

Approved at the February 26, 2013 meeting.

Flathead County Solid Waste District
Board of Directors Meeting
January 22, 2013 – **3:00 p.m.**
Landfill Office

1. Roll Call

Board Members present: Hank Olson, Chairman; Greg Acton, Vice Chair; John Helton, Member at Large; Lorin Lowry, City of Columbia Falls, Gary Krueger, County Commissioner; Wayne Miller, Board of Health and Alan Ruby, Member at Large.

District Staff present: Public Works Director Dave Prunty; Operations Manager Jim Chiton and Recording Secretary Deborah Morine.

Attendees: Bob & Lois Krause, Chuck Hubbard, Kim & Jera Schwegel, Carly Williams, Jill Gotschalk, Paul Mutascio, Jean Hagan, Hal & Jac Smith, Lynnette Hintze, Gary & Tamra Riecke, Jim Hawley, Tara Oster (KAJ), Chris Hagar, Justin Franz (Flathead Beacon) Dan King, Zoneth Overbey, Terry Weed, Peter Leander, Marty & Heidi Puryer, Tom Gordon, Charlotte French, Bruce Collins, Dan Griffin, Ry Keller, Pat Hawley, Sally Hanger, Mariana Turner, Dia Sullivan, James & Donna Ryan, Bill Capps, Jim Eddington, Dave Hilde, Ginny Coyle, M. Armstrong, Beth Morgenstern, Carol Pardina, Tula Leberman, Craig Schmit, Mary Miles, Tamus Garmon, Kathryn Berg, Randy Burns

2. Introductory Remarks from Chairman

Hank Olson thanked everyone for attending the meeting. He noted that all Board members were present and welcomed the newest Board member County Commissioner Gary Krueger. Hank then read a prepared statement regarding the recent editorials in the Bigfork Eagle and Daily Interlake newspapers.

Thank you Paul for bringing up the future of the green box sites. Your statement that all Green Box sites are closing is quite interesting, close to Star Wars thinking.

When the Flathead Valley gets so many people that the green box sites are no longer safe or feasible, then we will have to create tipping stations; one at the south end of the valley and one on the north end of the valley. Just as they do all over the United States when population reaches certain levels and green box sites cannot be manageable anymore, but because of our strategic plan, we can (as we propose at Bigfork) when they get too small to be safe, we can put in a larger site. As we have done in combining Kila and Marion to a site 6 miles between the two towns and the entire West Glacier corridor (20 miles to Essex from the county line) and Olney and Columbia Falls. These we all agree will take us about 30 years. Then if everything stays as it is in the garbage world after 30 years, we would start the tipping sites as this is driven totally by population. As the Bigfork site went from 3000 users to 6000 according to Paul's figures that explains why the Bigfork site is too small and dangerous. The landfill is a 6 million dollar a year business. Besides the green box sites, we must secure the landfill; Flathead County's garbage FOREVER as we know it. The process is very expensive to maintain. We are simply keeping the system flowing safely and as

economical as possible. It takes millions to close each cell as we fill up the site. That's why we have large reserves; we need them for closure.

So Paul, keep your letter and in about 30 years from now, please run it again because if it stays status quo, that's about how long the green box sites future is.

I'm going to ask this Board to make a motion to table the closure of the Bigfork site for a time specific to six months so Bigfork can come up with a plan to keep their green box site somewhere in Bigfork. But, because we have two sites useable (6 miles away) that you do not put a financial burden on the other 37,000 people of the Flathead Valley who pay taxes for garbage and please remember it must be gated and manned as all the valley floor sites will be. Lakeside just had a disaster at their site and it would not have happened if it was manned and Dave will talk about that in his report.

3. Comments from public

Paul Mutascio, Citizens for a Better Bigfork: Asked if comments were going to be allowed during the Bigfork Action Agenda as he would like a more engaged discussion. Hank said no discussion will be held during the Action Agenda. The action will be tabled. Paul asked for clarification. Hank explained that he is going to recommend that the Board table the motion and give the residents of Bigfork time to find a different location for the site.

