

ENROLLED ORDINANCE 165-43

APPROVE THE WMWI METRO LANDFILL FACILITY GREENSPACE
PROTECTION AND LIMITED LANDFILL EXPANSION AGREEMENT

WHEREAS, an agreement entitled “WMWI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement” (Agreement) is the product of the negotiation process required under Wis. Stat. § 289.33, between the Waste Facility Siting Committee and Waste Management of Wisconsin, Inc., (WMWI) upon Waste Management of Wisconsin, Inc.’s 2001 and 2003 application(s) to expand the Metro landfill at South 124th Street and West County Line Road; and

WHEREAS, the Waste Facility Siting Committee approved the Agreement on August 4, 2010, subject to the incorporation of certain amendments to the Agreement draft before it that day, and such amendments having been made and the Vice-Chairman of the Committee having executed the Agreement on August 16, 2010; and

WHEREAS, WMWI and the City of Franklin Common Council both reviewed the terms and purposes of the Agreement and found it to be substantially in the interest of protecting and promoting the health, safety and welfare of the community; and

WHEREAS, upon passage of ordinances or resolutions by the City of Franklin, Milwaukee County, Racine County, Waukesha County, the Town of Raymond, the Town of Norway and the City of Muskego, those municipalities will be able to receive the adverse impact benefits provided in the Agreement.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waste Management of Wisconsin, Inc. (WMWI) Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement, executed by the Vice-Chairman of the Waste Facility Siting Committee on August 16, 2010, is hereby approved.

BE IT FURTHER ORDAINED that all revenues Waukesha County receives as a result of this Agreement shall be used for recycling and solid waste management programs or the acquisition of land for parks and open space.

BE IT FURTHER ORDAINED that the Director of the Parks and Land Use Department is authorized to execute the Agreement and shall notify WMWI and other Affected Municipalities of the decision of Waukesha County pursuant to this ordinance.

FISCAL NOTE

APPROVE THE WMWI METRO LANDFILL FACILITY GREENSPACE PROTECTION AND LIMITED LANDFILL EXPANSION AGREEMENT

This ordinance approves the landfill expansion agreement for the Waste Management of Wisconsin, Inc. (WMWI) operated landfill in the City of Franklin (Milwaukee County). Since this landfill is located within 1,500 feet of Waukesha County, the County is eligible to negotiate with other affected municipalities for a share of landfill siting revenues. Under the previous agreement, beginning in 1999, the County stopped receiving its share of the landfill siting revenues in 2007. Department management indicate that this expansion agreement reinstates the County's share and does not include an established end-date for the County to stop receiving its share of landfill siting revenues. This expansion is estimated to extend the life of the landfill by 5-7 years.

This expansion agreement maintains the County's share of landfill siting revenues at the same level as the existing agreement, at 2.5%. Under this agreement, WMWI will pay landfill siting revenues at a rate of \$3.50 per ton received (net of free disposal provided to certain affected communities), which is estimated by WMWI to total approximately 430,000 tons or \$1.5 million in total landfill siting fees. The County's share at 2.5% is estimated to total approximately \$37,600 in 2011. However, beginning in 2011, the expansion agreement calls for annually adjusting the \$3.50 per ton fee paid by WMWI by a Consumer Price Index (CPI) factor, which is not reflected in the estimate above.

The County received approximately \$391,700 in landfill siting fee revenues from other landfills during 2009.



Lawrence M. Dahl
Accounting Services Manager
9/7/2010

APPROVE THE WMWI METRO LANDFILL FACILITY GREENSPACE PROTECTION AND LIMITED LANDFILL EXPANSION AGREEMENT

Presented by:
Land Use, Parks and
Environment Committee

Approved by:
Finance Committee

Absent

Fritz Ruf, Chair

Patricia A. Haukohl

Patricia A. Haukohl, Chair

Absent

Robert Hutton

Dave Falstad

Dave Falstad

Michael J. Inda

Michael J. Inda

James A. Heinrich

James A. Heinrich

James Jeskewitz

James Jeskewitz

Robert Hutton

Robert Hutton

Walter L. Kolb

Walter L. Kolb

Pamela Meyer

Pamela Meyer

Absent

Ted Rolfs

absent

Ted Rolfs

Thomas J. Schellinger

Thomas J. Schellinger

William J. Zaborowski

William J. Zaborowski

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10/1/10, Kathy Nickolaus
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 10-6-10, Daniel P. Vrakas
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/28/10

(ORD) NUMBER-1650044

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. CHIAVEROTTI....AYE
 25 G. YERKE.....AYE

2 T. ROLFS.....
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 M. INDA.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS ✓

TOTAL VOTES-24