



WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT

Minutes of the meeting of the Administrative Control Board of Wasatch Integrated Waste Management District held May 1, 2024 at 5:00 p.m. at Wasatch Integrated Waste Management District's Davis Material Recovery and Transfer Facility, 3404 North 650 East, Layton, Utah 84041.

Conducting: Board Chair, Mayor Joy Petro

ADMINISTRATIVE CONTROL BOARD PRESENT:

Chair, Mayor Joy Petro, Layton
Secretary, Mayor Brian Vincent, West Point
Council Member Nike Peterson, Clearfield
Commissioner Randy Elliott, Davis County
Commissioner Lorene Kamalu, Davis County (online)
Commissioner Bob Stevenson, Davis County
Mayor Brett Anderson, Farmington
Mayor John Pohlman, Fruit Heights
Mayor Tami Tran, Kaysville

Council Member Tony London, Morgan
Commissioner Mike Newton, Morgan County (online)
Mayor Brian Horrocks, North Salt Lake
Mayor Rod Westbroek, South Weber
Council Member Nakisha Rigley, Sunset
Council Member Jordan Savage, Syracuse
Mayor Ken Romney, West Bountiful (arrived at 5:55 pm)
Council Member Wally Larrabee, Woods Cross

ADMINISTRATIVE CONTROL BOARD MEMBERS EXCUSED FROM ATTENDING:

Board Vice-Chair, Mayor Clark Wilkinson, Centerville

Mayor Brandon Stanger, Clinton

STAFF PRESENT:

Nathan Rich, Executive Director
Adam Hacker, Accounting Manager
Preston Lee, Operations Manager
Penny Hobbs, HR Generalist
Todd Quinley, Purchasing Manager
Dan Ramos, Safety Superintendent
Jesse Simonsen, Landfill Manager
Chad Staples, MRF Superintendent
Juli McIntosh, Clerk

VISITORS:

Larry Jenkins, Kirton McConkie
Clint Drake, Layton City Attorney

Notice of time, place, and agenda of the meeting was sent to the Salt Lake Tribune, Deseret News, Morgan County News, and Standard Examiner newspapers on April 26, 2024. Notice of time, place, and agenda of the meeting was sent to each member of the Administrative Control Board via e-mail and posted at Wasatch Integrated Waste Management District Administrative Offices on April 26, 2024.

Welcome

Board Chair, Mayor Joy Petro, welcomed board members, staff, and visitors to the meeting.

Minutes Approval

Chairman Petro presented minutes of the February 7, 2024 board meetings to the board for approval.

Upon motion duly made and seconded, minutes for the February 7, 2023 board meeting was approved. Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Randy Elliott, Commissioner Lorene Kamalu, Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, and Council Member Wally Larrabee voted yea. Voting in favor of said motion was unanimous.

Public Comment Period

There was no public comment.

Discussion of Proposed Resolutions

Chairman Petro began the discussion regarding resolutions proposed by Mayor John Pohlman.

Amend District Bylaws Limiting Board Chair Term to One Year – Mr. Nathan Rich over the past 25 years there has been a history of long term board chairs.

Commissioner Randy Elliott said that there is a benefit to knowledgeable and experienced board member serving in the position of chair.

Council Member Tony London said, as a long term board member, the board has the opportunity to reappoint a new board chair annually did he not see a reason for a resolution limiting the term.

Amend District Bylaws Limiting Executive Committee Members to Three Years – Board members agreed this should be combined in a resolution with the preceding proposed resolution, *Amend District Bylaws Limiting Board Chair Term to One Year*, and a resolution should be prepared for consideration at the next board meeting.

Upon motion duly made and seconded board members agreed to combine *Amend District Bylaws Limiting Board Chair Term to One Year* and *Amend District Bylaws Limiting Executive Committee Members to Three Years* would be combined into one resolution for consideration of the board.

Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Lorene Kamalu, Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, and Council Member Wally Larrabee voted yea. Commissioner Randy Elliott voted nay. The motion passed.

