

INTER-GOVERNMENTAL AGREEMENT
BETWEEN
CITY OF ROGERS
AND
METROPOLITAN COUNCIL

THIS AGREEMENT is made and entered into between the City of Rogers, a political subdivision of the State of Minnesota (City), and the Metropolitan Council, a public corporation and subdivision of the State of Minnesota (Council).

WHEREAS, the City has submitted its 2030 Comprehensive Plan and Comprehensive Sewer Plan; and

WHEREAS, the City owns and operates a sanitary sewer system and a wastewater treatment plant; and

WHEREAS, the Minnesota Pollution Control Agency has proposed more stringent requirements in the City's NPDES/SDS Permit for discharge from its wastewater treatment plant; and

WHEREAS, the City is in need of a formal agreement to facilitate long-term planning of the community's development with regards to wastewater services; and

WHEREAS, the City has requested regional wastewater service, including the potential acquisition of the City's wastewater treatment plant, as part of its Comprehensive Sewer Plan; and

WHEREAS, the Council has accepted the City's 2030 Comprehensive Plan, as amended, and has approved its Comprehensive Sewer Plan; and

WHEREAS, the Council has extended its Elm Creek Interceptor to the southeastern corner of the City for the benefit of Rogers, Dayton, and Corcoran; and

WHEREAS, the Council has adopted 2040 Water Resources Policy Plan and Thrive MSP 2040; and

WHEREAS, the Council's long-term wastewater system plan includes a new wastewater reclamation plant to serve the City and potentially other sewered areas, thereby replacing the City's wastewater treatment plant; and

WHEREAS, the Council's long-term capital improvement program, as stated in the 2040 Water Resources Policy Plan, projects construction of the Crow River wastewater reclamation plant by 2030; and

WHEREAS, the Council and the City recognize the challenges that must be addressed to enable implementation of the Crow River wastewater reclamation plant, including environmental permitting and wastewater reuse implementation; and

WHEREAS, the Council has acquired property upon which to construct and operate the proposed future wastewater reclamation plant; and

WHEREAS, the City has supplied a resolution of support for land exchange between the Council and Three Rivers Park District to optimize property utilization; and

WHEREAS, the Council intends to meet its commitment to the City regarding wastewater service to support the growth of the City; and

WHEREAS, the City and the Council agree to work cooperatively on developing an interceptor to connect to the future regional Crow River wastewater reclamation plant for the conveyance of the neighboring communities sewage flow; and

WHEREAS, the City and the Council agree to work cooperatively on the final decommissioning of the existing Rogers wastewater treatment plant with regards to the in place facilities and bio solids, and

WHEREAS, the Council desires to optimize the use of existing City and Council wastewater facilities to the benefit of the City and the Region.

NOW, THEREFORE, the City and the Council hereby agree as follows:

A. Council Responsibilities

1. The Council shall proceed in good faith to implement the proposed Crow River wastewater reclamation plant by 2030 and to decommission the City's wastewater treatment plant within one year after successful startup and operation of the Crow River plant.
2. The Council shall collaborate with the City to optimize the use of the City's wastewater treatment plant and the Council's Elm Creek Interceptor during the interim period.
3. The Council shall accept the City's wastewater treatment plant solids for processing through the Council's regional wastewater system, in the interim period until the Council has acquired the City's plant.
4. The Council shall acquire the City's wastewater treatment plant through execution of a separate acquisition agreement and shall initiate that process following written request from the City.
5. The Council shall not expand the City's wastewater treatment plant, if acquired.
6. The Council may implement solids handling and regulatory-driven improvements at the City's wastewater treatment plant, if acquired.
7. The Council shall provide wastewater service to the City, consistent with the City's approved comprehensive sewer plan's land uses and service areas.
8. The Council has not approved the City's wastewater flow projections and shall not be committed to providing service based on the City's wastewater flow projections.
9. The Council shall decommission the City's wastewater treatment plant within a two year timeframe.

10. The Council shall return the land to the City after decommissioning the plant.
11. The Council shall collaborate with the City to implement the Council's responsibilities.

B. City Responsibilities

1. The City shall cooperate and collaborate with the Council to meet its responsibilities.
2. The City shall transfer to the Council a portion of its wastewater treatment property for the lift station necessary to divert flow to the proposed Crow River wastewater reclamation plant.
3. The City, if requested by the Council, shall act as the Council's agent to temporarily divert a portion of the City's sewered area to the Elm Creek Interceptor, to ensure adequate capacity to support the City's growth until the Crow River wastewater reclamation plant is operational.

C. Financial Considerations

1. The Council's acquisition of the City's wastewater treatment plant will be implemented in accordance with Minnesota Statutes 473.511. Specific terms and conditions will be incorporated into the acquisition agreement.
2. If the Council requests the City to act as its agent to divert a portion of the sewered area to the Elm Creek Interceptor, specific terms and conditions will be incorporated into this agreement by amendment.
3. If the Council receives and processes the City's wastewater treatment plant solids, the receiving location shall be the Metropolitan Wastewater Treatment Plant, and the City's cost shall be the Council's industrial load charge.
4. Sewer availability charges (SAC) shall be collected by the City and remitted to the Council for new connections and increased capacity for existing users, in accordance with Council SAC policies and procedures. Properties served at the time of flow diversion to the Elm Creek Interceptor and/or acquisition of the City's wastewater treatment plant shall be grandparented, per SAC Procedure 5.6.2.