

NORTH ZUMBRO SANITARY DISTRICT
Joint Powers Executive Committee Regular Meeting
October 12th, 2023
11:00 A.M.
Zumbrota City Council Chambers
Zumbrota, MN

I. CALL TO ORDER

II. ROLL CALL

TB___ EH___ MB___ BG___

JM___ TR___ SO___ MO___

BA___ CB___ RS___

III. ADOPT AGENDA _____

***CONSENT AGENDA _____**

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED ROUTINE OR NON-CONTROVERSIAL BY THE EXECUTIVE COMMITTEE AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS UNLESS A DIRECTOR OR ENGINEER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND BE CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

***A) Executive Committee Minutes = 9/6/2023 and 9/18/2023**

***B) Bills-Accounts Payable 9/5/2023-10/12/2023**

IV. PUBLIC COMMENTS

INDIVIDUALS MAY ADDRESS THE EXECUTIVE BOARD ABOUT ANY ITEM OF CONCERN. SPEAKERS MUST STATE THEIR NAME AND LIMIT THEIR REMARKS TO FIVE MINUTES. GENERALLY, THE EXECUTIVE BOARD WILL NOT TAKE OFFICIAL ACTION ON THESE ITEMS BUT MAY REFER THE MATTER TO STAFF FOR A

FUTURE REPORT OR DIRECT THAT THE MATTER BE
SCHEDULED FOR A FUTURE MEETING AGENDA.

V. OLD BUSINESS

- A) Facility Plans – Deadline March 2024**
- B) Land Acquisition**
- C) Scope of Services**
 - a. Engineering Contract**
- D) Document Storage**

VI. NEW BUSINESS

- A) MNPFA Grant Application Information**
- B) 2024 Capital Request Revisions due 10/13**
- C) Technical Committee Meeting**
- D) Technical Memorandum 1 – Preliminary Effluent Limits**

VII. ADJOURN

Time: _____ Motion: _____ Second: _____

NORTH ZUMBRO SANITARY DISTRICT
Joint Powers Executive Committee Regular Meeting
Wednesday, September 6, 2023 11:00 A.M.
Zumbrota City Council Chambers
Zumbrota, MN

CALL TO ORDER: Chair Elizabeth Howard.

PRESENT: Executive Committee Directors: Terri Anderson Buck - Goodhue, Elizabeth Howard – Pine Island, Michael Boulton - Wanamingo, & Brian Grudem - Zumbrota

Executive Committee Alternate Directors: Jason Mandelkow – Goodhue, Todd Roberts – Pine Island, Stuart Ohr – Wanamingo (Remote), and Michael Olson - Zumbrota

ABSENT: None

ALSO PRESENT: Bill Angerman – WHKS, Glenn Gustafson – WHKS, Brandon Theobald – WHKS, Craig Britton – Widseth, Reece Sudtelge – ISG, and Blake Johnson – Prairie Island Indian Community

ADOPT AGENDA: Grudem motioned to adopt the agenda, seconded by Boulton. Passed 4-0-0.

CONSENT AGENDA: Boulton motioned to approve, Seconded by Grudem. Consent Agenda Items include: August 2, 2023 Meeting Minutes and August 29, 2023 Technical Committee Meeting Minutes. Passed 4-0-0.

PUBLIC COMMENTS: N/A

OLD BUSINESS:

- A) JPA Insurance Update** – Boulton stated that there were two options for the JPA board insurance. The first is for each community to list the board on their policy as an additional insured. It will only cover the interest of each community. The second is for one of the communities to be a sponsor to the JPA/Sanitary Sewer District. The district could purchase insurance coverage directly. This is similar to insurance covered by the Zumbrota Area Ambulance Association. Boulton recommended that each community list the board as an additional insured until the Sanitary Sewer District is formed. Each communities' director will contact their agent to ensure that the JPA is listed as an additional insured under their own policies.
- B) Facilities Plan** – Deadline March 2024. Angerman stated that there was no update but moving forward this will be the main item on the agenda for the JPA.
- C) Technical Committee Composition** – Angerman stated that the committee would be led by the engineers. Angerman asked which staff the Executive Committee Directors wished to see involved on the technical committee. Angerman stated that the Cities would be choosing who they will be sending to the technical Committee. Boulton asked that a formal list from each community be sent to him to place in the meeting minutes for next month. Angerman stated that the technical committee would be reviewing engineers plans and providing input on predesign work. The engineers will be sharing information with the technical committee members as the predesign work proceeds. Angerman stated that the committee would have formal agendas and meeting minutes prepared by the engineers. Angerman stated that the committee would meet monthly and would be on call for special meetings. The group agreed that the best meeting location would be in the Zumbrota City Council Chambers with a virtual option.
 - a. Operators Meeting Summary – a preliminary meeting of operators took place on August 29th. An introduction took place of wastewater treatment staff. There was discussion on potential plant designs and options.

D) Land Acquisition – Grudem stated that the committee is not ready to release the name of the landowner or land that has been approached. Grudem stated that the land area will be referred to as X. The owner is interested in selling. The land acquisition committee includes Angerman, Grudem, and Olson. Angerman stated that prior to moving forward with land acquisition that the JPA needs to ensure that they are following any MN PFA requirements. Howard stated that the committee should work with Kennedy & Graven on non-disclosure agreements and any potential purchase agreements. Angerman asked about the process for special JPA meetings. Howard stated that special JPA meetings should be noticed three business days in advance.

NEW BUSINESS:

A) Scope of Services – Angerman provided a memo to the JPA board:

Background

The communities of Goodhue, Pine Island (Prairie Island Indian Community), Wanamingo, and Zumbrota have wastewater treatment facilities that are nearing the end of their life cycles. In a collaborative effort the communities are working toward construction of a regional sanitary sewer district to process the municipal wastewater. The project has received \$10 million of State appropriations for preliminary design and land acquisition. The State of Minnesota appropriation of funds requires work to be overseen by a Joint Powers Board, governed by a Joint Powers Agreement. The Joint Powers Board has been created with an Executive Committee that may enter into contracts to carry out its powers and duties. The Executive Committee voted on 8/2/23 to begin the preliminary engineering work for the project. The Engineering Team has initiated work on the project and has prepared the final scope of services. The Engineering Team will be led by WHKS (Wanamingo and Zumbrota City Engineer) with team members Widseth (Pine Island City Engineer) and ISG (Goodhue City Engineer). The Engineering Team has previously worked on the feasibility study and has the intimate knowledge, expertise, and experience to lead the engineering work for this project.

