

**COUNCIL ACTION FORM**

**SUBJECT: MEMORANDUM OF UNDERSTANDING WITH IOWA STATE UNIVERSITY FOR TEMPORARY TRAFFIC SIGNAL AT INTERSECTION OF STATE AVENUE AND MORTENSEN ROAD**

**BACKGROUND:**

Traffic volumes and congestion at the intersection of State Avenue and Mortensen Road have increased beyond what the current 4-way stop can accommodate. The City of Ames has jurisdiction over half of the adjacent roadways, while Iowa State University controls the other half of roadways at this intersection. A Memorandum of Understanding has been prepared with Iowa State University to evenly split the costs of a temporary traffic signal. The City's share is projected to be \$40,000. Savings from the 2018/19 Traffic Signal Program (Lincoln Way / Hyland Avenue) is available (\$43,000) for this project. The installation of the temporary signal is expected to be completed in spring of 2020.

Iowa State University currently has funds programmed in 2023 for installation of a permanent signal at this intersection, but may be able to expedite the project to 2021 at the earliest. Next fall, City staff will coordinate with Iowa State University to review funding and program the permanent signal project and include the City's share of this project in the 2021-25 Capital Improvements Plan.

**ALTERNATIVES:**

1. Approve the MOU with Iowa State University for construction of a temporary traffic signal at the intersection of State Avenue and Mortensen Road.
2. Reject the Agreement.

**MANAGER'S RECOMMENDED ACTION:**

Approval of this agreement with Iowa State University will allow construction of the temporary traffic signal to occur in spring 2020. This signal will significantly improve traffic flows in the area. Delay or rejection of this agreement could delay this signal project by at least one year and could require additional funding.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

City of Ames – ISU  
MEMORANDUM OF UNDERSTANDING –  
TRAFFIC SIGNAL AT MORTENSEN ROAD AND STATE AVENUE

**THIS MEMORANDUM OF UNDERSTANDING (“Agreement”)** is made and entered into this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019, by and between CITY OF AMES, IOWA (hereinafter called “City”) and IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY (hereinafter called "ISU");

WITNESSETH:

**WHEREAS**, the City and ISU recognize that traffic at the intersection of Mortensen Road and State Avenue has increased in recent years; and,

**WHEREAS**, both the City and ISU each own 50% of the adjacent roadways; and,

**WHEREAS**, the City plans for work and improvements to design and install a temporary traffic signal at the intersection of Mortensen Road and State Avenue; and,

**WHEREAS**, ISU recognizes the benefit of aforementioned signal and agrees to participate in order to make needed improvements;

**NOW, THEREFORE**, in consideration of these premises and of the mutual promises hereinafter set out, the parties hereto do agree and covenant as follows:

I  
PARTIES

A. The Parties to this agreement are the City and ISU. No other parties shall be admitted to this Agreement, nor shall there be any assignment of this Agreement without the express written consent of the existing parties hereto.

B. It is not the intention of the parties to this Agreement that any new legal entity be created by virtue of this Agreement, and the provisions of this Agreement shall not be deemed to have created a partnership, trust or other legal entity.

II  
DURATION

Both the City and ISU recognize that a temporary traffic signal is desired until both parties can program sufficient funds to build a permanent traffic signal, and associated accessible pedestrian facilities. Construction of the temporary traffic signal is anticipated to be completed during Spring of 2020.

III  
RESPONSIBILITIES

The work is not anticipated to be on ISU property so no access or construction agreement is necessary.

The City will oversee engineering, project management, procurement of all materials & installation and construction observation for installation of all temporary traffic signal work.

ISU agrees to pay for one half of the actual costs for design, construction, inspection, and project management associated with the temporary traffic signal. ISU's portion is estimated at \$40,000. A purchase order will be prepared to address payment of actual costs.

ISU staff will review and comment on the construction plans and give the City approval to proceed with letting the project. After bids are opened and the responsible low bidder is established, ISU will review bids and provide approval to proceed. ISU will be given the opportunity to review change orders.

At the end of the project, final expenses will be reviewed and ISU will reimburse the city for one half of the actual expenses as described above.

City will be responsible for operation and routine maintenance of the temporary traffic signal upon completion of construction. Any major repair or replacement of the traffic signal required in the future shall be discussed by the City and ISU. The City and ISU shall mutually agree on whether a major repair or replacement is necessary and the timing of the repair or replacement. Costs shall be split between the City and ISU equally.

IV  
TIME OF THE ESSENCE

It is agreed and understood by the parties to this Agreement that time is of the essence in performance of any action provided in this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be signed by their authorized representatives as of the date first above written.

AMES, IOWA

IOWA STATE UNIVERSITY

By: \_\_\_\_\_  
John Haila, Mayor  
City of Ames

By: \_\_\_\_\_  
Pam Cain, Interim Senior VP for Operations  
and Finance, Iowa State University