

**ADMINISTRATIVE CONTROL BOARD (ACB) – WASATCH FRONT WASTE AND RECYCLING DISTRICT (WFWRD)**  
**MONTHLY MEETING MINUTES**

DATE/TIME	LOCATION	ATTENDEES
<p>May 21, 2018 9:00 a.m.</p> <hr/> <p><b>Next Board Meeting</b> June 25, 2018 9:00 a.m.</p>	<p>Public Works Building 604 W 6960 S Midvale, UT 84047</p>	<p><u>Board Members:</u> Scott Bracken, Jim Bradley, Kelly Bush, Kay Dickerson, Steve Gunn, Dwight Marchant, Kris Nicholl, Ron Patrick, Jenny Wilson  <b>EXCUSED:</b> Jim Brass, Brad Christopherson, Sherrie Ohrn, Robert Paine, Brint Peel</p> <p><u>District Staff:</u> Anthony Adams, Mark Anderson, Rosemary Fasselin, David Ika, Cathy Jensen, Andrea Murdock, Pam Roberts, Ken Simin, Jeffrey Summerhays, Sione Tuione</p> <p><u>Public:</u> State Senator Curtis Bramble, Chase Everton (Herhof), Doug Folsom (Utah Local Governments Trust), Larry Gibbons (Rocky Mountain Recycling), Rick Graham (Salt Lake County), Beth Holbrook (Waste Management), Mark Hooyer (Trans-Jordan Cities), Dan Peay (Magna), Annette Price (Herhof), Steve Price (Herhof), Jeremy Roberts (Clear Sky Environmental), Eric Vigni (Herhof), Russ Wall (Clear Sky Environmental)</p>

**AGENDA**

**Call to Order:** Steve Gunn, Board Chair

**1. Introduction of All Board Members and Staff**

1.1. Introduction of WFWRD’s New Human Resources Manager, Andrea Murdock; Pam Roberts, Executive Director (**Informational**)

**2. Consent Items: (Approval Requested)**

2.1. April 23, 2018 Board Meeting Minutes (**Motion & Approve**)

**3. Meeting Open for Public Comments:** (Comments are limited to 3 minutes)

**4. Business Items**

4.1. Trust Accountability Program Award from the Utah Local Governments Trust; Doug Folsom (**Informational**)

4.2. Presentation from Herhof; Russ Wall, Herhof Marketing (**Informational**)

4.3. Herriman City’s Request to Begin Their Own Billing for Their WFWRD Residents and Southwest Residents; Pam Roberts (**Informational/Direction**)

- Request Board Approval for Conflict Waiver for Legal Counsel to Correspond with Herriman City’s Legal Counsel; Pam Roberts (**Approval Requested**)

**4.4. Executive Director Report; Pam Roberts (Informational/Direction)**

- Status on the Request for Proposal for WFWRD to Receive Transfer Station Services.
- Status on WFWRD’s Proposal for the Salt Lake Valley Transfer Station Services
- Granite De-Annexation and Interlocal with Sandy City; Pam Roberts and Board Member Nicholl

**4.5. Request Board Discussion About Policy for Recycling and the Associated Fees for Processing, Pam Roberts (Informational/Direction)**

**5. Closed Session (If Needed)**

*The Administrative Control Board may temporarily recess the meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205.*

**6. Schedule a Special Meeting in May if Needed Prior to the Regularly Scheduled Meeting on May 21<sup>st</sup>.**

**7. Other Board Business**

This time is set aside to allow board members to share and discuss topics.

**8. Requested Items for the Next Board Meeting(s)**

- New Online Public Treasurers Investment Fund (PTIF) Platform

TOPICS/ OBJECTIVES	KEY POINTS/ DECISIONS	ACTION ITEMS WHO – WHAT – BY WHEN	STATUS
<b>1. Introduction of All Board Members and Staff</b>			
1.1 Introduction of WFWRD’s New Human Resources Manager, Andrea Murdock; Pam Roberts, Executive Director <b>(Informational)</b>	Pam introduced Andrea Murdock as the new WFWRD Human Resources Manager. Andrea described her qualifications and wide range of human resources expertise, with a focus in Equal Employment consulting and employee relations.		
<b>2. Consent Items</b>			
2.1 April 23, 2018 Board Meeting Minutes		<b>Motion to Approve the Minutes by:</b> Board Member Nicholl <b>Seconded by:</b> Board Member Dickerson  <b>Vote: All in favor (of Board Members present)</b>	<b>Approved May 21, 2018</b>
<b>3. Meeting Open for Public Comments</b>	(Comments are limited to 3 minutes)		
	No public comments		
<b>4. Business Items</b>			
4.1. Trust Accountability Program (TAP) Award from the Utah Local Governments Trust (Trust); Doug Folsom, UT Trust <b>(Informational)</b>	Pam Roberts introduced Doug Folsom, Manager of the Loss Prevention Department of the Trust. Doug briefly described the Trust and its function as a provider of insurance coverage for the District.  Doug explained that the TAP Award is given due to best practices in an organization to decrease liability risks. WFWRD has received this award for the past three years. These awards also accompany a small cash award from a rebate on insurance premiums for the District.		

