



Legislation Details (With Text)

File #: 70597 **Version:** 1 **Name:** Yahara Landfill
Type: Resolution **Status:** Passed
File created: 3/18/2022 **In control:** BOARD OF PUBLIC WORKS
On agenda: 5/10/2022 **Final action:** 5/10/2022
Enactment date: 5/13/2022 **Enactment #:** RES-22-00319

Title: Approving a land sale and agreements with Dane County to sell and develop portions of the Yahara Hills Golf Course as a future landfill, compost site and sustainable business park, and entering into a new solid waste agreement.

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Indexes:

Code sections:

Attachments: 1. TLE-Irrigation Equipment (Final) (3.16.22), 2. Yahara Land Sale, 3. Conceptual Site Plan (03.01.22), 4. Future Expansion Area, 5. Right of First Refusal-Option Property (Final) (03.16.22), 6. Development Agreement (Final) (03.23.22), 7. Maintenance Bldg Lease (2022-2028) (Final) (03.23.22), 8. Purchase and Sale Agreement (Final) (03.23.22), 9. Solid Waste Agreement (2023-2032) (Final) (03.23.22), 10. Yahara Intergovernmental Agreement (Final) (03.23.22), 11. Far East Sustainability Campus.pdf, 12. 70597 PublicComment-RegistrantsReport.pdf, 13. Golf Course Lease (2022-2042) (Final) (03.23.22), 14. Parks Memo on Golf Enterprise for Finance 4.25.22.pdf, 15. FC Public Comment - 70597.pdf, 16. Public Comment.pdf, 17. 0521 written comments

Date	Ver.	Action By	Action	Result
5/10/2022	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Fail
5/10/2022	1	COMMON COUNCIL	Adopt	Pass
4/25/2022	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
4/13/2022	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
4/6/2022	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
3/29/2022	1	FINANCE COMMITTEE	Referred	
3/29/2022	1	FINANCE COMMITTEE	Referred	
3/29/2022	1	COMMON COUNCIL	Refer	Pass
3/18/2022	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed resolution approves the land sale and agreements with Dane County for portions of the Yahara Hills Golf Course. The proceeds of the sale (estimated at \$5,563,680), net of repaying any outstanding balances of inter-fund loans made to the Golf Enterprise Fund, will be deposited in the Golf Enterprise Fund for appropriation by the Common Council in future city budgets. The funds will be available for maintenance and capital improvement needs of the City's municipal golf courses. Under the agreement, the Yahara Golf Course is authorized to operate 36 holes of golf through 2024, 27 holes of golf through 2025, and 18 holes of golf through 2042.

The proposed resolution also approves a new solid waste agreement with the County for 2023 to 2032. Under

the proposed solid waste agreement, the City will be charged \$50.88/ton (including \$37.88 in county charges and \$12.997/ton in state charges) for disposal of solid waste. The agreement includes an annual cost escalator of no more than 1.75%, and the County must notify the City of the cost increase for the following year no later than June 30th. The following table shows estimated landfill tipping fees in the current adopted budget and the maximum estimated tipping fees under the proposed agreement.

Year	Maximum Rate per Ton	Estimated Tipping Fees at Max. Rate*
2022	\$50.00	\$2,764,200
2023	\$50.88	\$2,853,554
2024	\$51.77	\$2,903,469
2025	\$52.68	\$2,954,505
2026	\$54.26	\$3,043,118
2027	\$55.21	\$3,096,398

*Does not include any projected tonnage changes other than the addition of the Town of Madison in 2022 and 2023.

The proposed agreement also includes provisions for the County to accept materials for use as daily cover, alternative daily cover, or beneficial reuse at a rate of \$13.10/ton for the first 8,000 tons or 16% of the City's municipal solid waste from the prior year (whichever is greater). The County will accept an additional 2,000 tons of materials for daily cover at the rate of \$13.10/ton plus the \$12.997/ton to cover the state tipping fees.

The County will also develop a composting program to accept organic materials no later than April 1, 2026. The County will charge the City a base rate of \$190,000 per year for the management of yard waste, with 24,000 pounds of food waste accepted at no additional charge. The rates for the composting program may increase according to the schedule outlined for the tipping fees.