Jim Eddington – Bigfork: Also asked for clarification. Hank reiterated that he is going to recommend the Board table the current action and allow the residents of Bigfork to find an acceptable spot to relocate the site.

Peter Leander – Bigfork: Thinks six months isn't enough time and asked if there was still going to be a Public Meeting to confer with the Bigfork residents. He suggests giving the residents enough time to come up with an alternative plan.

Chris Hager – Bigfork: Thanked the Board for tabling the issue. He asked that the staff/Board offer resources in order to meet the District's requirements

Paul Mutascio – Bigfork: Requested to make a three year moratorium for closing any county green box site county wide. He stated the strategic plan is flawed in its approach and assumes the county is urban. He believes the county is more rural.

Hank asked Paul to submit a bulletized statement so the Board can review it.

Dan Griffin – Bigfork: Said there is a parcel of state land near the Ferndale Market that might be available.

Jean Hagar – Bigfork: Would like to have more than 6 month in order to work on this issue.

Beth Morgenstern – Bigfork: Clarified whether the District wanted to lease or preferred to purchase land for a site. Dave said the District prefers to purchase.

Ginny Coyle – Kalispell: Read her statement from a letter she had sent to the Board.

Mary Miles – Bigfork: Believes that recycling will be reduced because people won't want to drive the extra miles to go to a site further away.

Pat Smith – Lakeside: Asked if the plans for Lakeside have been tabled. She was told that as of yet, there are no plans to table the Lakeside consolidation.

Jim Ryan – Columbia Falls: Stated he doesn't agree with the no salvaging policy and believes that is a relevant way to recycle.

Peter Leander – Bigfork: Questioned how long it will take to get to the "next step". Things always move slower than expected. Need more time to get things done (finding a new Bigfork site). We need time to educate ourselves.

Heidi Puryer – Kalispell: Stated she is here to get answers on what the Board has decided regarding purchasing the neighbors property. She stated that she hopes the Board doesn't lose focus on this issue and continues to progress.

Jim Eddington – Bigfork: Asked if the District has traffic counts at the sites on Highway 82 or 35. He questioned if there was enough traffic to warrant staffing the site(s).

Dave Hilde – Bigfork: Stated it's going to take at least 18 months to 2 years to get through this process.

Paul Mutascio – Bigfork: Stated this is a county wide issue. The Board needs to look at the entire county not just Bigfork. He believes the Strategic Plan needs to be reevaluated. He states that recycling will be hindered, and the extra cost to drive further is a hidden tax. The airspace that is saved by recycling isn't addressed as a fiscal impact.

Jeff Capps – Bigfork: Stated that the residents of Bigfork will need more than 6 months to address this issue.

Marty Puryer – Kalispell: Agrees with what Heidi said. He would like to know what the Board plans to do with the neighbors; our deal isn't over. No one wants to even look at purchasing property in their neighborhood because of the limbo they are in currently.

Dia Sullivan – Kalispell: Asked that the Board not forget that the neighbors want another workshop too!

Roger Bridgeford – Manager of Montana Waste Systems: Explained how his companies service several of the counties in the state. He stated that most counties have limited hours and that the sites are staffed. He said that density of service also drives the cost of pick-up (the more people in an area, the cost is less).

There were general comments regarding cost of private hauling, creating a workshop for Bigfork, time frames and needed resources to accomplish the task at hand.

4. Program Updates from Non-Profits

With the absence of Mayre Flowers, Jim Chilton updated the Board on the WasteNot Program. He stated that the Whitefish Police Department has received their Prescription take back box, but doesn't have it set up for use yet. Columbia Falls Police Department has also received their box, but it need to be retrofitted and is also not yet in use. Jim stated that Mayre Flowers asked to be part of the Bigfork citizen group when they make up their committee/workshop regarding the container site.

5. Approval of the Board Meeting Minutes for December 3, 2012 - **Action Required**

Wayne Miller moved to adopt the minutes of December 3, 2012. John Helton seconded. Motion passed.

