

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

DATE: December 1, 2021

TIME: 9:04 a.m.

LOCATION: Solid Waste Administration Office
100 W. County Road Y
Oshkosh, WI

PRESENT: Pat O'Brien, Chairman
Paul Eisen, Secretary
Thomas Borchart
Mike Easker
Gerry Konrad
Doug Nelson (9:17 a.m. – 11:27 a.m.)

EXCUSED: David Albrecht, Vice Chairman
Kevin Konrad
Susan Locke

ALSO PRESENT: John Rabe, Director of Solid Waste
Cassie Stadtmueller, Office Supervisor
Zach Moureau, Environmental Manager (virtual 9:04 a.m. – 11:12 a.m.)

1. Call to Order: P. O'Brien called the meeting to order at 9:04 a.m.
2. Approve Agenda: Motion to approve the December 1, 2021 agenda, made by P. Eisen and seconded by M. Easker. Motion carried 5-0.
3. Public Comments on Agenda Items: None.
4. Announcements/Communications: J. Rabe informed the Solid Waste Management Board (SWMB) that Z. Moureau is attending the SWMB meeting virtually due to being quarantined for COVID-19. J. Rabe explained to the SWMB that Z. Moureau is temporarily working from home and is expected to return to the office on December 6, 2021.

J. Rabe informed the SWMB that Z. Moureau resigned as the Environmental Manager on November 18, 2021 and his last day will be December 10, 2021. J. Rabe explained that Z. Moureau has accepted an Environmental & Compliance Manager position at Kaukauna Utilities.

J. Rabe informed the SWMB that our current hauler Kreilkamp Trucking (Kreilkamp) has continued to be unable to maintain trucks and drivers to haul our transfer station material to

Outagamie County. J. Rabe explained that the Solid Waste Department and Kreilkamp have mutually agreed to terminate the current contract on November 30, 2021 (previous contract through December 31, 2021). J. Rabe further explained that our new hauler BEST Enterprises (BEST) was contracted to start January 1, 2022 but has agreed to start their contract on December 1, 2021. J. Rabe informed the SWMB that BEST has been training their drivers at our facility throughout November and filling in for the past month when Kreilkamp was unable to provide the needed trucks to haul material.

P. Eisen asked if the Solid Waste Department is eligible to use County ARPA Relief funds that could help us defer some of the expenses. J. Rabe stated he would need to look into if the funds can be utilized for our services.

Discussion ensued amongst the SWMB.

5. Approval of Minutes – November 17, 2021 Open and Closed Session: Motion to approve the November 17, 2021 open and closed session minutes, made by G. Konrad and seconded by T. Borchart. Motion carried 5-0. D. Nelson abstained.
6. Discussion/Action – Landfill Gas Utilization Feasibility Study Proposals: Z. Moureau presented the Landfill Gas (LFG) Utilization Feasibility Study Powerpoint to the SWMB as follows:
 - Power Purchase Agreement (PPA) Negotiations
 - Current PPA with WI Public Service (WPS) expires on December 31, 2022
 - ~\$0.14/kWh on peak and ~\$0.07/kWh off peak (includes \$15/mWh environmental credit) in 2021
 - WPS willing to renew at “avoided cost” rate
 - ~\$0.03/kWh on peak and ~\$0.02/kWh off peak (includes \$1.50/mWh environmental credit)
 - Power production not economical at renewal rate
 - Request for Qualification (RFQ) Details
 - Posted on Demandstar on October 8, 2021 with responses due on October 29, 2021
 - Requested consultants evaluate LFG Utilization in several areas:
 - Generation of renewable natural gas (RNG) for Pipeline Injection
 - Generation of RNG for On-Site Use
 - Medium BTU Direct-Use
 - Three local potential projects to be evaluated
 - Continue power generation for County utilization
 - Study will include economic modeling to help determine path forward with LFG Utilization
 - RFQ Response
 - Notified several consultants (GEI, SCS, Foth, Tetra Tech, Weaver) regarding RFQ
 - Two responses received
 - Foth and Tetra Tech
 - Used grading scale to determine best response (80 points possible)

