

**CITY OF LEXINGTON  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION #22-11**


**CITY OF LEXINGTON POSITION STATEMENT REGARDING THE JOINT WATER  
SYSTEM SHARED WITH THE CITY OF BLAINE**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEXINGTON  
PROCLAIMS, DECLARES, REQUESTS, AND DIRECTS AS FOLLOWS:**


- Lexington co-owns a water distribution system with the City of Blaine. The infrastructure constructed pursuant to a 1977 Joint Powers Agreement is jointly owned by both Cities.
- Lexington has a perpetual right to use the joint water system it co-owns with Blaine.
- Lexington has a perpetual right to use the joint water system in the manner in which the system was designed. This includes the perpetual right to pump water into the joint water system in order to serve its water customers.
- Lexington is not under a legal duty to agree to Blaine's proposed changes to the joint water system.
- Blaine now mixes treated water into the joint water system. Blaine constructed water treatment plants and began mixing treated water into the joint water system without working with Lexington to plan for this change.
- Lexington wants to be a good neighbor by working with Blaine regarding potential changes to the joint water system.
- In response to Blaine's plan demanding Lexington to stop pumping water into the joint water system, Lexington created a team of experts to study the plan and its impacts. They conclude:
  - Blaine's proposed plan to separate and operate the joint water system:
    - The plan will decrease water capacity and fire flows in Lexington. This change will decrease the water capacity available to fight fires in Lexington and therefore increases the risk of property loss, injury, or death in the event of a fire.
    - The plan will deny Lexington from using critical infrastructure provided by the joint water system.
    - The plan will incur an additional cost of approximately \$10 million. This cost includes constructing critical infrastructure inside Lexington that is currently provided by the joint water system. Planning and construction of these improvements will take 3 to 5 years. Lexington will not bear this cost.
    - The plan does not comply with the existing Water Supply Plans approved by the State of Minnesota.
    - The plan results in Lexington subsidizing utilities serving Blaine residents.
    - The plan leaves hundreds of Blaine residents served by the new "Lexington-side" of the water distribution system and existing sewer system.
    - The plan does not compensate Lexington for Blaine taking exclusive use of assets jointly owned by both Cities.

- The plan does not compensate Lexington for the continued operation of infrastructure assets serving Blaine, including but not limited to a 16-inch water main located inside Lexington or Lexington sewers draining areas of Blaine.
- The Minnesota Department of Health allows water pumped from the Lexington well's to be used for consumption.
- Continuing the current operation of the joint water and sewer systems has no additional cost to the taxpayers of Lexington or Lexington water customers.
- Blaine proposes to sell water to Lexington. For Lexington to purchase water from Blaine at the cost of more than \$.40 per thousand gallons will increase the cost of water to Lexington water customers. Lexington must continue paying its existing capital and operational costs in addition to the cost of purchasing water.
- Within the City of Lexington, the Lexington City Council is the only entity that may authorize design or systemic changes to the joint water system. Lexington Staff and its consultants are authorized to operate and maintain the joint water system.
- Blaine is only authorized to change to the joint water system after gaining the express, written consent of the Lexington City Council.
- Blaine exceeded its authority by implementing recent changes to the joint water system which include but are not limited to the addition of valves to separate the joint water system and then closing valves which cut off water into Lexington.
- Lexington will consider authorizing changes to the joint water system that meet the following standards:
  - Ensure public safety.
    - Potential changes to the joint water system must equally provide the same level of safety, protection, and security to residents of Lexington as they provide to the residents of Blaine.
  - Ensure a safe water supply.
  - Ensure an adequate and reliable water supply.
  - Changes must be fiscally responsible for the residents of Lexington.
  - Changes must be implemented in a planned and responsible fashion.
  - Operation, maintenance, and planning related to the system must occur in a cooperative fashion, with each City freely and openly sharing information related to the system.

Dated this 3rd day of February 2022.

  
Brandon Winge, Vice Mayor

ATTEST:

  
Bill Petracek, City Administrator