

Approved at the April 20, 2010 meeting

Flathead County Solid Waste District
Board of Directors Meeting
March 23, 2010 – **5:00 p.m.**
Landfill Office

1. Roll Call

Board Members present: Hank Olson, Chairman; Bill Shaw, Vice Chairman; Greg Acton, City of Whitefish; Jim Dupont, County Commissioner; John Helton, Member at Large and Wayne Miller, Board of Health. Absent: Alan Ruby, Member at Large.

District Staff present: Public Works Director Dave Prunty, Recording Secretary Deborah Morine, Operators Doyle Sampson and Don Connors, Local 400 Union Representative Craig Davis.

Flathead County Representatives: Jonathan Smith County Attorney, Tara Fugina County Attorney and Raeann Campbell Flathead County Human Resource Director.

Attendees: Nancy Askew, Robert Morrow and Mayre Flowers

2. Introductory Remarks from Chairman

Hank Olson thanked everyone for attending and noted that Alan Ruby is absent.

Hank acknowledged Nancy Askew who had dedicated a lot of time to the Solid Waste Board and asked Dave Prunty to present her with an award of appreciation.

Dave stated that Nancy Askew had been a valuable Board Member for nearly 10 years and the Solid Waste District Board would like to show their gratitude for her years of service. Nancy stated that this has been one of the most positive and interesting groups she has ever been associated with. Dave awarded Nancy with a plaque.

3. Comments from public

Lee Griswold – Lives near the Ashley Lake site, has some concerns with the site.

- That the site has become sloppy with mud and asked that it be looked into to find a solution.
- That the recycle bin needs to be more closely monitored as people throw their recycling on the ground when it becomes full.
- The privacy fence needs to be extended to include the entire parameter of the site.
- Drainage is a problem at one end.
- The road into the site has too sharp a corner and people are driving off the pavement.
- Anticipated there will be roadside trash along the highway. Are there any contingency plans to keep the corridor clean?

Robert Morrow – Valley Recycling. He stated that the e-waste event will be May 22, from 9 - 2 at Valley Recycling.

Mayre Flowers – WasteNot Project. Updated the Board on the e-waste event (May 22) as well as the Small Business Hazardous Waste Event which will be held on May 21 at the Landfill. She also updated the Board on the pharmaceutical workshop and the Operation Medicine Cabinet Montana event that is tentatively to be held on June 5th. She reported the WasteNot Project will be doing school presentations and have an active schedule for the Landfill Tours this spring.

4. Approval of the Board Meeting Minutes for February 23, 2010 - **Action Required**

Wayne Miller moved to adopt the minutes for the February 23, 2010 meeting. John Helton seconded. Motion passed.

5. Action Agenda

a. Hearing of Employee Grievance

Doyle Sampson, equipment operator in the Solid Waste Department, filed a grievance against the County and various management personnel on March 5, 2010. Per the collective bargaining agreement the grievance has not been remedied by informal discussions with the management staff for the District and the employee. The next step is for the grievance to be presented to the Solid Waste Board of Directors.

Doyle Sampson waived his right to privacy and elected to leave the hearing open to the public.

All witnesses are to be sworn in. Don Connors stated that an officer the court needed to be present to administer an oath. County Attorney Jonathan Smith stated that the Board has the authority to administer an oath. All witnesses were sworn in.

Union Representative Craig Davis distributed a copy of the grievance and other exhibits relating to their case.

Doyle has filed a grievance because he believes he should have been paid 2.5 hours of approved sick leave that he took during the second week of pay period 4. (His time card indicated he worked 10 hrs on Sunday, Monday & Tuesday then 7.5 hrs regular time with 2.5 hrs sick leave on Wednesday. Doyle also worked 10 hrs on Thursday which he recorded as 2.5 hrs regular time and 7.5 hrs overtime. Total hours worked for the second week of pay period 4 was 42.5 hours.)

