



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

Date: February 3, 2004
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Subject: Delegation of authority to set Public Hearings required by law

Recommendation: Adopt a Committee Report recommending that the City Council delegate authority to the Transportation and Public Works Committee to set and hold public hearings required by Minnesota Statutes 161.164 Subd 2(a).

Previous Directives:

None

Prepared by: Robert Morgan, P.E., 673-3610

Approved by:

Klara A. Fabry, P.E., City Engineer, Director of Public Works

Presenter: Robert Morgan, P.E., Public Works

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information:

Minnesota Statutes Chapter 161 deals with Highways. Section 164 deals with the final layout approval process for improvements on trunk highways, (including Interstate Highways), proposed by the Commissioner of Transportation.

Subd. 2. deals with governing body action. Subd 2 (a) states:

“Within 15 days of receiving a final layout from the commissioner, the governing body shall schedule a public hearing on the final layout. The governing body shall, within 60 days of receiving a final layout from the commissioner, conduct a public hearing at which the Department of Transportation shall present the final layout for the project. The governing body shall give at least 30 days' notice of the public hearing.”

The Assistant City Attorney assigned to this issue is of the opinion that:

1. The term “governing body” means the full City Council in the case of Minneapolis; and
2. The City Council may delegate authority to set and to hold this public hearing to a Standing Committee.

Depending on the date of receipt of the submittal from the Commissioner, the full Council may not be able to act within the required 15 days. Delegation of this authority to a standing committee provides more flexibility for City response to comply with state law and will relieve the full Council of unnecessary action.

cc: Jay Heffern, City Attorney
Corey Conover, Asst. City Attorney
Ed Backstrom, Asst. City Attorney

T&PW - Your Committee recommends that the City Council delegate its authority to set and hold public hearings required under Minnesota Statutes 161.164 Subd 2(a) to its Transportation and Public Works Committee.