



Legislation Text

File #: RES 22-1576, **Version:** 1

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 the Department of Transportation granting the variance request. (To be withdrawn.)

WHEREAS, the City plans to mill and overlay Hamline Avenue from Highland Parkway to Randolph Avenue (hereinafter, the "Project") (SAP 164-145-042) and

WHEREAS, as part of planning for the Project, the City had determined to assess 50% of the Project's construction costs to affected property owners; and

WHEREAS, on May 3, 2022, the Ramsey County District Court, in the matter of First Baptist Church of St. Paul v. City of St. Paul, ruled that City assessments are not valid without showing special benefit to the affected properties; and

WHEREAS, in light of the District Court ruling, the City now projects that there will be a funding gap between the Project's construction costs and the special benefit to the properties affected by the Project; 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, prior to the said District Court ruling, 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, if deemed a necessary requirement by MNDOT for Municipal State Aid eligibility, hereby agrees to indemnify, save and hold 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 request.