

Superintendent
Andrew Frey, P.E.



FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

Member of Wyoming Solid Waste and Recycling Association (WSWRA)

P.O. Box 1400
Lander, WY 82520
telephone 307.332.7040
fax 307.332.5013

MEETING MINUTES OF THE FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

DATE: Monday, August 13, 2012
TIME: 6:00 p.m.
PLACE: Solid Waste Disposal District Office
Lander Landfill
P.O. Box 1400
52 Beebee Road
Lander, WY 82520

OPENING OF THE MEETING

The regular monthly meeting of the Solid Waste Disposal District was called to order at 6:00 p.m. by Chairman Mike Adams with the following persons present:

Board Members: Richard Rodgers, Steve Baumann, Richard Klaproth,
Jerald Crews, Dave Hines and Michael Adams
Excused Absent: Travis Brockie, Jeff Hermansky and Mike Morgan
Engineer: Brad Coleman (Lowham Walsh), Ken Schreuder (Trihydro)
Attorney: Rick Sollars (Western Law Assoc.)
Staff: Superintendent Andrew Frey, Assistant Superintendent Ben
Gonzales, and Bookkeeper Linda Kummer
Guests: John Boulette (City of Lander), Susan Brodie (CPA), Martin Reed
(Riverton Ranger), Bruce Levin (Wyoming Waste),
Ernie Over (Marketing), Ryan Ortiz (Wind River Environmental
Quality Commission), Norman Willow (Arapahoe Tribe), Jimmy
Shakespeare (Arapahoe Tribe).

Regular Agenda

STEVE BAUMANN moved and RICHARD KLAPROTH seconded the motion to approve the agenda with the moving item 4b to Executive Session. MOTION CARRIED UNANIMOUSLY.

DISTRICT BUSINESS

1. Public Discussion

Mike McDonald informed the Board that he attended the Legislature's Joint Mineral, Business and Economic Development Committee on July 25, 2012.

2. Lowham Walsh Engineering, LLC (Brad Coleman)

a. Dubois Landfill Closure Project

Mr. Coleman informed the Board that Patrick Construction Inc. (PCI) installed the 480-ft drainage culvert above the northern extent of the MSW cell; installation was conducted under the oversight of the Engineer's representative and was approved upon final inspection. Intermediate cover placement was

completed by PCI, and compliance with the design surface was verified by as-built survey. The finished surface was inspected and approved by the liner contractor, Great Basin Environmental, prior to initiating installation of the geonet and geomembrane on July 26. Installation of geomembrane was complete on August 5, and geotextile installation should be complete by Tuesday, August 7, 2012. Construction completion activities are projected to last through the month of August 2012. PCI's second pay application has been approved by Lowham Walsh for payment.

b. Environmental Monitoring (Lander and Dubois)

Mr. Coleman informed the Board that analytical data was received from Pace Laboratories and environmental monitoring reports for the June 2012 sampling event are in final review and will be submitted on or before September 10, 2012.

c. Transfer Stations Fence Project

Mr. Coleman informed the Board as-built surveys were complete for the Pavillion and Shoshoni transfer stations fencing projects. Stamped drawings and a letter of completion will be submitted to WDEQ upon notification that all associated landscaping/finishing work is complete, per instruction from the District Superintendent.

Mr. Crews commented on the poor performance of the fencing contractors.

d. Capacity Audits

Mr. Coleman informed the Board that the capacity audit survey was conducted on July 9, 2012 in Dubois and the Lander survey was completed on July 12, 2012. Mr. Colman informed the Board that the District would receive the capacity audit reports September 10, 2012.

e. Non-Exclusive Service Agreement

Mr. Coleman informed the Board that he has submitted a non-exclusive service agreement for the Boards consideration.

RICHARD RODGERS moved, and STEVE BAUMANN seconded the motion to approve the Non-Exclusive Service Agreement with Lowham Walsh Engineering, LLC. after they change president to Chairman. DAVE HINES opposed. MOTION CARRIED.