6. Action Agenda

a. Election of Chair and Vice-Chair for 2013 – **Action Required**

The District's By-Laws require the election of a Chair and Vice-Chair in January or February each year.

Wayne Miller moved to nominate Hank Olson to serve as Chairman and Greg Acton to serve as Vice Chairman. John Helton seconded. Motion passed.

b. Bigfork Container Site Consolidation – **Action Required**

The District Board of Directors and staff have been discussing the consolidation of the Bigfork and Lakeside container sites in recent months. The Strategic Plan (SP) approved by the Board calls for the closure of these two sites. Staff and the County Commissioners have been receiving considerable input from citizens in the north shore area on the subject and the vast majority of the comments have been to keep the sites open. The letter prepared by the District Board of Directors was provided to the County Commissioners in mid December providing information on the reasoning the Board feels action needs to be taken on the Bigfork site. The District has been focusing on Bigfork first due to the staffing desires, safety concerns and visual impact of the site.

The citizens of the Bigfork area have requested that the District approve a moratorium on the closure and form a work group consisting of a few Bigfork residents and District personnel. The length of the moratorium asked for has varied from citizen to citizen but up to three years has been the longest term mentioned. Staff recommends the work group consist of two interested Bigfork citizens, two staff and at least one member from the Board of Directors, however, more members could make up the group in the Board so chooses.

Wayne Miller moved to table the Bigfork Container Site Consolidation for a period of six months with a review to be presented by the Bigfork Committee, and after six month this motion is subject subsequent tabling. Lorin Lowry seconded. Gary Kruger opposed. Motion passed.

John Helton moved to create a workgroup consisting of four (4) citizens from the Bigfork area, two (2) District staff and no (0) Board member(s) to review and study the possible consolidation or other remedies for the Bigfork container site. The group will present a report to the Board of Directors in six months. Lorin Lowry seconded. Motion passed.

7. Director's Report

a. Lakeside Container Site Incident

On January 9th our driver reported to the Foreman that an unknown liquid substance was on the ground at the Lakeside container site. Upon inspection he found a 5 gallon metal pail of chromic acid in flake form in the appliance pile and leaching from the first 4 yard refuse container nearest the appliance area. The Foreman contacted management and Dave immediately went to the site to assess the situation.

Upon arrival there was a stream of yellow colored water (it was snowing and raining at the time) draining from the site to a storm sump that is used to capture the water draining from the site. Staff used about six bags of floor sweep to reduce the flow of liquid across the site by building a dam near the refuse container. After reading the label on the pail staff determined the need to contact Emergency Services and request help from the Fire Department and possibly the HazMat Team. Somers-Lakeside Fire Department responded within 10 minutes and took control of the facility. On the Captain's orders Dave closed the site and they deployed absorbent socks to help with containment. The Captain then contacted Kalispell Fire Department (KFD), who is the regional Hazmat Team, for their input. They determined the spill was not large enough to mobilize the Team but would provide direction over the phone.

KFD directed us to spread sand over the spill area and run-off trail to neutralize the acid. This also greatly slowed down the flow of liquid to the storm sump. MT Department of Environmental Quality (DEQ) was also contacted for their input but was unavailable so a message was left for them. Somers-Lakeside Fire Department left the site after about two hours when the situation was under control. Staff stayed until a refuse truck came to the site to move six containers onto the access road to block off access to the site but still allow citizens to dump their refuse.

The next day we had a FCSWD truck at the site to dump the cans in the roadway and work on the clean up. More sand was deployed over the spill area to increase the solids content of the sand so the loader could load the sand into dump trucks to haul to the landfill. At the direction of DEQ samples of the sand and refuse contaminated with the chromic acid have been sent to the lab to see if the material is at hazardous levels or if it can be disposed of in our landfill.

Our staff and emergency personnel performed excellently during this incident. Dave is confident in stating that had staffing of the container site been present this situation could have been completely avoided. The material would have either been turned away

by our employee with directions on how to use our Household Hazardous Waste program or would have been discovered after being left at the site and would have been handled properly by staff from that point.

