

**OPEN SESSION MINUTES
WINNEBAGO COUNTY BOARD OF SUPERVISORS
SOLID WASTE MANAGEMENT BOARD**

DATE: May 18, 2011

TIME: 9:00 a.m.

LOCATION: Sunnyview Landfill
100 W. County Road Y
Oshkosh, WI

PRESENT: Pat O'Brien, Chairman
Ken Robl, Vice Chairman
Paul Eisen, Secretary
David Albrecht
Mike Easker
Gerald Konrad
Doug Nelson
Pat Brennand (9:00 a.m. – 10:45 a.m.)

EXCUSED: Jerry Finch

ALSO PRESENT: John Rabe, Director of Solid Waste
Adrienna Kumbier, Solid Waste Secretary
John Fink, County Executive Assistant
Jennifer Semrau, Recycling Specialist (9:00 a.m. – 9:39 a.m.)
Jim Morris, Landfill Manager (9:00 a.m. – 9:56 a.m.)

1. Call to Order: P. O'Brien called the meeting to order at 9:00 a.m.
2. Approve Agenda: Motion to approve the May 18, 2011 agenda, made by K. Robl and seconded by G. Konrad. Motion carried 8-0.
3. Public Comments on Agenda Items: None.
4. Announcements/Communications: None.
5. Approval of Minutes – May 4, 2011 Open Session: Discussion ensued amongst the Solid Waste management Board (SWMB) about the County Board's discussion on when committees can legally take action based on what the Agenda states. Motion to approve the May 4, 2011 open session minutes, made by G. Konrad and seconded by P. Brennand. Motion carried 8-0.
6. Discussion/Action – Proposed Governor's Budget Update: J. Semrau updated the SWMB on what has transpired with the Governor's proposed budget since the May 4, 2011 SWMB meeting as follows:

- The culmination of the four (4) Statewide recycling/solid waste organization's (Associated Recyclers of Wisconsin {AROW}, Solid Waste Association of North America {SWANA}, Wisconsin Counties Solid Waste Management Association {WCSWMA} and Council on Recycling {COR}) discussions, meetings with WDNR, members of the Joint Finance Committee (JFC), etc. to the budget as it relates to recycling produced a final recommendations letter. The May 13, 2011 letter was sent to JFC, all other State Legislators, Governor Walker, WDNR, Legislative Fiscal Bureau (LFB), Wisconsin Towns Association, League of Wisconsin Municipalities, Wisconsin Counties Association, AROW members and more (a copy was provided to the SWMB).
- Select summary points of the 3-page letter:
 - Full \$7.00/ton recycling tip fee surcharge should be used for recycling grants (~\$31 million) and State recycling staff, research, enforcement and Clean Sweep (~\$4 million)
 - Business recycling surcharge (~\$22 million) could be used for Economic Development Fund
 - Change to per capita grant award
 - Ensure provisions of Wisconsin Statute 25.49, which disallows the lapsing of the Recycling Fund, are enforced by State agencies
 - Support *voluntary* collaboration of Responsible Units (RU)
 - Streamline grant application process
- JFC has yet to take up recycling; the hope is the 'delay' to the expectation it would have been taken up by now is that serious consideration is being given to the alternate proposals.
- Delay is also reported to be due to the additional \$636 million in tax receipts through 2013 announced on May 12, 2011. According to WisPolitics.com JFC Co-Chair Rep. Vos said "the money will help lawmakers avoid having to cut some programs to priorities like recycling grants and SeniorCare." Further from WisPolitics.com, "Walker also signaled a willingness to work with lawmakers on some of the concerns they've expressed with the state budget, particularly cuts to local recycling aids and changes to SeniorCare prescription drug program."
- The four (4) organizations also hear that LFB is working on the options paper.

J. Semrau updated the SWMB on the City of Milwaukee as follows:

- On April 18, 2011, Milwaukee's Mayor Barrett wrote a letter to WDNR Secretary Stepp questioning the legality of the 40% reduction in this biennium of recycling grants to RUs.
- On April 22, 2011, Secretary Stepp provided a response letter, which did not actually address any of the legal questions posed in the Mayor's letter.
- As a result, on May 4, 2011, Milwaukee's City Attorney issued a letter to Secretary Stepp spelling out more succinctly why they believe the action is illegal and requesting response "as soon as possible so we may advise the City of the steps available to protect the City's

interests” and of their “intent to explore all options available to the City of Milwaukee to challenge the reduction.” (Copy was provided to the SWMB)

- Primary arguments of the letter:
 - Per Wisconsin Statute 25.49 the Segregated Recycling Fund is a “separate non-lapsable trust fund.” As a specific statute it takes precedence over a general lapse provision as in 2009 Act 28.
 - Funds are not “unencumbered.” When RUs submit required paperwork, WDNR has a ministerial duty to award and distribute the required amounts. Wisconsin Statute 287.23
 - Case law in Wisconsin supports the position that statutorily mandated payments cannot be reduced below legislatively mandated amounts.
- Effectively, City of Milwaukee is considering taking the issue to court should the funding not be restored.
- The four (4) state recycling/solid waste organizations continue to meet weekly (Wednesdays at 10:00 a.m.) to strategize and continue messaging.

