



## 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

September 13, 2017

#### 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 called to order by CHAIRMAN MOXLEY at 9:30am. CHAIRMAN MOXLEY then led the Pledge of Allegiance and declared a quorum of the Board with the following people in attendance:

<u>Board Members:</u>	Mark Moxley, Michael Adams, Gary Weisz, Mike McDonald, Rick Klapproth, Mike Morgan, Gina Clingerman, and Rob Dolcater
<u>Excused Member(s):</u>	None
<u>Unexcused Member(s):</u>	Steve Baumann
<u>Commissioner Liaison:</u>	None
<u>Liaisons:</u>	None
<u>Attorney:</u>	Rick Sollars (Western Law & Assoc.)
<u>Staff:</u>	Andrew Frey (Superintendent) & Linda Kummer (Bookkeeper)
<u>Consultant(s):</u>	Susan Brodie (SLB, Inc.)
<u>Guest(s):</u>	None

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

GINA CLINGERMAN made a motion to approve the consent agenda. VICE-CHAIRMAN ADAMS seconded the motion.

Discussion(s): GARY WEISZ asked to have the Superintendent's Report removed from the consent agenda for discussion.

CHAIRMAN MOXLEY called for the vote. **MOTION CARRIED**

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

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

#### 2. CONSENT ITEMS:

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

- i. July 2017, Board Meeting

##### b. **Approval of Accounts Payable – July 2017 Invoices**

##### c. **Acceptance of Consultants Reports:**

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

##### d. **Acceptance of Staff Reports:**

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

Discussion(s): GARY WEISZ asked for an update of when the scrap metal processing work awarded to Hoppermetals is scheduled to begin. Superintendent Frey informed him and the Board that the current proposed schedule from Hoppermetals has them starting on September 20, 2017.

VICE-CHAIRMAN ADAMS made a motion to approve the Superintendent's Report. GINA CLINGERMAN seconded the motion. **MOTION CARRIED**

**3. OTHER ITEMS OF BUSINESS:**

**a. Dubois Wells Fargo – Planned Closure and Financial Deposit Handling**

Superintendent Frey informed the Board that the Wells Fargo bank location in Dubois will be closing November 15, 2017. The other FDIC insured banking institution in Dubois that could be utilized in the same way as the Wells Fargo Bank is the Bank of Jackson Hole. Additionally, the Bank of Jackson Hole has the same requirements as Wells Fargo.

He also explained that the District has loads of waste delivered one to two times a week from the Dubois Transfer Station down to the Lander Landfill, meaning the driver could personally deliver the week's deposits during their normal duties. This would result in the site having a larger amount of money onsite and delays in the month-end reporting. With the given impact to the financial reporting, the Superintendent recommended approving the use of the Bank of Jackson Hole for the Dubois Landfill and Transfer Station deposits.

VICE-CHAIRMAN ADAMS made a motion to support the Superintendent's recommendation. MIKE MCDONALD seconded the motion. **MOTION CARRIED**

**b. Customer Cell Phone Use - Discussions**

Superintendent Frey informed the Board that the District's Crew Chiefs have reported several near-misses reported to have happened while commercial haulers are observed on their cell phones including: backing into the transfer stations, entering the scales, backing up to the working face at the landfill, etc. Additionally, they have requested to have customers banned from using their cell phones while onsite.

Superintendent Frey recommended modifying the FCSWDD Rules and Regulations to include language that banned customers from using their cell phones while on District property.

**Discussion(s):** (1.) Attorney Sollars agreed that a rule change would be required and suggested adding a fee or penalty. (2.) A general consensus was reached with the Board to start the rule changing process to support a customer ban on using cell phones on District property.

**c. FCSWDD Staff Turnover Report – Review and Discussions**

Superintendent Frey explained to the Board that CHAIRMAN MOXLEY had requested that the Superintendent complete a staff turnover report analyzing the turnover during the past five years. He also asked to have this included in this month's Board packet for review and discussion.