At this point DEQ is pleased with our response and clean up. We tracked our costs for this incident and to date we are at \$4,500 including personnel, equipment and supplies. Lab fees are not included which are estimated to be around \$1,500. We are awaiting the results from the lab and will dispose of the material as warranted.

Dave pointed out that this type of incident would be greatly reduced or eliminated if the site was staffed. He wanted to emphasize how crucial it is to control this kind of activity.

John Helton asked if there was any protocol for involving law enforcement. Dave said there isn't any protocol and the chances of catching the culprit are slim, but will certainly involve the sheriff next time.

Wayne Miller asked about the expense of the clean up. Dave stated the clean up expense is right at \$6,000 not including the fee to dispose of the hazardous material.

Alan Ruby referred to a previous statement made by someone in the audience stating the "coffers are overflowing with money". He asked Dave to detail how the seemingly large reserves are allocated. Dave said he will explain during the financial portion of the agenda.

b. Landfill Expansion Project

Our appraiser, Gene Lard, has one appraisal to be completed for the properties in the southwest corner and the SkyAir property. A table of the properties and their estimated costs is included in your packet. There are three properties that did not have an appraisal performed. Gene was not able to get in contact with the final landowner but staff understands that this has now occurred. Staff has included the estimated expense for these properties from the Strategic Plan, which may be a little higher than current value. The cost of Sky-Air is appraised at \$3,315,000 and the 14 properties are estimated at \$3,404,000.

The total amount of airspace that is generated with the purchase of the 14 properties in the southwest corner along with our current north and south area landfills is 66,400,000 cubic yards. If the Sky-Air property is purchased the remaining airspace in the north area landfill (our current operating area) plus the Sky-Air totals 84,150,000 cubic yards. (There is additional airspace available at Sky-Air based upon the configuration and fill height. The SP design is preliminary level engineering and would be optimized if this area is chosen for further investigation).

Both areas evaluated are excellent landfill possibilities and will provide the District with the desired airspace to reach the 100 year capacity goal. There will be more capital expense for Sky-Air due to access and facilities but with a minimum of at least 21% more airspace it likely will calculate out on the cost/benefit analysis. Assuming the costs are relatively the same for both property locations and the increase in airspace afforded at Sky-Air it appears that this property warrants further investigation as to the

potential expansion area for the Flathead County Landfill. Preliminary discussions have occurred with the Sky-Air owner and he said that the appraised price was in a range that he believed was not unreasonable.

At the last meeting a few of the citizens who had appraisals performed were concerned with the documents being accessible to the public due to pictures in the report. Staff contacted the County Attorney's Office and relayed the concern. The County Attorney said to have the Commissioners pass a motion to direct staff to redact any photos within the reports of the interior of the homes. The Commissioners did so and if anyone requests to see the appraisals they will receive a redacted copy.

The Board held general discussions regarding dealing with one land owner vs. dealing with 14 owners. How no one on the Board wants to implement the condemnation process to acquire any neighboring property because of resistance or refusal to sell.

Wayne Miller stated the 14 neighboring land owner represent 91 acres of land. There are 3 that don't want to sell. Sky-Air property across the road consists of 524 acres and could potentially be purchased for just a little more money than the contiguous neighbors. He would like to know what extra costs would be involved in creating the infrastructure for the property. He is concerned about displacing people and the larger parcel would best serve the county in the long run.

Dave said that he will update the County Commissioners at his monthly meeting with them tomorrow. Gary Krueger stated that they (the Commissioners) discussed this issue during their retreat and the current consensus leans toward procuring the 14 properties, even if it takes awhile to get them all bought out. They were concerned about having the landfill surround this block of properties if the District were to purchase the larger acreage across the road. Hank stated that he would like to see a decision made one way or the other. Gary said he was in favor of purchasing any of the 14 contiguous neighbors that are ready and willing to sell right now regardless if others aren't willing.

John Helton stated that the issue ahead isn't the current market value, it's that three owners don't want to sell and we are not in favor of using the condemnation process. Therefore, it's as if we are buying a car on blocks.

