

CUSTER FALL RIVER

REGIONAL WASTE MANAGEMENT DISTRICT

Mailing Address

PO Box 11
Edgemont SD 57735
605-890-2110

Landfill Location

28470 Lookout Rd
Edgemont, SD
605-662-7104

Meeting Minutes

September 28, 2023, Meeting - 7:00pm MDT Mueller Center

The Custer-Fall River Regional Waste Management District Board meeting was called to order at 7:00 pm on Thursday, September 28, 2023, at the Mueller Center, Hot Springs, SD by Chairman Mike Linde.

Members Present: Mike Linde-Chairman, Custer County; Rheta Reagan, Edgemont; Les Cope, Fall River County; Timi Burdette, Oelrichs; and Dee Andersen, Pringle. Members Absent: Dean Weekley-Vice Chairman, Fairburn; Peg Ryan-Secretary/Treasurer, Custer; Dan Frieden, Buffalo Gap; and Larry Pratt, Hot Springs.

All motions approved unanimously unless otherwise noted.

Motion by Reagan, second by Andersen to approve the September 28, 2023, agenda.

Motion by Andersen, second by Reagan to approve the July 13, 2023, meeting minutes.

The Treasurer's Report was presented. Motion by Burdette, second by Reagan to approve the Treasurer's Report.

Kerry Barker, Contact Manager, was not in attendance and was represented by Dennis Tubb. Tubb reported there was a fire at the Landfill at 8pm on August 30, 2023. The Edgemont Fire Department responded, and the fire was extinguished by 10pm. The cause of the fire has not been determined. DANR was notified of the fire on August 31, 2023. The roll off containers placed by Rosane Enterprises in June 2023 at the Landfill by the Shop continue to be used as a drop-off site for customers. They have been emptied monthly thus far on July 19, August 18, and September 6, 2023. The equipment is operational after a few recent repairs. Gravel has been hauled and placed for repairs and maintenance.

Barker and FMG responded to DANR on August 27, 2023, regarding the findings from the State's June 21, 2023, Landfill Inspection. There has been no response from DANR to date. It was noted that the borrow pit is a significant distance from the cells, which results in lengthy times to haul.

Barker is soliciting price quotes from vendors to crush the several tons of concrete currently at the Landfill. FMG indicated Baker may have received one quote for \$3000 to transport the crusher to Edgemont, and \$6.50/ton to crush the concrete. There may also be an after-market to sell the crushed concrete. The Board is requesting Barker to present a proposal for costs and a plan for after-market sale/use of the product. Motion by Cope, second by Andersen, to table action until the next meeting.

Jason Hinds of FMG reported the final approved permit has not yet been received by DANR, however, both the administrative and technical reviews have been completed. The District continues to operate on a temporary/extended Permit authorized by DANR as the Permit expired in February 2023. There is no new information on scale fees and their impact upon the initial Cost of Service Analysis and new fee structure proposed to the Board by FMG during the March 9, 2023 meeting. An updated proposal for construction of a permanent drop-off building was not presented. The two roll-off containers at a cost of \$600/month located at the Landfill by the Shop continue to serve as a drop-off for customers. Resolution No. 2023-01: A Resolution Changing the Rates Charged was reviewed. Based upon DANR guidance provided to Hinds, a Board-approved rate increase would first require passing a Resolution and then publishing the Resolution as a Public Notice in the District's official newspaper. Motion by Cope, second by Reagan to table action until the next meeting.

Hinds reported that in approximately 2014, South Dakota enacted rules that resulted in significantly reducing the acceptance of soil containing radium in SD's landfills. Currently, about 14 facilities in North Dakota accept most of this soil type. In his communications with DANR, it does not appear there are any programs or proposed changes that would modify the rules regarding disposal of this soil type in the state. No action taken. Hinds also reported there is currently no plan for the State to offer Tire Waste Disposal Grants in the immediate future.

The Deputy Secretary/Treasurer reported she met with Benjamin Elliott, Independent Audit Services, on August 29, 2023, regarding the 2020-2021 audit. The 2020-21 audit proposal is \$6,500. A few additional items were requested, including information on the staffing level and security measures of the Landfill site. The auditor asked the Board to consider writing off the financials the 2018-19 Tire Shredding Grant repayment required by Standing Rock Sanitation in the amount of \$18,676.50. The amount can still be collected by the District, however. Additional information will be obtained from the auditor on the impact of this write-off for further consideration by the Board. Motion by Reagan, second by Burdette, to table action until the next meeting.

Mr. Elliott offered to complete a three-year-audit and submit a 2020, 2021, and 2022 audit by the 18-month year-end deadline of June 30, 2024, to potentially alleviate a late-audit submission for the 2020-2021 audit that was due June 30, 2023. Russell Olson, SD Legislative Audit, advised SDCL 4-11-4 requires, at most, a two-year audit, and that a one-year audit for 2022 (due by June 30, 2024) would be acceptable. The Board determined a one-year audit for 2022 would assist in the timely search for a suitable replacement of Mr. Elliott, who is accepting fewer clients as he transitions to retirement. The challenge of receiving acceptable RFPs for the 2020-21 audit is resulting in an untimely audit filing. Motion by Reagan, second by Burdette, to accept the 2022 audit proposal from Independent Audit Services for \$4,000. The auditor requests the status of any pending or threatened litigation and unasserted claims and assessments for the 2022 audit. Motion by Reagan, second by Andersen, to request attorney Lance Russell, who has provided the 2020-2021 response, to reply to the auditor's request.

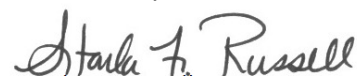
Fees associated with providing credit card payment services were reviewed. The Deputy Secretary/Treasurer advised she checked with the State Dept of Revenue regarding the current 6% convenience fee being charged to recuperate the costs of providing credit card payments for customers. It was advised that the fees charged cannot be higher than the costs. Since implementing this payment option for customers, costs have outpaced convenience fees collected annually. With the change to the current vendor, the costs are coming down. A review of the convenience fees will continue to be monitored to determine if a change should be made.

The current Landfill Management Contract Extension that was effective on January 1, 2021, indicates the contract fees will be negotiated in 2023 and take effect January 1, 2024. No new proposal was received by Barker Concrete & Construction, Inc. Motion by Reagan, second by Cope, to table action until the next meeting.

In anticipation of the 2024 budget, the last 5 year's budgets were distributed with a draft of certain expenses relative to annual expenses and sales for discussion purposes.

The next meeting is scheduled for November 9, 2023, at 7:00 pm in the Mueller Center, Hot Springs, SD. Motion by Reagan, second by Andersen to adjourn. Meeting adjourned at 8:22 pm.

Submitted by



Starla Russell, Deputy Secretary/Treasurer