



Legislation Details (With Text)

**File #:** 84328      **Version:** 1      **Name:** Approving Landfill No. 3 Contract  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/5/2024      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 9/10/2024      **Final action:** 9/10/2024  
**Enactment date:** 9/13/2024      **Enactment #:** RES-24-00546

**Title:** Approving the Negotiated Agreement Relating to the Dane County Landfill No. 3 and the First Amendment to the Solid Waste Agreement with Dane County. (District 16)

**Sponsors:** Satya V. Rhodes-Conway, Jael Currie

**Indexes:**

**Code sections:**

**Attachments:** 1. Negotiated Agreement Relating to Dane County Landfill No. 3.pdf, 2. First Amendment to Solid Waste Agreement.pdf

Date	Ver.	Action By	Action	Result
9/10/2024	1	COMMON COUNCIL	Adopt	Pass
8/26/2024	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/24/2024	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
7/16/2024	1	FINANCE COMMITTEE	Referred	
7/16/2024	1	COMMON COUNCIL	Referred	
7/5/2024	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

The Negotiated Agreement calls for annual payments to the City of \$125,000, starting the year that the facility begins to accept waste (expected to be in 2028). Payments would be prorated in the first year and increase by 2% each year thereafter. The annual payment is a landfill siting fee and compensation payment, and, in addition to impacts caused by the landfill on City services, is intended to compensate the City's for impacts on the golf operations of the adjoining Yahara Hills Golf Course. Payments will be deposited in the general fund. The negotiated agreement also provides future payments from the County for any daily lost rounds of golf attributable to odor complaints or safety concerns at the landfill. Future payments for refunded greens fees as provided under the Agreement shall be deposited in the golf enterprise account.

**Title**

Approving the Negotiated Agreement Relating to the Dane County Landfill No. 3 and the First Amendment to the Solid Waste Agreement with Dane County. (District 16)

**Body**

WHEREAS, on August 15, 1973 the County and the City entered into a waste stream agreement in which the City agreed to close its solid waste disposal facilities and use County solid waste disposal facilities; and,

WHEREAS, on January 16, 1984 the County and the City entered into a land sale agreement that allowed the County to construct and open a solid waste disposal facility located at 7102 Maahic Way in the City of Madison, Dane County, Wisconsin, known as Dane County Landfill No. 2, or the Rodefild Landfill; and,

WHEREAS, it is projected that the Rodefild Landfill will reach its maximum capacity by 2029; and,

WHEREAS, on February 28, 2023, pursuant to the authorization granted by the Council in RES-22-00319 (Legistar File ID No. 70597) the City sold a portion of the land used for the Yahara Hills Golf Course to the County for the development of a sustainable business park and solid waste disposal facility for which approximately 200 acres was identified for the construction and operation of the Dane County Landfill Site No. 3; and,

WHEREAS, as part of the land sale for the future Landfill Site No. 3, on June 6, 2022 the County and the City entered into a Solid Waste Agreement for 2023-2032 (the "Solid Waste Agreement") to set forth the terms and conditions agreed to by the Parties regarding the City's solid waste stream, tipping fees, daily cover and other City materials, and other issues associated with the County's landfill operations, as well as the to-be-developed County compost site. The term of this Agreement is from January 1, 2023 through December 31, 2032; and,

WHEREAS, the County has applied to the Wisconsin Department of Natural Resources for a license to construct and operate the Dane County Landfill Site No. 3 pursuant to Ch. 289, Subchapter III, Wis. Stats.; and,

WHEREAS, on May 3, 2023, pursuant to the requirements of Wis. Stat. Sec. 289.22(1m), the City received the County's written notification of its intent to develop Landfill Site No. 3 and its intent to establish a negotiating committee to discuss the terms of the landfill development; and,

WHEREAS, pursuant to Wis. Stat. Sec. 289.33(6), on June 20, 2023, the City adopted RES-23-00465, Legistar File ID No. 78136, a siting resolution authorizing the City to participate in negotiations with the County over the development of Landfill Site No. 3 through the Local Negotiating Committee for Dane County Landfill Site No. 3 (the "Local Negotiating Committee"); and,

WHEREAS, on June 26, 2024, the Local Negotiating Committee, made up of three appointees from the City and one each from the Town of Cottage Grove and the Village of McFarland, approved the Negotiated Agreement Relating to Dane County Landfill No. 3, that agreement now being submitted to the Council for approval under Wis. Stat. Sec. 289.33(9). As allowed for by statute, the Negotiated Agreement addresses operational and environmental issues, as well as residential and municipal compensation associated with the proposed landfill; and,

WHEREAS, during negotiations with the County, issues regarding material testing were discussed, which County and City staff have agreed would be best handled by a separate amendment to the Solid Waste Agreement, which amendment would be approved and executed by the City and the County contemporaneously with the Negotiated Agreement.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Common Council finds that it is in the City's interest to support the development of Dane County Landfill Site No. 3; and,

BE IT FURTHER RESOLVED, that the Common Council approves the Negotiated Agreement Relating to Dane County Landfill No. 3 as submitted to the Common Council by the Local Negotiating Committee, which agreement is attached and incorporated hereto, and authorizes the Mayor and the City Clerk to execute this document on behalf of the City.

BE IT FURTHER RESOLVED, that the Common Council approves the First Amendment to the Solid Waste Agreement with Dane County, which Amendment is attached and incorporated hereto, and authorizes the Mayor and the City Clerk to execute this document on behalf of the City.

BE IT FINALLY RESOLVED, that the City's execution of the Negotiated Agreement is contingent upon the receipt of an executed First Amendment from the County.