



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 23, 2022

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 that there was a quorum of the Board with the following people in attendance:

<u>Board Members:</u>	Robert Townsend, Normandy Rose (via Zoom), Jen Lamb, Mark Moxley, Rick Klaproth, Rod Haper, and Rob Dolcater
<u>Excused Member(s):</u>	Michael Adams
<u>Unexcused Member(s):</u>	Steve Baumann
<u>Commissioner Liaison:</u>	<i>no commissioner liaison in attendance</i>
<u>Community Liaisons:</u>	John Larson (City of Lander), and Kyle Larson (City of Riverton)
<u>Attorney:</u>	Rick Sollars
<u>Staff:</u>	Superintendent Andy Frey
<u>Consultant(s):</u>	Susan Brodie (SLB Inc.)
<u>Guest(s):</u>	<i>Brian Eggleston (City of Riverton)</i>

d. **Approval of Agenda**

RICK KLAPROTH made a motion to approve the consent agenda, moving agenda item 3.g. into an executive session. VICE-CHAIR DOLCATER seconded the motion. **MOTION CARRIED**

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

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

2. CONSENT ITEMS:

a. **Approval of Prior Meeting Minutes**

i. January 2022

b. **Approval of Accounts Payable**

i. January 2022 Invoices

c. **Acceptance of Consultants Reports:**

i. Trihydro Corporation – Progress Report

ii. Burns and McDonnell – Progress Report

iii. Wind River Indian Reservation Inter-Tribal Solid Waste Program – No Report Submitted

d. **Acceptance of Staff Reports:**

i. Superintendent Report

3. BUSINESS ITEMS:

a. **Board Committee Assignments (Discussion and Formal Action)**

CHAIRMAN MOXLEY appointed board members to the vacant positions on the District committees.

b. **MASA Air and Ground Ambulance Supplemental Coverage – Board Enrollment (*Discussion*)**

Superintendent Frey informed the Board that the enrollment period for enrollment ends February 28, 2022, for any Board members that would like to join the MASA air and ground ambulance supplemental coverage. The fee associated with the enrollment is \$228. The coverage includes everyone within the household.

c. **Wyoming Association of Special Districts - Membership (*Discussion*)**

Superintendent Frey discussed with the Board an opportunity identified by Board member MANDY ROSE, regarding a membership with the Wyoming Association of Special Districts. A membership would create networking opportunities within the state, as well as, an organization that is invested in legislation that serves to protect special districts.

Discussion: (1.) As of 2/3/2022, their website identified 86 members, including solid waste districts, fire districts, weed and pest districts, cemetery districts, joint powers boards, conservation districts, service districts, museum districts, predator boards, and recreation districts. (2.) The annual due for our district would be \$1,000 per year. (3.) Volunteer leadership.

CHAIRMAN MOXLEY tabled the discussion until next month to allow time to learn more about the association regarding use of membership fees and meeting timelines.

d. **Shoshoni Landfill Closure Construction – DRM Change Order Request #1 (*Discussion and Formal Action*)**

Superintendent Frey discussed with the Board a clause within the contractual documents for the Shoshoni Landfill Closure project for fuel price escalation. The clause allows the contractor to submit for additional compensation based on the increase in fuel prices during the term of the project. This was included following discussions with potential bidders and between Trihydro and the District.

Based on the “base price” established at the time of bidding through discussions with Bailey Enterprises in Riverton, the fuel escalation clause has allowed the contractor to request payment to cover the increase. This was calculated based on receipts for the fuel purchases that took place during the construction and reviewed by Trihydro. The fuel escalation allows for \$7,661.54.

BOB TOWNSEND made a motion to approve the DRM Change Order #1 as presented. VICE-CHAIR DOLCATER seconded the motion. **MOTION CARRIED**

e. **Shoshoni Landfill Closure Construction – Trihydro Change Order Request #1 (*Discussion and Formal Action*)**

Superintendent Frey presented a change order submitted Trihydro – Change Order Request #1 – requesting an extension on time to April 29, 2022, due to the extended construction period for the Shoshoni Landfill Closure project. No additional compensation is included within the request.

RICK KLAPROTH made a motion to approve the Trihydro change order as presented. VICE-CHAIR DOLCATER seconded the motion. **MOTION CARRIED**

f. **Shoshoni Landfill Closure Construction – DRM Pay Application No. 5 (*Discussion and Formal Action*)**

Superintendent Frey shared with the Board that the remaining earthwork, perimeter fencing, reclamation, and grade confirmation have been completed as of January 14, 2022. Further, that within the contract document there is a requirement to hold a 10% retainage until acceptance of final completion, a 41-day public advertising period – which ends March 4, 2022, and receipt of an affidavit clearly stating that there are no liens associated with the project and that all contractors used for the project have been paid in full. The amount of this retainage is over \$120,000. The 10% retainage contains more than enough funds to cover any potential liquidated damages or line-item over-run concerns held by the District.