Discussion ensued amongst the SWMB.

D. Albrecht informed the SWMB that he met with Senator Mike Ellis on other county budget issues and in discussion Senator Mike Ellis stated that some the recycling requests will be changed in the proposed Governor’s Budget.

7. Discussion – Landfill Gas System Project Updates: J. Morris updated the SWMB on the landfill gas system projects as follows:

- 2011 Landfill Gas Energy Revenues:

	Snell Road Landfill (#1, 2 & 3)	Law Enforcement Center (#4 & 5)	Highway Department (Direct Use)	Monthly Total
January	\$142,472.89	\$108,554.41	\$2,839.97	\$253,867.27
February	140,203.02	111,404.33	2,589.18	\$254,196.53
March	160,510.24	110,921.09	1,944.01	\$273,375.34
April	<u>114,267.02</u>	<u>53,755.14</u>	<u>1,217.73</u>	<u>\$169,239.89</u>
Total	\$557,453.17	\$384,634.97	\$8,590.89	\$950,679.03
Average/Month	\$139,363.29	\$ 96,158.74	\$2,147.72	\$237,669.76
Grand Total	\$950,679.03			

- Landfill Gas Operations Summary:

Engine/Generator #1	Online	987 KW	
Engine/Generator #2	Online	987 KW	
Engine/Generator #3	Online	987 KW	Needs top end cleaning
Engine/Generator #4	Online	1060 KW	Needs replacement turbo
Engine/Generator #5	Down	-	Engine block replacement in progress
Sunnyview Compressor	Online	1570 cfm	Compressor "B" running
Sunnyview Flare	Online	857 cfm	Needs head repair/replacement
Sunnyview Gas Field	-	50.3% CH4	0.7% O2
Snell Road Compressor	Online	131 cfm	Will be replaced in 2011
Snell Road Flare	Idle	-	Will be replaced in 2011
Snell Road Gas Field	-	48.6% CH4	1.5% O2

- Landfill Gas Odor Control:
 - SWMB staff and Foth staff removing liquids from horizontal gas wells – pumping/siphons.
 - An above ground by-pass header pipe was installed in the northeast corner of the landfill by Riverview Construction (Riverview) to improve vacuum.
 - Leachate seep repairs on south, east and west slopes completed by Riverview.
 - Installed five (5) surface control landfill gas wells to collect additional landfill gas in seep areas.
 - Foth is conducting additional landfill gas monitoring/balancing to improve collection system performance.

- Law Enforcement Center (LEC) Waste Heat Recovery System:
 - SWMB authorized Foth to complete preliminary design and determine construction costs at the May 4, 2011 meeting.
 - J. Rabe informed the SWMB that Foth continues to work on finalizing the redesign and costs for the revised Heat Recovery System. This will be discussed at the June 1, 2011 SWMB meeting.
 - J. Rabe stated that per Mike Elder, the absorption chiller project cost is ~\$400,000. For Facilities to receive their grant money the chiller needs to be installed and operational by October 2012. SWMB staff and Mike Elder are hopeful this project will be installed and operational by the end of 2011.

- Snell Road Flare System Project:
 - Request for proposal (SW04-11) was sent to purchasing on May 18, 2011.
 - The pre-proposal meeting will be held during the week of May 25, 2011.
 - Proposals are due June 8, 2011.
 - The project will be awarded at the June 15, 2011 SWMB meeting.

Discussion ensued amongst the SWMB.

8. Closed Session – Pursuant to 19.85(1)(c), Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
 - a. Regional Personnel Transition/Succession Planning

Motion made by K. Robl and seconded by P. Brennand at 9:56 a.m. to convene into closed session. Motion carried 8-0 by a roll call vote.

9. Return to Open Session to Resume Regular Business: Motion to return to open session at 10:50 a.m. made by K. Robl and seconded by D. Nelson. Motion carried 7-0 by roll call vote.
10. Discussion/Action – Consider Authorization of Regional Personnel Transition/Succession Plan: No action taken by the SWMB.
11. Future Agenda Items: None.
12. Set Next Meeting Date: The next meeting date will be June 1, 2011 at 9:00 a.m.
13. Adjournment: Motion to adjourn made by G. Konrad and seconded by K. Robl. Motion carried 7-0. Meeting was adjourned at 10:52 a.m.

Respectfully Submitted,

Adrienna Kumbier
Solid Waste Secretary