

# CUSTER FALL RIVER

## REGIONAL WASTE MANAGEMENT DISTRICT

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### *Mailing Address*

PO Box 11  
Edgemont SD 57735  
605-890-2110

### *Landfill Location*

28470 Lookout Rd  
Edgemont, SD  
605-662-7104

### Meeting Minutes

#### **November 12, 2020 Meeting - 7:00pm MDT Mueller Center**

The Custer-Fall River Regional Waste Management District Board meeting was called to order at 7:04 pm on Thursday, November 12, 2020, at the Mueller Center, Hot Springs, SD by Chairman Mike Linde.

Members Present: Mike Linde-Chairman, Custer County; Terry Kizer-Vice Chairman, Buffalo Gap; Peg Ryan, Custer; Paul Nabholz, Fall River County; Joe Messinio, Oelrichs; Roger Horton, Edgemont; Dean Weekley, Fairburn; and Larry Pratt, Hot Springs. Absent: Dee Andersen-Secretary/Treasurer, Pringle.

All motions approved unanimously unless otherwise noted.

No conflicts of interests were noted.

Motion by Messinio, second by Nabholz to approve the November 12, 2020, agenda.

Motion by Ryan, second by Pratt to approve the September 10, 2020, meeting minutes.

The Treasurer's Report was reviewed and current interest rates on the First Interstate Money Market Account was discussed. Motion by Nabholz, second by Ryan to authorize the Deputy Secretary/Treasurer to withdraw between \$100,000 and \$150,000 from the First Interstate Money Market Account and invest in a CD with Liberty National Bank in Sioux Falls, SD.

Motion by Messinio, second by Kizer to approve the Treasurer's Report.

A status report regarding the fees associated with providing credit card payment services was reviewed. Current convenience fee rates are not keeping up with FIRST DATA Merchant transaction and CLOVER service plan fees. Motion by Ryan, second by Nabholz to double the current convenience fee rates. After discussion, motion amended by Ryan, second by Nabholz to double the convenience fee rate for credit card transactions under \$100.00 from \$1 to \$2, and increase the rate for transactions of \$100.00 and above from 2% to 3%.

An Information and Security Policy is required by CLOVER Security for use of the credit card machine, with a policy template provided. Motion by Messinio, second by Weekley to adopt the Information and Security Policy provided by CLOVER. Annual compliance certification and staff certifications, in addition to quarterly security checks, will be completed by the Landfill Contractor, in coordination with the Deputy Secretary/Treasurer.

First Data Global Leasing requires the CLOVER credit card machine to be insured during the term of the two-year leasing agreement, and offers coverage at \$7.50/monthly. Motion by Ryan, second by Pratt to authorize the Deputy Secretary/Treasurer to obtain insurance through SD Public Assurance Alliance, at an expected lower cost.

An update on the continued work to transition to Quickbooks online from the desktop version, specifically the additional work to prepare for the **2018-2019** audit, was provided. The final reports and documents requested by the auditor were prepared and delivered, and a meeting to discuss accounting and operations was held.

Kathy **Dolan** with First National Bank provided information on an FDIC-Insured Cash Sweep Public Funds Account (ICS). ICS is used by several public agencies and currently offers a .5% interest rate. Motion by Nabholz, second by Ryan to authorize the Deputy Secretary/Treasurer to make a withdrawal from the First Interstate Money Market Account and open an ICS with First National in Deadwood, SD.

Contact was made with Russell Olson, Auditor General, Department of SD Legislative Audit, to determine if the District falls within SDCL Chapter 4-5-5 and 4-5-6 to 4-5-11, which appears to limit CD investments to using SD financial institutions. Olson suggested the District falls within the statutes and depositories should be a bank or banks within the State of South Dakota OR domestic savings and loan associations chartered by this state or by the United States OR a domestic federal credit union chartered by the United States. South Dakota does allow for the use of financial institutions that are part of the CEDARS program to be allowed under SDCL 4-5-6.1. An update was provided for informational purposes only. No action was taken.