<p>4.2 Presentation from Herhof; Russ Wall, Herhof Marketing <b>(Informational)</b></p>	<p>Doug congratulated and thanked WFWRD and its management for encouraging the programs to reduce risk at the District. Last year WFWRD experienced a 70% decrease in losses, and this year is also showing a dramatic decrease in claims.</p> <p>Pam added that WFWRD holds a monthly “Safety Stand-Down” meeting to discuss accidents and their root causes in an effort to reduce loss and accidents. Board Member Marchant inquired if the 70% decrease in loss was just with WFWRD or with all of the Trust’s clients. Doug confirmed that this statistic is just for WFWRD, calculated from an average over the past three years.</p> <p>The TAP is becoming the basis for the Trust’s underwriting program, which directly affects discounted programs.</p> <p>Russ Wall thanked the Board for the opportunity to present. He introduced special guests who were joining him, and provided a background and description of Herhof and its plant design to process waste and recycling materials into fuel materials and for other uses. Its primary focus is to process and reuse the waste materials, and to divert waste from the landfill.</p> <p>Herhof has been in business since the mid-1990s and has 20 of these plants in Europe. Board Member Dickerson asked if there are any operating plants in the United States. Russ confirmed that there are no plants in the U.S. The planned Tooele plant will be the first one built in this country.</p> <p>Board Member Dickerson asked if the process can distinguish between the types of batteries. Russ stated that all batteries are pulled out for recycling.</p>		
---	--	--	--

Board Member Wilson inquired about some of the acronyms in the presentation. Russ stated that it was the German equivalent of the Environmental Protection Agency (EPA). Russ explained that the European environmental regulations are stricter than those in the U.S. and that the same regulations would not be implemented in the Tooele plant, which will help reduce the costs to build the facility.

Board Member Bush asked how much tonnage of waste the facility is able to process. Russ clarified that different waste weighs differently, so it is a matter of volume rather than tonnage. Jeremy Roberts explained that the facility's structures are modular and can be adapted to the needs of the community. If more processing space is needed, more modules can be added to the facility to accommodate that need.

Pam Roberts noticed that all the material for processing was shredded. She asked if all of the waste and recycling was comingled together. Russ confirmed that everything is shredded together. Jeremy added that plastic bags are not a problem for Herhof's equipment, and they can be processed at the facility.

Russ invited WFWRD to be a part of their process and requesting our garbage. Herhof is willing to freeze the price per ton for waste disposal for 20 years, only adjusting for consumer price index (CPI). This will include all consumer waste including all recycling and green waste. This would all but eliminate the need for utilizing the landfills, keeping costs low and predictable for the next two decades, and helping the environment.

Board Member Wilson confirmed that we would need to take our materials to Tooele. Russ replied that Tooele's plant, which will be close to the Salt Lake County border, is being built to accommodate approximately 90,000 tons.

Jeremy added that Clear Sky Environmental is not asking for any taxpayer money to build these facilities using Herhof's technologies. They are only asking for the communities' waste stream. Their ultimate goal is to eliminate the need for landfills in Utah. The reason Herhof has not entertained coming to the U.S. before is because there was the perceived perspective that there is no need because of all the land in the country available for landfills.

Board Member Dickerson commented that one of the challenges would be getting the waste to the Tooele facility. Jeremy stated that they could build a plant anywhere that is needed, and that they only need six to eight acres for the facility.

Board Member Bush asked when the Tooele plant would be built and operational. Jeremy replied that construction will begin in July, and it takes about 18 months for construction.

Board Member Bracken expressed doubts about the claim that there is no risk to the public. If we partner and send 140,000 tons of annual waste for a number of years, and something happens to the plant, there are now even more expenses and liabilities to redirect the waste. Jeremy reconfirmed his confidence in the company and the technology, adding that Herhof handles 60% of the waste in Germany and even imports trash from other countries.

Board Member Wilson expressed her interest in the air quality impact of this facility and its cost. Jeremy indicated that the cost elements are irrelevant because they are built into the facility. All potential air contaminants are captured in the water filtration system and the water is then used for onsite landscape watering.

