



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

FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT Minutes of Regular Board Meeting November 21, 2016

1. **PUBLIC HEARING – PROPOSED FCSWDD Rules & Regulations Change (Tires)**

Chairman Adams opened the floor to public comment on the proposed FCSWDD Rules & Regulations change.

Public Comment: (1.) Mike Dimick – Hopper Disposal & Metals requested to have the Board consider a proposal from him on the tire management prior to making any decisions on the proposed rule and regulation change. His proposal would include a series of options, such as having his company bale the tires prior to shipping, having his company haul the tires, or having his company manage the tires all together. (2.) Mike Dimick – Hopper Disposal & Metals requested to have continued access to the Shoshoni Landfill for tire disposal, regardless of the decision on the proposed rule and regulation change. (3.) Charlie Plymale – WDEQ SHWD informed the Board that companies must be permitted if they intend to conduct tire baling and storage as per the WDEQ rules and regulations. He urged the Board to complete due diligence prior to signing any agreements with companies offering to manage the tires to ensure the company is properly permitted.

Discussion: (1.) The Board proposed recycling approach would make tire recycling mandatory. (2.) The Board proposed recycling would include the program costs getting covered by those participating in the program. (3.) The Board proposed recycling program would ensure the tires are recycled, diverted from the landfills, and assist with better management of the landfill airspace. (4.) The most recent capacity audits show that there will be remaining airspace at the Lander Landfill under the current closure date as well as the same at the Shoshoni Landfill.

2. **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, Mark Moxley, Rob Dolcater, Mike Morgan, Mike McDonald, Steve Baumann, Gina Clingerman, and Richard Klaproth
<u>Excused Members:</u>	--
<u>Commissioner Liaison:</u>	Doug Thompson
<u>Liaisons:</u>	--
<u>Attorney:</u>	Rick Sollars (Western Law & Assoc.)
<u>Staff:</u>	Andrew Frey (Superintendent) and Linda Kummer (Bookkeeper)
<u>Consultants:</u>	Ernie Over (Ernie Over Communication) and Susan Brodie (SLB, Inc.)
<u>Guests:</u>	Robert Fay, Jim Over, and Bruce Levin and Anna Smith (Wyoming Waste), Mike Dimick, Christine Greever, Randal Greever, Dot Newton, Danial Bendtsen, and Julia Stuble

d. Approval of Agenda

MIKE MORGAN made a motion to approve the consent agenda, removing the Accounts Receivable for discussion. RICK KLAPROTH seconded the motion. **MOTION CARRIED**

e. Public Comment/Communication from the Floor

CHAIRMAN ADAMS opened the floor to public comment. Hearing no comments and/or communication, the Public Comment/Communication from the Floor was closed.

3. CONSENT ITEMS:

a. Approval of Prior Meeting Minutes

- i. September 19, 2016, Board Meeting

b. Approval of Accounts Payable – September 2016 – REMOVED FOR DISCUSSION

Discussion: (1.) Steve Baumann requested to have the percentage of the year shown on the A/R worksheets to assist him in review.

STEVE BAUMANN made a motion to approve the Accounts Receivable. ROB DOLCATER seconded the motion. **MOTION CARRIED**

c. Acceptance of Consultants Reports:

- i. Trihydro Corporation – Progress Report
- ii. Burns and McDonnell – Progress Report
- iii. Eastern Shoshoni Tribe Solid Waste – No Report Submitted

d. Acceptance of Staff Reports:

- i. Superintendent Report

4. OTHER ITEMS OF BUSINESS:

a. Resolution No. 04-2016

Attorney Sollars explained that the resolution would go into effect January 1, 2017, if adopted. Additionally, there has been no agreement established with Liberty Tire given concerns that have not yet been overcome following review by the Superintendent and himself of the proposed agreement provided by Liberty Tire.

MIKE MORGAN made a motion to not adopt the proposed resolution. GARY WEISZ seconded the motion.

Discussions: (1.) This resolution would establish a precedent where the recycling costs are covered by customers. (2.) The most recent capacity audits show remaining airspace at closure of two landfills. (3.) A lack of an established agreement with Liberty is enough reason to hold off on pursuit. (4.) Tabling this decision would allow for District savings if this is pursued down the road further.

