



## Legislation Details (With Text)

**File #:** 33260      **Version:** 2      **Name:** Approving Negotiated Agreement to Second Rodefild Landfill Expansion

**Type:** Resolution      **Status:** Passed

**File created:** 2/26/2014      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 4/8/2014      **Final action:** 4/8/2014

**Enactment date:** 4/10/2014      **Enactment #:** RES-14-00247

**Title:** SUBSTITUTE. Approving the Negotiated Agreement Relating to the Second Rodefild Landfill Expansion, the Sale and Lease of City Owned Land to Dane County, and the Execution of a Landfill Expansion and Solid Waste Agreement with Dane County.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:** 1. Terms and Conditions of Agreement (Rodefild Expansion).pdf, 2. Negotiated Agreement, 3. Version 1, 4. (Substitute) Terms and Conditions of Agreement (Rodefild Landfill Expansion), 5. Landfill Expansion and Solid Waste Agreement

Date	Ver.	Action By	Action	Result
4/8/2014	2	COMMON COUNCIL	Adopt	Pass
3/27/2014	2	SOLID WASTE ADVISORY COMMITTEE (ended 3/2020)		
3/12/2014	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
3/10/2014	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
3/5/2014	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/4/2014	1	BOARD OF PUBLIC WORKS	Refer	
3/4/2014	1	BOARD OF PUBLIC WORKS	Refer	
3/4/2014	1	BOARD OF PUBLIC WORKS	Refer	
3/4/2014	1	COMMON COUNCIL	Referred	
2/26/2014	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

This agreement would secure landfill space for the City of Madison's waste stream for the next ten years, from January 1 of 2014 through December 31 of 2023. Fiscal impacts generally fall into three categories: tipping fees, land sales, and a land lease.

Under the terms of this agreement, tipping fees would increase from the current \$40 per ton to \$43.50 on January 1 of 2014, \$46.50 on July 1 of 2014, \$48.50 on January 1, 2015, and \$50 on January 1 of 2016. Beginning on January 1 of 2017 and for the remainder of the agreement, the County's portion of the tipping fee would be limited to a 3.5% increase over the prior year. Projected fee increases of \$263,300 are anticipated for 2014, and will be accommodated within the 2014 Streets Division Operating Budget. Fee increases of an additional \$184,310 are projected for 2015, followed by \$78,990 in 2016. Projected increases for the years of 2017 - 2023 range from \$92,155 to \$113,282 annually.

The agreement also provides for the sale of land from the City to the County to accommodate expansion of the landfill. This will include 42.723 acres of park land and 12.217 acres managed by the Streets Division. This Substitute Resolution accounts for the final purchase and lease price agreed to by the City and the County. This land sale would result in proceeds of \$158,304 to be deposited into the Parkland Acquisition Fund, and an additional \$54,977 to be deposited into the General Fund (for the Streets Division land).

The County will also lease the City's remaining 9.588 acres of Streets Division managed land adjacent to Highway 12 & 18 at an amount of \$1 per year.

Several other important features of the agreement may be noted. Further transfers from the County solid waste fund to support non-solid waste programs or expenditures are prohibited. The City will be free to send waste to a diversion program (such as a biodigester) without penalty. The County will be required to accept up to 100,000 tons of dredge spoils at no cost. And a rate of \$13.10 per ton for street sweeping and other debris suitable for daily cover is established.

#### **Title**

SUBSTITUTE. Approving the Negotiated Agreement Relating to the Second Rodefild Landfill Expansion, the Sale and Lease of City Owned Land to Dane County, and the Execution of a Landfill Expansion and Solid Waste Agreement with Dane County.

