



## 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

October 16, 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, Gary Weisz, Rick Klapproth, Mike Morgan, Gina Clingerman, Steve Baumann, and Rob Dolcater
<u>Excused Member(s):</u>	Michael Adams and Mike McDondald
<u>Unexcused Member(s):</u>	None
<u>Commissioner Liaison:</u>	Jennifer McCarty
<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>	None
<u>Guest(s):</u>	None

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

GARY WEISZ made a motion to approve the consent agenda. ROB DOLCATER seconded the motion. **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. September 2017, Board Meeting

##### b. **Approval of Accounts Payable – September 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

#### 3. OTHER ITEMS OF BUSINESS:

##### a. **Leachate Hauling Contract – Contract Termination Contestation by Contractor**

CHAIRMAN MOXLEY discussed a letter submitted from Gannet Construction regarding hauling the liquids from the collection system at the Lander Landfill. Steve Lee (Gannet Con.) explained that they were upset that they had not received more than 30-days' notice for the termination of the contract. They also do not feel that the

District has the ability to manage the hauling and that the District should continue to use his company to handle the hauling.

**Discussion(s):** (1.) Attorney Sollars explained that the current contract was not approved by the Board, but approved through necessity by the previous Board Chairman. (2.) Superintendent Frey informed the Board that Steve Lee had contested the ability of the Superintendent to terminate a District contract.

STEVE BAUMANN made a motion to provide Board approval to ratify the 30-day termination notice submitted to Gannet Construction from Superintendent Frey. RICK KLAPROTH seconded the motion.

**Discussion(s) cont'd:** (3.) ROB DOLCATER asked for guidance on whether the District could handle the hauling, if a backup option should be contracted, or if the District would just hire additional staff as needed. Superintendent Frey's response was that the District will be able to handle the current hauling needs with the present staff and will adjust to future needs with District staff. (4.) MIKE MORGAN confirmed that the staff will be able to handle the after-hours needs. (5.) CHAIRMAN MOXLEY reminded the Board that in the long-term plans the District will install a 20,000 gallon underground storage tank that will allow operational flexibility, and that eventually the goal includes a direct connection to the City of Lander's wastewater pipeline.

MIKE MORGAN called for the question on the motion. **MOTION CARRIED**

#### **b. Scrap Metal Processing Contract – Contract Breach Concerns and Discussions**

Superintendent Frey informed the Board that the since the Scrap Metal Processing Contract was approved back in July 2017 and final signatures were completed on August 10, 2017, there have been issues with getting the contractor to honor the contract, complete any site collection, or provide the collection containers. After a series of emails and then a certified letter giving a deadline where the contract would be considered breached if an updated schedule was not received, a revised schedule was provided. The original schedule was not met, the replacement schedule was not met, the schedule provided following the certified letter deadline was not met, and the following proposed schedule was not met. Only after we contacted them and informed them that the contract was being terminated due to their breached did the contractor inform the District that they could not perform the contract and would only complete the site cleanups which they started 60 days after the final signatures were received on August 10, 2017.

**Discussion(s):** (1.) Attorney Sollars explained the option that the District reserves to either finding the Contractor in breach, awarding the remaining work to another contractor, and pursuing the difference in compensation from the original contractor. The other option would be to terminate the current contract and awarding the contract to another contractor. This would not allow pursuit of the difference in compensation. (2.) MIKE MORGAN pointed out that the lowest, or highest bid in this situation, is not always the best option.

MIKE MORGAN made a motion to find the current Scrap Metal Processing contractor in breach and award the remaining work to another contractor. GARY WEISZ seconded the motion. **MOTION CARRIED**

#### **c. Draft Resolution 04-2017: Customer Cell Phone Restriction - Discussions**

Superintendent Frey informed the Board that included in the Board packets and provided via email on October 5, 2017, is a draft of Resolution 04-2017: Customer Cell Phone Restriction. The language and framework of the draft resolution are up for discussion, but there cannot be any formal action on the resolution until the public notice period has ended and the public hearing is held at the November 2017 meeting.

**Discussion(s):** (1.) GARY WEISZ commented that he does not agree with punishing someone for taking a cell phone call, regardless of the situation. (2.) Attorney Sollars pointed out that the safety of the District staff and the public is the priority. (3.) ROB DOLCATER pointed out that this is consistent with industry standards in the private sector.

**d. Draft Resolution 05-2017: Flow Control – Discussions**

Superintendent Frey informed the Board that included in the Board packets and provided via email on October 5, 2017, is a draft of Resolution 05-2017: Flow Control. The language and framework of the draft resolution are up for discussion, but there cannot be any formal action on the resolution until the public notice period has ended and the public hearing is held at the December 2017 meeting.

**Discussion(s):** (1.) Attorney Sollars informed the Board that the document is a work in progress and appreciates feedback. (2.) STEVE BAUMANN asked if any other facilities in Wyoming were using Flow Control. (3.) MIKE MORGAN explained that this process is not a new practice in the solid waste industry and is used to support publically operated systems. He pointed out a list of items to address → (a.) In-place contracts, (b.) the addition of a definition of flow control in the language, (c.) addressing those hauling recycling materials out of the District, and (d.) defining a penalty.

**e. Resolution 06-2017: Authorized Account Signatures (i.e. Bank of Jackson Hole – Dubois)**

Superintendent Frey informed the Board that formal approval was necessary for Resolution 06-2017 in order to move ahead with the Bank of Jackson Hole. He also recommended keeping the list of approved signers to the limited list proposed.

MIKE MORGAN made a motion to approve the Superintendent's recommendation. STEVE BAUMANN seconded the motion. **MOTION CARRIED**

**4. NEW BUSINESS**

- a. Superintendent Frey reminded the Board of the Special Meeting on November 8, 2017, for the Audit Presentation.
- b. Superintendent Frey discussed the hard copies of the Capacity Audits that were left at everyone's seats and that there will be an agenda item to discuss them at the next regular Board meeting.
- c. Superintendent Frey informed the Board that the Lander Landfill was removed from the Cease and Transfer priority list following the extension of the operational timeframe.
- d. STEVE BAUMANN asked for clarification on the limitations of the free tree waste. Superintendent Frey explained that the size limitations for the free tree waste is limited to 10-inch diameter and smaller as that size can be burnt in the allowed timeframe. Signs are posted in the disposal area and have been for a number of years.
- e. GARY WEISZ notified the Board that the Town of Shoshoni has discussed the possibility of using waived disposal fees at the Shoshoni Landfill (if approved by the Board) as in-kind donations for a grant application.
- f. ROB DOLCATER asked if there had been any communication from the County Commisison following the recent wage adjustments. Commissioner Liaison McCarty stated that the Commissioners were not aware of any wage adjustments and/or discussions.

**5. CALL FOR ADJOURNMENT**

RICK KLAPROTH made a motion to adjourn the meeting at 10:43am. MIKE MORGAN seconded the motion. **MOTION CARRIED**

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

- a. The next Regularly Scheduled Meeting:
  - i. November 20, 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



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