

CITY OF ST. ANTHONY VILLAGE
STATE OF MINNESOTA

RESOLUTION 22-052

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF ST. ANTHONY VILLAGE AND THE
METROPOLITAN COUNCIL OF ENVIRONMENTAL SERVICES RELATING TO THE LONG-
TERM INFLOW AND INFILTRATION MITIGATION PROGRAM**

WHEREAS, The City of St. Anthony Village has completed the most recent I/I mitigation plan mandated by the MCES from the surcharge event that occurred in 2014 and continues to complete projects annually to reduce and eventually eliminate I/I; and

WHEREAS, The City has worked closely with the MCES and to create a mutually beneficial Memorandum of Understanding to address and mitigate I/I.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of St. Anthony Village agree to the terms of the Memorandum of understanding with the Metropolitan Council relating to the long-term inflow and infiltration mitigation program.


Adopted this 14th day of June, 2022.

ATTEST:


City Clerk

Reviewed for administration:


Randy Stille, Mayor


Charlie Yunker, City Manager

**2022 Memorandum of Understanding
Relating to Ongoing Inflow and Infiltration Program
Between
The City of St. Anthony Village
And
The Metropolitan Council**

WHEREAS:




1. The Metropolitan Council ("Council") has adopted the Inflow and Infiltration (I/I) Program procedures pursuant to Minnesota Statutes (M.S.), chapter 473, including sections 473.145-146 and section 473.858, and the Council's Waste Discharge Rules, and are declared to be necessary for the efficient, economic, and safe operation of the regional sanitary sewer system and for protection of the health, safety, and general welfare of the public in the metropolitan region.
2. The Council policy regarding I/I is contained in the *2040 Water Resources Policy Plan*, adopted by the Council in May 2015.
3. The Ongoing I/I Mitigation Program requires that the Council establish I/I goals for all communities discharging wastewater to the regional wastewater system. Communities that have excessive I/I in their wastewater collection systems will be required to eliminate the excessive I/I within a reasonable time.
4. The City of St. Anthony Village ("City") has been identified by the Council as contributing excessive I/I in the wastewater collection system.
5. The City has implemented an aggressive Street and Utility Capital Improvement Program to replace aging infrastructure throughout the entire city.
6. Because of circumstances related to age of infrastructure, age of housing stock, historical building methods used to handle clear water, and capacity in the local wastewater collection systems, the City is undertaking a long-term I/I mitigation program.

Now, therefore, the Council and the City hereby agree as follows:

1. **Purpose of Memorandum of Understanding ("MOU"):** The parties to the MOU recognize the need to outline their joint and separate efforts in I/I mitigation.

2. **Continuation of private property I/I mitigation:** The City will adopt and implement ordinances which require the following:
 - a. Effective January 1, 2022, an I/I compliance inspection shall occur prior to the sale of an owner-occupied single-family property. The property shall be brought into compliance within 18 months from the date of the sale of the property.
 - b. Properties affected by the City's annual pavement management program shall be provided a free I/I compliance inspection. The City shall encourage private property owners to have non-compliant services replaced or repaired.
 - c. Effective July 1, 2022, rental properties shall be required to become compliant within 24 months of the property's annual rental license renewal.
 - d. Effective July 1, 2022, commercial properties and homeowner associations shall be required to become compliant within 24 months of the ordinance becoming effective.
 - e. The City will work with Council staff to conduct city-wide flow monitoring in an attempt to isolate areas of high I/I.
 - f. The City will properly enforce the ordinance. An estimated 50-100 properties on average will be inspected for compliance with the ordinance on an annual basis.
3. **I/I Policy Implementation:** The City will report to the Council a list of compliant properties including addresses and cost of service lateral repair including, City contribution. The report shall be submitted by March 31 each year. The City will also submit a report documenting expenditures to the City's wastewater collection system. The Council will advise the City of wastewater flows including exceedances, but the City will not be subject to an I/I work plan assignment.
4. **Joint Study:** The Council and the City will work jointly to measure wastewater flows and rainfall totals collected by existing Council meters to assess program effectiveness.
5. **Education and Outreach:** The City will educate residents on I/I and service repair at least twice a year through the City's quarterly resident newsletter and City webpage. Properties affected by the City's annual pavement management program shall receive additional communication regarding the compliance inspection, replacement or repair options, and assessment options.
6. **Effective Date:** This MOU shall be effective upon execution by both of the parties.

7. **Termination Upon Mutual Consent.** The parties may terminate this MOU upon mutual written consent.
8. **Non-Binding MOU.** This MOU constitutes a mutual understanding of the parties' willingness to work collaboratively to mitigate private property I/I and does not create any legally binding or enforceable rights or obligations on either party.

| <u>METROPOLITAN COUNCIL</u> | <u>THE CITY OF ST. ANTHONY VILLAGE</u> |
|-----------------------------|--|
| By: _____ | Mayor:  _____ |
| Title: _____ | City Manager:  _____ |
| Date: _____ | Date:  _____ |