- Experience as owner representative (25 pts), staff qualifications (20 pts), references (15 pts), office location (5 pts), quality of submittal (5 pts), and schedule (10 pts)
- Removed estimated price from the grading scale due to Tetra Tech having details on the target cost
- Discussed responses with Brown County and Outagamie County Staff
- Foth Response
 - Foth scored 48 on grading form
 - Foth has experience working as the owner's representative and has a long history working with Winnebago County, but they do not have experience with implementation of RNG or medium BTU direct-use projects
 - Some staff have site history but minimal recent LFG utilization experience
 - Cost is higher (\$19,550)
 - Foth has recent history of exceeding budgets
 - Foth completed feasibility study in 2018 to determine need for Engine #2R (\$20,900)
 - Info already collected from this study should have reduced the overall cost
 - Three references provided but the projects referenced are not similar to the requested evaluation
 - Two references recommend Foth for the study, one reference did not recommend Foth based on topics to be evaluated
 - Main office is local – De Pere
 - Submittal is of high quality
 - Schedule of 75 days
 - Long duration for completion, potential issue with staffing
 - Includes presentation to the SWMB
- Tetra Tech Response
 - Tetra Tech scored 54 on grading form
 - Tetra Tech has recent experience as owner's representative for RNG projects
 - Staff listed have technical background and are highly recommended by Brown, Outagamie and Winnebago (BOW) partners but they have minimal site history
 - Several of the staff listed are heavily involved with sales and Tetra Tech owns company that invented a RNG treatment system for vehicle usage
 - Potentially push for RNG project even if not economical
 - Cost is on a lump sum basis (\$9,900)
 - Recent work by Tetra Tech has been completed under budget (LFG collection system evaluation and RFQ document preparation)
 - Presentation to the SWMB included in budget
 - Three references provided but the projects referenced are open landfills and a wastewater treatment facility
 - All three recommended Tetra Tech for the feasibility study but one cautioned the push for RNG
 - Main office for this project is in Madison
 - Submittal is of high quality
 - Schedule of 29 days

- Short duration but could be using template from another site or will focus on pushing an RNG project
- Solar at Closed Snell Road Landfill
 - Areas outside of Snell Road Landfill waste limits are relatively flat and unused
 - Grants available for this type of project
 - Potential option to work with developer
 - Take advantage of tax credits
 - Costs/profits/risks would be shared
 - Plan to look into this as part of LFG Utilization Feasibility process
- Recommendation
 - Award study to Tetra Tech (\$9,900 lump sum) with a peer review of the final study by Foth (estimated cost of ~\$4,000-\$5,000)
 - Ensures Tetra Tech is not focusing on creating RNG project
 - Foth has historically worked in the interests of Winnebago County
 - Reach out to developers regarding solar at the Snell Road Landfill
 - Total of \$15,000 for Tetra Tech evaluation with a Foth peer review

M. Easker asked what happens after the study is done. Z. Moureau stated Tetra Tech will do the study and Foth will conduct the peer review, with the results being shared with the SWMB in January/February 2022. The SWMB will then determine the best option for LFG utilization moving forward. Depending on the direction the SWMB chooses to go with future LFG utilization, it may result in a "do nothing" approach, or involve soliciting proposals from consultants to prepare construction plans and specifications used to bid out construction of the selected new LFG utilization option for 2023 and beyond.

T. Borchart asked if there will be PPA negotiations going on with WPS while the study is being performed. J. Rabe confirmed that PPA negotiations with WPS will take place at the same time the LFG utilization study is being performed.

Discussion ensued amongst the SWMB.

Motion to award the Landfill Gas Utilization Feasibility Study to Tetra Tech (\$9,900) with a peer review of the final study by Foth, for a total estimated cost of \$15,000 made by, D. Nelson and seconded by G. Konrad. Motion carried 6-0.

7. Discussion/Action – Environmental Liability Insurance Renewal: J. Rabe presented the updated Environmental Liability Insurance (ELI) Renewal quote information to the SWMB as follows:
- The general County insurance does not provide any environmental liability coverage for the Solid Waste Department
 - Chubb is our current ELI carrier and they agreed to extend coverage through December 11, 2021 for a prorated fee of ~\$1500
 - PFAS and existing/known groundwater contamination is excluded from all policies
 - Willis Towers Watson received a variety of ELI policy quotes from three insurance carriers as follows (annual policy cost):

○ Beazley

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Coverage	Term	\$500,000 Deductible	\$250,000 Deductible
\$20 Million	3-year	\$47,833	\$52,389
\$10 Million	3-year	\$33,330	\$36,504
\$5 Million	3-year	\$24,012	\$25,901

- Narrowest exclusions
- Includes business interruption claim (i.e. LFG PPA)