Craig contended that the union agreement states that a work week is 4 ten hour days or 5 eight hour days. Doyle's 2.5 hours sick leave shouldn't have been eliminated as, in the long run, it could negatively impact his retirement.

County Attorney Jonathan Smith distributed Exhibit A (the memo from July 30, 2003) and Exhibit F (vacation request from Doyle Sampson dated 6/24/08 and the subsequent time card for pay period 14). Exhibit F shows that Doyle's time sheet had been changed as per county policy. Jonathan asked Doyle to confirm exhibit F, and asked him why he hadn't brought a grievance up at that time: Jonathan contended that Doyle was hired after 2003, and has always worked under the policy as stated in the 7/30/03 memo.

Jonathan asked Doyle to show where it states in the contract that sick leave can be earned over and above 40 hours in a work week. Doyle stated there is no such language in the contract.

Jonathan stated, there is no grievance. The policy has been the same since 2003 and nothing states that you would get paid sick leave above and beyond your 40 hour work week.

The Board asked some questions for clarification.

Hank asked the Board for a decision to declare this a grievance or not a grievance.

John Helton moved to declare this situation "not a grievance". Wayne Miller seconded. Motion passed.

b. Rescheduling of April 27, 2010 Board Meeting – **Action Required**

Dave will be attending a road department conference in Dallas, TX for the National Association of County Engineers the week of the April 26th. If the budget proceeds forward on the normal preparation schedule, the District Board usually reviews and recommends the budget to the County Commissioners at the April meeting. Staff feels it is important that we all be present for this meeting to discuss the budget with the Board. The appropriate notification will be in the Daily Interlake to inform the public of the changed date.

Jim Dupont moved to Reschedule the April 27, 2010 board meeting to Tuesday, April 20, 2010 starting at 5 p.m. at the landfill administrative office. Greg Acton seconded. Motion passed.

c. Award of Truck Purchase – **Action Required**

Bids were received from two firms for the purchase of one new truck chassis to replace the chassis totaled in the accident last fall. The bids are as follows:

<u>Bidder</u>	<u>Cost</u>	<u>With Trade</u>
Montana Peterbilt	\$127,936	\$105,436
Western Peterbilt	\$124,499	\$114,499

With the low bid and trade above and the insurance payment received (\$53,717) for the wrecked truck, the total expense of the chassis and installing the old refuse body (estimated at \$15,000) to the District is likely to be approximately \$67,000.

Wayne Miller moved to Award the bid to Montana Peterbilt for the purchase of one new truck chassis for a price of \$127,936 and accept the trade-in offer of \$22,500 for Truck No. 41 (2002 Autocar/Wittke) and authorize the Director to execute the purchase documents. Greg Acton seconded. Motion passed.

6. Director's Report

a. Preliminary Budget Fiscal Year 2010 – 2011

Staff has prepared the preliminary budget for the coming fiscal year. Meetings will be occurring with Mike Pence, County Administrator and Joe Garza, Comptroller, on March 26, 2010 to review the initial budget.

Revenues are anticipated to be \$8,846,487 and expenses are projected to be \$8,721,406. Trust transfers of \$600,000 are budgeted for the liner and closure/post-closure trusts and \$200,000 for the land purchase trust. \$2,815,000 will be transferred from the liner and closure trusts to pay for the Phase 4A expansion (\$1,370,000) and \$1,445,000 for the partial closure of Phase 1. \$1,000,000 is budgeted for depreciation from the Administration cost center.

Staff will review the above information and the preliminary budget for Solid Waste and Junk Vehicle with the Board during the meeting.

Dave reviewed the Preliminary Budget with the Board.

b. Phase 4A Liner and Partial Closure of Phase 1

Design plans and supporting documentation has been sent to Tim Stepp, Environmental Engineer, with the MT Department of Environmental Quality (DEQ). Tim agreed to a speedy review (about one month) so we can continue with our intent to bid the project this spring.