3. Trihydro Corporation (Ken Schreuder)

a. Capacity Audits

Mr. Schreuder informed the Board surveying of the Original Area (80 acres) and adjoining portions of the Expansion Area (approximately 80 acres) at the Sand Draw Landfill was completed on July 6, 2012. The capacity audits for both facilities are scheduled to be completed by August 20, 2012

b. Technical Assistance

Mr. Schreuder informed the Board that Trihydro prepared updates, and attended the previous Board Meeting to respond to questions regarding projects, and developing issues. He and Superintendent Frey had met several times in the past month to discuss miscellaneous issues, including proposed Administrative Orders on Consent for the Lander, and Riverton Balers. Three waste disposal requests (two from Conoco/Phillips, one from a private property owner in Jeffery City) were reviewed during the billing period and recommendations were provided to the Superintendent.

c. Environmental Monitoring (Dubois, Lander, Sand Draw, Shoshoni)

Mr. Schreuder informed the Board that due to the timing of the request-for-proposal, selection, and task order approval process, Trihydro contacted Patrick Troxel at the WDEQ/SHWD on July 20, 2012, regarding the initial quarterly methane monitoring event at the Sand Draw Landfill, which was tentatively scheduled for July 1, 2012. Mr. Troxel provided verbal confirmation that the first quarterly methane monitoring event at the Sand Draw Landfill could be completed in August 2012, which is the same calendar Quarter (July-September). The subsequent semi-annual monitoring events at the Sand Draw, Shoshoni, Lander, and Dubois Landfills are scheduled for October 2012.

d. Task Order Discussion

i. Proposed Task Order 10-011- Environmental Monitoring

1. Not-to exceed budget of \$84,894.

Mr. Schreuder informed the Board that on July 18, 2012, the FCSWDD voted to accept Trihydro's proposal, dated June 21, 2012, to perform environmental monitoring activities for fiscal year 2012-2013 at the Sand Draw, Shoshoni, Lander, and Dubois Landfills. In response to the Board's decision, Task Order 10-011 is enclosed for the Board's consideration. Please note that on July 19, 2012, the WDEQ/SHWD approved permit modifications proposed by Trihydro for the Sand Draw and Shoshoni Landfills. As a result the approved permit modification, Task 1B (2 detection monitoring events at the Sand Draw Landfills), and Task 2C (2 fluid level gauging events at the Shoshoni Landfill) are no longer necessary. Therefore, the total not-to-exceed amount for required task as approved by the Board on July 18, 2012 (\$105, 911), has been reduced by the cost associated with Task 1B and 2C (\$20,203+814, respectively), to a net of \$84,894. In the event that optional Task 5A (1 detection monitoring event at Shoshoni Landfill) becomes necessary, Trihydro will propose a Task Order in the amount of \$10,064.00.

DAVE HINES moved, and STEVE BAUMANN seconded the motion to except Trihydro's Task Order 10-011 not-to-exceed \$84,894. MOTION CARRIED UNANIMOUSLY.

Additionally Mr. Schreuder attended the July 19, 2012 meeting of the Governor's Solid Waste Citizen Advisory Committee, and the July 25, 2012 Municipal Solid Waste Subcommittee meeting of the Legislature's Joint Minerals, Business, and Economic Development (JMBED) Committee. The purpose of these meetings was to discuss issues associated with implementation of the Landfill Remediation fund, as well as associated landfill closure and transfer station funding issues. As for the Landfill Remediation Fund, the JMBED Subcommittee discussed a hybrid program that would allow smaller landfills to participate in a WDEQ/SHWD-managed program similar to the Underground Storage Tanks (UST) Program and a reimbursing program similar to the Municipal Landfill Monitoring Grant Program for landfill owners that would take the lead on managing the issues at their sites. A separate funding mechanisms being discussed to provide matching grants to landfill owners that need support for landfill closure and transfer station construction projects.

4. Wind River Indian Reservation Discussion (Mike Adams)

a. Wind River Reservation Joint Tribal Council Discussion

Mr. Ortiz provided a letter responding to District's recent correspondence informing the Northern Arapaho and Eastern Shoshone Tribes that Fremont County intends to withdraw from the cooperative agreement that has been in place between the County and the Tribes since 1996.

The letter stated that based on remarks from the Board in a public meeting and in the press, they were expecting a more detailed proposal from the County on terms for a new agreement. In the District's letter from July 14, 2012, they set forth a "general proposal", but that proposal did not provide enough detail for the Tribes to properly consider whether it had merit. It appears the funding level is inadequate.

Mr. Rodgers informed Mr. Ortiz that the District cannot tell the Tribes how to run their Transfer Stations.

