



AGENDA OF THE EMERGENCY MEETING
OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
December 12, 2019
4:30 P.M.

NOTE: Due to Open Meeting Law restrictions, the City Council may be discussing agenda items for the first time. Your patience and understanding is appreciated during this process.

CALL TO ORDER

CITY BUSINESS – REGULAR AGENDA

- A. Resolution 2019-34 Supporting Capital Budget Appropriations Request*
 - a. Review and Approve

Time Budget: 10 Minutes

ADJOURN

THE PURPOSE FOR THIS EMERGENCY MEETING IS TO ADOPT THE ENCLOSED RESOLUTION BY THE PETITION DEADLINE AND WHILE A QUORUM OF COUNCIL MEMBERS CAN STILL BE FOUND

* Denotes items that have supporting documentation provided

RESOLUTION 2019-34

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION SUPPORTING CAPITAL BUDGET REQUEST AND
RECOMMENDING INCLUSION IN THE GOVERNOR’S CAPITAL BUDGET**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, pursuant to Minnesota Statutes Section 16A.86, subd. 3a (6) that the City’s governing body shall pass a resolution in support of its request for an appropriation in the 2020 Capital Budget.; and

WHEREAS, one of the City’s sanitary sewer lift stations unexpectedly began failing earlier this year; and

WHEREAS, the failing lift station is about 200 feet from White Bear Lake and services private homes abutting White Bear Lake; and

WHEREAS, complete failure of the lift station would result in raw sewage backup into the homes abutting the Lake and/or into the Lake itself; and

WHEREAS, capital improvements to this municipal wastewater infrastructure are needed to protect and preserve the quality of White Bear Lake; and

WHEREAS, the cost of the emergency project to replace the failing lift station is \$421,000.00; and

WHEREAS, this unexpected expenditure exceeds the City’s entire 2019 budget, which was \$364,000.00; and

WHEREAS, this unexpected expenditure has exhausted the City’s reserve funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, that the City Council supports the capital budget request and recommends to the Governor that this request be included in his 2020 capital budget.

Resolution adopted this 12th day of December, 2019.

Attest:

Mary Wingfield, Mayor

Tobin Lay, City Administrator

Tobin Lay

From: Mary Wingfield <wingfield.mary@gmail.com>
Sent: Wednesday, December 11, 2019 3:57 PM
To: Tobin Lay
Subject: Fwd: 2020 capital budget application - requesting local resolution of support

Caution: This email originated outside our organization; please use caution.

Need an emergency hearing...see below. Will send a copy of the petition I filed next.

----- Forwarded message -----

From: Connor, Elizabeth (MMB) <elizabeth.connor@state.mn.us>
Date: Wed, Dec 11, 2019, 2:47 PM
Subject: 2020 capital budget application - requesting local resolution of support
To:

Thank you for submitting your community's application for consideration in the 2020 capital budget. Minnesota Management and Budget (MMB) has reviewed all submissions, and we identified that your application did not include a resolution of support from the jurisdiction's governing body.

Minnesota Statutes, Section 16A.86, subdivision 3a outlines the requirements for capital budget requests from political subdivisions of the state. One of those requirements is that communities include, "whether the governing body of the political subdivision requesting the project has passed a resolution in support of the project and has established priorities for all projects within its jurisdiction for which bonding appropriations are requested when submitting multiple requests;"

Although a resolution of support is not a requirement of the application, it is an important indicator of commitment to a community's capital budget request. In order to have the strongest application possible, MMB recommends that your community's governing body pass and submit a resolution of support (indicating priority order where multiple projects have been requested) **by Wednesday, December 18. Please send the resolution to Elizabeth.Connor@state.mn.us.**

16A.86 CAPITAL PROJECT GRANTS TO POLITICAL SUBDIVISIONS.

Subdivision 1.**Projects covered.**

The capital improvement projects covered by this section are only those not covered by another state program of assistance to political subdivisions.

Subd. 2. Budget request.

A political subdivision that requests an appropriation of state money for a local capital improvement project is encouraged to submit the request to the commissioner of management and budget by July 15 of an odd-numbered year to ensure its full consideration. The requests must be submitted in the form and with the supporting documentation required by the commissioner of management and budget. All requests timely received by the commissioner must be submitted to the legislature, along with the governor's recommendations, whether or not the governor recommends that a request be funded, by the deadline established in section [16A.11, subdivision 1](#).

Subd. 3.

[Repealed, [2009 c 93 art 1 s 47](#)]

Subd. 3a. Information provided.

All requests for state assistance under this section must include the following information:

- (1) the name of the political subdivision that will own the capital project for which state assistance is being requested;
- (2) the public purpose of the project;
- (3) the extent to which the political subdivision has or expects to provide local, private, user financing, or other nonstate funding for the project;
- (4) a list of the bondable activities that the project encompasses; examples of bondable activities are public improvements of a capital nature for land acquisition, predesign, design, construction, and furnishing and equipping for occupancy;
- (5) whether the project will require new or additional state operating subsidies;
- (6) whether the governing body of the political subdivision requesting the project has passed a resolution in support of the project and has established priorities for all projects within its jurisdiction for which bonding appropriations are requested when submitting multiple requests;
- (7) if the project requires a predesign under section [16B.335](#), whether the predesign has been completed at the time the capital project request is submitted, and whether the political subdivision has submitted the project predesign to the commissioner of administration for review and approval; and
- (8) if applicable, the information required under section [473.4485, subdivision 1a](#).

Subd. 4.Funding.