Title

Approving a land sale and agreements with Dane County to sell and develop portions of the Yahara Hills Golf Course as a future landfill, compost site and sustainable business park, and entering into a new solid waste agreement.

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 disposal facilities instead; and,

WHEREAS, since 1973, the City has entered into a series of solid waste agreements with the County addressing the City's solid waste disposal costs and practices, and has primarily used the County operated landfills for its disposal needs; and,

WHEREAS, on January 16, 1984 the City and the County entered into a land sale agreement that allowed the County to construct and operate a solid waste facility located at 7102 U.S. Hwy 12 & 18 in the City of Madison, known as Dane County Landfill Site No. 2, or the Rodefild Landfill. Subsequent land sale agreements between the City and the County that enabled the expansion of the Rodefild Landfill were entered into in 1994 and 2014, and the County is currently pursuing a vertical expansion of the landfill to further extend and maximize the operational life of the site; and,

WHEREAS, the County has been providing solid waste disposal at the Rodefild Landfill for nearly 40 years, but its current capacity is only projected to last until approximately 2030; and,

WHEREAS, the County desires to continue its solid waste disposal program for the benefit of Dane County citizens and municipalities, but the County is in need of land to site a new landfill ("Landfill No. 3"). Moreover, siting a new landfill is a long and complicated process. If this process, including acquisition of new lands for the future landfill, is significantly delayed, the City may not have a local landfill to take its solid waste to when

the Rodefeld Landfill closes; and,

WHEREAS, the City relies upon the County for its solid waste disposal needs and desires to continue its solid waste disposal locally, which is a more environmentally sustainable and cost effective approach than transporting solid waste to facilities outside the area; and,

WHEREAS, it is in both Parties' interests to work together to find a future landfill site, ideally close to the Rodefeld Landfill. The sooner the County can secure a potential future landfill site, the sooner it can start the process of preparing and licensing the site for this purpose; and,

WHEREAS, in 1961, the City began acquiring the property that now forms the 451 acre Yahara Hills Golf Course, which property is due south of the Rodefeld Landfill across U.S. Hwy 12 & 18. Yahara Hills is a 36-hole municipal golf course that first opened for play in 1968. Play at Yahara Hills has declined over the years and the course has significant immediate capital needs; and,

WHEREAS, on January 5, 2021, the Common Council accepted the final report and recommendations of the Task Force on Municipal Golf (RES-21-00007, Legistar File # 61936), which group was charged with developing recommendations on the future of municipal golf in Madison. Among the recommendations made by the Task Force on Municipal Golf, and accepted by the Common Council, was that the City expeditiously create a plan to reduce the number of holes at Yahara Hills by eighteen holes. This reduction in holes was to focus on reducing capital and operational costs, and increasing climatic resiliency, while also considering potential alternative land uses; and,

WHEREAS, consistent with the recommendations of the Task Force on Municipal Golf, the City has determined that it is appropriate to make an approximately 232 acre portion of the east side of the Yahara Hills Golf Course (the "Property") available for use by the County for a future landfill site. The County has preliminary plans to develop not just a new landfill on the Property, but a compost operation and a sustainable business park, with the intent to divert waste from the landfill and create local circular economies. These plans are in the City's interests; and,

WHEREAS, the Parks Division is supportive of the sale of the Property to the County, provided that it is able to continue the operation of 36 holes of golf through 2024, 27 holes of golf through 2025, and 18 holes of golf through 2042, that it can use the existing golf maintenance building through 2028, and that the revenue derived the sale, net of repaying any outstanding balances of inter-fund loans made to the Golf Enterprise Fund, is directed to the Golf Enterprise Fund to address the maintenance needs and capital improvements across the remaining municipal golf system by future appropriations of the Common Council; and,

