

APPROVE ORCHARD RIDGE RECYCLING AND DISPOSAL
FACILITY EXPANSION AGREEMENT

WHEREAS Waste Management of Wisconsin, Inc., a Wisconsin corporation located in Menomonee Falls, WI, applied to the Wisconsin Department of Natural Resources for approval of an expansion of its solid waste disposal facility, Orchard Ridge Recycling and Disposal Facility, located within the Village of Menomonee Falls, as described in the Feasibility Report and Plan of Operation on file with the Department of Natural Resources, and

WHEREAS pursuant to Section 289.33 Wisconsin Statutes, the Waukesha County Board of Supervisors authorized County participation as an "affected municipality" in the negotiation and arbitration process for the proposed expansion of the Orchard Ridge Recycling and Disposal Facility, and

WHEREAS on November 13, 2001 the Waukesha County Board of Supervisors approved the appointment of two County representatives to participate in the negotiation process: the Director of the Department of Parks and Land Use and a Principal Assistant Corporation Counsel, and

WHEREAS among other provisions of the negotiated agreement, Waukesha County and the Village of Menomonee Falls will receive monthly direct payments from Waste Management, to be split 95% percent to the Village of Menomonee Falls and 5% percent to Waukesha County, and

WHEREAS under the negotiated agreement, Waukesha County will receive an annual recycling program payment of \$40,000 for a residential electronics recycling program, and

WHEREAS under current Waukesha County Code provisions, all fees and compensation received under a negotiated landfill agreement shall be used for solid waste and recycling programs, and

WHEREAS a copy of the negotiated agreement is now on file at the Waukesha County Clerk's office and has been reviewed and approved by the staff the Department of Parks and Land Use and the Office of the Corporation Counsel.

THE BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the negotiated agreement between the Orchard Ridge Landfill Expansion Local Siting Committee and Waste Management of Wisconsin, Inc. is approved, and the County Executive may execute the Agreement.

BE IT FURTHER ORDAINED that landfill expansion fee and recycling program payment revenues shall be used to offset Solid Waste and Household Hazardous Waste Program costs within the Parks and Land Use General Fund operating budget; fee revenues above these costs will be deposited in the Walter J. Tarmann Parkland Acquisition Fund.

APPROVE ORCHARD RIDGE RECYCLING AND DISPOSAL
FACILITY EXPANSION AGREEMENT

Presented by:
Executive Committee

Approved by:
Land Use Committee

Approved by:
Finance Committee

James T. Dwyer
James T. Dwyer, Chair

Walter L. Kolb
Walter L. Kolb, Chair

Patricia A. Haukoehl
Patricia A. Haukoehl, Chair

Patricia A. Haukoehl
Patricia A. Haukoehl

Pauline T. Jaske
Pauline T. Jaske

James R. Behrend
James R. Behrend

Kenneth C. Herro
Kenneth C. Herro

James Jeskewitz
James Jeskewitz

Donald M. Broesch
Donald M. Broesch

Walter L. Kolb
Walter L. Kolb

Scott J. Klein
Scott J. Klein

Genia C. Bruce
Genia C. Bruce

Richard L. Manke
Richard L. Manke

William A. Mitchell
William A. Mitchell

Joseph F. Griffin
Joseph F. Griffin

Duane E. Paulson
Duane E. Paulson

Daniel Pavelko
Daniel Pavelko

Joe C. Marchese
Joe C. Marchese

Duane Stamsta
Duane Stamsta

Vera Stroud
Vera Stroud

Bonnie J. Morris
Bonnie J. Morris

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

Date: March 12, 2004, Kathy Nickolaus, Deputy
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 3-12-04, Daniel M. Finley
Daniel M. Finley, County Executive

FISCAL NOTE

APPROVE ORCHARD RIDGE RECYCLING AND DISPOSAL FACILITY EXPANSION AGREEMENT

The ordinance approves the negotiated agreement between the Orchard Ridge Landfill Expansion Local Siting Committee and Waste Management of Wisconsin, Inc. The agreement requires Waste Management of Wisconsin, Inc. to make monthly direct landfill expansion fee payments to the Village of Menomonee Falls and Waukesha County and specifies that these fees are to be shared with 95% going to the Village of Menomonee Falls and 5% to Waukesha County. The County's portion is conditioned upon approval of the agreement by the County.

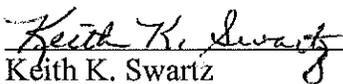
The direct landfill expansion fee payments are calculated on a \$3.05 per ton land filled basis for the years 2004 and 2005. Following 2005, the per ton fee will be increased annually based on the increase in the U.S. City Average All Urban-All Items Consumer Price Index with a minimum annual increase of 3% and maximum of 4% as specified in section 11.1 of the contract. According to Parks and Land Use staff, the agreement is estimated to last 11 years based on the landfill capacity of 10.9 million cubic yards.

The contract agreement also includes an annual payment of \$40,000 to the County for electronic collections and/or recycling programs. The agreement specifies that these payments will be made annually until landfill closure, conditioned upon approval of the agreement by the County Board. Parks and Land Use staff indicate that they will request these funds be used to provide expanded electronics recycling programming as part of their 2005 budget request.