Executive Committee Action Requested

Review and approve a Professional Services Agreement with WHKS in the amount of \$8,500,000 for preliminary design services subject to review by the Joint Powers Board's designated Attorney. A copy of the proposed agreement is attached. The proposed agreement details the scope of services and roles and responsibilities of the three consultants.

Angerman stated that the scope of services includes project management and general meetings, MPCA coordination, funding assistance, topographical survey, land acquisition assistance, demolition and abandon existing sites, preliminary plant process design, WWTF building architectural, MEP, Structural Design, Lift Station Design, and Forcemain and Local Collection System Design. Boulton asked if the engineers were looking for approval conditional to attorney review. Angerman stated yes. Grudem asked if there were any issues with waiting a month for review before consideration approval. Howard stated that she would be fine with conditional approval pending attorney review. Angerman stated that the only items that had changed since being presented last month were the standard terms and conditions for public sector projects by WHKS and the standard agreement for subconsultant services to WHKS. Howard stated the Kennedy & Graven have seen the original PSA and had no issues. Kennedy & Graven will be conducting minimal work moving forward such as reviewing of JPA minutes and land acquisition documents. Grudem moved to approve the Professional Service Agreement between North Zumbro Sanitary District JPA and WHKS pending Kennedy & Graven attorney review, seconded by Howard. Passed 4-0-0.

- a. Engineering Contract** - Angerman explained that the contract outlined the tasks that each of the engineering firms would be doing and the contractual obligations for the engineering firms.
 - i. Insurance – Angerman stated that once the engineering contract is approved, the engineering firm's insurance would cover their work. Each of the firm would be providing certificates of insurance for professional and general liability.
 - ii. Legal – Bob Vought from Kennedy & Graven will be reviewing the engineering contract before approval is final.

- B) Budget Discussion** – Angerman stated that he and Boulton had filled out the \$10 million budget with MMB application. The budget showed a rough budget of \$1 million for land acquisition, \$8.5 million for engineering, and \$500,000 for other items such as legal, land appraisals, and potential admin reimbursement.
- a. **MNPFA Application and Grant Agreement** - Angerman stated that the MNPFA grant application packets needs to be filled out and submit the application to MNPFA. Boulton stated that he would volunteer to take the lead with help from Angerman. Angerman stated that Gustafson was also working on this application for the Medford project and could also be of assistance. Howard moved to approve authority to Boulton, Angerman, and Gustafson, as a committee, to fill out and submit the MNPFA grant application packet on behalf of the JPA, seconded by Buck. Passed 4-0-0.
 - b. **RESOLUTION 23-01 – Authorizing the North Zumbro Sanitary District Joint Powers to Submit Information to the MNPFA and to Enter into a Grant Agreement with the MNPFA.** Grudem moved to approve, Seconded by Boulton. Howard stated that Kennedy & Graven had reviewed the resolution and had no concerns. Passed 4-0-0. Boulton stated that he would send on an executed version of the document to Anita Gallentine and MNPFA.
- C) Preliminary Effluent Limits – City Review** – Angerman stated that this would be the first critical path item. The engineers have requested and received the last ten years of DMR's (Discharge Monitoring Reports) from each of the four communities. We need ten years of flows to submit to the MPCA. Three years ago, we went through and put together the flows for the feasibility report. We need to update the flow reports. The engineers will be getting together with the City Administrators to discuss growth and industrial reserves for projected flows. We will factor in 2020 populations, historical growth, and projected growth in order to get to 2045 design growth and 2045 feasible growth for flows. We will also look into wet weather flows. This will look at the thirty highest flow wet weather days. We will also need to factor planned residential and industrial growth. We will submit a Preliminary Effluent Limits, but they can change. MPCA will allow for effluent limits to change. If they change, they prefer them to be lower. If the limits are higher, the MPCA may require to start the process over. Several of the communities will need to review not only the future residential and industrial growth but Wanamingo will need to review inflow and infiltration (I & I) and how aggressive they will be in reducing I & I. Pine Island will need to consider Land O' Lakes future needs along with Prairie Island Indian Community needs. Zumbrota will have to consider DFA and other future industrial growth. Once the Sanitary Sewer District treatment plant is operational new industrial users will need to come in front of the board with requests for capacity increases. The board would work with the large industrial user to cover the costs for their share of proposed expansion/flow needs. Angerman stated that the proposed land acquisition area would allow for the treatment plant to be doubled in size. Olson stated that there would be a maximum volume of treatment at the plant. Angerman stated that paying back the debt service for the local share would be based upon a formula which includes the flow percentage between each community and also waste strength.
- D)** Howard welcomed Blake Johnson from Prairie Island Indian Community. Howard asked that Jesse Seim general council from Prairie Island Indian Community work with Craig Britton on the flow limits based on future residential and industrial growth for Prairie Island Indian Community. Blake stated that Prairie Island Indian Community is working on projections for growth in relation to residential and industrial flow limits.
- E)** Howard stated that she is working on a shared access drive for file sharing of the JPA executive board. Howard stated that the information would be stored on the Pine Island drive. Angerman stated that it would be nice for the technical committee to have access to the drive. Such items as the decision log could be stored here as well as review plans. Howard stated that she could create a sub folder. Angerman stated that the engineers will have a separate shared point for design data and other engineering specific items but likes the idea of a shared folder for technical committee items.
- F)** Boulton stated that each of the communities should have a sample resolution for a new lobbyist contract. Each of the City Administrators or Clerks have been sent a 2024 Engagement Letter from Winthrop & Weinstine. The resolutions should be formatted to each community and be considered at the September

City Council meetings. Grudem stated that the 2024 price (\$36,750 equally shared by each community) is the same as 2023, but a longer contract. Angerman asked about the legislative committees bonding tours. Angerman stated that Senator Carla Nelson is already working on assembling project lists and tour. Grudem will speak with Tom Hanson from Winthrop & Weinstine regarding bonding bill tour strategy.

REPORTS: N/A

*The next meeting will be October 12, 2023 at 11:00AM. Elizabeth Howard and Brian Grudem will be gone the first week in October so the meeting needed to be changed from the original October 4, 2023 meeting date.

Adjourn: At 11:46 AM a motion to adjourn was made by Grudem and seconded by Buck. Passed 4-0-0.

