

## COUNCIL ACTION FORM

**SUBJECT: EXTENSION TO WASTE DISPOSAL AGREEMENT WITH BOONE COUNTY LANDFILL**

### **BACKGROUND:**

The Resource Recovery System includes the Resource Recovery Plant and a closed sanitary landfill. The landfill was closed in 1992, and any waste that cannot be processed into Refuse-Derived Fuel is currently disposed of at the Boone County Landfill. These materials are accepted under five-year agreements that originated in 1992 and were amended in 1997, 2002, and 2007 to extend the time frame until June 30, 2012.

Staff has been working with Boone County to review and update the agreement, which now provides for a **ten-year** extension. This agreement is similar to the previous agreements, with the exception that the notice times for termination have been increased from 120 days to 180 days. Clarification of rates and other items have been added and are similar to previous agreements. The current rate charged for Resource Recovery and Story County customers at the Boone County Landfill is \$43.50 per ton. Effective July 1, 2012, the rate will increase to \$44.50 per ton. In July 2011, the Ames-Story Environmental Landfill closed and the Boone County Landfill began accepting construction & demolition materials from Ames and Story County. This agreement also addresses disposal of those materials.

### **ALTERNATIVES:**

1. Approve the ten-year extension to the waste disposal agreement with Boone County.
2. Reject the agreement and direct staff to initiate negotiations with other area landfills for service.

### **MANAGER'S RECOMMENDED ACTION:**

The City of Ames and Boone County have developed a very cooperative relationship over the duration of this joint waste disposal agreement, with this being the fourth renewal of the original agreement of 1992. The City and Boone County are also partners in the Central Iowa comprehensive waste management planning area, as filed with the Iowa Department of Natural Resources.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the ten-year extension to the waste disposal agreement with Boone County.

**EXTENSION AMENDMENT  
AGREEMENT FOR JOINT AND COOPERATIVE ACTION  
FOR WASTE DISPOSAL OPERATIONS  
BY BOONE COUNTY AND THE CITY OF AMES, IOWA**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the CITY OF AMES, IOWA, and BOONE COUNTY, IOWA, to AMEND the Agreement for Joint and Cooperative Action for Waste Disposal Operations by Boone County and the City of Ames, Iowa, dated January 10, 1992, and which was amended on May 16, 1997, January 8, 2002, and May 8, 2007.

**WITNESSETH THAT:**

**WHEREAS**, the City of Ames has been working with Boone County toward the goal of joint waste disposal; and,

**WHEREAS**, an objective of that effort is an arrangement whereby Story County's municipal solid waste that cannot be processed to refuse derived fuel at the City of Ames Plant may be deposited in the Boone County Landfill, with Boone County Municipal Solid Waste being brought to the City of Ames Plant for processing; and,

**WHEREAS**, the first step in the said joint disposal process is to arrange for landfill services for the City of Ames at the Boone County Landfill, with pre-sorted combustible items from the Boone County Landfill service area being received at the City of Ames Plant; and,

**WHEREAS**, it is desired that the aforesaid Agreement made for that purpose be extended for additional period of ten (10) years,

**NOW, THEREFORE**, the parties hereto have agreed and do agree as follows:

1. Article III of the said Agreement is changed to state as follows:

**III.**

**METHODS OF FINANCING AND PAYMENT**

- A. The services provided for under this Agreement shall be financed by reasonable fees charged at the appropriate points of service delivery, or billed to the user, in accordance with such procedures as the respective parties shall establish from time to time for the services each provides hereunder.

It is expressly understood that Boone County's charge to the City of Ames for the landfill service herein specified shall be a charge per

ton of municipal solid waste delivered by Ames and disposed of at the Boone County Landfill at such amount as the Boone County Board of Supervisors shall establish annually, not later than December 15, for the ensuing fiscal year to commence July 1.

If a rate cannot be determined by December 15 of any year, the County shall notify the City in writing by December 15 that more time is required. In that event, such notice will state that a rate shall be established no later than February 15 for the ensuing fiscal year.

Said tonnage rate for municipal solid waste shall be set at the same tonnage rate as established for all non-per-capita users of the Boone County Landfill. The Boone County Landfill's non-per-capita user rate for municipal solid waste shall, for the first fiscal year of this extension commencing on July 1, 2012, be no more than \$44.50 per ton. Any future per ton increases or decreases shall be consistent with the amount of increase or decrease as charged to the landfill's per-capita users.

The preceding tonnage rate shall not apply to waste requiring a special waste authorization from either the State of Iowa or the Boone County Landfill. Tonnage rates for acceptance of such waste at the Boone County Landfill shall be determined on a case-by-case basis by Boone County. Due to the characteristics and/or excessive volume of the waste, Boone County may also impose tonnage limits and/or recycling requirements.

The preceding tonnage rate shall not apply to construction and demolition waste originating from within the service area of the City of Ames Resource Recovery System, provided the waste cannot be accepted at the Plant. The Boone County Board of Supervisors shall establish a specific tonnage rate for this type of waste. Said rate shall be set at a minimum of two times the landfill's per-capita user rate. However, Boone County reserves the right to adjust said rate to an amount to encourage use of available reuse, recycling, and/or other diversion opportunities for any or all portions of the construction and demolition waste stream. Whenever the rate for said waste is to be changed, Boone County will provide its known customers and the City of Ames with a 60-day prior written notice.

- B. It is expressly understood that the City of Ames' charge to Boone County for waste process services herein specified shall be a charge per ton of municipal solid waste delivered by Boone County and processed at the City of Ames Resource Recovery Plant. When municipal solid waste is transported from Boone County Landfill to the City of Ames Resource Recovery Plant using a City

of Ames contracted waste hauler, Boone County will incur the additional rate for the back haul of that trip plus the non- -capita user rate per-ton. The City of Ames shall establish annually a rate for non-per-capita users not later than February 15 for the ensuing year to commence July 1. The City of Ames' non-per-capita user rate for municipal solid waste shall, for the fiscal year of this extension commencing on July 1, 2012, be no more than \$72.00 per ton.

2. Article IV of the said Agreement is changed to state as follows:

**IV.  
DURATION**

A. This Agreement shall be for a period of ten (10) years, beginning July 1, 2012 and ending at 11:59 P.M. on June 30, 2022. However, this Agreement may be terminated at any time by either party giving the other written notice 180 days in advance of the desired termination date. This Agreement will be reviewed yearly, or sooner if necessary, by both parties and be updated from time to time as needs arise and regulatory requirements change as the joint comprehensive plan is implemented.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to have been executed by duly authorized representatives.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF AMES, IOWA**

By: \_\_\_\_\_ Attest By: \_\_\_\_\_  
Ann H. Campbell, Mayor Diane R. Voss, City Clerk

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**BOONE COUNTY, IOWA**

By: \_\_\_\_\_ Attest By: \_\_\_\_\_  
Steve Duffy, Chair Philippe E. Meier  
Boone County Board of Supervisors Boone County Auditor