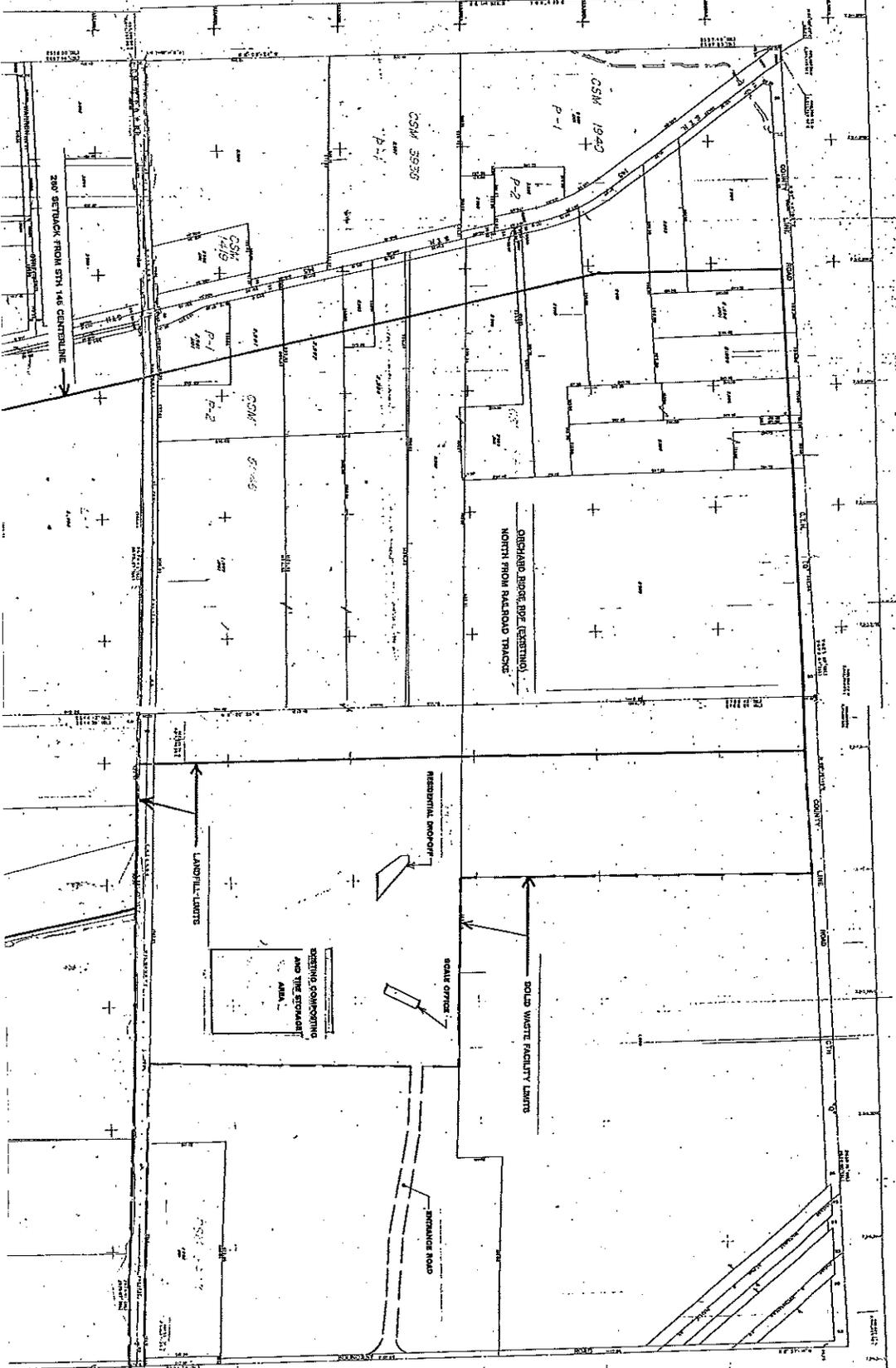
This ordinance authorizes that fee revenues above the costs of solid waste and household hazardous waste program expenditures be deposited and accounted for in the Walter J. Tarmann Parkland Acquisition Fund. Parks and Land Use staff estimate the receipt of \$127,300 in 2004; \$87,300 for 11-months of landfill expansion fees and \$40,000 for recycling program payment.

The 2004 Budget includes a total of \$340,000 in landfill expansion fees to fund solid waste program expenditures, of which an estimated \$60,000 in Orchard Ridge landfill fee revenues are needed to meet the 2004 revenue budget amount. The remaining amount (estimated at \$67,300) of revenues received will be deposited and accounted for within the Tarmann Fund.

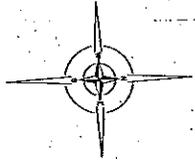
No expenditures or revenues are appropriated by this ordinance. Future appropriations related to these funds will be requested through the County's annual budget process.



Keith K. Swartz
Budget Manager



TOWN 8 NORTH, RANGE 20 EAST
 MEMORNEE FALLS
 WAUKESHA COUNTY, WISCONSIN



DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____
 TITLE: _____

TOWN 8 NORTH, RANGE 20 EAST
 MEMORNEE FALLS
 WAUKESHA COUNTY, WISCONSIN

EXHIBIT
 A
 11/11/11

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-33