Signed:

Attest:

Elizabeth Howard, Chair

Michael Boulton, Secretary

NORTH ZUMBRO SANITARY DISTRICT
Joint Powers Executive Committee Special Meeting
Monday, September 18, 2023 11:00 A.M.
Zumbrota City Council Chambers
Zumbrota, MN

CALL TO ORDER: Chair Elizabeth Howard.

PRESENT: Executive Committee Directors: Terri Anderson Buck - Goodhue, Elizabeth Howard – Pine Island, Michael Boulton - Wanamingo, & Brian Grudem - Zumbrota

ABSENT: Executive Committee Alternate Directors: Jason Mandelkow – Goodhue, Todd Roberts – Pine Island, Stuart Ohr – Wanamingo, and Michael Olson - Zumbrota

ALSO PRESENT: Bob Vose – Kennedy & Graven

ADOPT AGENDA: Grudem motioned to adopt the agenda, seconded by Boulton. Passed 4-0-0.

PUBLIC COMMENTS: N/A

OLD BUSINESS: N/A

NEW BUSINESS:

A) Discussions on Authorizing and Approving 2024 Lobbyist Contract – Vose recommends that the North Zumbro Sanitary JPA enter into a lobbyist contract with Winthrop and Weinstine rather than four separate agreements with each of the Cities. Vose stated that there were two specific reasons for the recommendations. The first reason is the North Zumbro Sanitary JPA is the voice for the project. Communications should go through the JPA for lobbying. The JPA should directly hire the lobbyist so that they are the voice of the project and control any lobbyist decisions rather than going back to four Councils for approved changes. The second reason involves professional ethics of the lobbyist. In speaking with Tom Hanson – Winthrop & Weinstine lobbyist and attorney, Vose and he agreed that it makes sense for having a contract with the JPA rather than with each of the four cities. The JPA represents the four communities and easier for lobbyist direction questions to be answered by one board rather than by four separate city councils. The four City Council would not need to be involved with lobbyist decision making process. The four City Councils would be informed with the decision through JPA meeting minutes and updates from the JPA executive committee members. Vose stated that one person, such as the JPA Chair, should be given authority to make small lobbyist decisions. Larger lobbyist decisions can go to the JPA executive committee. Grudem stated that small lobbyist decisions need to be made daily and that it would be impossible to have to go back to board for votes on the process. Grudem asked if the JPA needed to have formal meeting on small lobbyist decision or could phone calls amongst the members suffice. Vose stated that it may be necessary to operate with phone calls for work and that follow up with formal meeting discussion and place information in minutes would be best practice. Grudem asked Vose what the process would be since the Zumbrota and Wanamingo City Council approved resolutions and lobbyist agreements with their own Cities rather than the JPA. Vose recommended leave the resolutions in place and that the JPA resolution and lobbyist contract would replace since all Cities need to approve contract to move forward, as per the JPA. The Pine Island and Goodhue City Councils will approve the lobbyist contract with the JPA. Howard stated that the JPA contract stated that the Cities will pay their share of costs, which include the lobbyist contract price.

a. 2023-2024 Winthrop and Weinstine Engagement Letter

B) Resolution 23-02 Authorizing and Approving a 2024 Lobbyist Contract for the Proposed North Zumbro Sanitary Sewer District State Capital Request – Boulton moved to approve Resolution 23-02, subject to Pine Island and Goodhue City Councils approving, Seconded by Grudem. Howard will

amend the resolution to include the stipulation and add language regarding project background and past lobbyist work. Vose asked where Prairie Island Indian Community fit into lobbying. Howard stated that Prairie Island Indian Community had their own lobbyist. Vose stated that having two lobbyists working on the same request would be beneficial. Passed 4-0-0.

Buck asked where the group was at on putting together a shared drive folder for documents of the North Zumbro Sanitary District and JPA. Howard stated that the shared drive should be up and running later this week.

REPORTS: N/A

*The next meeting will be October 4, 2023 at 11:00AM.

Adjourn: At 11:20 AM a motion to adjourn was made by Grudem and seconded by Buck. Passed 4-0-0.

Signed:

Attest:

Elizabeth Howard, Chair

Michael Boulton, Secretary



2023 Special Appropriation Funds
(General Fund)
August 2023

Minnesota Public Facilities Authority
1st National Bank Building, Suite W820 • 332 Minnesota Street
Saint Paul, MN 55101-1378
651-259-7469 • 800-657-3858 TOLL FREE • MN Relay 711 • TTY/TDD: 651-296-3900
651-296-8833 Fax

www.mn.gov/pfa

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CONTENTS

General Information	3
Minnesota Management and Budget (MMB) Resources	3
State General Fund Appropriation	3
Effective Date	4
Full Project Funding	4
Reimbursement/Disbursement Requests	4
On-going Requirements	4
Annual Audits/Financial Statements	4
SharePoint Site	5
Summary of Construction Requirements	5
Special Appropriation Checklist	7
Items submitted to PFA with the application	7
Items submitted to the PFA prior to disbursement of funds	8
Form 1 – Project Contacts	9
Form 2 – Project Information	11
Form 3 – Budget (Sources and Uses) Instructions	13
Form 4 Special Appropriation Resolution EXAMPLE	15
APPENDIX A State Prevailing Wages And Required Construction Contract Language	17
APPENDIX B Real Property Declaration and Waiver Requirements	19
Minnesota Public Facilities Authority Example Real Property Declaration	20
Information for Requesting a Waiver from Real Property Filing	22
Example Letter to MMB Requesting Approval of a Waiver	23

GENERAL INFORMATION

Recipients of a special appropriation grant from the 2023 Minnesota Legislature are required to enter into a grant agreement with the Minnesota Public Facilities Authority (PFA) for the project funding. PFA needs information and documentation about the project before a grant agreement can be prepared. This packet provides information on the process and the project requirements for State general fund projects. It also includes forms and a checklist to help you prepare and submit the information. This packet includes:

- Special appropriation forms (fillable PDF)
- Sources/Uses form (excel)
- Checklist of documents to submit
- Example application resolution
- State prevailing wage contract language
- Example declaration form and waiver request

Return completed forms, supporting documents and resolution to your loan officer via email. Contact information is identified in the transmittal letter.

Minnesota Management and Budget (MMB) Resources

Minnesota Management and Budget's website includes documents and information on the requirements for capital funded projects.

After the Bonding Bill (MMB memo): **NOTE:** this information is not yet available. Please check MMB's website for updates [Capital Projects / Minnesota Management and Budget \(MMB\) \(mn.gov\)](https://mn.gov/mmb/debt-management/capital-projects/capital-grants-manual/) for important information about project requirements.

