

## Environment Committee

Meeting date: August 13, 2013

For the Metropolitan Council meeting of August 28, 2013

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**Subject:** Ratification of Declaration of Emergency for Repair of Facilities in Richfield

**District(s), Member(s):** District 5, Steve Elkins

**Policy/Legal Reference:** Council Policy 3 – 3 Expenditures

**Staff Prepared/Presented:** Bryce Pickart, 651-602-1091

**Division/Department:** MCES c/o Leisa Thompson 651-602-1053

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### Proposed Action

That the Metropolitan Council ratify the attached Justification for and Declaration of Emergency for Repairs of facilities in Richfield.

### Background

MCES constructed a gravity relief interceptor across Richfield in 2011. During June to July 2013, major rainfalls occurred. Berea Lutheran Church, near 76<sup>th</sup> Street and Emerson Avenue, notified the City of Richfield of a sink hole (6 ft. x 3 ft. x 5 ft. deep) near their sidewalk. The city notified MCES that a rainleader was exposed at the bottom of the sink hole, and that the rainleader was not connected to the storm sewer, as part of the MCES construction project in 2011.

After preliminary investigation, MCES staff determined that this situation required immediate action, so an emergency was declared. This rain leader did not show on city nor MCES plans, thus the lack of connection to the storm sewer. The rainleader has now been connected to a nearby storm water catch basin. The sink hole has been filled. The site is being restored. MCES televised the storm and sanitary sewers in the area and found no debris. A ground penetrating radar survey was conducted and found no other voids in the area.

### Rationale

Metropolitan Council has delegated authority to the Regional Administrator to declare emergencies on behalf of the Council when the health, safety or welfare of the public is compromised or potentially compromised, and immediate action is required to address the emergency. The emergency declaration is then presented to the appropriate implementation committee for approval, and placed on a following Council consent list for formal ratification.

### Funding

The cost of the repair is estimated at less than \$100,000, to come from the 2013 MCES Operating Budget.

### Known Support / Opposition

No known opposition.



**JUSTIFICATION FOR AND  
DECLARATION OF EMERGENCY**

"A declared public emergency is an emergency situation in which the health, safety or welfare of the public or the safety of Metropolitan Council employees or facilities is compromised or potentially compromised and requires immediate action to correct."

I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:

Describe the nature of the emergency situation:	76 <sup>th</sup> Street and Emerson Avenue in Richfield, where we constructed relief interceptor two years ago, has an area where an 8-inch storm water line (rainleader) from Berean Lutheran Church was not shown on city/MCES utility plans, and thus, was not reconnected to the storm sewer system. Recent heavy rainfall has resulted in erosion (sinkhole) which could result in undermining the street and utilities.
Explain why this situation is a present, immediate, and existing emergency:	This situation could undermine utilities and create public health hazard.
Explain how this emergency does or will affect the healthy, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities:	Public health hazard if sewers are undermined. Public safety hazard if street collapses.
Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:	Investigate, excavate, and repair.  Estimated cost: \$100,000
Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):	S. M. Hentges constructed the MCES project and is familiar with this area.
Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:	N/A
List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:	N/A

I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.

Requestor's Signature: Bryce J. Pickart Title: Assistant General Manager, Tech Svcs Date: 7/29/13

Signature: Sevin Thompson General Manager/Division Director Date: 7/29/13

Based on the above information, an emergency situation exists within the meaning of the Council Procurement Policy. Carrying out the competitive bidding process and the technical requirements of the Council's Procurement Policy, and awaiting Council declaration of an emergency and approval for the purchase of materials or supplies or the making of emergency repairs would significantly and unacceptably delay the commencement of repair work on the above-referenced project. The Metropolitan Council, by its Procurement Policy, has delegated authority to the Regional Administrator to declare an emergency on behalf of the Council in such cases. Therefore, I declare on behalf of the Metropolitan Council, that an emergency exists as described above and that the emergency situation requires the immediate purchase of materials or supplies or the making of emergency repairs. I authorize the General Manager/Division Director named above to let appropriate contracts and make payments for the purchase of materials or supplies or the making of repairs necessary to meet the emergency situation without advertising for bids, without meeting other technical requirements of Council Procurement Policy, and without prior approval of the Council. If the costs to correct the emergency situation total \$100,000 or more, I direct that this emergency declaration and any such contracts and/or payments be presented to the Metropolitan Council for formal ratification at its next meeting.

Signature: [Signature] Regional Administrator Date: 7.29.13