The question was called on the motion. In favor: GARY WEISZ, ROB DOLCATER, STEVE BAUMANN, MIKE MORGAN, GINA CLINGERMAN, and MARK MOXLEY. In opposition: RICK KLAPROTH and MIKE MCDONALD. **MOTION CARRIED**

b. Capacity Audit(s) Review/Discussion

Discussions: (1.) Shoshoni and Lander Landfills show a large volume of airspace remaining at the date of closure.

c. Fiscal Year 2015-16 Financial Audit

Superintendent Frey informed the Board that the District received their final audit presentation from DM-T on November 3, 2016. The report concluded: (1.) The District received a clean report on the financials. (2.) A concern remains with a separation of duties with an understanding that a complete separation is not financially feasible given the small operational size of the District. (3.) A recommendation to the Board to take a closer look at the financials on a regular basis. (4.) There was a decrease in the “Plan net position as a percentage of total pension liability”, based primarily on assumptions made by the state.

MIKE MORGAN made a motion to accept the Fiscal Year 2015-16 Financial Audit as presented. STEVE BAUMANN seconded the motion. **MOTION CARRIED**

d. Health Benefit Savings Distribution Plan

MARK MOXLEY discussed with the Board the latest health insurance savings projected for the most recent year. In his review of the projections in comparison against calendar year 2015, the District has realized savings of approximately \$60,000. These savings are attributed to the health benefit plan change, but also to the responsible use by the District staff. He feels the employees should share in these savings and drafted a motion for the Board to consider.

Discussions: (1.) MIKE MORGAN felt the staff does not impact the Health Savings Account contributions or the premium, only the Health Reimbursement Account. (2.) STEVE BAUMANN agreed with Mike Morgan’s approach, also that the HRA contributions will be refined in time and the employees will develop an annual expectation of this type of incentive. (3.) MARK MOXLEY reminded the Board of the savings, of the additional responsibility the employees have had to take on, the faith the employees had to put into the Board with this large scale change, the liability some staff members take in charging their expenses to a credit card while waiting for reimbursement through the health insurance plan, and feels a clear message to the staff explaining that this is a one-time distribution, explaining how the savings were developed, explaining the challenging economics moving ahead into next year, and thanking them for their efforts would address most of the concerns. Additionally, the numbers and projections can be split in a number of different ways.

MARK MOXLEY made the following motion:

Under our new health insurance plan implemented in 2015, it is now projected that the District will realize savings of approximately \$60,000 for calendar year 2016, as compared to calendar year 2015 costs. In recognition of the employee’s efforts in achieving these savings, it is proposed that one-half of the savings (\$30,000) be distributed to the employees in the form of a one-time lump sum distribution.

The following criteria will be utilized to set the amount of the distribution to each employee:

1. Only current full-time employees will be eligible.
2. The maximum distribution will be set at \$1,300 (\$30,000/23 employees).
3. Employees who were employed during the first quarter of 2016 will receive the full \$1,300.
4. Employees who were employed during the second quarter of 2016 will receive 75% of \$1,300 = \$975.
5. Employees who were employed during the third quarter of 2016 will receive 50% of \$1,300 = \$650.
6. Employees who were employed during the fourth quarter of 2016 will receive 25% of \$1,300 = \$325.
7. This distribution will occur on December 1, 2016, and will be subject to normal taxes and withholding.

RICK KLAPROTH seconded the motion. In favor: MIKE MCDONALD, RICK KLAPROTH, GARY WEISZ, ROB DOLCATER, GINA CLINGERMAN, and MARK MOXLEY. In opposition: STEVE BAUMANN and MIKE MORGAN. **MOTION CARRIED**

e. Equipment Purchase Request – Thumb Attachment for a Backhoe

Superintendent Frey requested authorization to purchase a thumb attachment for a District backhoe. With the attachment, the District will no longer need to keep a mini-excavator onsite. This attachment should save the District \$2,500 per month in avoided lease payments. The backhoe planned to receive the attachment has over half of its life remaining and should have another eight to ten years of life remaining. Three months of avoided lease payments will cover the cost of the attachment at \$6,900.

STEVE BAUMANN made a motion to approve the purchase of the proposed thumb attachment at approximately \$6,900. RICK KLAPROTH seconded the motion. **MOTION CARRIED**

f. Trailer House Disposal Request/Discussions

Superintendent Frey informed the Board that the District received a letter from the County Attorney's Office requesting assistance in the form of a waiver or reduced disposal fees for a trailer house located near Riverton. The trailer house is the property of a woman who has been declared mentally incompetent and is confined to a nursing home. Further, the trailer has been deemed a health hazard by the County Health Officer due to the amount of feces (pet and human). The owner of the trailer house has a daughter that has exhausted all of her finances working to clean-up the property outside of the trailer itself. Due to the potential health hazard of the trailer, we will likely direct this to the Shoshoni Landfill to minimize exposure to the general public.

STEVE BAUMANN made a motion to waive the disposal fees for the referenced trailer house and direct the trailer house to the Shoshoni Landfill. RICK KLAPROTH seconded the motion.