Restrict Future Board Members from the Transfer or Trade of Appreciating District Assets – Mr. Pohlman proposed this change due to the sale of land from the District to Layton City at a greatly reduced rate.

Council Member Jordan Savage stated his dissatisfaction with the emergency meeting, which was called by the board chair, and which he did not believe should ever be an emergency with the sale of the land in general.

Mr. Rich commented saying the board could require a super majority to approve certain contracts.

There was some comment about not completely restricting the sale of land but just wanting more oversight throughout the process.

Board members agreed a supermajority vote to sell land or other appreciating assets was a good safeguard.

Restrict Executive Director or Staff from Finalizing Sale of Appreciating District Assets - Board members agreed this should be combined in a resolution with the preceding proposed resolution, *Restrict Future Board Members from the Transfer or Trade of Appreciating District Assets*, and a resolution should be prepared for consideration at the next board meeting.

Upon motion duly made and seconded board members agreed to combine *Restrict Executive Director or Staff from Finalizing Sale of Appreciating District Assets* and *Restrict Future Board Members from the Transfer or Trade of Appreciating District Assets* would be combined into one resolution for consideration of the board.

Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Lorene Kamalu, Commissioner Bob Stevenson (who joined the meeting at 5:20 pm), Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, and Council Member Wally Larrabee voted yea. Commissioner Randy Elliott voted nay. The motion passed.

Require the District to Hire an Appraisal Company to Review the Sale of All Appreciating District Assets – The board agreed that Nathan could provide a list of appreciating District Assets for review of the board. No resolution would be necessary.

Require the Board to Periodically Review Appraised Values for the Benefit of Buyer and Seller – The board discussed whether this was similar enough to the previous proposed resolution, *Require the District to Hire an Appraisal Company to Review the Sale of All Appreciating District Assets*. After some discussion, board members agreed that this was not a resolution worth pursuing. No resolution would be necessary.

Require the District to Allocate \$1 Million Per Year to Invest in Revenue Generating Projects to Offset Future Fee Increases and District Expenses – Board members discussed whether there is an effective way to utilize assets and long-term lease of District owned land.

Mr. Larry Jenkins was asked comment on this potential resolution. He said that the auditors would need to be consulted regarding what the District can and cannot do because the District is not allowed to make a profit. Regarding utilizing assets he said that the District's investment policy can be changed.

Mr. Jenkins continued saying that the District cannot provide services outside of its authority, which includes things tied to waste services. He listed the landfill thrift store, compost sales, landfill gas production and sales, and bit coin mining all as examples of additional services tied directly to waste services.

Council Member Wally Larrabee said that as a project manager he has often seen "scope creep" and the District does not want to step outside of its boundaries.

Mayor Pohlman suggested that land might be leased long-term to someone who wants to use it to benefit a business or the community.

Commissioner Elliott reiterated that the District cannot step outside of its scope, which is solid waste and related services.

Chairman Petro commented that this board shouldn't want to tie a future board's hands.

Mr. Rich said that the District has tried be forward thinking when developing new services but they have always been tied to waste. He added that the land purchase around the landfill is to give the landfill buffer between residential and commercial encroachment and it has been put to beneficial use through the lease of the field for hay for animal feed.

Mr. Rich suggested that the District would not be opposed to leasing the buffer property to the right type of developer. Mr. Jenkins agreed this would be an appropriate use of the property.

Mayor Pohlman said he would like a small committee to be formed to oversee the type of development included in the proposed resolution.

Create a Long-Term Sustainability Committee to Review Appreciating District Asset sand to Explore Potential Revenue Generating Projects - In response to a few more comments, Mayor Pohlman said he would prefer to create a committee to explore potential revenue generating projects while not pursuing the previous proposed resolution, *Require the District to Allocate \$1 Million Per Year to Invest in Revenue Generating Projects to Offset Future Fee Increases and District Expenses*.

Upon motion duly made and seconded board members agreed to the proposed resolution to *Create a Long-Term Sustainability Committee to Review Appreciating District Asset sand to Explore Potential Revenue Generating Projects* for consideration of the board.

Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Randy Elliott, Commissioner Lorene Kamalu, Commissioner Bob Stevenson, Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, and Council Member Jordan Savage voted yea. Council Member Wally Larrabee voted nay. The motion passed.

Discussion and Action Regarding Bundled Recycling Program

Chairman Petro asked Mr. Rich to explain the proposed changes to the Recycling Program.

Mr. Rich reported that after holding city manager meetings in April and receiving feedback on the from cities, including board members, city managers, and city staff members, it became clear that the Bundled Recycling Program would need to be modified to address concerns.

Mr. Rich presented proposed changes to the board, including removing any penalty for not having a recycling program that fit the District's criteria, based on Resolution 23-14, Amending Title 4, Disposal and Fees. Mr. Rich added that the new proposal included a diversion incentive which would be calculated on a rolling 12 month average, to be deducted from the Household Use Fee, and include all types of District sponsored recycling, including green waste.

Mr. Rich provided board members with a table of current diversion rates, by city.

The board then discussed how to incentivize businesses to recycle (Ms. Collette West is available to help with that), potentially increasing commercial tipping fees to offset diversion incentive losses, and board members taking this information back to their cities to discuss further.

Board members also discussed how cities who are currently recycling are subsidizing those cities who are not, whether cities will still choose to recycle without a penalty (many believe they will), and the need to reevaluate the program in a year.

Mayor Pohlman asked Chairman Petro what the board could do to convince Layton to participate in the recycling program.

Chairman Petro said that Layton wants the autarchy to create a recycling program of their own.

Council Member Nike Peterson reiterated what the Chairman said that Clearfield wants to do their own program. She added that she thought green waste recycling might be better received.

Mayor Pohlman then asked the Chairman if Clearfield is against the incentive portion of the proposed recycling program.

Council Member Peterson said it is being viewed in a more favorable light than the previous program.

Council Member Larrabee said that if these changes make it easier for the cities that are behind in recycling, the board should consider making them and then reevaluate the program in a couple of years.

Mayor Tami Tran suggested that each board member take this information back to their city and discuss the changes so that everyone is ready to vote on a resolution detailing the proposed changes next month.

Regarding green waste recycling, Mr. Rich explained over the past few years cities have approached the District about implementing a green waste recycling program in their city and the District has had to turn them down due to the inability to handle the additional green waste. However, the District is working towards the ability to manage the additional tonnages. He added that green waste recycling offers additional options as well as quicker implementation, in most cases.

Mayor Pohlman suggested that when the recycling program is reevaluated in a year or two, the board should make it clear that the direction will be to include a penalty if necessary to incentivize increased recycling.

Mayor Brett Anderson said that people should know the direction the District is taking regarding increased recycling for the benefit of landfill diversion. He said that Farmington currently prices residents' second garbage can the same as the first and offers the recycling can at no charge.

Upon motion duly made and seconded board members agreed to take action on the changes to the Recycling Program at the next board meeting to be held June 5, 2024.

Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Lorene Kamalu, Mayor Brett Anderson, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, Mayor Ken Romney, and Council Member Wally Larrabee voted yea. Commissioner Randy Elliott Commissioner, Commissioner Bob Stevenson, and Mayor John Pohlman voted nay. The motion passed.

Mayor Brian Vincent asked why Commissioner Randy Elliott Commissioner, Commissioner Bob Stevenson, and Mayor John Pohlman voted nay.

Mayor Pohlman said he would like to pass it today.

Commissioner Bob Stevenson said that all of the District cities are in favor of these changes except for Layton. And in speaking with city council members, they don't have any idea what they want to do. All Layton is doing is complaining. He said he can't imagine Layton City residents feeling any differently about recycling than all of the other cities' residents who are in favor of recycling.

Commissioner Stevenson said it is this board's responsibility to act in the best interests of the District and make the right decisions for the right reasons.

Commissioner Stevenson asked Chairman Petro why Layton City won't implement an opt-out program like many cities have already done.

Chairman Petro said she has not had a chance to present the proposed changes to her city council. She added that the entire time both she and Commissioner Stevenson have been in office, recycling in any event.