Board Member Bradley asked if they would proceed without a contract with WFWRD. Jeremy confirmed that

<p>4.3 Herriman City’s Request to Begin Their Own Billing for Their WFWRD Residents and Southwest Residents; Pam Roberts <b>(Informational/Direction)</b></p>	<p>they already have contracts in place. Their question would be whether they should build a larger facility in Tooele to accommodate waste delivered from WFWRD or build a separate facility for us. Board Member Bradley added that evaluations on emissions would need to be conducted, especially if shredded tires are included in their product. He asked why Herhof is not looking into other states which have more transportation challenges than us. Jeremy confirmed that they are looking into other states and have submitted requests for proposals (RFPs) for these locations.</p> <p>Pam introduced Justin Edwards, Herriman City’s Public Works Director. She explained that having another entity bill our customers is a new concept. Herriman desires to incorporate waste/recycling billing into a comprehensive utilities bill for their residents as a convenient service for their residents.</p> <p>Pam confirmed that we are able to accommodate this shift, administratively. If we proceed, an Interlocal Agreement would need to be approved by the Administrative Control Board and the Herriman City Council. Justin confirmed that the Herriman City Mayor and Council have been approached about this possibility, and it is in the early discussion stages.</p> <p>Pam confirmed that, under this plan, WFWRD would send Herriman the billing file and they would, in turn, bill the residents. WFWRD asks that Herriman City keep the fees as established by WFWRD, without additional administrative fees, and they would be responsible for any delinquent collections for their residents. Justin confirmed that additional administrative fees are not anticipated, but it would be discussed if Herriman determined a need. He added that this would reduce billing costs for WFWRD.</p>		
---	--	--	--

<ul style="list-style-type: none"> <li>Request Board Approval for Conflict Waiver for Legal Counsel to Correspond with Herriman City's Legal Counsel; Pam Roberts (<b>Approval Requested</b>)</li> </ul>	<p>Board Member Marchant asked if we would stay in the loop with any delinquent accounts. Pam confirmed that we would not certify any of these Herriman accounts. The city would be responsible for late or delinquent fees. However, WFWRD would continue to reconcile any currently outstanding delinquent Herriman residents' accounts that existed prior to the change.</p> <p>Board Member Bradley stated that it seems to be an amicable arrangement, but asked if WFWRD would be able to retain control of the collection of the fees for our services. He stated that this could be a potential step in Herriman seeking its own waste collection entity. Pam clarified that Herriman is part of the District's boundaries and would have to petition to the ACB and to the County Council for approval to de-annex from the District in order to obtain other sanitation services.</p> <p>Board Chair Gunn confirmed that a decision is not intended for this meeting, but concluded that the ACB was in agreement for further research and analysis of this possibility.</p> <p>Legal Counsel, Mark Anderson, explained the conversations that have occurred so far, and his own relationship with the Herriman City Attorney. At this point there is, technically, a conflict of interest in both legal teams continuing to work together. Mark requested the ACB approve a conflict waiver to allow him to continue discussions with Herriman City on this topic, regardless of whether an agreement is reached or not. Mark clarified that he would need this waiver to even advise the ACB on this subject.</p> <p>Mark clarified that any potential Interlocal Agreement on this matter could address all concerns of the ACB. Unless all concerns are addressed on both WFWRD's and Herriman City's ends, an agreement should not be approved. Board Member Bracken stated that this</p>	<p><b>Motion to Waive the Conflict of Interest for WFWRD's Legal Team to Work with Herriman City's Legal Team:</b> Board Member Bracken  <b>Seconded by:</b> Board Member Bush</p> <p><b>Vote: All in favor (of Board Members present)</b></p>	<p><b>Approved  May 21, 2018</b></p>
--	--	--	--



come up with the right solution for the facility. Rick Graham, Deputy County Mayor of Operations, confirmed that the proposal to extend funding for Transfer Station Operations through the end of the year would be proposed as part of the County's mid-year budget adjustment by the end of June.

Board Member Dickerson asked about the Transfer Station raising fees. Deputy Mayor Graham stated that adjusting fees is not anticipated in the current funding of the facility. However, this is one of three options under consideration for the future of the facility. The other two options are closing the facility, and keeping it open but allowing a separate entity operate the station. He did confirm that closing the station does not make sense. He also stated that considering having a different vendor, operating the facility on a lease basis, is making great progress.

Pam confirmed that WFWRD is considering the opportunity to operate the Transfer Station, and also confirmed that we have received the necessary financial information from Salt Lake County to run our own analysis. She expressed her confidence in that being a viable option for the facility, and that we could make it work. She is working with Roger Harper, General Manager of North Pointe Transfer Station in Lindon, as an operational consultant. She hopes to bring back solid recommendations to the Board at next month's meeting.