Discussion: (1.) MIKE MORGAN wanted to know how the disposal fees would be paid if the District did not waive them. Commissioner Thompson explained that the County had no mechanism in-place to assist with this type of a case. (2.) MIKE MORGAN expressed concern that this would represent gifting public money for private gain as the land will be worth more once the trailer house is removed. Attorney Sollars informed the Board that public money can be used in this manner to assist the poor.

The question was called on the motion. **MOTION CARRIED**

g. Eagle's Hope Transitions – Fee Waiver Request

Superintendent Frey informed the Board that included in the Board packets is a request from Eagle's Hope Transition, a 501(c)(3) non-profit organization in Riverton. This group works to provide a transitional housing opportunity in the Riverton area. Through some donations they were able to purchase an older motel and are in the process of remodeling the building to make it habitable prior to the cold weather season. With the remodel, they are generating roll-off loads of waste and would like the Board to consider waiving or reducing the disposal fees to assist with this project.

MIKE MORGAN made a motion to approve the request with a fee waiver for the total remodel. GARY WEISZ seconded the motion.

Discussion: (1.) RICK KLAPROTH wanted to know if this waiver was to be approved, if all non-profit organizations would be eligible, such as hospice facilities. (2.) MIKE MCDONALD shared his lack of support given the precedent it would set with all non-profit organizations.

The question was called on the motion. In favor: MARK MOXLEY and MIKE MORGAN. In opposition: RICK KLAPROTH, GARY WEISZ, MIKE MCDONALD, ROB DOLCATER, GINA CLINGERMAN, and STEVE BAUMANN. **MOTION FAILED**

h. December 2016 Board Meeting – Reschedule Request

Superintendent Frey informed the Board that the December 2016 Board meeting was scheduled during a time he had planned to travel to visit family and asked for consideration towards rescheduling to the week prior.

MIKE MORGAN made a motion to reschedule the December 2016 Board meeting to December 15, 2016. GARY WEISZ seconded the motion. **MOTION CARRIED**

i. Superintendents Review – MOVED INTO EXECUTIVE SESSION

4. EXECUTIVE SESSION

MIKE MORGAN made a motion to enter Executive Session for Personnel discussions at 11:58am, allowing Attorney Sollars and Commissioner Thompson to remain. GARY WEISZ seconded the motion. **MOTION CARRIED**

MIKE MORGAN made a motion to exit Executive Session at 1:05pm. GARY WEISZ seconded the motion. **MOTION CARRIED**

CHAIRMAN ADAMS provided a summary of the Boards' annual review of the Superintendent:

- The Board appreciates the work completed over the past year.
- There will be no adjustment to the provided vacation leave allowance.
- There will be no pay adjustment.
- The Board established goals for the upcoming year include the following:
 - (1.) Complete a total compensation review for solid waste employees in the State of Wyoming with similar operations.
 - (2.) Develop an Emergency Successor Plan for the Superintendent position – in the event the Superintendent position becomes vacant.
 - (3.) Pursue continued educational opportunities consistent with maintaining a professional engineering registration.
 - (4.) Locate and enroll into human resource training. Include in the human resource training the Crew Chiefs and Accounting Manager.

5. NEW BUSINESS

- (1.) Superintendent Frey informed the Board that the Northern Arapaho Tribe Solid Waste Program has made a verbal offer to the City of Riverton to dispose of their waste at \$70 per ton. The NAT Solid Waste group is supposed to provide to the City a written proposal prior to their first December 2016 meeting.

Discussion: (1.) Superintendent Frey developed a list of current cooperative efforts between the City and the District and unintended impacts that may come from the City pursuing this alternative option and provided it to the City. (2.) The District would need to make operational adjustments to account for a loss in tonnages of this magnitude. (3.) The District could match these rates if services were reduced.

- (2.) Superintendent Frey requested to have the Board consider bidding out a one-time scrap metal cleanup agreement instead of the typical two year agreement that has been used in the past. The scrap metal prices are down and it would allow the stockpiles to be reduced and still allow the work to be re-bid out once the prices recover.

MIKE MORGAN made a motion to authorize the Superintendent to draft a bid request and advertise for a scrap metal processing event. ROB DOLCATER seconded the motion. **MOTION CARRIED**

(3.) ROB DOLCATER provided notice of the recent Federal overtime rules and encourage the District to research and understand the change.

6. CALL FOR ADJOURNMENT

GARY WEISZ made a motion to adjourn the meeting at 1:20pm. ROB DOLCATER seconded the motion. **MOTION CARRIED**

7. UPCOMING MEETING(S):

- a. The next Regularly Scheduled Meeting: December 15, 2016, at 9:30am.

Respectfully submitted by,



Andrew Frey, P.E.
Superintendent of Operations
Fremont County Solid Waste Disposal District



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