Capital Grants Manual: <https://mn.gov/mmb/debt-management/capital-projects/capital-grants-manual/>

PFA uses Minnesota Management and Budget's (MMB) standard grant agreement templates for the grant agreements.

Grant Agreement Templates and Checklists: <https://mn.gov/mmb/debt-management/capital-projects/grant-agreements/>

State General Fund Appropriation

Projects financed with general fund monies are subject to requirements of state statutes, appropriation bill language and state accounting policies. All projects must have a public purpose. Unless otherwise specified in the appropriation language, all projects must be publicly owned. The

recipient must demonstrate its ability to fully fund the project and, once constructed, be able to operate and maintain the facility.

General fund grants can only be used for items specified in the appropriation bill language and must be for eligible capital expenditures, unless otherwise specified by the appropriation language.

For example, if the appropriation language states: *“For a Grant to the City of Frostbite Falls to construct improvements to the water treatment plant.”* The grant funds can only be used to construct improvements to the water treatment plant (no engineering or other costs allowed). If the appropriation language states: *“For a grant to the City of Frostbite Falls to engineer, acquire land for and construct improvements to the water treatment plant”*, then engineering, acquisition and construction costs are an eligible use of the special appropriation grant for the water treatment plant.

Effective Date

Costs incurred before the effective date of the bill, June 2, 2023, are not eligible for reimbursement under the grant agreement unless specifically identified in the appropriation language.

Full Project Funding

Grant Recipients must document full project funding is in place before PFA can issue a grant agreement. If project costs are more than the funds appropriated, or if the appropriation language requires a non-state match or contribution, the recipient must provide documentation that needed cash, financing, other grants, etc., are in place. Documentation may vary depending upon the source of funds. Please discuss with your loan officer.

Reimbursement/Disbursement Requests

SPAP funds are disbursed on a reimbursement basis for eligible incurred costs that are supported by invoices and incurred after the effective date of the appropriation (June 2, 2023). PFA disburses monthly. A completed disbursement request form and accompanying invoices submitted (after grant agreement is executed) by the 15th of the month to PFA will be paid out at the end of that same month to the recipient.

On-going Requirements

Some requirements stay with the project after the funds are disbursed and the project is completed. A declaration that identifies the real property as “Restricted Property” must be filed with the County Recorder’s office. For projects located within roads, highways or utility or transit corridors, easements, or rights of way, where recordings would be problematic, a waiver to the declaration recording requirement may be requested from the Commissioner of Management and Budget (MMB). Example declaration and waiver requests are provided.

Annual Audits/Financial Statements

Recipients are required to submit their annual audited financial statements or Office of the State Auditor report during the disbursement phase of the grant. PFA will send out annual compliance reminders to the recipient.

SharePoint Site

PFA will establish a SharePoint site for the grant recipient. Recipients can view summary financial information on the SharePoint site.

Summary of Construction Requirements

- Grant recipients must follow the state Uniform Municipal Contracting Law [Sec. 471.345 MN Statutes](#) and other applicable requirements (bidding, special requirements for out-of-state contractors, workers compensation, responsible contractor, etc.) in the construction of the project.
- Minnesota state prevailing wage rates and contract conditions (starting at [Sec. 177.41 MN Statutes](#)) apply to the project (available from the Minnesota Department of Labor and Industry (DOLI), Labor Standards Division 651/284-5091 (www.DOLI.state.mn.us). The DOLI contract conditions included in **Appendix A** of this Application along with the actual MN prevailing wages must be included in all bidding documents and construction contracts for projects that receive PSIG funding.
- SPAP projects with contracts in excess of \$100,000 are subject to [Sec. 16C.16 MN Statutes](#) subdivision 13 (State Funded Contracts) which promotes the use of targeted businesses and removing barriers. Use of the Department of Administration's targeted business directory ([TG/ED/VO List \(Directory\) \(state.mn.us\)](#)) to notify prospective contractors is a way to promote the use of targeted businesses and notify them of procurement and contracting opportunities.
- SPAP recipients must comply with [Minnesota Statutes 16C.285, subd 3 \(6\)](#), responsible contractor requirement defined and verify that contractors are not currently suspended by the federal government or the state of Minnesota or any of its departments, commissions, agencies, or political subdivisions that have authority to debar a contractor. [Suspended/Debarred Vendors / Minnesota Office of State Procurement \(mn.gov\)](#) also see [SAM.gov | Home](#).
- SPAP recipients must comply with Minnesota Statutes section 363A.44 that will apply the equal pay certificate requirement to all political subdivisions for capital projects. These equal pay certificate requirements will now apply to all contracts entered into by political subdivisions for contracts exceeding \$1,000,000 and by all other designated entities for contracts exceeding \$500,000.
- SPAP recipients must comply with [Sec. 363A.36 MN Statutes](#), Minnesota Department of Human Rights' affirmative action plan requirements for contracts exceeding \$250,000. An affirmative action plan and workforce certificate for affected contractors is required prior to bidding.

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SPECIAL APPROPRIATION CHECKLIST

This checklist provides a general listing of items that may apply to a project. Contact your PFA loan officer if you have questions regarding the applicability of items to your project.

Items submitted to PFA with the application

Forms 1-3, as applicable

Resolution of applicant (example provided by PFA)

For Special Districts, a copy of the organizational documents or Inter-municipal or Joint Powers Agreement (enacted) if more than one municipality involved in project

Final Form 3 (Budget) based on as-bid costs.

Bid tabulation/engineer's recommendation of award.

Copy of the fixed price construction contract

Payment bond

Performance bond

Documentation of total project funding, including matching funds, if required

Copy of adopted water/wastewater/storm water ordinance and current fee schedule(s), as appropriate

Annual operating budget for the system(s).

If applicable, copy of draft or final agreement with service provider for operation and maintenance of system, with costs based on the tasks and responsibilities described in the operation and maintenance manual and management plan. All use contracts for GO Bond funded projects must be approved by MN Management and Budget. Additional information can be found in the Capital Grants Manual.

Approval letter for construction project plans and specifications from the Minnesota Pollution Control Agency or Minnesota Department of Health, as appropriate

Legal description of the project site(s)

Documentation of applicant's ownership of property

Documentation of recorded utility easements, where needed, including legal descriptions

Weighted average useful life calculation

Any other information requested by PFA to support the application

Items submitted to the PFA prior to disbursement of funds

A Disbursement Request Form with supporting documentation such as invoices for engineering and construction, etc.