WHEREAS, on April 16, 2014, the City and the County entered into the Rodefeld Landfill Expansion and Solid Waste Agreement (the "2014 Solid Waste Agreement"), which agreement set forth the terms and conditions agreed to by the City and the County regarding the City's solid waste stream and its use of the Rodefeld Landfill, including tipping fees, daily cover allowances, and other solid waste related issues. The 2014 Solid Waste Agreement will expire on December 31, 2023. As this agreement enters its final years, for planning, budgetary, and efficiency purposes, it is necessary to enter into a new solid waste agreement with the County; and,

WHEREAS, to the east of the Rodefeld Landfill, across CTH AB and north of U.S. Hwy 12 & 18, the County has purchased and developed additional lands, which lands now include a County highway facility and the Medical Examiner's Office, and will soon include a large solar field. The City is agreeable to extending municipal services to this area, provided that the County owned lands are annexed to the City, which annexation the County is agreeable to undertaking; and,

WHEREAS, Section 66.0301 Wisconsin Statutes, authorizes cities, villages, towns, counties, and other public agencies to enter into agreements for receipt or furnishing of services or the joint exercise of any power or

duty required or authorized by law.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Common Council finds that it is in the City's interest to support the sale of a portion of the Yahara Hills Golf Course to the County for the purposes of the siting and development of a future landfill, compost site and sustainable business park. The sale of this land (7101 US Hwy. 12 & 18, parcel no. 251-0710-254-0099-7, and 4502 Brandt Rd., parcel no. 251-0710-361-0099-0) is consistent with the recommendations of the Task Force on Municipal Golf; and,

BE IT FURTHER RESOLVED, that the terms and conditions of the land sale, and subsequent use and development of the land sold, shall be generally consistent with those set forth in the Purchase and Sale Agreement, Right of First Refusal, Ground Lease-Yahara Hills Golf Course, Lease-Yahara Hills Golf Maintenance Building, Temporary Limited Access Easement for Irrigation System, Sustainability Campus and Landfill Development Agreement, and the Yahara Area Intergovernmental Agreement, all of which are attached hereto and incorporated herein by reference. The overall agreement between the City and the County will allow the City to continue using the lands for golf until needed by the County, maintaining at least 18 holes of golf through at least 2042, while allowing for the possibility of future landfill expansions and enabling the City to repurchase the lands should the landfill not proceed. These agreements will also provide for the development of a compost site and a sustainable business park, both of which are in the City's interests and will lead to greater local waste reduction, community wide implementation of sustainable practices, and a longer operational life for the new landfill; and,

BE IT FURTHER RESOLVED, that, as part of the land sale agreement with Dane County, it is in the City best interest to replace the 2014 Solid Waste Agreement and enter into a new Solid Waste Agreement for the years 2023-2032, on terms and conditions consistent with the agreement attached hereto and incorporated herein; and,

BE IT FURTHER RESOLVED, that the Mayor and the City Clerk are authorized to enter into all the agreements necessary to effectuate the land sale and development of the future landfill and sustainability campus by the County, including the agreements identified above, on terms and conditions generally consistent with those identified herein and the agreements attached hereto, on a form and in a manner that has been approved by the City Attorney; and,

BE IT FURTHER RESOLVED, that the Manager of the Office of Real Estate Services is authorized to execute any deeds, leases or other real estate documents necessary to effectuate this land sale and land leases with Dane County, on terms and conditions generally consistent with those identified herein and the agreements attached hereto, on a form and in a manner that has been approved by the City Attorney; and,

BE IT FURTHER RESOLVED, that, in order to facilitate the landfill and sustainability campus development by the County, the Director of the Department of Planning and Community and Economic Development, or their designee, is authorized to execute any and all documents on behalf of the City, as owner of the lands to be sold, which may be necessary to commence the rezoning and City planning and zoning approval processes for the lands to be sold to the County prior to the completion of the land sale; and,

BE IT FINALLY RESOLVED, that the proceeds of the sale of the Yahara Hills Golf Course lands, net of repaying any outstanding balances of inter-fund loans made to the Golf Enterprise Fund, be deposited in the Golf Enterprise Fund for appropriation by the Common Council in future city budgets for maintenance and capital improvement needs of the City's municipal golf courses.