Attorney Rick Sollars also stated that it was inappropriate to tell the Tribes how to manage their waste facility if operated under a sub-contract.

Mr. Ortiz offered to the Board to schedule a special meeting with the Joint Business Council to present a proposal.

b. Operational/Management Plan Effective 12/14/12 if no agreement

Moved to Executive Session

5. Superintendents Report-Questions and Comments (Andy Frey)

Superintendent Frey informed the Board that the superintendent's report had been included in their packets, and asked if there were any questions or comments.

Mr. Crews wanted to know if the District had received the contract from Mill Creek Metals. He was informed that it was received August 10, 2012. Mr. Crews wanted to follow up on the leachate water going to Lander. Superintendent Frey responded that the additional testing required by the City of Lander was written in the RFP, so Trihydro will be testing this month and should have a report by the following Board meeting.

6. Transfers Stations (Andy Frey)

a. Current Operations Summary (through 6/01/12 through 7/31/12) (Andy Frey)

Superintendent Frey informed the Board that revenue and patrons are up from last month. June 2012, 234 patrons and \$2,004.00 in revenue, vs. July 2012, 358 patrons and \$5066.00 in revenue.

Superintendent Frey informed the Board that Missouri Valley Transfer Station fence had been cut, and waste was found, also the Sheriff Department had cited a person that had illegally disposed of waste in front of the gate and has a court date.

7. Other Discussions

a. Administrative Order on Consent (AOC) (Andy Frey)

i. AOC for 12-month Extension on the Riverton and Lander Bale Station

Superintendent Frey informed the Board that the Riverton and Lander Bale Station run under a different operating permit than the Landfills. Further, it was brought to his attention that the District was not going to meet the deadline of September 9, 2012, so a 12-month extension was requested through an Administrative Order on Consent (AOC). Renewal permit application shall be submitted to DEQ/SHWD no later than January 07, 2013.

STEVE BAUMANN moved, and JERALD CREWS seconded the motion to accept the Administrative Order on Consent for the 12-month extension on the Lander and Riverton Bale Station. MOTION CARRIED UNANIMOUSLY.

b. Request for Proposal (RFP)

i. 20-year Capital Improvement Plan (CIP)(Andy Frey)

1. Estimated value of \$25,000.00

Superintendent Frey informed the Board of the potential benefits of establishing a 20-year Capital Improvement Plan, and that Trihydro has offered to help structure an outline.

Mr. Baumann would like Superintendent Frey to review other Solid Waste Districts CIP's to get a handle on how to move forward before going out for RFP's.

DAVE HINES moved, and RICHARD KLAPROTH seconded the motion to allow Superintendent of Operations to create and distribute a 20-year Capital Improvement Plan Request for Proposals following a meeting with Trihydro. STEVE BAUMANN and RICHARD RODGERS opposed. MOTION CARRIED.

c. Pay Scale Adjustments (Andy Frey)

i. Discussion

Superintendent Frey informed the Board that in reviewing various pay scales for Fremont County it was found that the Solid Waste District was behind the Fremont County Road and Bridge Department in pay.

The pay adjustment proposal will bring all the non-commercial driver's up to a minimum \$15.50 per hour (i.e. \$32,240.00 per year), all CDL truck driver's /equipment operators to \$36,000.00 per year, and a 3.6% cost-of-living adjustment to all employees that are not classified in the previous categories.

Mr. Rodgers stated that about four years ago the District adjusted the pay scale to match the Road and Bridge, and since then there has been very little adjustments.

Mr. Baumann would like to know how much it costs for training a new employee. He went on to say the district hires younger employees who receive training and leave for other jobs, so if we need to be a training faculty that would be ok. Additionally, a lower age group is positive for us from a health care standpoint.

RICHARD RODGERS moved, and RICHARD KLAPROTH seconded the motion to accept a pay scale adjustment for the District staff as presented going into affect August 1, 2012. JERALD CREWS, DAVE HINES, and STEVE BAUMANN opposed. MOTION FAILED.

Chairman Mike Adams asked the Board to reconsider; stating that he really feels the staff deserve to be at the level of the rest of the County.

Mr. Rogers informed the Board that the Solid Waste Employees' have a dangerous job.