Copy of the filed real property declaration and/or Minnesota Management and Budget approval of a waiver and recipient waiver certification.

FORM 1 – PROJECT CONTACTS

Applicant Information

Applicant Name _____ County _____

Contact Person _____ Telephone _____

Contact Person Title _____ E-mail _____

Address _____

Address _____

Applicant UEI No. _____

MN SWIFT Vendor ID Number (10 digit) _____

MN SWIFT Vendor Suffix Number (3 digit) _____

Applicant officials authorized to sign legal documents/grant agreement:

Authorized Signer #1 Name _____

#1 Title _____

#1 Email (unique to Name #1) _____

Authorized Signer #2 Name _____

#2 Title _____

#2 Email (unique to Name #2) _____

Consultants and Advisors

Consulting Engineer Name _____ Telephone _____

Engineering Firm _____ E-mail _____

Person responsible for Minnesota prevailing wage compliance monitoring:

Name _____ Telephone_____

Firm _____ E-mail _____

MPCA/MDH Engineer _____ Telephone_____

Will a Public Utilities Commission be responsible for operation & maintenance of the project?

No

Yes (provide information below)

PUC Contact Person _____ Telephone_____

PUC Title _____ E-mail _____

Address _____

FORM 2 – PROJECT INFORMATION

1. Provide a brief description of the project:

Describe the project service area and provide a map of the area:

2. Identify proposed sources of project financing (aside from the special appropriation)

Source	Amount Requested	Contact Person/Phone	Status

Additional information on other sources of project financing:

3. Identify estimated dates for:

Submittal of Plans and Specifications: _____

MN Pollution Control Agency (MPCA) or MN Department of Health (MDH) Approval: _____

Advertising for Bids: _____

Open bids: _____

Award bids: _____

Start Construction: _____

End Construction: _____

4. Specify the sources of revenue that will be used to pay the facility operation and maintenance costs

5. Provide details and a schedule for any action related to the applicant's use of other funds (issuing bonds, commit city cash, etc.) to demonstrate total project funding:

6. Identify whether the project site(s) are owned by the applicant, leased by the applicant, or other (specify):

FORM 3 – BUDGET (SOURCES AND USES) INSTRUCTIONS

Form 3 is a separate Excel spreadsheet with built-in formulas. Using the separate Excel version of this form, provide a draft Form 3 Budget prior to bidding, including estimated start and end dates.

After final project costs are determined, please submit a revised Form 3 Budget, with start and end dates.

List the activities that apply to your project, and were described in the legislation. Matching funds must be used for activities described in the legislation.

Minnesota Public Facilities Authority							
2023 Special Appropriation							
Form 3 - General Fund Project Budget (Sources and Uses)							
Applicant:				Project:			
				Sources of Funds ⁽¹⁾			
Uses of Funds ⁽²⁾	Start Date	End Date	Total Requested From Appropriation				Total Project Cost
1. Non-Construction Costs							
A.							
B.							
C.							
D.							-
E.							-
Non-Construction Subtotal			\$ -	\$ -	\$ -	\$ -	\$ -
2. Construction Costs							
A.							-
B.							-
C.							-
D.							-
E.							-
F.							-
Construction Subtotal			\$ -	\$ -	\$ -	\$ -	\$ -
Project Total			\$ -	\$ -	\$ -	\$ -	\$ -
Notes:							
(1)	If a non-state contribution or match is required by the legislation, or if project costs are in excess of the appropriation, this must be shown on the budget and appropriate documentation submitted. Required matching funds must be used only on activities described in the legislation.						
(2)	Uses must be supported by professional services agreement (for engineering/design, etc.) and fixed price, as-bid construction contract.						

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FORM 4 SPECIAL APPROPRIATION RESOLUTION EXAMPLE

NOTE: PFA staff will provide the applicant with an application/agreement resolution that has been customized with the appropriate legislative citation, which needs to be completed and adopted by the applicant's governing body.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE <RecipientName> TO SUBMIT INFORMATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (MPFA) AND TO ENTER INTO A GRANT AGREEMENT WITH THE MPFA FOR THE <ProjectTitle>.

WHEREAS, under the provisions contained in <ApprCitation>, <ApprAmount> was appropriated to the MPFA "*<ApprText>*".

WHEREAS, to receive this money, the <RecipientName> must submit required information and enter into a Grant Agreement with the MPFA; and

BE IT FURTHER RESOLVED that <RecipientName> has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the Grant Agreement shall be executed on behalf of <RecipientName> by the signature of its _____ (title of authorized signer #1) and its _____ (title of authorized signer #2). In the event of disability or resignation or other absence of either such officer, the Grant Agreement may be signed by the manual signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature shall appear on the Grant Agreement shall cease to be such officer before delivery of the Grant Agreement, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

I CERTIFY THAT the above resolution was adopted by the <RecipientName> (Name of Governing Body) on _____ (month, day, year).

SIGNED:	
Signature:	
Name:	
Title:	

WITNESSED:	
Signature:	
Name:	
Title:	

SEAL

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APPENDIX A STATE PREVAILING WAGES AND REQUIRED CONSTRUCTION CONTRACT LANGUAGE

1. Insert the applicable Minnesota wage determination into all proposals and all contracts. Prevailing wages can be found here: [Prevailing-wage information | Minnesota Department of Labor and Industry \(mn.gov\)](#).
2. Include the language below in all construction contracts:

Pursuant to Minnesota Statutes 177.41 to 177.44 and corresponding Rules 5200.1000 to 5200.1120, this contract is subject to the prevailing wages as established by the Minnesota Department of Labor and Industry. Specifically, contractors and subcontractors must pay all laborers and mechanics the established prevailing wages for work performed under the contract. Failure to comply with the aforementioned may result in civil or criminal penalties.

Payrolls/Records

The contractor and subcontractor shall furnish to the OWNER copies of any or all payrolls not more than 14 days after the end of each pay period. The payrolls must contain all of the data required by Minnesota Statutes Section 177.30. Subcontractors must furnish payrolls to the contractor. The OWNER may examine all records relating to wages paid laborers or mechanics on work to which Minnesota Statutes Sections 177.41 to 177.44 apply.

Posting of Wage Rates/Required Posters

Each contractor and subcontractor performing work on a public project shall post on the project the applicable prevailing wage rates and hourly basic rates of pay for the county or area within which the project is being performed, including the effective date of any changes thereof, in at least one conspicuous place for the information of the employees working on the project. The information so posted shall include a breakdown of contributions for health and welfare benefits, vacation benefits, pension benefits, and any other economic benefits required to be paid.

