



Request for City Council Committee Action From the Department of Public Works

Date: February 10, 2009

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Subject: **Amendments to Minneapolis Code of Ordinances Chapters 429 and 430; providing that portions of the ordinances be reworded to reflect existing City practices related to oversight and control of repairs and improvements in the public right of way.**

Recommendation:
Set Public Hearing for February 24, 2009

Previous Directives:
None

Prepared by: Larry Matsumoto, Transportation Maintenance & Repair, 612-919-1148

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Michael D. Kennedy, P.E., Director, Transportation Maintenance & Repair

Reviews

Permanent Review Committee (PRC): NA

Civil Rights Approval NA

Policy Review Group (PRG): NA

Financial Impact

No financial impact

Community Impact

Neighborhood Notification: NA

City Goals: A Safe Place to Call Home

Comprehensive Plan: NA

Zoning Code: NA

Background/Supporting Information

Public Works, working closely with the City Attorney's Office, has reviewed the Minnesota State Laws and Minneapolis Ordinance on the topic of work in the public right of way. We have determined that it would be prudent for the city to amend its ordinances to be in alignment with state law regarding repairs and improvements to the public right of way.

Minnesota common law indicates that cities generally have the legal ability to dictate the repairs and improvements to the public right of way, such as restorative work. However, the City of Minneapolis' own ordinances limit its ability to make this determination.

Minnesota state statutes also allow for the use of an irrevocable letter of credit in place of a performance bond for public works projects of \$50,000 or less. City of Minneapolis Ordinance 430.40 does not provide for the City Engineer to direct what type of surety is used. We are recommending a change to city ordinance to allow us to use irrevocable letters of credit to guarantee the work in the public right of way when appropriate.

Attachments: Cha. 429 Amendments
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