

RESOLUTION NO. 2009-03

RESOLUTION PURSUANT TO MINN. STAT. §471.89

WHEREAS, the City of Wells (hereinafter "City") entered into a contract with Michael C. Weber and Cindy M. Weber (hereinafter "Webers") on October 8, 2008 (hereinafter the "Contract"); and

WHEREAS, since the Contract was formed, Michael C. Weber has become a member of the City Council; and

WHEREAS, Paragraph 3 of the Contract provides "that the City shall either undertake or compensate the Webers, at the City's option, for the restoration work to be done on their property"; and

WHEREAS, the Contract does not contain a liquidated sum for the restoration work to be done; and

WHEREAS, the City has adopted Resolution No. _____ determining the compensation that is owed to Webers and has directed tender of payment to them with certain conditions indicating satisfaction of the City's restoration obligations; and

WHEREAS, because Michael C. Weber is a member of the City Council of the City of Wells, a conflict exists for the formation of the new Contract with respect to the requisite compensation under Minn. Stat. §471.87; and

WHEREAS, there is an exception to Minn. Stat. §471.87 found at Minn. Stat. §471.88, Subd. 5 (where bidding is not required); and

WHEREAS, the exception at Minn. Stat. §471.88, Subd. 5 applies, as the amount of the Contract for the restoration work on the premises is below the mandatory bidding threshold in Minn. Stat. §471.345; and

WHEREAS, in order to utilize the exception found at §471.88, Subd. 5 it is necessary that the City approve the Contract by unanimous vote and adopt a Resolution in accordance with Minn. Stat. §471.89, Subd. 2, which is the purpose of this Resolution;

NOW, THEREFORE, the City of Wells, based on the foregoing, hereby resolves:

1. The compensation amount paid to the Webers as set forth in Resolution _____ is as low, or lower than the service and material could be obtained elsewhere, based upon the 3 responsive bids received.
2. This Resolution is adopted in conformity with Minn. Stat. §471.88, Subd. 5 and Minn. Stat. §471.89, Subd. 2.

Motion by _____, Second by _____. Ayes _____ Nays _____

Adopted this _____ day of _____, 2009, by the City Council of the City of Wells.

Mayor

ATTEST:

City Clerk