

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

DATE: April 16, 2014

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  
Pat Brennand (9:00 a.m. - 10:38 a.m.)  
Mike Easker  
Jerry Finch  
Doug Nelson

EXCUSED: David Albrecht  
Gerry Konrad

ALSO PRESENT: John Rabe, Director of Solid Waste  
Kathy Hutter, Confidential Secretary  
Kurt Pernsteiner, Facility Manager  
John Bodnar, Corporation Counsel (9:00 a.m. - 9:33 a.m.)  
John Fink, County Executive Assistant

1. Call to Order: P. O'Brien called the meeting to order at 9:00 a.m.
2. Approve Agenda: Motion to approve the April 16, 2014 agenda, made by J. Finch and seconded by K. Robl. Motion carried 7-0.
3. Public Comments on Agenda Items: None.
4. Announcement/Communications: P. O'Brien announced to the Solid Waste Management Board (SWMB) that a packet of informational emails and documents were provided to SWMB Members as follows: Memorandum from J. Semrau announcing the passage of Legislation AB 444/SB 355 Pertaining to Fees Imposed on Solid Waste, Solid Waste and Recycling Legislative Update from J. Van Rossum, Recycling Specialist & Director, UW-Extension - Solid & Hazardous Waste Education Center and J. Semrau email announcing a SWMB Container Rental Program milestone.

J. Rabe reported to the SWMB that Kreilkamp Trucking, Inc. (contracted solid waste/recycling hauler for the SWMB Transfer Station) has filed a damage claim for an

incident that occurred on February 21, 2014. Damage was done to a semi tractor grill and the claim amount is \$411.10.

5. Approval of Minutes – March 19, 2014 Open and Closed Session; April 2, 2014 Open and Closed Session: Motion to approve the March 19, 2014 open and closed session minutes, and the April 2, 2014 open and closed session minutes, made by J. Finch and seconded by P. Eisen. Motion carried 7-0.
6. Closed Session:
  - a. Pursuant to Section 19.85(1)(g), Wisconsin Statutes, at this point in the meeting, the Board shall consider a motion to convene into closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, in relationship to the Randy Besaw legal case.
  - b. Pursuant to Section 19.85(1)(e), Wisconsin Statutes, at this point in the meeting, the Board shall consider a motion to convene into closed session for the purpose of deliberating or negotiating the purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in relationship to a Disposal Agreement with Advanced Disposal Service.
  - c. Pursuant to Section 19.85(1)(e), Wisconsin Statutes, at this point in the meeting, the Board shall consider a motion to convene into closed session for the purpose of deliberating or negotiating the purchase of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in relationship to a Container Lease Agreement with City Disposal.
  - d. Pursuant to Section 19.85(1)(g), Wisconsin Statutes, at this point in the meeting, the Board shall consider a motion to convene into closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, in relationship to the Disposal Agreement with Fox Valley Energy Center.

Motion made by K. Robl and seconded by J. Finch at 9:08 a.m. to convene into closed session. Motion carried 7-0 by roll call vote.

7. Return to Open Session to Resume Regular Business: Motion to return to open session at 10:19 a.m. made by D. Nelson and seconded by J. Finch. Motion carried 7-0 by roll call vote.
8. Discussion/Action – Consider Authorization of a Disposal Agreement with Advanced Disposal Service: Motion made by M. Easker and seconded by K. Robl to authorize a Disposal Agreement with Advanced Disposal Services, not to exceed \$7/ton rebate (for

2014) for Town of Menasha tonnage hauled directly to the Regional Landfill and MRF in Outagamie County. Motion carried 7-0.