○ Aspen

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Coverage	Term	\$500,000 Deductible	\$250,000 Deductible
\$20 Million	3-year	\$49,999	\$53,629
\$10 Million	3-year	\$34,071	\$37,857
\$5 Million	3-year	\$24,771	\$27,279

- More exclusions than Beazley policy
- Took out off-site contamination coverage associated with groundwater drawdown incident

○ Allied World

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Coverage	Term	\$500,000 Deductible	\$250,000 Deductible
\$10 Million	1-year	-	\$113,070
\$5 Million	1-year	-	\$87,822

- Not competitive pricing and very short term

J. Rabe reminded the SWMB that any existing groundwater contamination issues are excluded from ELI policy coverage. The ELI policy will only cover new environmental contamination/cleanup issues (PFAS/PFOS is excluded) that arise during the term of the policy (slope failure, LFG release, condensate/leachate leakage, etc.). J. Rabe recommended that the SWMB consider the Beazley \$10 Million coverage option with a \$250,000 deductible (annual policy cost of \$36,504).

Discussion ensued amongst the SWMB.

Motion made by D. Nelson and seconded by M. Easker to award the Environmental Liability Insurance to Beazley for a 3-year term with a \$5 Million coverage and a \$250,000 deductible for an annual policy cost of \$25,901 (total policy cost of \$77,704).

P. Eisen suggested applying for the largest limit because the company is more prone to lower coverage than go up in coverage. Amended motion made by P. Eisen to award the Environmental Liability Insurance to Beazley for a 3-year term with a \$20 Million coverage and a \$250,000 deductible. No second made.

Discussion ensued amongst the SWMB.

Motion to award the Environmental Liability Insurance to Beazley for a 3-year term with \$5 Million coverage and a \$250,000 deductible for a total policy cost of \$77,704 (annual cost of \$25,901) made by, D. Nelson and seconded by M. Easker. Motion carried 5-1. P. Eisen nay.

8. Closed Session:
 - a. Pursuant to Section 19.85(1)(c), Wisconsin Statutes, at this point in the meeting the Board shall consider a motion to convene into closed session 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 as it relates to the Environmental Manager

Motion made by P. Eisen and seconded by G. Konrad at 10:22 a.m. to convene into closed session. Motion carried 6-0 by roll call vote.

9. Return to Open Session to Resume Regular Business: Motion to return to open session at 10:53 a.m. made by M. Easker and seconded by D. Nelson. Motion carried 6-0 by roll call vote.
10. Discussion/Action – Solid Waste Department Table of Organization, Position Descriptions and Compensation Schedule: M. Easker stated it is necessary to discuss creating a succession plan for the Solid Waste Department. M. Easker suggests restructuring the Environmental Manager position to create a Deputy of Assistant Director position.

J. Rabe explained that Brown County Port & Resource Recovery recently added an Assistant Director position on their Table of Organization. J. Rabe mentioned that within Winnebago County there are several Deputy or Assistant Director positions in various departments.

Discussion ensued amongst the SWMB.

M. Easker stated the Environmental Manager position should be considered a "hard to fill" position by Human Resources, and should allow greater flexibility with salary/benefit compensation offers.

G. Konrad asked what the process would be to make changes to the Environmental Manager position. J. Rabe stated the process required to change the Table of Organization (TOO) would be as follows: TOO and position description would need to be updated and approved by Human Resources (HR) and the position assigned the proper pay grade; then it would be presented to the SWMB for approval; then would go to the Personnel & Finance Committee to be approved; and then go to the County Board to be approved. J. Rabe explained once all these steps are successfully completed, the position recruitment can begin with assistance from HR.

General consensus of the SWMB was to have J. Rabe work with HR to develop an updated TOO, position description with an emphasis/priority of succession planning for the Director position in the Solid Waste Department. This information would then be presented to the SWMB at the December 15, 2021 meeting for approval.

Discussion ensued amongst the SWMB.

11. Future Agenda Items: None at this time.
12. Set Next Meeting Date: The next SWMB meeting date is scheduled for December 15, 2021 at 9:00 a.m.

13. Adjournment: Motion to adjourn made by D. Nelson and seconded by G. Konrad. Motion carried 6-0. Meeting was adjourned at 11:27 a.m.

Respectfully Submitted,

Cassie Stadtmueller
Office Supervisor

Approved by SWMB – December 15, 2021