#### **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; and,

WHEREAS, on January 16, 1984 the County and the City entered into a land sale agreement that allowed the County to construct and operate a solid waste facility in the City located at 7102 U.S. Hwy 12 & 18 and known as Dane County Landfill Site No. 2, or the Rodefild Landfill (hereinafter referred to as "Landfill"); and,

WHEREAS, on December 20, 1993, the County, the City, the Town of Blooming Grove and the Town of Cottage Grove entered into a negotiated agreement pursuant to Wis. Stat. Sec. 144.445 (now Sec. 289.33) regarding the first expansion of the Rodefild Landfill (the "1993 Negotiated Agreement"); and,

WHEREAS, on June 3, 1994, the County and the City entered into a land sale and Landfill Expansion Real Estate Agreement that allowed the County to expand the Rodefild Landfill; and,

WHEREAS, the County has been providing solid waste disposal at the Rodefild Landfill for nearly 30 years, and the 1994 expansion capacity has nearly been reached. The County now wishes to expand the Rodefild Landfill to extend the life of the solid waste facility; and,

WHEREAS, on August 1, 2012 the City of Madison received Dane County's written request for the specification by the City of all applicable City approvals needed regarding the County's plans to expand the Rodefild Landfill located at 7102 U.S. Highways 12&18 in the City of Madison; and,

WHEREAS, pursuant to Wis. Stat. Sec. 289.33(6), on September 18, 2012 the City adopted RES-12-00737, Legistar File ID No. 27347, a siting resolution authorizing the City to participate in negotiations with the County over the expansion of the Landfill through the Local Negotiating Committee for Dane County Landfill Site No. 2 (the "Local Negotiating Committee"); and,

WHEREAS, City and County staff have conducted extensive negotiations over Landfill operations and solid waste issues, both parties finding that it was appropriate to consider entering into new agreements to facilitate the expansion of the Landfill and address the City's solid waste needs for the next ten-years; and,

WHEREAS, City and County staff have come to agreements about the City's future waste stream, tipping fees,

County funding of programs from solid waste revenue, the sale and lease of land needed to facilitate the Landfill expansion, any future change in the Landfill operations, source of daily cover, and records disclosure; and,

WHEREAS, on February 25 the Local Negotiating Committee approved the Negotiated Agreement Relating to the Second Rodefild Landfill Expansion, that agreement now being submitted to the Council for approval under Wis. Stat. Sec. 289.33(9).

NOW THEREFORE BE IT RESOLVED, that the Common Council finds that it is in the City's interest to support the expansion of the Landfill; and,

BE IT FURTHER RESOLVED, that the Common Council approves the Negotiated Agreement Relating to the Second Rodefild Landfill Expansion as submitted to the Common Council by the Local Negotiating Committee, and authorizes the Mayor and the City Clerk to execute this document on behalf of the City; and,

BE IT FURTHER RESOLVED, that the Common Council approves the Terms and Conditions of the Two-Party Agreement Between the City of Madison and Dane County Regarding the Rodefild Landfill Expansion, Land Sale and Land Lease, and Tipping Fee and Solid Waste Agreement ("Terms and Conditions"), attached hereto and incorporated by reference; and,

BE IT FURTHER RESOLVED, that the Mayor and the City Clerk are authorized to execute an Agreement with Dane County regarding the solid waste and the landfill expansion that incorporates the Terms and Conditions on a form and in a manner that has been approved by the City Attorney; and,

BE IT FURTHER RESOLVED, that the Common Council approves the sale of 42.723 acres of park land and 12.217 acres of Streets Division managed land to the County and the lease of 9.588 acres of Streets Division managed land to Dane County to facilitate the Landfill expansion, based upon the Terms and Conditions, and authorizes the Manager of the Office of Real Estate Services to execute any deeds and leases necessary to effectuate this land sale and land lease with Dane County; and,

BE IT FURTHER RESOLVED, that the Director of the Department of Planning and Community and Economic Development, or his designee, is authorized to execute any and all documents on behalf of the City, as owner of the lands to be sold and leased to the County to facilitate the landfill expansion, necessary to commence the rezoning and City planning and zoning approval processes for the lands to be sold and leased to the County prior to the completion of the land sale and lease; and,

BE IT FURTHER RESOLVED, that should the Landfill temporarily close prior to the expansion area being able to take waste, that the Streets Superintendent, or designee, is authorized to enter into a short-term agreement with Dane County to accept the City's solid waste at the County transfer station, subject to any budget restrictions and until such time as the Council may consider a longer-term agreement as needed.