



## FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

Member of Wyoming Solid Waste and Recycling Association (WSWRA)

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### FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

#### Minutes of Regular Board Meeting

February 17, 2016

#### 1. **PRELIMINARY ITEMS:**

a. – c. The regular meeting of the Fremont County Solid Waste Disposal District Board of Directors was held on the above date and time; called to order by CHAIRMAN ADAMS at 9:30am. CHAIRMAN ADAMS then led the Pledge of Allegiance and declared a quorum of the Board with the following people in attendance.

<u>Board Members:</u>	Michael Adams, Gary Weisz, Mike Morgan, Steve Baumann, Mike Dimick, Rob Dolcater, Richard Klapproth and Mike McDonald
<u>Excused Members:</u>	Mark Moxley
<u>Commissioner Liaison:</u>	Doug Thompson
<u>Liaisons:</u>	Kyle Larson
<u>Attorney:</u>	Rick Sollars (Western Law & Assoc.)
<u>Staff:</u>	Andrew Frey (Superintendent) and Linda Kummer (Bookkeeper)
<u>Guests:</u>	Anna Smith (Wyoming Waste), Beau Peck & Smokey Peck (Interwest Paper), Gregg Schaab & Kyle Butterfield (City of Riverton)

#### d. **Approval of Agenda**

GARY WEISZ made a motion to approve the consent agenda with the following modifications: (1.) Removing the Financials for discussion, (2.) Removing the Superintendent Report for discussion, (3.) Removing the Trihydro Report for discussion, and (4.) Moving 3.d. *Wind River Indian Reservation Solid Waste Negotiations Committee Update* into an added agenda item Executive Session. STEVE BAUMANN seconded the motion. **MOTION CARRIED**

#### e. **Public Comment/Communication from the Floor**

CHAIRMAN ADAMS opened the floor to public comment. Hearing no public comment, the public comment period was closed.

#### 2. **CONSENT ITEMS:**

##### a. **Approval of Prior Meeting Minutes:**

- i. December 14, 2015, Board Meeting

##### b. **REMOVED FOR DISCUSSION – Approval of Accounts Payable – January 2015**

**Discussions:** (1.) MIKE MORGAN asked about the pledge security at US Bank. District CPA Susan Brodie confirmed that US Bank has pledge security at 101-105%. (2.) MIKE MORGAN discussed the investment direction from the Board and would like to clarify the Board's direction later in the meeting.

##### c. **REMOVED FOR DISCUSSION – Acceptance of Consultants Reports:**

- i. Trihydro Corporation – Progress Report

**Discussions:** (1.) STEVE BAUMANN asked for an update with the WDEQ scheduled meeting regarding the Alternative Cap Design. Superintendent Frey informed the Board that the meeting had been rescheduled to February 19, 2016.

- ii. Burns and McDonnell – Progress Report
- iii. Eastern Shoshoni Tribe Solid Waste – Progress Report (no report was submitted)
- iv. Northern Arapaho Tribe Solid Waste – Progress Report (no report was submitted)

**d. Acceptance of Staff Reports:**

**i. REMOVED FOR DISCUSSION – Superintendent Report**

**Discussions:** (1.) STEVE BAUMANN asked for additional information on the Water and Waste Advisory Board (W&WAB) meeting where Superintendent Frey formally commented on the most current proposed WDEQ SHWD Rule change. Superintendent Frey informed the Board that the W&WAB meeting went very well, and the concerns presented by the District were shared by members of the W&WAB, and that the W&WAB directed the WDEQ SHWD to revise the proposed rules to address the concerns. (2.) STEVE BAUMANN asked for additional information on the issues experienced at the Shoshoni Transfer Station. Superintendent Frey explained that the customers at the Shoshoni Transfer Station have continued to be very disrespectful, inappropriate, and confrontational regarding the disposal fees and unsecured load fees. The issues have become such a significant issue that many District staff members are uncomfortable with operating the site. Contact has been made with the Shoshoni Mayor (Scott Peters) to discuss the need for local support from the Shoshoni Police. Mayor Peters assured the District that their Police group would assist in any way possible. (3.) RICK KLAPROTH informed the group that the Town of Shoshoni is planning for their annual cleanup days and suggested that a plan be developed by the District to ensure there are no groups charging to the Town if they are not approved. (4.) STEVE BAUMANN commented on the tire pilot project summary and that the Board needs additional information to better understand the findings. Superintendent Frey informed the Board that a full report is in the works and will be provided to them at the next Board meeting.