Gary stated that the properties can be bought out as they come up. Dave said he will present this issue to the Commissioners to hopefully initiate a decision whether to purchase the 14 properties or Sky-Air.

Hank reiterated that not all the 14 property owners are ready or able to sell. Wayne stated that initially, he was in favor of the contiguous 14 properties, but believes now that the larger acreage would be more viable for the county.

Alan Ruby stated the Board has been discussing this issue for months and perhaps it's time to take another tour of the properties so everyone can gain a visual perspective.

There was more general discussion regarding the ability of some landowner's to sell as well how the Sky-Air property would be utilized if purchased so as not to be an blot on

the landscape and the previously expressed desire to maybe not have a hill of garbage right next to the highway 93 corridor if Sky-Air was purchased and utilized.

There were also discussions regarding how much lead time there needs to be to prepare whichever property will be used.

Gary asked if the larger acreage would be tested (by drilling) for water depth before purchasing as well as the possibility of installing a landfill next to a river. Dave said that the Sky-Air property has passed the “fatal flaw” test during preliminary review but a drilling project is needed to assure the land is acceptable for a disposal facility. He has been in contact with the Department of Environmental Quality which at this point, doesn’t appear to have an issue with the facility located on the Sky-Air property .

The Board will tour the 14 neighbors as well as the Sky-Air property before next months meeting.

c. Kalispell Regional Medical Center (KRMC) Autoclave Waste

District staff met with staff from KRMC regarding the potential of the installation of an autoclave to dispose of biohazardous wastes at the landfill. An autoclave is a machine that renders the biohazardous wastes acceptable for disposal at a Class II landfill. Currently, KRMC’s waste is transported to Billings where it is autoclaved and disposed of at the City of Billings landfill. The expense to KRMC is quite high and they have been investigating the installation of their own autoclave.

Staff has discussed this item with the Solid Waste Bureau at the Montana Department of Environmental Quality (DEQ). DEQ agrees that as long as the waste reaches proper temperature for the required duration it is acceptable for disposal at our landfill. There is an annual test that KRMC will need to perform and provide the District with the results for our files on the autoclave operation. Dave has accepted this waste before at another landfill and the waste is very obvious if it has been through the autoclave. It will be in a shrink-wrapped bag and will have temperature strips on it indicating if it met the required time/temp levels. Staff did ask that if this proceeds forward we would like to have the autoclave waste delivered separately from their regular wastes so we can handle it in a little different method for our employees’ sake, much like we do with asbestos containing wastes. KRMC agreed that they would be able to keep this waste separated for disposal.

Alan Ruby questioned if the plastic were torn, would there be any contamination. Dave stated that after the “process”, everything in the bag is rendered inert. There were also discussions regarding whether it should be charged under the regular tipping fee or should it be charged the same as handling friable asbestos since there will be extra time for digging a special spot and making gps readings.

d. Recycling Program Request for Qualifications/Proposals (RFQ/P)

Staff has executed a task order with SWT Engineering to help us draft the Recycling Program RFQ/P. They have worked with another firm on these types of projects

previously and have subcontracted them to help with the work. They anticipated a three to four week time period drafting, having District personnel review and then finalizing the document. Staff forwarded our recycling reports from previous years showing the commodities recycled and costs/revenue, the current contract and other pertinent information to help them with the project. This consulting firm is highly qualified to help us with this work and we believe we will have an excellent RFQ/P to solicit responses from the vendors.