DAVE HINES moved, and RICHARD RODGERS seconded the motion to accept a pay scale adjustment for the District Staff as presented going into affect August 1, 2012. JERALD CREWS, AND STEVE BAUMANN opposed. MOTION CARRIED.

d. Roll-Off Truck Purchase (Andy Frey)

i. Roll-Off Truck Bid Discussion

Superintendent Frey informed the Board that the District would like to purchase a new roll-off truck. Five competitive bids were received and reviewed. The bid for a Mack proved to be the mechanics and Superintendents recommendations.

STEVE BAUMANN moved, and JERALD CREWS seconded the motion to purchase of a Mack Roll-Off Truck with the final cost not-to-exceed \$158,000.00. MOTION CARRIED UNANIMOUSLY.

e. Pickup Purchases (Andy Frey)

i. Pickup Purchase Discussions

Superintendent Frey informed the Board that the District would like to purchase two new pickups.

STEVE BAUMANN moved, and RICHARD RODGERS seconded the motion to purchase two pickups for the District's fleet with a final cost not-to-exceed \$60,000.00, and removing two of the oldest trucks from the fleet. JERALD CREWS opposed MOTION CARRIED.

f. Task Order Request (Mike Adams)

Superintendent Frey informed the Board that there were three companies that needed to renew their task orders for the 2012-2013 fiscal year.

i. SLB, Inc.

1. 2013-01 Financial Statements (Audit) NTE \$4,500.00
2. 2013-02 Audit Support NTE \$6,000.00
3. 2013-03 T.O. Monitoring and Tracking NTE \$2,000.00
4. 2013-04 Grant Monitoring NTE \$1,500.00
5. 2013-05 Budget NTE \$4,500.00
6. 2013-06 Tribal Agreement NTE \$2,000.00
7. 2013-07 Monthly Review NTE \$4,500.00
8. 2013-08 Long-Term Planning NTE \$3,000.00
9. 2013-09 Board Meetings NTE \$4,500.00
10. 2013-10 Miscellaneous NTE \$7,500.00

DAVE HINES moved, and RICHARD RODGERS seconded the motion to accept Task Orders for SLB, as written, not-to-exceed \$40,000.00. MOTION CARRIED UNANIMOUSLY.

ii. Ernie Over Communications & Marketing

1. 2012-13-01 Press Releases NTE \$10,000.00
2. 2012-13-02 Website Maintenance NTE \$3,000.00
3. 2012-13-03 Postcards/Letters/Advertising NTE \$7,000.00

JERALD CREWS moved, and RICHARD KLAPROTH seconded the motion to accept Task Orders for Ernie Over Communications & Marketing as written, not-to-exceed \$20,000.00. MOTION CARRIED UNANIMOUSLY.

iii. Jennie Hutchinson

1. 2012-13-01 Website Maintenance NTE \$5,000.00

JERALD CREWS moved, and RICHARD RODGERS seconded the motion to accept Task Order 2012-13-01 for Jennie Hutchinson website maintenance as written, not-to-exceed \$5,000. MOTION CARRIED UNANIMOUSLY.

g. Previous Scrap Iron Payment Balance (Andy Frey)

- i. The Districts scale receipts for Sheppard Trucking since 02/02/12 (start of internal weight tracking) show tonnages hauled offsite of 355.72 tons.
- ii. The Districts payments receipts for scrap iron hauled offsite by Sheppard Trucking since 02/02/12 show payment for 210.65 tons (at either \$106.00 or \$130 per ton).
- iii. The District has not been reimbursed for 145.07 tons of scrap iron hauled offsite as per the data that started tracking the weight on 02/02/12 (at \$106/ton=\$15,377.42, or at \$130/ton=\$18,859.10).

iv. Discussion.

Mr. Baumann would like a letter wrote to Sheppard Trucking from the Attorney with a time frame of 30 days to respond.

DAVE HINES moved, and JERALD CREWS seconded the motion to have Attorney Rick Sollars send a letter to Sheppard Trucking with weights still owed to the District with supporting documentation. MOTION CARRIED UNANIMOUSLY.

h. Account Follow up (Rick Sollars)

Attorney Sollars informed the Board that McMillan Roofing was present for court, agreed they owed the \$637.80 and 10% interest, received a judgment against them and was told they could not use the landfills until their bill was paid in full. McMillan Roofing informed the Court they would pay their bill in full at the Riverton Bale Station.

