**28. Resolution Approving Plans and Specifications and Ordering Work Done By Day Labor[[1]](#endnote-1)**

WHEREAS, pursuant to a resolution passed by the council on (month) (day) , (year) [[2]](#endnote-2), the city engineer (consulting engineer retained for the purpose) has prepared plans and specifications for Improvement No. \_\_\_\_\_\_\_\_\_\_, the improvement of \_\_\_\_\_\_\_\_\_\_\_\_ Street between the \_\_\_\_\_\_\_\_\_\_\_\_ line of \_\_\_\_\_\_\_\_\_\_\_\_ Street and the \_\_\_\_\_\_\_\_\_\_\_\_ line of \_\_\_\_\_\_\_\_\_\_\_\_ Street by \_\_\_\_\_\_\_\_\_\_\_\_ and has presented such plans and specifications to the council for approval.

AND WHEREAS, the estimated cost of such improvement does not exceed $175,000,[[3]](#endnote-3)

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.[[4]](#endnote-4)

2. The city engineer[[5]](#endnote-5) (street commissioner) shall proceed under the direction of the council, as given from time to time, to carry on all work in connection with such improvement in accordance with the plans and specifications herein approved.

Adopted by the council this \_\_\_\_\_\_ day of (month) , (year) .

 Mayor

 \_\_\_\_\_\_\_\_\_\_\_

City Clerk

**END OF FORM**

1. The council should strongly consider not ordering work done until the time for the appeal of special assessments has passed. See Form 9, note 2. [↑](#endnote-ref-1)
2. The resolution ordering some or all of the work to be done by day labor must be adopted within one year of the adoption of the resolution ordering the improvement unless that resolution specified a different time limit. (Minn. Stat. § 429.041, subd. 1.) [↑](#endnote-ref-2)
3. The work may be done by day labor instead of advertising for bids if either the estimated cost does not exceed $175,000 or, regardless of amount, the improvement consists of grading, graveling, or bituminous surfacing of streets or alleys. In the “regardless of amount” case, any contracts for project materials estimated at more than $175,000 must be obtained through sealed bids under the uniform contracting law. (Minn. Stat. § 471.345.)

The law also allows the work to be done by day labor, or in any other manner considered proper, even on more costly improvements if there are no bidders or the only bids received are for more than the estimated cost. If the day labor method is to be used under such circumstances, Form 29 may be used in place of Form 28. [↑](#endnote-ref-3)
4. As an alternative, council may decide to have the plans and specifications identified with a title and improvement number and to indicate in this place that they are on file in the city engineer’s (or another’s) office. [↑](#endnote-ref-4)
5. If the project is to be done by day labor and it appears to council that the entire cost of all work and materials for the improvement is more than $25,000, a registered engineer must supervise the work. (Minn. Stat. § 429.041, subd. 2.) [↑](#endnote-ref-5)