Staff has had some informal discussions with area general contractors alerting them to this upcoming project. Hopefully, we will get some very competitive bids and take advantage of the current bidding climate to minimize our expense of this large scale project.

c. Container Site Consolidation Project – Highway 2 East (Nyack, Denny's & Essex)

Staff contacted Dan Vincent, Director for the Great Northern Environmental Stewardship Area (GNESA) regarding the District's concerns regarding the meeting scheduled to occur with GNESA, Tim Manley with MT Fish, Wildlife and Parks, Matt O'Connell with Evergreen Disposal and Ron Sullens, business owner in Essex, MT.

Dan is still in Arizona for the winter but has contacted Tim Manley to try to get this meeting organized as soon as possible. Dan believed Tim would quickly work to schedule the meeting now that the required people were back in the valley. Staff offered to attend if asked, but Dan agreed that at this point it might be best for the District to allow the stakeholders a chance to meet and discuss freely the options they see available.

Wayne Miller requested an overview of the consolidation proposal at last month's meeting. We have included the information generated over the last couple of years to reach our current situation. Staff will review and answer questions on the consolidation proposal at the meeting.

d. Olney Container Site Purchase

After discussions with Shane Mintz, Montana Department of Transportation (MDT) Real Estate Manager, on the issues surrounding the Olney Container Site, Shane recommended the District send a letter to him requesting the extension of the current lease agreement for another ten year period (included in the packet). Shane felt relatively comfortable that there will not be an issue with an approval of the lease extension but will be getting back to us after he discusses the issue with his superiors. Shane did explain that there will be an increase in annual cost of the lease. We have been paying \$250/year on all of our current MDT leases.

We also discussed the options available to the District for long term solutions at the Olney site. MDT is not interested in proceeding forward with a sale of the property if they can't sell the land directly to the District. They do not want any other property use there other than our container site. MDT does not believe they would end our lease before the term is up, but Shane said they would not agree to a lease longer than ten years and they must include the 30 day "out clause" that concerns the District.

We have also started discussions with the Montana Department of Natural Resources and Conservation (DNRC) regarding an easement like we recently obtained for the Ashley Lake Road site immediately north of the current site. It appears that the DNRC is interested in pursuing this option and our contact is going to discuss it with his superiors. MDT was also informed that the District would be exploring this option and they were supportive of our desires to assess all of our options.

e. Refuse Operations

Operations proceeded well for the month. Tonnage/Volumes are shown below:

	<u>February</u>
Total MSW to landfill	5,342.81
Total Appliances Collected	400
Junk Vehicles Collected	11
Truck Trips to Container Sites	389
Refuse tons/trip	6.48

The District landfilled 3.4% less waste in February, 2010 as compared to February, 2009 and our refuse trucks hauled 3.0% MORE waste comparing the same time frame.

Gate revenue for fiscal year 2010 was projected to be \$850,000. In fiscal year 2009 the gate budget was \$1.2 million (amended to \$900,000 in the middle of the fiscal year) and we ended the fiscal year at \$940,842.50. Through February, 2010 (67% through the year) we have received \$528,824.72 (62% of budget). We are currently slightly behind plan to meet the projected gate revenue. February is typically our slowest month of the year, so hopefully as spring continues we can make up the current shortfall. The gate represents approximately one quarter of the District's revenue stream.

f. Budget and Financials

Dave reviewed the budget and financials with the Board.

7. Comments from Board Members

John Helton asked if Mr. Griswold's concerns have been addressed. Dave stated that he and Jim have been out to the Ashley Lake site and reviewed the items of concern.

Hank Olson asked Dave to follow up with Mr. Griswold and suggested that perhaps a shale rock might help eliminate the mud problem.

Wayne Miller stated that the Board needs to further address the Litter Ordinance.

8. Adjournment

The meeting was adjourned at 7:10 p.m.