Board Member Dickerson asked about the logistics of transporting the waste from the Transfer Station to the Landfill. Pam confirmed that we would contract that service, as is currently being done at the Transfer Station.

Board Chair Gunn expressed his gratitude to Board Members Wilson and Bradley for their assistance in this effort. Deputy Mayor Graham echoed his own gratitude to Board Members Wilson and Bradley, and commended

<ul style="list-style-type: none"> <li>Granite De-Annexation and Interlocal with Sandy City</li> </ul>	<p>their good representation on the ACB. Board Member Wilson suggested that a representative from Deputy Mayor Graham’s office attend the next few ACB meetings as we discuss and finalize some of our details.</p> <p>Mark Anderson concluded by reminding the Board that any arrangement, including any potential agreements with Herhof, would need to coincide with the current agreement with the County. Currently, we are contractually required to deliver 85% of our municipal solid waste to County facilities. Pam confirmed that we are approaching the end of the fifth year of a 10-year agreement with the County on this matter. Per the terms of the agreement, we are allowed to renegotiate terms at the end of the fifth year of this agreement, which we are pursuing. Mark stated that we would need to reduce our committed percentage to 0% to fulfill what Herhof is requesting.</p> <p>Pam explained that there are approximately 938 parcels which have been annexed from the unincorporated Southeast areas into Sandy City. Pam has been in discussions with Sandy City about the City’s desire to proceed with the 407 parcels to de-annex from the District, with ACB and County approval.</p> <p>Additionally, WFWRD would desire to enter into an Interlocal Agreement with Sandy City for the City’s sanitation provider to provide service to the remaining 407 parcels in this area. The only difference for the remaining annexed parcels is that we would continue to provide subscription services. Sandy City would provide Area Cleanup services to these 814 parcels, under the Interlocal Agreement.</p> <p>Board Member Nicholl confirmed that this has not yet gone before the Sandy City Council, and WFWRD is waiting for an official petition to de-annex these properties.</p>		
--	---	--	--

<p>4.5 Request Board Discussion About Policy for Recycling and the Associated Fees for Processing; Pam Roberts (<b>Informational/Direction</b>)</p>	<p>Board Member Bradley inquired if Sandy City would still have representation on the ACB. Pam confirmed that they would still have representation since we would still provide services to residents in their City within the remaining annexed properties. If Sandy City eventually de-annexed all remaining properties from the District, they would no longer have representation on this Board.</p> <p>Board Chair Gunn requested approval from Board members to defer discussion of this item to next month, due to time constraints. The Board consensus was to defer discussion.</p> <p>Pam asked if she might brief the Board before adjourning. She went on to state that she has requested that this discussion take place because we are now paying more for recycling to be processed than to take it to the landfill. She indicated that WFWRD desires to continue with its recycling efforts, and she introduced representatives from Rocky Mountain Recycling and Waste Management, who contractually receive our recycling materials. Pam added that we could possibly over-expend on our recycling budget this year. We currently have \$300,000 budgeted, and we anticipate it will be higher.</p> <p>Board Member Dickerson asked why recycling expenses have more than doubled in the past year. Pam explained that the markets have changed, as well as the pricing index from our vendors, and mentioned the need to renegotiate our contracts.</p> <p>Board Chair Gunn apologized to Rocky Mountain Recycling and Waste Management for needing to defer this topic, and invited them to return next month. They were each invited to prepare a short presentation for next month.</p>		
---	---	--	--

<b>5. Closed Session</b>			
	No Closed Session		
<b>6. Other Board Business</b>			
	Board Chair Gunn indicated that Board members were invited to take a tour of the Salt Lake Valley Transfer Station following today's meeting. He also stated that Board Members are welcome to join him for another tour since he is unable to attend the tour today. Board Member Bush requested an additional tour after next month's meeting for those unable to attend today. Board Members Marchant and Dickerson stated they would go with Pam for a tour today.	Pam will schedule an additional tour after next month's Board meeting.	
<b>7. Requested Items for the Board Meeting on June 25, 2018.</b>			
	<ul style="list-style-type: none"> <li>• New Online Public Treasurers Investment Fund (PTIF) Platform</li> <li>• Board Discussion About Policy for Recycling and the Associated Fees for Processing <ul style="list-style-type: none"> <li>○ Presentations from Rocky Mountain Recycling and Waste Management</li> </ul> </li> </ul>		
<b>ADJOURN</b>		<b>Motion to Adjourn:</b> Board Member Nicholl <b>Seconded by</b> Board Member Bradley  <b>Vote: All in favor (of Board Members present)</b>	<b>Approved</b> <b>May 21, 2018</b>