

Approved at the September 23, 2008 meeting

Flathead County Solid Waste District
Board of Directors Meeting
August 26, 2008 – **5:00 p.m.**
Landfill Office

1. Roll Call

Board members present: Hank Olson, Chairman; Bill Shaw, Vice Chair; Nancy Askew, Board of Health; Greg Acton, City of Whitefish; John Helton, Member at Large and Alan Ruby, Member at Large. Absent: Dale Lauman.

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

Attendees who signed the register are: Matt O’Connell, Tamera Hutten, Jeff Hutten, Elizabeth Zink, Peter Gross, Carla Roth, Dale Jones, Ray Schmidt, Dennis McPherson and Debbie McPherson.

2. Introductory Remarks from Chairman

Hank Olson thanked everyone for attending and stated he had the agenda changed so the Public Comment portion of the meeting would come after the Director’s report. And item 6-b would be deleted from the Action Agenda as the Landfill Gas to Energy contract has not been finalized.

3. Approval of the Board Meeting Minutes for July 22, 2008 - **Action Required**

Nancy Askew asked that “and legal holidays” be added to her comments in 6 – b Sunday Tonnage Received at Flathead County Landfill.

Alan Ruby moved to adopt the amended minutes for July 22, 2008. Greg Acton seconded. Motion passed.

4. Director’s Report

a. West Corridor Container Site Consolidation Project

The Board has been discussing for many months the proposal to consolidate the Marion and Kila Container Sites into one new site located a few hundred feet off of U.S. Highway 2W on Ashley Lake Road. A public meeting was held on August 19th, 2008 at the Earl Bennett Building in Kalispell. The container site would be located on land owned by the State of Montana and administered by the Department of Natural Resources and Conservation (DNRC). The parcel would be under an easement held by the District for a term of 30 years for a cost of approximately \$17,200 or \$573/year. The easement will have to be approved by the State Land Board before construction could begin on the new site.

Many issues were brought up by the public for the potential new site and/or the two current sites. The Board should discuss these items and will then need to provide direction to staff on how to proceed with this proposal. Staff will provide a short written summary of each person who spoke at the meeting to help facilitate Board discussions.

Dave stated that he and Jim had gone out to Ashley Lake Road to work out some of the issues that were brought up. He asked the Board for their ideas.

Hank stated he recognized that the issues with the approach need to be resolved before moving forward.

Bill stated he had visited the Ashley Lake Road site on Sunday and observed the intersection. He said in his opinion, based on standard practices there was enough sight distance but that MDT would need to be contacted and give their input. He stated that the Kila intersections had issues also.

Alan said that it would be good to have this issue discussed in an open forum and allow dialogue with the residents. It's frustrating and he doesn't know of any good solution to the matter. No matter what "we" do, you can't please everyone.

Nancy pointed out that "they" (the public) would like to be a part of the solution. She agrees that having a workshop with the residents would be beneficial.

Greg explained that we started out to consolidate sites for the purpose of fencing and staffing as well as for liability issues. This site (Kila) being the first as it is in need of being expanded or eliminated. He stated that you can't satisfy everyone and thought that the Ashley Lake Road area was a good compromise. Overall, it is in the best interest of the entire county and tax base.

John stated that he agreed with what Greg said and added that as the Landfill Board we need to start proposing when we will start staffing the sites.

Dave added that we need to head down the path of staffing the sites or get out of the container business as they are getting harder to manage. He stated that there is no other large county in the state of Montana that operates a container site program for the volume of waste that is removed to the landfill through our sites.

Hank reviewed his comments to the public from the April 22nd meeting explaining the Board's position. He asks "how do we maintain this system?" (Do we) "Raise the fees?" "Eliminate or consolidate the sites?" "Why do we need revenue?" "Rising fuel costs", "continual maintenance at the sites", "equipment costs & repairs", and etc. He said there is a lot of liability in running the system and our goal is to staff the sites. He stated "we hear your concerns" but feels that consolidation is the best route for the county. He said "every time I hear you folks say you are going to dump it (garbage) on a back road; I'm sad". He wants to find a solution to the apparent dangerous approach at Ashley Lake Road. He stated there are six more of these sites that will be looked at in the same fashion.

Bill asked about the environmental issues that were brought up at the public meeting. Dave stated that there is an ephemeral stream that runs through the area but the proposed site would not be near it and Ashley Creek is hundreds of feet away. From the DEQ's standpoint, there are no regulations for container sites. Dave stated we are not depositing solid waste in perpetuity at that site, it's just a site for containing the trash until it gets removed.