(a) The state share of a project covered by this section must be no more than half the total cost of the project, including predesign, design, construction, furnishings, and equipment, except as provided in paragraph (b) or (c). This subdivision does not apply to a project proposed by a school district or other school organization.

(b) The state share may be more than half the total cost of a project if the project is deemed needed as a result of a disaster or to prevent a disaster or is located in a political subdivision with a very low average net tax capacity.

(c) Nothing in this section prevents the governor from recommending, or the legislature from considering or funding, projects that do not meet the deadline in subdivision 2 or a state share that is greater than half the total cost of the project when the governor or the legislature determines that there is a compelling reason for the recommendation or funding.

History:

[1999 c 192 s 1](#); [2002 c 393 s 35](#); [2006 c 258 s 28,29](#); [2009 c 93 art 1 s 23,24](#); [2009 c 101 art 2 s 109](#); [1Sp2011 c 3 art 3 s 2](#); [1Sp2017 c 3 art 3 s 143](#); [2018 c 214 art 2 s 4](#)

Liz Connor

Executive Budget Coordinator | Budget Division

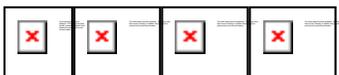
651-201-8041 (office)

651-230-5505 (mobile)

Minnesota Management and Budget

658 Cedar Street, Saint Paul, MN 55155

mn.gov/mmb



CITY OF BIRCHWOOD LIFT STATION BYPASS FUNDING REQUEST

Project Summary:

The City of Birchwood Village (Washington County) requests \$421,000 in state funds to cover the costs (design, engineering and road reconstruction) for taking a failing lift station off line by building a gravity sewer pipe bypass into White Bear Township (Ramsey County).

Project Description:

An emergency arose this past year when an existing Birchwood lift station had one pump fail creating 100% reliance on the back up pump for all sewage disposal. We were told that due to the age of the lift station (built ca 1962 and rebuilt ca 1999) a replacement pump system was no longer available and a retrofit would not be guaranteed. Moreover, the design was functionally obsolete (according to OSHA standards) and the lift station was rotting from the inside out. This created an imminent environmental risk to White Bear Lake due to its proximity 150 feet away and directly downhill from the site.

The project has involved the construction of 400 feet gravity sewer pipe from the City of Birchwood to an existing White Bear Township sewer pipe that ultimately flows to a township lift station. This design is a creative cross-government solution that has allowed Birchwood to remove a lift station and tie into an existing system in place nearby.

The project involved significant design and engineering costs (\$67,000). Various governmental agencies were involved in permitting and oversight: Washington County (road), Ramsey County (road), White Bear Township (sewer coordination and logistics), Met Council and Rice Creek Watershed (permits). A cheaper solution was originally sought for a direct-connect across private property, but negotiations were unsuccessful. The construction bid was \$354,000 for a total of \$421,000. Costs were also higher due to the extreme depth (approximately 30 feet below grade) of the inlet pipe and the lack of sufficient ROW requiring removal of all bituminous of the roadway.

Construction was started two weeks ago and final road reconstruction will not happen until spring of 2020.

Costs have been borne exclusively by the City of Birchwood and it has completely depleted all our "Rainy Day" funds.

Project Rationale:

Why is this project needed? Justify the request. See paragraph #1 above in Project Description.

A replace of the current infrastructure would have exceeded \$500,000.

Project Timeline:

Due to the risk to the lake, time was of the essence. Planning for the project began in January of 2019 seeking alternative solutions. Solutions via a direct connect over private property were sought but abandoned in May. An alternative, last resort ROW plan was then drafted. Numerous government approvals were coordinated over the course of the summer. The bid was awarded in September after publication requirements were met. Nonetheless, construction was delayed due to the need for substantial dewatering and then the extreme heavy rains throughout the month of October. Actual connection of the pipes was a week ago. Final paving and removal of the old lift station will occur next spring.

Other Considerations:

Is there anything else that decision makers should know about this project? The project is an example of neighboring community governments coming together to solve a problem that had not been considered before. We are very proud to have the support of those agencies resulting in a positive outcome for our city and our region.

Who will own the facility?: The City of Birchwood Village is responsible for the maintenance and repair of the pipe and manholes (3). The good news is the expected lifetime is now 100 years with no risk of pump failure as gravity is working 24/7 in our favor.

Who will operate the facility?: N/a, although the city contracts with White Bear Township already for sewer maintenance services of its other lift stations so the transition is seamless.

Who will use or occupy the facility?: N/a

Public Purpose: Incorporating a gravity bypass pipe in lieu of a lift station pumping system greatly increases the safety of sewage disposal the region and efficiently uses existing infrastructure with no additional public cost.

Impact on Operating Budget or Impact on State Operating Subsidies:

This project has imposed an extreme hardship on our community of 875 residents. The project costs exceed our annual levy by 115%. Our annual levy of 380 homes is \$364,000. We have

no commercial tax revenue. As a result of spending down all our accounts, we have no remaining funds for any other unforeseen expenses. Moreover, we have increased our 2020 levy by 30% to recover some of these expenses. That extraordinary increase will have to remain in place for at least four years to reestablish our operating reserves. We have no access to other funding opportunities.

We believe we have done as much as we could in a responsible manner to resolve a problem that could have had a huge negative impact on the area and its prized resource of White Bear Lake. We have been successful in that regard, but at an extreme cost for a city our size.

Thank you for your consideration.

Description of Previous Appropriations: None

Statutory Program Citation: ?