For more information regarding prevailing wage and its application, contact:

Minnesota Department of Labor and Industry
Prevailing Wage Unit
443 Lafayette Road N.
St. Paul, MN 55155
Phone: (651) 284-5091

E-mail: dli.prevwage@state.mn.us

Web: [Prevailing-wage information | Minnesota Department of Labor and Industry \(mn.gov\)](#)

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APPENDIX B REAL PROPERTY DECLARATION AND WAIVER REQUIREMENTS

A recipient receiving an appropriation of state general fund grant is required to:

- Record a Real Property Declaration that identifies the properties on which the recipient uses PFA funds as “Restricted Property”
or
- Request a waiver from Minnesota Management and Budget (MMB) from the recording requirement, and sign a Waiver Certification
and/or
- Both record a Real Property Declaration **and** request a waiver/sign a Waiver Certification

Recipients must provide a copy of the recorded Declaration and/or signed Waiver Certification and/or a copy of the recorded Declaration to PFA and MMB prior to disbursement of grant funds.

Real Property Declaration - The recorded **Real Property Declaration** identifies the “Restricted Property” and subjects the funded project to the provisions and requirements of the grant agreement. Recipients should have an attorney draft the **Declaration** and confirm the accuracy of the recordable parcel(s).

Real Property Declaration Recording Waiver - the Commissioner of Minnesota Management and Budget (MMB) can waive the declaration recording requirement for projects or portions of projects located within roads, highways or utility or transit corridors, easements or rights or way where recording would be problematic. If your project, or a portion of it fits this description, the recipient should request a waiver from the recording requirement from MMB.

If MMB grants the waiver from the recording requirement, the recipient will need to sign a **Waiver Certification** for those parts of the project, in which the recipient acknowledges that those project areas are “Restricted Property” subject to the requirements of the Grant Agreement. A description (legal description not needed) and/or map of the project areas should be attached to the **Waiver Certification**.

Example Documents

The following documents are attached:

- **Example Real Property Declaration**
- **Information for Requesting a Waiver from Real Property Filing**
- **Example Letter to MMB Requesting Approval of a Waiver**

Minnesota Public Facilities Authority Example Real Property Declaration

FOR USE BY FILING OFFICER ONLY

REAL PROPERTY DECLARATION

The undersigned has the following interest in the real property legally described in Exhibit A attached hereto and all facilities situated thereon (the "Restricted Property"):

(Check the appropriate box.)

☐ a fee simple title,

☐ a lease, or

☐ an easement,

and as owner of such fee title, lease or easement, does hereby declare that such interest in the Restricted Property is subject to those provisions, requirements, restrictions, and encumbrances contained in the "General Fund Grant Agreement Construction Grant for the <Name of Project>, dated <Grant Agreement Date> between <Name of Grant Recipient> and the Minnesota Public Facilities Authority. The Restricted Property shall remain subject to such provisions, requirements, restrictions and encumbrances until it is released therefrom by a written release in recordable form signed by the Commissioner of <Agency>, and such written release is recorded in the real estate records relating to the Restricted Property.

(SIGNATURE BLOCK AND ACKNOWLEDGEMENT)

This Declaration was drafted by:

[insert name and address]

Exhibit A to Declaration
LEGAL DESCRIPTION OF RESTRICTED PROPERTY

Information for Requesting a Waiver from Real Property Filing

Per the Minnesota Management and Budget's (MMB) [Fourth Order Amending Order of Commissioner of Finance](#), waiver requests may be submitted to the real property declaration filing requirement for projects that "acquire or better real property within roads, highway or utility or transit corridors, easements or rights of way" where the recording of the "declaration otherwise required would be unduly onerous or impracticable". This waiver request applies to General Fund projects.

Provide the following information for MMB's evaluation:

1. A formal request to the Commissioner of MMB and justification by the City for waiver of Real Property Declaration requirement.
2. Identify the Special Appropriation project
3. A project description
4. A map reflecting actual location of property to be improved

Submit requests electronically to Roger Behrens Roger.Behrens@state.mn.us at MMB for review and response.

Send email waiver to:

Commissioner, Minnesota Management and Budget
c/o Mr. Roger Behrens via email Roger.Behrens@state.mn.us
400 Centennial Office Building
658 Cedar Street
Saint Paul, MN 55155

Please also copy your PFA loan officer on the waiver request email.

Important: If MMB approves the waiver request, approval will be granted conditionally until MMB's receipt of a signed certification. The executed waiver form and certification is to be provided to PFA prior to disbursement of grant funds.. Some projects may include components that will require both a real property declaration and a waiver request. Contact your PFA loan officer with any questions.

Example Letter to MMB Requesting Approval of a Waiver

(Put on City Letterhead)

_____, 20____

Commissioner of Minnesota Management and Budget
c/o Roger Behrens via email roger.behrens@state.mn.us
Minnesota Management and Budget
400 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

RE: Real Property Declaration Waiver Request - _____ Project
MPFA-SPAP-G-_____ [insert project number assigned by MPFA]
General Fund Capital Project

Dear Commissioner:

Through the Minnesota Public Facilities Authority ("PFA"), the City of _____ has been awarded a Special Appropriation from the 2023 Minnesota Legislature for a project within its jurisdiction. The project is described as follows:

[insert description]

The project is funded in whole or in part with State general fund monies, so the City must comply with the requirements applicable to Real Property Declarations set forth in the General Fund Construction Grant Agreement.

[use one of the following two paragraphs:]

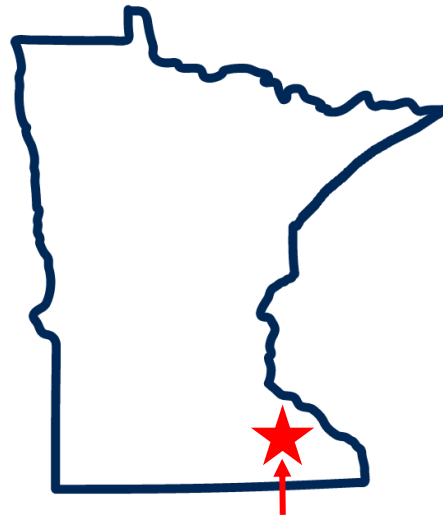
[if the entire project is eligible for a waiver] This letter constitutes the City's written request for a waiver of the Declaration requirement because the entire project lies within roads, highways or utility or transit corridors, easements or rights of way, and the recording of the Declaration against such property would be unduly onerous or impracticable. I understand that the City will have to sign a Waiver Certification that the property improved by the funding described above is Restricted Property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB.

