Legislation Details (With Text)

File #:	RES 23-111 **Version:** 1		
Type:	Resolution	**Status:**	Passed
		In control:	City Council
		Final action:	1/25/2023
Title:	Authorizing the Department of Public Works to request from the Minnesota Department of Transportation a variance from its State Aid Operation Rules for the Hamline Avenue Mill and Overlay Project and to indemnify the State of Minnesota for claims, demands, actions, or causes of action that may arise based on the Department of Transportation granting the variance request.		
Sponsors:	Chris Tolbert		
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
1/27/2023	1	Mayor's Office	Signed	
1/25/2023	1	City Council	Adopted	Pass

Authorizing the Department of Public Works to request from the Minnesota Department of Transportation a variance from its State Aid Operation Rules for the Hamline Avenue Mill and Overlay Project and to indemnify the State of Minnesota for claims, demands, actions, or causes of action that may arise based on the Department of Transportation granting the variance request.

WHEREAS, the City completed a mill and overlay of Hamline Avenue from Highland Parkway to Randolph Avenue (hereinafter, the “Project”) (SAP 164-145-042); and

WHEREAS, the City’s planned funding source for the Project is no longer available; and

WHEREAS, the City now seeks to fund the Project with Municipal State Aid funding; and

WHEREAS, Minnesota Rule 8820.2800 governs Municipal State Aid funding eligibility which specifically requires a municipality to submit construction project plans to the Minnesota Department of Transportation (hereinafter, “MNDOT”) for State Aid review and approval prior to opening bids for a construction project; and

WHEREAS, the City had not anticipated a funding gap for the Project and, accordingly, had not provided a plan set to MNDOT for Municipal State Aid for review and approval of Municipal State Aid funds for the Project; and

WHEREAS, it is the recommendation of the Department of Public Works that the City apply for a variance from MNDOT’s Municipal State Aid funding eligibility requirements in order to obtain Municipal State Aid for the Project; now, therefore be it

RESOLVED, that the Council of the City of Saint Paul hereby requests a variance from MNDOT from Minn. R. 8820.2800, State Aid Standards Construction Requirements, and hereby directs the appropriate City staff to submit all construction plans for the Project necessary for State Aid review and approval; and, be it finally

RESOLVED, that the Council of the City of Saint Paul hereby indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising

out of or by reason of the granting of the variance and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of granting this variance.