There were general discussions on recycling among the Board members.

There were discussions about how staffing the sites would increase the expense to the District. Greg Action commented that the District would eventually have to move away from providing garbage hauling and privatizing the hauling portion of the system.

Hank stated that at the next meeting we will know if we have an acceptable option in the Ashley Lake Road site.

There were general discussions on how to notify residents of Kila, Ashley Lake and Marion residents of the proposed workshop so the community has an opportunity to attend.

Hank stated the workshop would be after the September meeting; time, date and location are yet to be determined.

b. Refuse Compactor Bid

Our current refuse compactor has over 20,000 hours of operation. We have seen a significant increase in service needs in the last year. We have budgeted \$600,000 for a new machine. It is imperative to get the proper equipment for this work. Our one commodity that we have for our rate payers is our airspace. This machine will work between 2,700 and 3,000 hours per year. Proper operation, preventative maintenance and outside repair service are keys to purchasing the correct machine from the vendors who will be providing bids. Staff will provide a summary of the bid results and a recommendation for award to the Board in September.

c. Refuse Operations

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

	<u>July</u>
Total MSW to landfill	11,630.29
Total Appliances Collected	1,097
Junk Vehicles Collected	24
Truck Trips to Landfill	577
Refuse tons/trip	7.25

The District landfilled 6.8% less waste in July, 2008 as compared to July, 2007 and our refuse trucks hauled 6.8% less waste comparing the same time frame.

d. Landfill Gas to Energy Contract

Landfill Gas Utilization Agreement. This contract is the main legal document that will describe the arrangement between the two parties for the 15 year life of the contract. It is extremely important that the document describe the use of the gas and the rights and responsibilities of each party. The District's primary concern is to remain in environmental compliance with the Montana Department of Environmental Quality (DEQ). FEC's primary concern is to receive and utilize enough landfill gas too efficiently and cost effectively operate the engine and generator to produce the maximum electricity available. Both parties have negotiated in good faith and have agreed that both parties' interests are absolutely critical to success of the project.

The District has been utilizing our landfill engineer, SWT Engineering, to provide oversight to the contract negotiations. We also have retained Mr. Erik Sapir with Hawkins, Delafield and Wood in Newark, NJ to provide a legal review of the contract once we have finalized the operational issues to assure the District's legal rights are preserved. Jonathan Smith with the County Attorney Office agreed that this legal opinion would be a prudent step for the District.

Dave noted that the agreement was not yet ready for the Boards review. This is a long term agreement and it is crucial that it be acceptable and protects both parties.

5. Comments from public

- Matt O'Connell – Evergreen Disposal, Kalispell. Stated that his company has done mass mailings in an effort to notify people and said “there is no good way to notify everyone”.
- Elizabeth Zink – Kila. Congratulated the Board/District/FEC on the Landfill Gas to Energy program. She also stated that she has a better understanding now why the District is attempting to consolidate the sites. She laments about how much “good stuff” is thrown away; can't anything be done about that? Needs to be more recycling/reusing opportunities.
- Tammy Hutten – Kila. Stated since the public meeting last week she has talked with about 175 people. She stated she has talked with Matt O'Connell to work out putting together small satellite garbage stations in the Kila area. She also suggested having the Marion & Kila sites open only a few days per week. It's going to be inconvenient no matter what happens. There has been a dump in Kila since 1932 and containers since 1974. She said if the Kila site is closed and moved to Ashley Lake Road, she'll take her trash to her house in town and dump it there.
- Jeff Hutten – Kila. Said he had spoken to Dave Prunty about a year ago and gave a list of properties that had been put together in 1989 and asked what happened to those. Dave didn't recall the conversation or the list. Dave stated the District has searched properties in the Kila area and couldn't find a suitable property to relocate away from “downtown Kila”.
- Nancy Askew asked Jeff to send a copy of the list/maps to the District