[if only a portion of the project is eligible for a waiver] This letter constitutes the City's written request for a waiver of the Declaration requirement for the portion of the project within roads, highways or utility or transit corridors, easements or rights of way, where the recording of the Declaration against such property would be unduly onerous or impracticable. I understand that the City will have to sign a Waiver Certification that the property subject to the waiver is Restricted Property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB. I also understand that the City will be required to record a real property Declaration for the remaining parcel(s) of land in the project that is/are not eligible for the waiver, stating that such parcel(s) is/are Restricted Property and cannot be sold, encumbered or otherwise disposed of without the approval of the Commissioner of MMB.

I am including for your review a map which shows the location of the project. If you need any additional information, please contact me at (____)_____.

Sincerely,

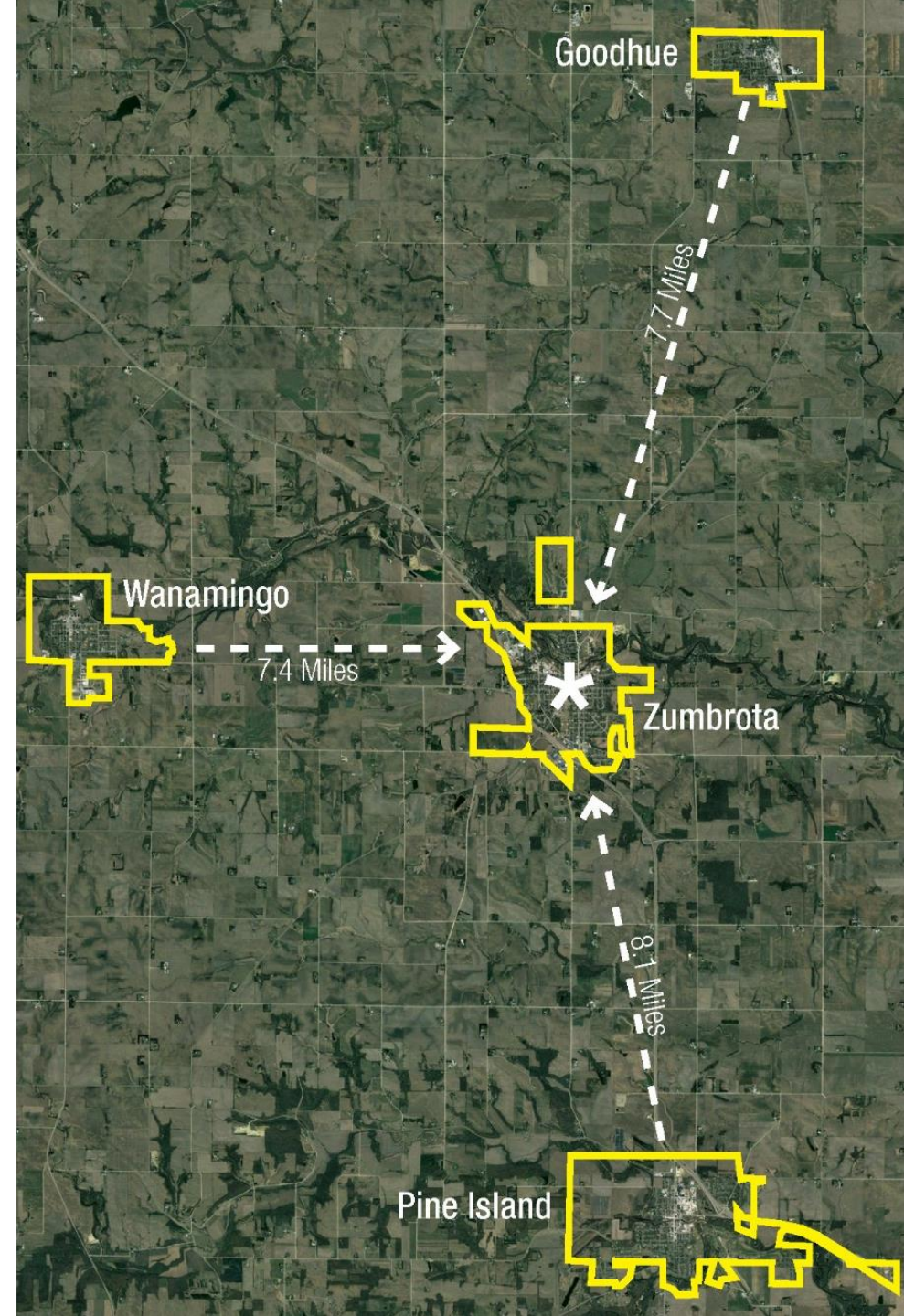
cc: _____, PFA *[insert name of PFA loan officer]*



Proposed project is 20 miles north of Rochester

North Zumbro Sanitary District

Goodhue, Pine Island, Wanamingo and Zumbrota



TECHNICAL COMMITTEE MEETING

North Zumbro Sanitary Sewer District

Goodhue, Pine Island, Wanamingo, Zumbrota

MEETING DATE: October 10, 2023
MEETING TIME: 10:00 AM
MEETING LOCATION: Zumbrota City Hall

AGENDA ITEMS:

1. Introduction

- a. Project Management Team (PMT)
- b. Role of Technical Committee (Second Tuesday of the Month, 10:00 am)
- c. Role of Executive Committee (First Wednesday of the month, 11:00 am)

2. Project Overview

- a. Status Updates
 - i. Land acquisition, PFA requirements
 - ii. MMB application

3. Project Timeline

- a. See Attached Schedule
- b. Sanitary District Formation – Timing

4. Document Exchange and Project Tracking

- a. Communication
- b. Technical Memorandums (TM's)
- c. Decision Log
- d. Sharepoint file folders
 - i. Who is copied
 - ii. What is saved and responsibility

5. Facilities Plans and PEL

- a. TM 1 - Preliminary Effluent Limits (See Attached)
- b. Facilities plans
 - i. Main Facility
 - ii. Lift Stations and Forcemains

6. Open Discussion

7. Next Meeting – 11/14/23, 10:00 am



TECHNICAL MEMORANDUM 1

TO: North Zumbro Sanitary Sewer District Technical Committee

FROM: Glenn Gustafson, P.E.