9. Discussion/Action – Consider Authorization of Container Lease Agreement for City Disposal: Motion made by P. Brennand and seconded by D. Nelson to authorize the purchase of 10 - 30 cubic yard containers (not to exceed \$41,230) and enter into a 5 year Lease Agreement with City Disposal. Motion carried 7-0.
10. Discussion/Action – Consider Authorization of a Termination and Mutual Release Agreement for the Disposal Agreement with Fox Valley Energy Center: Motion made by J. Finch and seconded by P. Brennand to authorize J. Rabe to finalize the Termination and Mutual Release Agreement for the Disposal Agreement with Fox Valley Energy Center. Motion carried 7-0.
11. Discussion/Action – Request that the 2015 SWMB Budget Remain as an Appendix in the County Executive Budget: Motion made by P. O'Brien and seconded by J. Finch to authorize J. Rabe to draft a letter on behalf of the SWMB, requesting the County Executive to keep the 2015 SWMB Budget as an Appendix in the County Executive Budget. Motion carried 6-1. (Nays: P. Eisen)
12. Discussion – Review of Annual 2013 RUG Recycling Meeting Reports: J. Rabe reviewed the agenda for the upcoming RUG (Responsible Unit of Government) Financial & Informational Meeting with the SWMB. J. Rabe explained that the Annual 2013 RUG Recycling Meeting Reports would be presented in full detail at the Annual RUG Recycling Meeting scheduled on April 17, 2014 at the J.P. Coughlin Building in Oshkosh.  
  
K. Pernsteiner presented the annual 2013 RUG Recycling Financial Reports to the SWMB. K. Pernsteiner reviewed the 2013 budget versus actual for revenues and expenses, and summarized the financial breakdown between the signing municipalities and the SWMB (County) in accordance with the Recycling Agreement. The bottom line for the signing municipalities is a \$189,649 surplus for 2013. The SWMB (County) portion yielded a deficit of (\$112,265) for the program. This is mainly due to the single stream recycling (SSR) debt service (\$322,790) that is not being passed along to the signing municipalities (part of the SWMB's 2008/2009 commitment to move forward with the Tri-County SSR Facility).  
  
P. O'Brien asked how many years were left on the SSR debt service. J. Rabe stated there are 5 years remaining on the equipment portion, and 10 years remaining on the building portion.  
  
M. Easker asked if SWMB Staff will request signing municipalities to help offset the \$112,265 deficit as was done for the program in 2011 and 2012. J. Rabe explained that the signing municipality surplus is much closer to the SWMB deficit in 2013 and SWMB Staff have yet to decide how this will be handled and asked the SWMB for input. M. Easker suggested that the SWMB remain consistent and request signing municipalities to assist with offsetting the deficit in order to help keep tipping fees lower.

Discussion ensued amongst the SWMB.

13. Discussion – Landfill Gas Operations Report: J. Rabe updated the SWMB with the following landfill gas operations, WPS/Highway revenues and Air Construction Permit status.

Landfill Gas Operations – April 15, 2014		
Engine #1	Running at 930 KW	
Engine #2	Running at 987 KW	
Engine #3	Running at 987 KW	
Engine #4	Running at 1060 KW	
Engine #5	Running at 1426 KW	
Sunnyview Compressor	Compressors A & B running at 54%. Pipeline outflow 1752 scfm.	
Sunnyview Flare	Flare – On; Flow – 346 scfm; Vacuum = -46’’ wc; Blowers 103/104/105 running at 86%	
Sunnyview Gas Field	CH4 = 50.7%    O2 = 1.0%	
Snell Rd Flare	Flare – On; Flow – 85 scfm; Vacuum = -15.0’’ wc	
Snell Rd Gas Field	CH4 = 42.4%    O2 = 1.8%	

- WPS/Highway Revenues were \$216,243 for March 2014 but decoking of Engines #4 and #5 created downtime and a loss of energy revenue (slightly behind the \$2.8 Million 2014 budget target).
- Engine #3 - rebuild scheduled for June 2014, estimated 30 days of downtime.
- Q1 SEM – completed the week of March 10-14, 2014; all exceedances passed the 30-day remonitoring.
- Air Construction Permit – State public comment period is complete and Wisconsin Department of Natural Resources (WDNR) issued the Air Construction Permit on April 14, 2014.

Discussion ensued amongst the SWMB members.

14. Future Agenda Items: None.

15. Set Next Meeting Date: The next SWMB meeting date is scheduled for May 7, 2014 at 9:00 a.m.

16. Adjournment: Motion to adjourn made by J. Finch and seconded by M. Easker. Motion carried 6-0. Meeting was adjourned at 10:45 a.m.

Respectfully Submitted,

Kathy Hutter  
Confidential Secretary

**Approved by SWMB – May 7, 2014**