DRM, the prime contractor has submitted their fifth pay application, dated February 15, 2022, to cover the work that has been completed through the end of the project. Pay application number five is in the amount of \$67,745.28

VICE-CHAIR DOLCATER made a motion to approve the DRM pay application No. 5 as presented. RICK KLAPROTH seconded the motion. **MOTION CARRIED**

- g. **Shoshoni Landfill Closure Construction – DRM Final Pay Application (Discussion and Formal Action)**
→ **MOVED INTO EXECUTIVE SESSION**
- h. **Task Order Request – Scale Facility Project Construction Administration (Burns and McDonnell)**
(Discussion and Formal Action)

Superintendent Frey presented the Burns and McDonnell task order request – Authorization No. 37 – for the bid administration and construction oversight in the amount of \$89,910. This task order request is consistent with our intentions to move ahead with the scale facility construction projects at Lander, Sand Draw, and Dubois.

In review of the task order, the deliverables are consistent with what the District would require. Depending on the actual contractor construction schedule and approach, the task order may need to be amended in the future. An example of this could include a smaller contractor working on each site individually versus a contractor that has a crew at each site simultaneously.

This task order was accounted for within the current operating budget.

Discussion: Temporary scale facilities will be necessary at the Dubois Landfill during the construction project since the new scale facility will be located in the general area of the existing scale facility. The Lander and Sand Draw sites should not require temporary scale facilities since the new scale facilities are located in a different location.

RICK KLAPROTH made a motion to approve the Burns and McDonnell task order request as presented. BOB TOWNSEND seconded the motion. **MOTION CARRIED**

- i. **Standard Occupation Classification – Process Review (Discussion)**

Superintendent Frey, utilizing the Bureau of Labor Statistics website, reviewed the Standard Occupational Classification for northwest Wyoming for a scale attendant and equipment operator/truck driver/laborer positions. Within the online review, the position identification process was reviewed, as well as the wage data relative to NW Wyoming, Waste Treatment and Disposal, and Government industries.

CHAIRMAN MOXLEY asked the District Wage Committee to work with Superintendent Frey on the review process and report back to the full Board.

4. **NEW BUSINESS**

- a. **WRIR Cooperative Cleanup Project:** SECRETARY/TREASURER LAMB requested an update on the WRIR Cooperative Cleanup project. Superintendent Frey shared that the District had not had any additional correspondence from Representative Lloyd Larson on the project.
- b. **Senate File 0027:** Superintendent Frey discussed with the Board a Senate Bill that has been presented for consideration during this year's legislative session. The intent behind the bill is to provide a means of dissolution of boards and districts made up of county commissioner appointed boards. As written, the bill does not identify cause or resolution. MANDY ROSE drafted a proposed amendment for review by the Board.

BOB TOWNSEND made a motion to approve the amendment for consideration by the legislation. ROD HAPER seconded the motion. **MOTION CARRIED**

- c. 2022 District-Wide Tour: Superintendent Frey offered a days' tour of the District sites to any Board member interested.
- d. District Annual Report: Superintendent Frey informed the Board that the District Annual report document was included within this month's Board packets and asked for any comments or questions on the document.

5. EXECUTIVE SESSION – POTENTIAL LITIGATION

BOB TOWNSEND made a motion to enter executive session for potential litigation at 10:57am, inviting the District Attorney and Superintendent to remain. VICE-CHAIR DOLCATER seconded the motion. **MOTION CARRIED**

VICE-CHAIR DOLCATER made a motion to exit executive session at 11:17am. BOB TOWNSEND seconded the motion. **MOTION CARRIED**

BOB TOWNSEND made a motion to assess liquidated damages to DRM in the amount of \$30,000, to withhold \$7,200 from a future Trihydro invoice and to pay that amount to DRM for a portion of the additional subgrade work completed, and to have the District pay \$9,712.80 to DRM for the balance of the additional subgrade work. RICK KLAPROTH seconded the motion. **MOTION CARRIED**

BOB TOWNSEND made a motion to approve the final pay application and acceptance of final completion for DRM, following the completion of all requirements, including the 41-day public notice period, non-receipt of submitted objections or claims, receipt of an affidavit on behalf of the contractor guaranteeing that all debts associated with the project, including all material providers and subcontractors have been paid in full, and a consent of surety to final payment submitted. VICE-CHAIR DOLCATER seconded the motion. **MOTION CARRIED**


6. CALL FOR ADJOURNMENT

VICE-CHAIRMAN DOLCATER made a motion to adjourn the meeting at 11:22am. BOB TOWNSEND seconded the motion. **MOTION CARRIED**

7. UPCOMING MEETING(S):

- a. **The Next Regularly Scheduled Meeting: March 21, 2022, at 9:30 a.m.**

Respectfully submitted by,



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

 3/21/22

Mark Moxley
Board of Director's Chairman
Fremont County Solid Waste Disposal District