DATE: September 25, 2023

RE: **Design Flows for Preliminary Effluent Limit (PEL) Request**
North Zumbro Sanitary Sewer District

PURPOSE

The North Zumbro Sanitary Sewer District (NZSSD) submitted a Preliminary Effluent Limit (PEL) Request to the Minnesota Pollution Control Agency on 9/20/2023 as part of the planning efforts for the proposed centralized wastewater treatment facility. This memorandum provides the basis for average dry weather (ADW) and average wet weather (AWW) design flows in the PEL Request. The values in the PEL request are used by the MPCA to determine the effluent parameters that will be in the final permit for the new facility.

POPULATION GROWTH AND INDUSTRY

The four communities of Goodhue, Pine Island, Wanamingo, and Zumbrota are in the district. Their population growth and industrial expansion plans form the basis for the design flows in the PEL Request. Projected growth for these cities is presented in Table 1.

Existing population counts were compiled from 2020 US Census data. Census data from 1940 – 2020 were reviewed for growth trends. Historic growth rates (%/year) over the past 20 years and projected future growth are in the “Historic Growth” and “Future Growth” columns, respectively.

The Design Year for the wastewater treatment facility is 2045. Historic growth rates were used as the basis for Pine Island and Zumbrota future growth. Wanamingo projected its own growth rate. Goodhue projected its future growth rate at 1.5% per year which is lower than historic but accounts for their limitations in land available for development. Pine Island includes a Design Year 2045 population of 6,988; in addition, Pine Island includes a projected growth of 500 people in Elk Run for a total of 7,488 people. No other non-City growth areas are expected to contribute to the NZSSD.

Besides residential users, there are two existing significant industrial users in the NZSSD: Land O’ Lakes in Pine Island, and Dairy Farmers of America in Zumbrota. Pine Island and Zumbrota project expansion of these two industries plus additional industrial growth in the planning period. Goodhue and Wanamingo are not projecting any industrial growth in the planning period.

Table 1 Population Growth and Industry for Design Year 2045

City	Pop. 2020	Historic Growth	Future Growth	Design Pop. 2045	Existing Industries	Industrial Growth Projection
Goodhue	1,245	2.4%	1.5%	1,800		
Pine Island	3,769	2.4%	2.5%	7,500	Land O’ Lakes	L O’ L + reserve
Wanamingo	1,113	0.5%	1.1%	1,500		
Zumbrota	3,726	1.5%	1.5%	5,400	Dairy Farmers of America	DFA + reserve
Total	9,853	1.9%	2.0%	16,200		

ADW

Average Dry Weather (ADW) flows are the 30-day average of the driest flows each year; these flows are presented in Table 2. The months of Dec-Jan-Feb from the Cities' monthly reports from 2013-2023 were selected and used as the dry months for calculating ADW.

From 2013-2023 the approximate average industrial flow was 0.040 MGD in Pine Island and 0.197 MGD in Zumbrota. These approximate industrial flows were subtracted from Cities' monthly reports to estimate the residential flows reported in the "Historic Residential ADW" column. Per-capita flow equivalents were calculated from the average populations of the 2010 and 2020 Census counts; these are presented as "Historic Gallons per Capita per Day (GPCPD)".

The data in the "Design 2045 ADW" column in Table 2 is calculated based on the assumption that existing City systems will maintain their Historic ADW and Historic GPCPD rates, and the "Growth GPCPD" rate for new areas will be 100 GPCPD. This column is a summation of the historic ADW rates plus the projected growth rates for residential and industrial users.

"Design 2045 Industrial ADW" reserve is based on Pine Island and Zumbrota's internal estimates:

- Pine Island's estimate includes 0.1 million gallons per day (MGD) from Land O' Lakes, 0.040 MGD other industrial, 0.040 MGD commercial, and 0.170 MGD unallocated reserve for a total design industrial flow of 0.350 MGD.
- Zumbrota's estimate includes 0.600 MGD from Dairy Farmers of America and 0.095 MGD from other industry for a total design industrial flow of 0.695 MGD.

Table 2 Average Dry Weather (ADW) Flows (Million Gallons per Day, MGD) for Design Year 2045

City	Historic Residential ADW	Historic / Growth GPCPD	Design 2045 Residential ADW	Historic Industrial ADW	Design 2045 Industrial ADW	Design 2045 ADW
Goodhue	0.0646 MGD	53 / 100	0.121 MGD	0	0	0.122 MGD
Pine Island	0.249 MGD	71 / 100	0.621 MGD	0.040 MGD	0.350 MGD	0.970 MGD
Wanamingo	0.103 MGD	94 / 100	0.138 MGD	0	0	0.138 MGD
Zumbrota	0.426 MGD	122 / 100	0.595 MGD	0.197 MGD	0.695 MGD	1.290 MGD
Total	0.843 MGD	91 / 100	1.475 MGD	0.237 MGD	1.045 MGD	2.520 MGD

AWW

Average Wet Weather (AWW) occurs over the wettest 30-day period in the historic period and is presented in Table 3. Like ADW, "Design 2045 AWW" assumes existing City systems will maintain their Historic AWW and Historic GPCPD rates. It assumes the "Growth GPCPD" rates for new areas will be 100 - 150 GPCPD based on modern sanitary construction materials and plumbing codes. AWW Design (2045) industrial reserve is the same as the ADW industrial reserve.

Table 3 Average Wet Weather (AWW) Flows (Million Gallons per Day, MGD) for Design Year 2045

City	Historic Residential AWW	Historic / Growth GPCPD	Design 2045 Residential AWW	Historic Industrial AWW	Design 2045 Industrial AWW	Design 2045 AWW
Goodhue	0.091 MGD	75 / 100	0.150 MGD	0	0	0.150 MGD
Pine Island	0.707 MGD	201 / 150	1.260 MGD	0.046 MGD	0.350 MGD	1.610 MGD
Wanamingo	0.346 MGD	315 / 150	0.400 MGD	0	0	0.400 MGD
Zumbrota	0.953 MGD	273 / 150	1.210 MGD	0.393 MGD	0.695 MGD	1.900 MGD
Total	2.097 MGD	225 / 144	3.020 MGD	0.439 MGD	1.045 MGD	4.100 MGD

REQUESTED DESIGN FLOWS

Based on the assumptions and calculations as outlined herein, the requested design flows for the Preliminary Effluent Limit (PEL) Request to the MPCA are

- **ADW: 2.52 MGD average dry weather (ADW)**
- **AWW: 4.100 average wet weather (AWW)**