Commissioner Stevenson said, that's true but we've been working on this curbside recycling program for the past nearly two years. Additionally, many cities have implemented curbside recycling even prior to Commissioner Stevenson and Chairman Petro taking office.

Mayor Rod Westbroek said that South Weber is moving forward with curbside recycling no matter what.

Resolutions

Mr. Adam Hacker explained the amendments to the capital budget.

Chairman Petro presented Resolution 24-07, Amending Capital Budget for the Fiscal Year Ending 2024.

Upon motion duly made and seconded, Resolution 24-07, Amending Capital Budget for the Fiscal Year Ending 2024 was approved. Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Randy Elliott, Commissioner Lorene Kamalu, Commissioner Bob Stevenson, Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony

London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, Council Member Wally Larrabee and Mayor Ken Romney voted yea. Voting in favor of said motion was unanimous.

Chairman Petro presented Resolution 24-08, Adopting a Tentative Budget for Fiscal Year 2025.

Upon motion duly made and seconded, Resolution 24-08, Adopting a Tentative Budget for Fiscal Year 2025 was approved. Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Randy Elliott, Commissioner Lorene Kamalu, Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, Council Member Wally Larrabee and Mayor Ken Romney voted yea. Commissioner Bob Stevenson voted nay. The motion passed.

Financial Report

Mr. Hacker presented Financial Statements through March 31, 2024, including the balance sheet, statement of revenues, expenses and changes in net position and review of the capital budget, and Disbursement Report for January 1 through March 31, 2024.

Upon motion duly made and seconded, disbursements were approved. Chairman Petro, Secretary Mayor Brian Vincent, Council Member Nike Peterson, Commissioner Randy Elliott, Commissioner Lorene Kamalu, Commissioner Bob Stevenson, Mayor Brett Anderson, Mayor John Pohlman, Mayor Tami Tran, Council Member Tony London, Commissioner Mike Newton, Mayor Brian Horrocks, Mayor Rod Westbroek, Council Member Nakisha Rigley, Council Member Jordan Savage, Council Member Wally Larrabee and Mayor Ken Romney voted yea. Voting was unanimous.

Director's Update

Mr. Rich presented the Director's Update and Report to the Board, noting just a couple of items; On April 10, 2024, EPA announced the final National Primary Drinking Water Regulation (NPDWR) for six PFAS. And while the District is not a generator of PFAS, these regulations will ultimately impact the landfill as leachate currently discharged from the landfill to the Central Weber Sewer Improvement District does contain PFAS. Implementation of programs to limit PFAS discharge to the environment will be implemented over a five year period. It is possible that pretreatment of our leachate will be required before discharge into the sewer system.

NUERA has hired a new Landfill Manager, Jared Maughan, at the Bayview Landfill. The landfill is also currently working on trouble shooting and startup of the newly installed landfill gas collection and control system. Pine Creek Ventures is currently constructing an RNG plant to upgrade the landfill gas to pipeline quality gas. The project will be the first landfill to RNG project in the State of Utah.

The District is supporting a number of research projects focused on developing new waste processing technology in partnership with the Idaho National Laboratory, other private partners, and several universities. Mr. Rich said he is pleased to report that a project led by the University of Kentucky has received \$2.12 million in funding from the Department of Energy. A recent article about the project was included in the board informational materials.

Mr. Rich reported that Waste Management is interested in reprocessing the District's MRF bales of engineered fuel that the cement plant does not want. Initially they were asking the District to pay \$38 per ton but are now willing to accept them at no charge, for a period of time, if the District will haul them to Waste Management's MRF.

Mr. Rich has a meeting scheduled tomorrow with Ameresco and is hoping to finalize the contract with Ameresco at that time. He will send a copy of the finalized draft contract to board members for review.

General Business

There was no other business.

Adjournment

Upon motion duly made and seconded, the Administrative Control Board meeting was adjourned at 7:00 p.m. Voting in favor of said motion was unanimous.



Mayor Joy Petro, Board Chair



Nathan Rich, Executive Director