Chairman Adams wants to know where the District was on charge accounts. Superintendent Frey informed the Board that the Accounts Receivable Policy previously tabled with no further discussion.

Mr. Hines suggested that everyone should pay at the dump, with cash, checks and credit cards, period.

DAVE HINES made a motion to do away with all charge accounts, with a legal written notice as of October 1,2012, regardless of payment history excluding, City of Riverton, Wyoming Waste, non-profit and government entities. DAVE HINES rescinded his motion

Superintendent Frey asked the Board to allow himself and Attorney Sollars to structure an Account Receivable Policy.

i. WWRA (Andy Frey)

i. Annual Conference in Casper, August 27-30, 2012

Superintendent Frey informed the Board that all confirmations for the conference were in their Board packets (for those attending).

8. Executive Session

DAVE HINES moved, and STEVE BAUMANN seconded the motion to enter into executive session at 8:30 p.m. for litigation. MOTION CARRIED UNANIMOUSLY.

a. Litigation

DAVE HINES moved, and RICHARD RODGERS seconded the motion to come out of executive session at 8:47 p.m. MOTION CARRIED UNANIMOUSLY.

RICHARD RODGERS moved, and RICHARD KLAPROTH seconded the motion to send the Tribes a duel proposal as discussed in executive session. MOTION CARRIED UNANIMOUSLY.

9. Call for Other New Business

Superintendent Frey informed the Board that the fencing projects at the Shoshoni and Pavillion Transfer Stations was completed on August 9, 2012. Western Plains Landscaping has requested full final payment of \$29,147.60. The completion of this work was much later than was anticipated. Within the contract documents it stated the work was to be substantially complete within 23-days of the contract time commencing, and final completion within 30-days of the contract time commencing. With the Notice to Proceed (NTP) dated April 18, 2012, substantial completion was to be met by May 11, 2012 and final completion to be met by May 18, 2012. Substantial completion was met and approved in writing on July 16, 2012 (written and emailed notice sent out July 20, 2012). Using these dates, the substantial completion date was missed by 67-days, and the final completion date was missed by 20-days (using July 20, 2012 as the start date and having it follow substantial completion by 7-days). In the contract documents there is language in the Contract Times that define the liquidated damage penalty as \$100.00 per day for the days beyond the identified substantial completion date and \$150.00 per day for days beyond the identified final completion date. Using the listed liquidated damages amounts the potential liquidated for substantial completion is \$6,700.00, the potential liquidated for final completion is \$3,000.00, and potential final liquidated damages could be \$9,700.00.

DAVE HINES moved, and STEVE BAUMANN seconded the motion to apply liquidated damages of \$9,700.00 to Western Plains Landscaping against their final bill of \$29,147.60. MOTION CARRIED UNANIMOUSLY.

JERALD CREW moved, and RICHARD RODGERS seconded the motion to pay Western Plain Landscaping the amount of the contract less \$9,700.00 for liquidated damages. MOTION CARRIED UNANIMOUSLY.

Chairman Adams formally invited the candidates running for County Commissioners to the District next Board Meeting.

10. Approval of Meeting Minutes

a. July 09, 2012 Regular Scheduled Solid Waste District Board Meeting

DAVE HINES moved, and RICHARD KLAPROTH seconded the motion to accept the July 09, 2012 minutes. MOTION CARRIED UNANIMOUSLY.

b. July 18, 2012 Special Meeting

RICHARD RODGES moved, and JERALD CREWS seconded the motion to accept the July 18, 2012 Special Minutes. MOTION CARRIED UNANIMOUSLY.

11. Approval of July, 2012 bills (Mike Adams)

DAVE HINES moved, and JERALD CREWS seconded the motion to approve the July, 2012 bills. MOTION CARRIED UNANIMOUSLY.

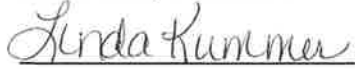
12. Call for Adjournment (Mike Adams)

DAVE HINES moved, and RICHARD RODGERS seconded the motion to adjourn the meeting at 9:31 p.m. MOTION CARRIED UNANIMOUSLY.

13. Upcoming Meeting

a. Next regularly scheduled Board meeting will be September 10, 2012 at 6:00 p.m. in the Solid Waste District Office (Lander Landfill).

Respectfully Submitted


Linda Kummer

Linda Kummer, Bookkeeper

Approved


Mike Adams

Chairman, Mike Adams