- Carla Roth – McGregor Lake. Noted that the consolidation of the sites will be done county wide; so why are you starting in our corner? Greg Acton explained that the Kila site needs updated or needs to be closed. Ms. Roth asked the Board if they have a plan. She was told that the plan was to build one new site (Kila or Ashley Lake Road site) and the others in consideration would be slated for elimination. (Bigfork, Lakeside, Essex, Denny’s & Nyack)
- Ray Schmidtt – Marion. Stated that the District spent a lot of money upgrading the Marion site. He suggested leaving it and asked if the residents could still use it and have the trash picked up privately.
- Peter Gross – Marion & McGregor Lake. Asked about lighting the proposed Ashley Lake Road site. If the site is closed during the night, who are you keeping the lights on for; the bears? Dave explained that lighting is necessary to avert illegal dumping. He reiterated that the entire corridor of Highway 2 between Kila and Marion is dangerous and you are asking more people to drive further to get rid of their trash.
- Hank Olson stated that everyone at some point comes to Kalispell once in awhile; it’s not unreasonable to presume that some people will bring their trash to the dump while on their way to town. Not everyone makes dedicated trips to the dump.

There was general discussion on recycling at Kila and costs associated with adding a recycle container at Marion.

- Matt O’Connell – Kalispell. Addressed the audience and said the State provides a lease for private hauling. He is required to provide services within his leased districts. His company must provide the State with associated costs. He said his company offers garbage service to a good share of the county that includes roads with difficult/challenging accesses and “we get trucks in places you wouldn’t believe!” He has heard scenarios from several Marion residents who assume a garbage truck wouldn’t make it down their roads. He stated that he offer services in Marion and the more people who have service up there the cost of picking up the trash would go down. Mr. Schmidtt asked if the residents were to keep the Marion site privately could Evergreen Disposal could pick the trash up from that site. Matt said yes, his company could service a large site like that.

There was general discussion about how the refuse fee is distributed throughout the entire county and there is no way to charge a certain area more to help offset costs.

Bill Shaw explained that “people” keep talking about taxes. The District charges a “fee”, not a tax. A fee is a flat amount that is collected through the property tax system and distributed to the District for funding the landfill.

Mayre Flowers updated the Board on the recycling at the 3 schools in Kalispell. She has the signed agreements and said the recycle bins should be in place tomorrow.

6. Action Agenda

- a. Contract Amendment for Recycling Agreement with Evergreen Disposal

The District has been discussing adding six recycling sites within the City of Kalispell. Evergreen Disposal/Valley Recycling had been providing this service to the City for many years at no cost. In recent years the financial viability of this service has decreased for Evergreen Disposal to the point of potentially stopping service. The District is interested in expanding our recycling program at the public school system. As discussions have proceeded there has been six sites identified in Kalispell where the recycling containers can be located. The sites and costs per bin pull are: Flathead (\$45/pull) and Glacier High School (\$70/pull), Kalispell Junior High School (\$45/pull), Albertsons (\$50/pull), the closed Tidymans (\$60/pull) and Tire Rama (\$70/pull) on Highway 93S near the Outlaw Inn. Processing and marketing expense for the material is the same as our current contract price at \$65/ton. Box rent will be \$55/month for the Flathead High, Kalispell Junior High and Albertsons. The other sites will receive the boxes purchased by the City of Kalispell and provided to the District for the program. We will need to have Evergreen Disposal provide a site maintenance service at Albertsons, Tidymans and Tire Rama. This cost is \$1,150/month. The sites will be picked up Tuesday through Friday with a thorough cleaning on Mondays. The containers can be placed on August 27th in time for the start of the school year.

Hank Olson excused himself from this item and Bill Shaw asked for a motion.

Alan Ruby moved to authorize the Public Works Director to modify the recycling contract with Evergreen Disposal to include the following sites: Flathead and Glacier High School, Kalispell Junior High, Albertsons, Tidymans and Tire Rama. Nancy Askew seconded. Motion passed.

b. ~~Landfill Gas to Energy Contract~~

7. Comments from Board Members

Nancy stated that she didn't want Dave to worry about closing the landfill on holidays at this point, but would like to consider it in the future. Dave said that until the sites are controlled, it would be very difficult to shut down operations at the landfill on holidays.

Hank said that someone at the public meeting asked why we can't have dialogue with the Board. He stated we allowed more dialogue tonight and asked the Board how they would like to handle it in the future. Dave said the by-laws state that the meetings shall follow the Robert's Rules of Order.

Bill stated that the only way it would work is if there were only one person on the Board to respond to questions. Is any one of us comfortable with just one person answering questions?

Suggestions of appointing or hiring a moderator was suggested.

8. Adjournment

The meeting was adjourned at 7:45 p.m.