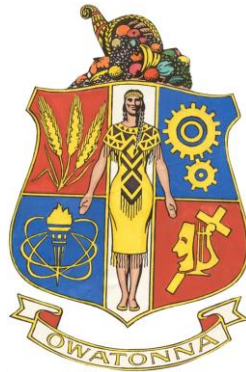


THE CITY OF

Office of Public Works Director
City Engineer



OWATONNA

540 West Hills Circle
Owatonna, MN 55060-4701
Ph. (507) 774-7307
FAX: (507) 444-4351

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: KYLE SKOV, PUBLIC WORKS DIRECTOR AND CITY ENGINEER
DATE: July 19, 2021
SUBJECT: Point Source Implementation Grant

Purpose

Approval of Resolution 73-21 authorizing application for Point Source Implementation Grant (PSIG) through the Public Facilities Authority (PFA).

Background:

The City of Owatonna is eligible for approximately \$7,000,000 in grant funding through the PFA for the PSIG. The PSIG grant was included in the rate model used for the City of Owatonna Rate Study, which helped determine the new rates and rate structure that was implemented June 1, 2021.

Budget Impact:

Grant funds up to \$7,000,000 to help fund the construction of the WWTP improvements.

Staff Recommendation:

Staff recommends approval of Resolution 73-21.

RESOLUITON NO. 73-21

MINNESOTA PUBLIC FACILITIES AUTHORITY

Point Source Implementation Grant

Form 8 – Grant Application Resolution

RESOLUTION AUTHORIZING THE CITY OF OWATONNA TO SUBMIT A POINT SOURCE IMPLEMENTATION GRANT APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (PFA) AND TO AUTHORIZE CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT ON BEHALF OF THE CITY OF OWATONNA FOR THE WASTEWATER TREATMENT FACILITY UPGRADE AND EXPANSION PROJECT

WHEREAS, the Point Source Implementation Program, established in Minnesota Statutes 446A.073, as amended provides funds for construction projects; and

WHEREAS the CITY OF OWATONNA is hereby applying to the Minnesota Public Facilities Authority for a funds to be used for eligible costs for the installation of a Membrane Bioreactor Wastewater Treatment Facility with modified Biological Nutrient Removal.

BE IT RESOLVED that the CITY OF OWATONNA 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 upon approval of its application by the PFA, the CITY OF OWATONNA may enter into an agreement with the PFA for the above referenced project, and that the CITY OF OWATONNA certifies that it will comply with all applicable laws and regulations as stated in all contract agreements described in the Compliance listing of the grant application.

NOW, THEREFORE BE IT FURTHER RESOLVED, that (title of first authorized official) and (title of second authorized official), or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the above project on behalf of the CITY OF OWATONNA.

I CERTIFY THAT the above resolution was adopted by the CITY OF OWATONNA on _____, 2021. Plan with the Minnesota Department of Revenue and Office of the State Auditor.

Passed and adopted this _____ day of _____, 2021, with the following vote:

Aye _____; No _____; Absent _____.

Approved and signed this _____ day of _____, 2021.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk

Form 5 – Compliance with Laws, Rules and Regulations

Point Source Implementation grantees are required to comply and ensure their contractor(s) comply with certain state laws, rules and regulations including but not limited to those described below which will be invoked as a condition of the grant.

1. Minnesota Statutes, Section 16B.31, subdivision 2 requires that all project funding be in place prior to execution of grant agreement.
2. Minnesota Statutes, Section 471.345 Uniform Municipal Contracting Law.
3. Minnesota Statutes, Section 574.26 to 574.32, the Public Contractors' Performance and Payment Bond Act, as applicable.
4. Minnesota Statutes, Chapter 16C.285, as amended. Responsible Contractor Requirements. Solicitation documents must include the specified language for contracts
5. Minnesota Statutes, Chapter 16A.695, State Bond Financed Property.
6. Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act.
7. Minnesota Statutes, Section 181.59, discrimination on account of race, creed, or color prohibited in contracts. Minnesota Statutes, Section 363A.08 prohibits unfair discrimination practices related to employment or unfair employment practices.
8. Minnesota Statutes Chapter 363 Minnesota Human Rights Act. Requires that all public services be operated in such a manner that does not discriminate against any person in the access to, admission to, full utilization of or benefit from such public service.
9. The recipient's Minnesota Pollution Control Agency permit construction schedule submissions. Submissions may include as-built plans and specifications, revised operation and maintenance manual or a certification of completion. Refer to the MPCA permit and construction schedule.
10. Minnesota Statutes sections 176.181 - 176.182 - Requires recipients and subcontractors to have worker's compensation insurance coverage.
11. Minnesota Statutes 177.41 - 177.43 Prevailing Wage Rate Law. Requires that contractors pay laborers and mechanics prevailing wages established by the Minnesota Department of Labor and Industry for public works projects. The Grantee will ensure that the proper state prevailing wages and required contract conditions are included in bidding documents and in construction contracts.

12. Minnesota Statutes 290.9705. Requires that 8 percent of payments made to out-of-state contractors be withheld once cumulative payments made to the contractor for work done in Minnesota exceed \$50,000 in a calendar year, unless an exemption is granted by the Department of Revenue.

13. Laws of Minnesota 2010 Chapter 361, article 3, section 5(b). Clean Water Fund sign posting requirements.

The _____ certifies that it has or will comply with the above requirements
(Name of Grantee)

(Signature of Authorized Official)

Date

(If digital signature is not available, print, sign and return signed form with application)

Form 6 – Tax-Compliance Certification Checklist

Applicant: City of Owatonna

Person Completing Form: _____

Date Form Completed: _____

Applicant’s Tax Compliance Officer: _____

Description of Financed Assets: Wastewater Treatment Facility

Item	Question		Response Yes/No
1 Ownership	1	Does the Applicant own all of the project assets to be financed (land, facilities, buildings)?	Yes
2 Lease and Other Rights	2	Is any part of a Financed Asset leased pursuant to a lease or similar agreement for more than 50 days?	No
3 Management or Services Agreements	3	Has the Applicant entered into an agreement with another entity to manage the operation of the Financed Assets? (for example, does a private company operate the System on behalf of the Applicant)	No
4 Output Agreements & Other Use	4	Has the Applicant entered into any agreement with an individual or entity that grants special legal rights to the Financed Asset or permits any entity to purchase output of the system other than at retail (e.g., has the Applicant entered into a take agreement, a take or pay agreement, a requirements agreement, or similar agreement related to output from the Financed Assets)?	No
5 Legal Review	5	If the answer to 2, 3 or 4 is “Yes”, has the City’s attorney or bond counsel reviewed the agreements for conformance with IRS tax-exempt rules and regulations?	NA