MIKE MORGAN made a motion to accept the Financials, the Trihydro Report, and the Superintendent's Report as written. RICK KLAPROTH seconded the motion. **MOTION CARRIED**

**3. OTHER ITEMS OF BUSINESS:**

**a. Health Benefit – Financial Status Update**

District CPA Susan Brodie discussed the Summary Sheets and Graphs provided to the Board that represented the financial status of the Health Benefit plan adopted by the District June 1, 2015. The projections show a financial savings to the District in the last and current calendar year.

**b. District Investment Discussions**

Superintendent Frey informed the Board that the current motion from the Board regarding the investments is: "Authorizing the Superintendent, Board Chairman, and Board Treasurer to invest up to 50% of the reserve fund as allowed by State Statute, with maturities not to exceed 5-years, and 50% into Wyostar." The District's Staff interpretation is that the motion only allows investment of up to 50% of the monies set-aside for reserves dedicated to closure and post-closure.

**Discussions:** (1.) MIKE MORGAN indicated that the intent behind the previous Board actions were to create flexibility with the District staff to invest the monies from the reserves, not just the closure and post-closure reserves, guided by the maturity limit and the division between bonds and Wyostar. This is not an authorization for District staff to spend any of the funds, only to transfer the funds. (2.) District CPA Susan Brodie requested guidance on if the division of funds between bonds and Wyostar needed to be 50%. MIKE MORGAN stated that the split would not need to be exactly 50%.

MIKE MORGAN made a motion to amend the current motion on investments to allow investment of District funds, not just the closure and post-closure funds, by the Superintendent and the District CPA in bonds as allowed by State Statute and Wyoming State Investment Pools. The Superintendent and the District District CPA will consider the cash-flow needs of the District when investing District funds. STEVE BAUMANN seconded the motion. **MOTION CARRIED**

**c. Policy Review Discussions**

Superintendent Frey informed the Board that the District policy and guidance documents have been under review and edit for the past few months and that they have been provided to the Board to review and comment on at the next Board meeting. The framework of the documents was developed with the guidance of Bill Miller (Local Government Liability Pool).

**Discussions:** (1.) STEVE BAUMANN asked if the drug and alcohol language was similar to that of the County. Superintendent Frey confirmed that the language is similar to that of the County and that changes were included to address the requirements from the State of Wyoming Workforce Services Workers Compensation.

**d. MOVED INTO EXECUTIVE SESSION – Wind River Indian Reservation Solid Waste Negotiations – Committee Update**

**e. Recycling Committee Update and Recommendation**

MIKE MORGAN informed the Board and the attending public that the Recycling Committee and the Superintendent have worked the past few months to review the current and other potential recycling programs very closely – including the financial components/environmental impacts/public perception/public impact. The relationship between Community Entry Services (CES) and the District has changed due to recent legislation that requires CES to compensate their clients at a minimum wage instead of sub-par rates based on their abilities. The **conclusion** of the Recycling Committee is that the District cannot afford to operate the current recycling program and that the most financially and environmentally responsible recycling model would include a focus on acceptance of hazardous materials and metals.

The Recommendation from the Recycling Committee is to operate a Recycling Program with the following:

- **Acceptance of Hazardous Materials** (i.e. used motor oil, used antifreeze, lead acid batteries, paint, and electronic waste), and
- **Acceptance of Metals** (i.e. aluminum beverage cans, tin cans, and scrap metals),
- **No Longer Accepting the Other Previously Accepted Materials** (i.e. glass, plastics, paper, and cardboard).
- **The proposed program would save the District approximately \$363,000 per year.**