**Discussion(s):** (1.) Attorney Sollars pointed out that it is unknown how this compares to other similar agencies. (2.) MIKE MORGAN expressed that a 10% turnover is quite consistent with healthy organizations and given the amount of changes implemented since 2012, this is not surprising. Of the 46 that left during the entire review, 14 left for higher wages – or 2 per year on average. (3.) CHAIRMAN MOXLEY noted that the CDL-A type employees are around 50% of actual positions and make up approx. 80% of the turnover.

**d. Total Compensation Review Report – Review and Discussions**

Superintendent Frey informed the Board that as part of the 2016 Superintendent's Review, the Board directed completion of a total compensation review comparing the District's wages and total compensation against similar solid waste facilities. This report was initially completed back in May, presented and discussed with the Wage and Benefit Committee. Since that time, additional research and committee meetings led to the most

recent report. Following an independent review of the report with CHAIRMAN MOXLEY, CHAIRMAN MOXLEY developed a wage adjustment proposal that was distributed to the Board for consideration. This proposal keeps the potential expenses within the final budgeted amounts.

**Discussion(s):** (1.) CHAIRMAN MOXLEY pointed out to the group that the District has been experiencing difficulty recruiting qualified candidates for openings. (2.) GARY WEISZ stated that the District staff has continued to give more each year but does not feel that any adjustments should be made currently. (3.) ROB DOLCATER pointed out that working in the private industry, they too are having a hard time retaining staff and their wages have had to increase in order to retain what they can. (4.) ROB DOLCATER pointed out that the federal regulations around trucking have been changing and will result in those in the industry looking elsewhere. Those looking will be in search of fair wages and good benefits. (5.) GINA CLINGERMAN suggested not only looking at the compensation for adjustments but also to review other areas such as vacation.

VICE-CHAIRMAN ADAMS made a motion to approve the Wage Adjustment proposed by CHAIRMAN MOXLEY as presented. MIKE MCDONALD seconded the motion.

**Discussion(s):** (1.) MIKE MORGAN drafted a comparison of health benefits against the County's for review and consideration. He went on to say that it would not be appropriate to take action on this today without any Commissioner presence. Further, the Commissioners should understand the discussions and justification for any changes. (2.) CHAIRMAN MOXLEY pointed out that his proposal took into consideration all of the discussions and points made over the past months, such as: the direct exposure to solid waste, application of a noxious environmental differential, and also took into consideration the average of the comparisons from the Total Compensation report completed by the Superintendent. (3.) MIKE MCDONALD pointed out that there will likely never be a "good" time for a wage adjustment; however, this has been justified and found to be necessary. (4.) CHAIRMAN MOXLEY reminded the Board that both he and the Superintendent presented the final budget to the Commissioners with discussions around the budgeted amount for total compensation and wage reviews. At that time, the turnover concerns were discussed with them. It was also pointed out that he was not in support of any across the board wage adjustments, but instead a full review of the individual positions. (5.) Attorney Sollars pointed out the vast differences in actions between the County and the Solid Waste District. The County has elected to maintain their staffing numbers while the District has reduced staff from 45 down to 24. The County has not adjusted their services or commissioned an independent efficiency evaluation on their operations, and the District has with numerous efficiency changes implemented. Throughout all of the changes, the District froze wages along with the County. The result of the changes has shown the District can afford to adjust wages to compensate fairly the staff for the additional workloads. (6.) MIKE MORGAN pointed out that he tries to be an advocate of the taxpayer and will not support any wage adjustments today. (7.) MIKE MCDONALD called for the question on the motion.

CHAIRMAN MOXLEY called for the vote.

