



ENVIRONMENTAL MANAGEMENT DIVISION

MEMORANDUM

TO: Bruce Walden, Chief Administrative Officer
FROM: Bill Gray, Public Works Director
Rod Fletcher, Environmental Manager
DATE: April 30, 2002
RE: Urbana Landfill Post-Closure Care Agreement with the University of Illinois

Action Requested

Approval of the attached Ordinance.

Background

The City of Urbana and the University of Illinois first entered into an agreement concerning the University's use of landfill(s) and its cost of operation in 1950. Subsequently, in 1954, we also entered into agreement regarding the purchase of property to be used for landfill(s), wherein the University agreed to pay a portion of the acquisition costs in return for Urbana to hold an equal interest for disposal of University wastes. While there have been minor amendments, the agreements still remain in force.

With the closure of the last landfill unit in 1988, the City and University met and discussed the University's responsibilities toward post closure care activities. These discussions resulted in acknowledgement by the University that these activities should be considered "operational costs" and the percentage the University should contribute for these expenses would equal 20%, based upon their use of the facility. This verbal agreement has never been formally approved, however, the University has upheld its commitment by making payments for post-closure care activities since 1988. The attached Ordinance will serve to secure this commitment in writing.

Financial Impact

The Champaign-Urbana Solid Waste Disposal System (CUSWDS) is responsible for administering post closure care activities at the Urbana Landfill Complex. Funding for these activities are approved annually in the respective City budgets. Urbana and Champaign each share 40% of the costs and the University contributes the remaining 20%. The University's contributions have ranged between \$8000 and \$22,000, depending on the level of activity (monitoring well installation, groundwater analyses, erosion control, etc.) needed to be performed. Their contribution is a significant source of funding.

Recommendation

It is recommended the attached ordinance be adopted.

ORDINANCE NO. 2002-05-047

AN ORDINANCE APPROVING AN AGREEMENT WITH THE UNIVERSITY OF ILLINOIS
CONCERNING THE COST OF OPERATIONS OF THE URBANA SANITARY LANDFILL

(To Provide for Post-Closure Care Costs)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA,
ILLINOIS, as follows:

Section 1. That an Agreement to Supplement an Agreement Concerning Costs of Operation of the Urbana Sanitary Landfill by and between the City of Urbana, Illinois and the Board of Trustees of the University of Illinois, in the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

AN AGREEMENT TO SUPPLEMENT AN AGREEMENT CONCERNING
COSTS OF OPERATION OF THE CITY DUMP OF URBANA, ILLINOIS, AND TO THE
AGREEMENT CONCERNING PURCHASE OF SANITARY LANDFILL GROUNDS AS
SUPPLEMENTED AND AMENDED

This AMENDMENT made and entered into this ____ day of _____, 2002, by and between the City of Urbana, Illinois, a municipal corporation (hereinafter referred to as “City”), and the Board of Trustees of the University of Illinois, a public corporation (hereinafter referred to as “University”);.

WITNESSETH:

WHEREAS, the University entered into an agreement with the City to share the costs of operation of the City’s sanitary landfill in an agreement dated June 19, 1950 entitled “An Agreement Concerning Costs of Operation of City Dump [Sanitary Landfill] of Urbana, Illinois”; and

WHEREAS, the University subsequently entered into another agreement with the City dated October 5, 1954, entitled “Agreement Concerning Purchase of Dumping [Sanitary Landfill] Grounds by the City of Urbana Creating Trust Benefit for the University” by which the parties agreed that the University would be the owner of a 30% beneficial interest of the property purchased pursuant to that agreement; and

WHEREAS, said agreements have been amended and supplemented by agreements dated December 19, 1960, November 16, 1970, June 19, 1974, January 19, 1976, September 15, 1976, and September 15, 1983; and

WHEREAS, the City of Urbana and the City of Champaign entered into an agreement dated August 4, 1986 entitled “An Agreement Concerning the Expansion of the Urbana 10-Acre Landfill Site” which requires certain long-term post closure care activities to be performed by the

cities through November 19, 2018, which agreement did not incorporate the University as a party, but which agreement directly benefits the University in discharging post closure care of properties in which the University has a beneficial interest; and

WHEREAS, the cities have performed post closure care activities under the administration of Champaign-Urbana Solid Waste Disposal System since 1988; and

WHEREAS, the University and the City previously reached a verbal agreement (with James Trail of Operations and Maintenance Division of the University) determining the appropriate proportional share of University costs for such post closure care to be 20% and payments based on this agreement have been made by the University since 1989.

NOW, THEREFORE, the University and the City agree that notwithstanding anything to the contrary in any of the aforesaid agreements, that the following shall govern the obligation of the University to contribute to post closure care costs:

1. Operating costs as defined in the aforesaid agreement, as amended, shall, during the term of this supplement and amendment, be deemed to include long-term post closure care costs for the Urbana Complex which said costs have or will be incurred and include, but are not limited to, surface and groundwater monitoring; erosion control; vegetation control; gas monitoring; remedial action; environmental response; insurance; engineering and administrative expenses.

2. The University's share of sanitary landfill operating costs shall equal twenty percent (20%) of the gross operating cost and will be payable within thirty (30) days of the date of annual invoice for such costs.

3. This amending agreement shall inure to the benefit of and be binding upon all successors of the date of annual invoice for such costs.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to said prior agreements to be executed by their duly authorized officers and their respective corporate seals to be hereunto affixed, all as and of the date and year herein set forth.

CITY OF URBANA

THE BOARD OF TRUSTEES
OF THE UNIVERSITY OF ILLINOIS

By: _____
Mayor

By: _____
Comptroller

ATTEST:

ATTEST:

By: _____
City Clerk

By: _____
Secretary

APPROVED:

By: _____
Vice-Chancellor for
Administrative Affairs

By: _____
Director, Operation and
Maintenance Division

By: _____
For Legal Council