The financial institutions currently holding Financial Assurance Funds provided letters confirming their records reflect the following: written approval from DENR must be received before the District can make a withdraw from Financial Assurance Accounts. The Deputy Secretary/Treasurer forwarded the documentation to Steven Kropp with DENR, and verified CD funds invested as Financial Assurance Funds that are reinvested or rolled over do not constitute a withdraw of funds, and, therefore, no written permission from DENR is required.

The Opinion of Counsel certifying Item #20 of the Assurances, Terms and Conditions of Grant No. 2020G-SW-301 will be forthcoming. Counsel's review of the grant requirements indicates a Conflicts of Interest Policy (that goes beyond each Board meeting agenda's Statement of Conflict of Interest) may be necessary before the District can certify it meets the Assurances, Terms and Conditions of the Grant. Ryan will provide a copy of the Conflicts of Interest Policy the Custer City Council has adopted to the Deputy Secretary/Treasurer for development by the District. A draft will be prepared for consideration at the January 2021 meeting. The Opinion of Counsel will be provided upon the District's action.

Kerry Barker, Contract Manager, reported on the operations of the landfill, and informed the Board that Steven Kropp of DENR responded that the District's October 8, 2020, submission to the DENR State Inspection of August 20, 2020, has been accepted and all deficiencies have been adequately addressed. Kropp recapped all permit conditions set forth regarding the acceptance of oil and gas field wastes must be within compliance.

Jason Hinds of FMG provided a Proposed Scope of Environmental Monitoring (\$27,244.60), Engineering Services (\$17,511.80) and Phase II Cell Closure, Construction Quality Control & Assurance, and Draining Improvement Design (\$39,117) for 2021, for a total cost of \$83,873.40. Hinds clarified the proposal includes the 2021 Annual Water Testing Report due to DENR at the end of March 2021. Additionally, the cost of Phase II closure set for 2021 is estimated by FMG to cost \$145,237.07 (including a 20% contingency). FMG will assist in developing a grant submission (to be presented during the January 2021 meeting) which may help to meet 15-18% of costs. FMG will also assist in meeting bid notice requirements. Motion by Messinio, second by Ryan to approve FMG's proposal as outlined and presented.

The District received notice from DENR regarding the reissuing of the General Permit for Storm Water Discharges Associated with Industrial Activities, which is estimated at \$600 for 2021. FMG reported they have been monitoring this issue and will report additional information as it becomes available.

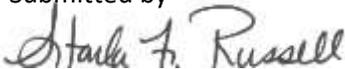
The results of the 2020 Annual Water Testing Report has not yet been received by SD DENR.

Barker proposed an 18% increase for the 2021 Landfill Contract, and a three-year extension to 2022, 2023 and 2024 (with 2023 and 2024 fees only to be negotiated in 2022). Barker stated the proposal cost will include Barker's providing mobile phone services for staff located at the Landfill (the District currently provides the monthly service separate through Verizon). The Deputy Secretary/Treasurer inquired of Russell Olson, Auditor General, Department of SD Legislative Audit, to determine if the District's current practice of extending the Landfill Contract (as verified by the previous Deputy Secretary/Treasurer with Legislative Audit) was counter to any state bid requirements. The initial 2010 Landfill Contract (approved by bid), 2011 Addendum and extension documents were provided for review and guidance. No further information was received. Motion by Ryan, second by Pratt to accept Barker's proposal. After further discussion, motion amended by Ryan, second by Pratt to accept Barker's proposal, but modify it to keep the 2023 contract cost the same as 2021 and 2022 (at the proposed 18% increase from 2020), and negotiate the 2024 contract fees only in 2023.

The 2021 preliminary budget was discussed with a review of the 2018 and 2019 rough draft of revenue and expenses presented by the Deputy Secretary/Treasurer for discussion purposes only. The 2021 Budget will be further prepared (to also include the recently-approved expenses) for action during the January 2021 meeting.

No Public Comment. The next meeting is the scheduled for January, 14, 2021, at 7:00 pm in the Mueller Center, Hot Springs, SD. Motion by Nabholz, second by Pratt to adjourn. Meeting adjourned at 8:49 pm.

Submitted by



Starla Russell, Deputy Secretary/Treasurer