**Discussions:** (1.) MIKE MORGAN indicated that there is ample landfill space for the materials that would no longer be accepted, (2.) STEVE BAUMANN asked for clarification on the inclusion of three FTE's in the model where the District took over full operation. MIKE ADAMS explained that CES utilizes 16 clients and 3.5 full-time staff members to run the program that the District proposes to use 3 FTE's to replace. (3.) STEVE BAUMANN made the statement that the recycling program as it is, is socially important and asked if co-mingling could be implemented to maintain the program. MIKE MORGAN explained that co-mingling, contractor operations, charging for participation, reduction in services, and combinations of all of these were researched. The freight out of Fremont County to consumers far exceeds the value of the materials identified above to remove from the program. (4.) MIKE MORGAN stated that the Recycling Committee is not recommending total elimination of the recycling program, instead maintaining acceptable materials that offer a carbon reduction and financial benefit. (5.) RICK KLAPROTH indicated that he is supportive of the current recycling program, and further, everyone in the County is paying disposal fees that help to subsidize the program so any changes or reductions should include a reduction in the overall disposal fee charged by the District. MIKE MORGAN clarified that the District currently has an unfunded liability of over \$15 million for the closure and post-closure care of the landfills and that this expense grows annually. The District absolutely does not have the reserves necessary to close and maintain the landfills currently operated, so any reductions in disposal fees would ensure that the reserve funds needed would not be met within the necessary timeframe. (6.) MIKE MORGAN asked for input

from the City of Riverton. Kyle Larson (City of Riverton) stated that recycling is important to many people, that landfilling recyclable materials does not sit well with many people, but that the values from other areas do not always apply in Wyoming. Kyle Butterfield (City of Riverton) appreciates the District's work and the effort from Superintendent Frey to keep the City of Riverton current on the discussions and direction. The City of Riverton spends \$130,000 per year on wages for the curbside recycling program that the recycling program allows the City to divert materials out of their waste stream and lowers their disposal fees; and if the proposed program were implemented, it would impact their operations. (7.) MIKE MORGAN identified the current diversion rate between 10-15% and the simple fact that expenses of over \$600,000 for that small of a quantity/diversion rate is not justified. The District has reduced services in all other areas of our operations to address the financial liabilities. It is only appropriate that the recycling program be included. (8.) Beau Peck informed the group that all recycling programs in Wyoming lose money. (9.) Smokey Peck informed the Board that he has been involved with this type of situation before and suggested sending out flyers to the County citizens to determine their interest, willingness to pay, and at what rate. (10.) Doug Thompson said that these discussions are very similar to the County discussions on Ambulance Services where a service is expected without any willingness to assist with the expenses. Further, these discussions are very good and it is beneficial for the public to know what different services cost. The Board needs to ask themselves if this is a good use of money.

MIKE MORGAN made a motion to table the discussions and action on this until the March 2016 Board meeting. ROB DOLCATER seconded the motion. **MOTION CARRIED**

**f. New Business**

- MIKE ADAMS asked why the District had a booth at the Fremont County Farm and Ranch Days. Superintendent Frey explained that the Extension Office had requested to have the District have a booth at the event. It created a great opportunity to interact with the rural population on their solid waste questions and concerns.

**5-minute break (11:25am – 11:30am)**

**4. EXECUTIVE SESSION – POTENTIAL LITIGATION**

RICK KLAPROTH made a motion to enter into Executive Session at 11:36am for Potential Litigation discussions, inviting the Superintendent, Attorney, and County Commissioner, as well as allowing the Accounting Manager and Bookkeeper to remain in the Superintendent's office. GARY WEISZ seconded the motion. **MOTION CARRIED**

GARY WEISZ made a motion to exit Executive Session at 12:01pm. MIKE MORGAN seconded the motion. **MOTION CARRIED**

**5. CALL FOR ADJOURNMENT**

STEVE BAUMANN made a motion to adjourn the meeting at 12:02pm. GARY WEISZ seconded the motion. **MOTION CARRIED**

**6. UPCOMING MEETING(S):**

- a. The Next Regularly Scheduled Meeting: March 21, 2016, at 9:30am.

Respectfully submitted by,



Linda Kummer  
Bookkeeper  
Fremont County Solid Waste Disposal District



Michael Adams  
Board of Directors Chairman  
Fremont County Solid Waste Disposal District