**IN FAVOR:** VICE-CHAIRMAN ADAMS, MIKE MCDONALD, SECRETARY-TREASURER KLAPROTH, ROB DOLCATER, and GINA CLINGERMAN.

**IN OPPOSITION:** MIKE MORGAN and GARY WEISZ.

**MOTION PASSED**

**e. Propane Contract – Bid Summary Review and Recommendation**

Superintendent Frey informed the Board that the District advertised for propane and delivery for the cold weather season of 2017-2018. Sealed bids were due September 7, 2017, at 4:00pm. The two sealed bids that were received were publically opened at 4:05pm with the following results:

- a. Big Horn Coop: \$1.089 per gallon
- b. Pirate Propane: \$1.24 per gallon (with a noted \$1.49 per gallon cap)

Both sealed bids included all of the bid requirements.

Superintendent Frey recommended awarding the 2017-2018 Cold Weather Season propane contract to Big Horn Coop with a rate of \$1.089 per gallon.

VICE-CHAIRMAN ADAMS made a motion to approve the Superintendent's recommendation. ROB DOLCATER seconded the motion. **MOTION CARRIED**

**f. Environmental Monitoring Change Order Request (Trihydro) – Sand Draw Landfill Tier II testing**

Superintendent Frey explained to the Board that following exceedances in the air quality model projections for the Sand Draw Landfill, it was discovered that we will need to either conduct Tier II testing and analysis to demonstrate that our NMOC (non-methane organic compounds) emissions are not exceeding allowed limits; or we will need to install a gas collection and management system.

Furthermore he requested to have Trihydro submit a change order request to their environmental monitoring task order to complete the Tier II testing and lab work. The cost for this work is estimated to be \$40,500 (\$33,000 for the field testing and lab work, & \$7,500 for the renewal application work). The current fiscal year operating budget did not account for the full amount of this project.

Superintendent Frey recommended that we approve this change order to allow for this work to be completed.

SECRETARY-TREASURER KLAPROTH made a motion to approve the change order request as presented. MIKE MCDONALD seconded the motion. **MOTION CARRIED**

**4. EXECUTIVE SESSION – POTENTIAL LITIGATION**

VICE-CHAIRMAN ADAMS made a motion to enter Executive Session at 11:08am to discuss Potential Litigation allowing Attorney Sollars and Superintendent Frey to remain in the room, and allowing the Office Administrative staff to remain in the Superintendent's office. MIKE MCDONALD seconded the motion. **MOTION CARRIED**

VICE-CHAIRMAN ADAMS made a motion to exit Executive Session at 11:37am. GARY WEISZ seconded the motion. **MOTION CARRIED**

**5. NEW BUSINESS**

- a. GINA CLINGERMAN made a motion to direct Attorney Sollars to draft a letter in opposition to the Hopperdisposal transfer station permit as per the requirements of the public notice. GARY WEISZ seconded the motion. **MOTION CARRIED**
- b. MIKE MORGAN made a motion to direct Attorney Sollars and Superintendent Frey to research implementation of flow control in the District's boundary as allowed for by the Supreme Court and draft an appropriate proposed rule change for review. MIKE MCDONALD seconded the motion. **MOTION CARRIED**

**Discussion(s):** (1.) ROB DOLCATER pointed out that this may not apply to sovereign nations. (2.) MIKE MORGAN pointed out that this type of policy helps to protect human health and safety.

- c. GARY WEISZ expressed a concern that the rural transfer stations do not have any lighting and use of the sites is unsafe. He is also concerned that we are not providing a restroom for the staff at the sites. Superintendent Frey explained to the Board that there are LED lights mounted on the transfer station vehicles to provide lighting at the rural transfer station sites. Also, the District owns a portable toilet facility for use at the sites; however, the current staff requested in writing to not have to bring the portable toilet system with them and instead use a different system that has already been provided.

**6. CALL FOR ADJOURNMENT**

GARY WEISZ made a motion to adjourn the meeting at 11:45am. MIKE MORGAN seconded the motion. **MOTION CARRIED**

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

- a. The next Regularly Scheduled Meeting:  
i. October 16, 2017, at 9:30am.
- b. The next Special Meeting(s):  
ii. November 8, 2017 at 9:30am – Financial Audit Presentation

Respectfully submitted by,



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



Mark Moxley  
Board of Directors Chairman  
Fremont County Solid Waste Disposal District