

**City of Rockville
Resolution 2016-12**

Resolution Ordering Improvement and Preparation of Plans

WHEREAS, a resolution of the city council adopted the 20 day of April, 2016, fixed a date for a council hearing on Improvement to 260th Street, the proposed improvement of 260th Street from the east line of Stearns County Road 2 Street to the West line of Stearns County Road 139 by Reclaim and Overlay, and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 18th day of May, 2016, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROCKVILLE, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible.¹
2. Such improvement is hereby ordered as proposed in the council resolution adopted 18th day of May, 2016.²
3. St Joseph Township is hereby authorized to award bids to the lowest responsible bidder in accordance with bids received on May 9, 2016. .³

Adopted by the council this 18 day of May, 2016.⁴

Mayor

Clerk

END OF FORM

¹ The city may want to consider including a list of reasons or findings supporting its conclusion that the project is necessary, cost-effective, and feasible, particularly if the factors are not fully addressed by the feasibility report.

² Fill in with information to identify the adopted resolution of Form 5.

³ If the plans and specifications have already been prepared, the following may be substituted for this paragraph:

"4. Plans and specifications prepared by _____, engineer for such improvement pursuant to council resolution, a copy of which plans and specifications is attached hereto and made a part hereof, are hereby approved and shall be filed with the city clerk."

"5. The city clerk shall prepare and cause to be inserted in the official paper (and in _____) an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for _____ week(s), shall specify the work to be done, shall state that bids will be opened and considered by the council at _____ a.m. (p.m.) on (month) (day), (year), in the council chambers of the city hall, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk for _____ percent of the amount of each bid."

NOTE: If the above language is used, item number 5 in the original resolution should be renumbered to be item number 6.

⁴ Minn. Stat. § 429.031 specifies that the resolution ordering the improvement may be adopted at any time within the six months after the date of the hearing. Further, the resolution is adopted by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. If more than one street is included, the 35 percent requirement need not be met on each street. (A.G. Op. 396g7, June 9, 1958.)

When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor or the municipality is a member of the council but has no vote or votes only in the case of a tie, the mayor shall not be deemed to be a member for the purpose of determining such four-fifths majority vote. The resolution ordering the improvement may reduce, but not increase the extent of the improvement as stated in the notice of hearing.

Minn. Stat. § 429.031, subd. 2, requires that a resolution ordering a park improvement may be adopted only by a four-fifths vote of the council and shall also be approved by the park board, if there is one; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purposes of determining such four-fifths majority vote. The same section also requires a resolution ordering an improvement of the water, sewer system, heating, street lighting or other facility over which a utilities commission has jurisdiction to also be approved by the utilities commission.

The council must let the contract for the improvement or order all or part of the work done by day labor within one year of the adoption of this resolution ordering the improvement unless a different time limit is specifically stated in this resolution. (Minn. Stat. § 429.041, subd. 1.) Consequently, if a longer delay is anticipated, an additional paragraph like the following should be added to the resolution: "3. The council shall let the contract for all or part of such improvement, or order all or part of the work done by day labor or otherwise as authorized by Minn. Stat. § 429.041, subd. 2, no later than (month) (date), (year)."