due to a defect in design or construction. County agrees that upon completion of the project, to protect defend and indemnify MDT from any claim, loss or damage arising out of, due to or allegedly due to the failure to maintain or to negligently maintain the roads as completed as part of this project.

IN WITNESS WHEREOF, duly authorized representatives of MDT and the County have executed this Agreement on the dates indicated.

RAVALLI COUNTY

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on the ____ day of _____, 2012, authorizing this Agreement as described herein.

Suzy Foss, Chair Ravalli County Commissioners

Attest:

County Clerk and Recorder

MONTANA DEPARTMENT OF TRANSPORTATION

_____, 2012
Ed Toavs, MDT Missoula District Administrator

Approved for legal content:

_____, 2012
MDT Staff Attorney

Glenda Wiles

From: Stack, Shane [sstack@mt.gov]
ent: Thursday, November 29, 2012 8:30 AM
To: Glenda Wiles
Subject: Florence East Agreement
Attachments: COUNTY-ROAD-AGREEMENT-FINAL DOC11-29-12a.DOC.doc

Glenda

I talked to commissioner Stoltz yesterday and we made an edit to the attached agreement. Please share this version of the agreement this morning with the commissioners.

If the commissioners agree to sign this agreement, please have two copies printed and signed. Once MDT signs them, we will make sure to get the county an original signed agreement.

If there are any questions, let me know.

Thank you.

Shane