Staff has also contacted Valley Recycling twice about executing the month-to-month extension of the current contract but so far has not received a proposal from them. We were initially told we would have it on January 11th but have yet to receive it. Staff will continue to work on this project but it is hoped that we will minimize the length of the extension by fast-tracking the RFQ/P.

e. Contract with SWT Engineers for Solid Waste Consulting Services

Our current contract with SWT Engineers expires in April. The original contract was for a three year period with two two-year extensions if both parties agreed. The first two year extension was executed on April 8, 2011. Staff has requested a letter report from SWT summarizing the projects completed over the last two year period and if they wish, request the last two year extension from our current master services agreement.

f. Refuse Operations

Operations proceeded well for the month. Tonnage/Volumes are shown below:

	<u>November</u>	<u>December</u>
Total MSW to landfill	7,361.00	6,187.54
Total Appliances Collected	398	291
Junk Vehicles Collected	2	0
Truck Trips to Container Sites	430	441
Refuse tons/trip	6.84	6.03

The District landfilled 6.1% and 4.5% more waste in November and December, 2012 as compared to November and December, 2011 and our refuse trucks hauled 6.2% and 3.7% more waste comparing the same time frame.

Gate revenue for fiscal year 2012 was projected to be \$750,000. Through December the gate has generated \$491,134.45 or 65% of revenue through 50% of the fiscal year. Last year at this time the gate has generated \$451,581 for six months of FY2011/2012.

g. Budget and Financials

Dave updated the Board on the Budget and Financials. He also expounded upon the Cash Reserves for Equipment Replacement, Closure Trust Account, Lined Cell / Lateral Expansion Trust Account and the Land Purchase Account. The Solid Waste District is the only county department that is an Enterprise Fund. The monies in these accounts are specific to their intended purpose and are not part of the day to day operating budget. The District

has a responsibility to “fund for the future” as to not create undue financial hardship because of future needs.

8. Comments from Board Members

John Helton stated this was a very productive meeting and is looking forward to touring the neighboring properties and Sky-Air.

Gary Krueger stated it was a very interesting first meeting for him. He said that roads and green boxes are emotional issues for residents! People expect certain services that the county provides and we have to take a careful, considerate approach when dealing with county residents. He expressed the concern of the Commissioners who want to slow the process down. He challenged the Board to “think outside of the box”. He said we have time, they are concerned for their homes, he doesn’t wish to dictate to them what’s going to happen.

Greg Acton welcomed Gary to the Board. His comments are when we closed Kila and Marion; the private hauler couldn’t give a viable rate as there were so few who used the service in those areas. Bigfork has a private hauler that is readily available and working in the area already. He said it’s an expense they aren’t used to, but the citizens of Kalispell and Whitefish are paying extra for the service of hauling. Citizens talk about it being a hidden expense; they don’t recognize that the two cities already do pay for that service.

Hank Olson stated that when confronted with the possibility of closure, the citizens say they wouldn’t mind paying more for their landfill fee. He doesn’t believe it’s an option to have four staffed sites in the southern portion of the county. He said we have to look at the county as a whole. He stated when the Bigfork residents say it’s going to cost \$600 or \$700 per year to use a private hauler is high. He also commented that if Bigfork figures out another option to keep their site, then he suggests the Creston site be closed.

Lorin Lowery also welcomed Gary to the Board. He is in agreement with giving Bigfork more time to figure it out and come up with an alternative. They need the opportunity to look at all avenues.

Wayne Miller stated that he’s been involved in the Bigfork community for quite awhile. He’s personally helped with getting a light installed at Holt Drive and procuring an ambulance for the area. As a community, they see themselves as important, yet are unwilling to incorporate. He believes the container sites need to be staffed and also cannot rationalize four staffed sites at the south end of the county. He stated that we are going to be hard pressed not to put a site there. He also mentioned that he had witnessed two small children rummaging through containers at Creston!

John Helton stated that there should be something in the paper regarding the need to close the Creston site if Bigfork retains their site.

Alan Ruby stated that it’s always about money. People have offered to pay more taxes for their respective sites, and perhaps there should be a recycling surcharge. Lorin stated he would support a recycling surcharge. Hank stated we need to be careful of that as the District isn’t strapped for money because of good management.

Dave stated that we're going to end up with another site at Bigfork; the challenge is, they are going to have to find the property. He also reiterated that because of safety issues, the Bigfork and Lakeside sites scare him.

Jim Chilton offered Gary a tour of the landfill at his convenience.

9. Adjournment

The meeting was adjourned at 6:11 p.m.