

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 23-183	<b>Name:</b>	
<b>Type:</b>	Ordinance - Committee	<b>Status:</b>	Passed
<b>File created:</b>	8/25/2023	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	9/11/2023	<b>Final action:</b>	9/19/2023
<b>Title:</b>	An Ordinance authorizing the execution of an Agreement for Easement, Notice and Covenant Running with Land, with the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections, and authorizing the Mayor to execute the same. (PWC 9/11/23)		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A: Agreement

Date	Ver.	Action By	Action	Result
9/19/2023	1	City Council - Regular Session	for second reading	Pass
9/19/2023	1	City Council - Regular Session	adopted and numbered	Pass
9/11/2023	1	Public Works Committee	recommended for approval	Pass

An Ordinance authorizing the execution of an Agreement for Easement, Notice and Covenant Running with Land, with the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections, and authorizing the Mayor to execute the same. (PWC 9/11/23)

Issue/Request:

An Ordinance authorizing the execution of an Agreement for Easement, Notice and Covenant Running with Land, with the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections, and authorizing the Mayor to execute the same.

Key Issues:

- The sanitary landfill permit boundary is being modified to 1) eliminate some areas that do not include the landfill footprint and are not associated with monitoring activities, and 2) eliminate areas that are now associated with the new Processing Facility.
- Missouri Department of Natural Resources (MDNR) presently has an easement to access the facility. With the changing of the facility boundary a new easement is required.
- The easement allows MDNR to enter the property to complete inspections and access monitoring points.
- The updated Easement and Closure Plat are required to be on file with the County so that MDNR can grant official final closure of the facility and the facility can enter the post-closure period.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance authorizing the execution of an Agreement for Easement, Notice and Covenant Running with Land, with the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections, and authorizing the Mayor to execute the same.

SECOND MOTION: I move for adoption of an Ordinance authorizing the execution of an Agreement for Easement, Notice and Covenant Running with Land, with the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections, and authorizing the Mayor to execute the same.

Background:

The Lee's Summit Municipal Solid Waste Landfill was opened in 1981. The City managed the Landfill for 35 years until 2016. A private company managed the facility until the landfill closed in April of 2019.

Phase III of the methane gas extraction system was installed in 2018 and 2019. The final layer of clay and topsoil was placed on the closed landfill in December of 2019. The area was seeded with grass and after several growing seasons the City established acceptable vegetative cover.

After a competitive RFP process the Council approved the Lee's Summit Solid Waste Processing Facility lease and operating contracts in April of 2022.

Impact/Analysis:

This agreement, once filed with the County, will allow MDNR to grant official closure of the landfill facility and put the landfill into the post-closure period.

David Lohe, Engineering Manager

Staff recommends approval.

Committee Recommendation: The Public Works Committee voted unanimously 3-0 (Vice Chair Edson "Absent"), to recommend to City Council approval of an Ordinance authorizing the execution of an Agreement for Easement, Notice and Covenant Running with Land, with the Missouri Department of Natural Resources Waste Management Program to grant access to monitoring points and perform inspections, and authorizing the Mayor to execute the same.

