

Approved at the May 25, 2010 meeting

Flathead County Solid Waste District
Board of Directors Meeting
April 20, 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; John Helton, Member at Large; Alan Ruby, Member at Large and Wayne Miller, Board of Health. Absent: Jim Dupont, County Commissioner.

District Staff present; Public Works Director Dave Prunty, Operations Manager Jim Chilton, Deborah Morine Recording Secretary, Operators Don Connors, Doyle Sampson, Don Burns and Wynne Zellmer.

Flathead County Representatives: Jonathan Smith County Attorney, Tara Fugina County Attorney, Debbie Boreson, County Attorney's office and Raeann Campbell Flathead County Human Resource Director.

Attendees: Local 400 Union Representative Craig Davis, Matt O'Connell and Gary Krueger.

2. Introductory Remarks from Chairman

Hank Olson thanked everyone for attending and noted that Jim Dupont was absent. He also stated that Lee Griswold had called him to thank the Board for their attention at the West Corridor Site.

3. Comments from public

There were no comments from the public.

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

Alan Ruby moved to adopt the minutes for the March 23, 2010 meeting. Greg Acton seconded. Motion passed.

5. Action Agenda

a. Hearing of Employee Grievance

Don Connors, equipment operator in the Solid Waste Department, filed a grievance against the County and various management personnel on March 22, 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.

Hank Olson recused himself from this portion of the meeting citing he has a familial connection with Don Connors. Bill Shaw conducted the Hearing. Don Connors opted to leave the meeting open to the public. Notary Public Debbie Boreson swore in all who would participate in the hearing.

Grievance relating to Don Connors reporting 2.5 hours sick leave to his time sheet for the first week of pay period 4 making a total of 42.5 hours for the week.

Since the grievance is a disciplinary matter, the employer presents their case first.

Jonathan Smith called Jim as his first witness and asked him if he recognized the following documents: Exhibit's A) Memo dated 2003, B) County Policy regarding sick pay, C) Don's absence request dated February 10, 2010 and D) Don's time card for the pay period 4. Jim stated that he recognizes these documents. Jonathan continued to question Jim about Don being paid 2.5 hours sick leave, the 10 hours Don worked on Sunday, and if he had consulted the Human Resources Department concerning Don's time card for pay period 4.

Jonathan also questioned Jim about consulting with the HR Department before considering disciplinary action. Jim stated that Raeann Campbell was consulted. Jonathan presented Exhibit E) Notice of intent to suspend without pay. Jim stated that he and Dave consulted with HR and they felt that disciplinary action was warranted.

Craig Davis (Union representative) questioned if there had been discipline in the past for such an instance? Jim stated that the employees have been warned that it could lead to suspension. Craig stated the time card accurately reflects what took place during the week and said that Don Connors' work record is void of any past disciplinary action.

Jonathan questioned Don and asked if he understood why he was asked to change the time card. Don stated he filled out the time card accurately according to how many hours worked and time off each day.

Jonathan had Raeann read the paragraph from the Policy Manual regarding sick leave. She stated that sick leave and vacation time are not meant to supplement income above a 40 hour work week. Jonathan also asked Raeann if her department was consulted prior to Don's suspension. She stated that Dave and Jim consulted with her regarding this being a reoccurring problem and that suspension was a valid consequence.

Craig stated that county policy cannot supersede the union bargaining agreement.

Jonathan asked Raeann if she felt there was just cause in suspending Don. She stated there was just cause.

Craig asked Don if he knew he would be disciplined. Don stated that employees are to accurately report their time on a daily basis. He said he filled out his time card accurately reflecting what transpired each day.

Jonathan questioned Don about understanding that county policy states that you can't use sick leave when you've worked more than 40 hours in a work week. Don contended that he filled out his time card accurately for each day he worked that week.

Craig asked Dave if he commented at the suspension meeting that Don had accurately filled out his time card each day. Dave stated that he had, but by the end of the work week, the sick leave needed to be taken off in order for the work week to be accurately reported. Jonathan asked Dave if he had talked with Don about the issue and if Don understood. Dave stated he thought Don understands how the process works.

Craig stated in closing, that we can throw the policy out the window, and in the event if this cannot be resolved, they will take the matter to arbitration.

Bill asked Don if he wanted the deliberation portion of the meeting to remain open to the public. Don stated that it can stay open.

Bill called a five minute break before deliberation.

The meeting was called back to order at 6:13 p.m.

Bill asked for comments from the Board.

Alan Ruby stated that it saddens him that there was an option not to come to this point, but it was not taken. It appears that in order to get an answer once and for all, the matter will need to be taken to the next level.

John Helton was surprised to see this matter come up again and thought it should have been understood from the previous occurrence.

Greg Acton stated that Don filled out the time card accurately for the day in question, but policy states that for the work week, you can't get paid for more than 40 hours unless you've actually worked it. This should be understood; if by the end of the week it needs corrected, then correct it!

Wayne Miller reiterated that the time card was filled out accurately "except" for the 2.5 hours sick leave. Jonathan stated that the employees have an obligation to fill out their time card accurately each week. Wayne stated that you make every effort to get along with your employer and that he doesn't agree with the grievance.

Bill Shaw asked for a motion to decide if this is a grievance.

Wayne Miller moved that this is not a justified grievance and therefore deny the grievance. Alan Ruby seconded. Motion passed.

Craig stated that the union needs a written response from the County. Dave stated he would write the letter tomorrow.

b. **Fiscal 2010/2011 Budget for Solid Waste and Junk Vehicle Departments – Action Required**

Staff has made minor modifications to the draft budget for the coming fiscal year presented to the Board last month. It has also been reviewed with County Administrator and the Comptroller at a meeting on April 1st.

Revenues for Solid Waste are projected at \$8,846,487 and expenses are anticipated to be \$8,829,057. There has been little modification from the preliminary budget reviewed by the Board last month. The junk vehicle budget is anticipating \$123,470 in revenue and \$103,887 in expenses plus a transfer of \$19,583 to the Capital Outlay account.

Dave reviewed the draft budgets with the Board.

Alan Ruby moved to approve the budget as presented and recommend that the Flathead County Commission grant final approval of the submitted budgets for fiscal year 2010/2011 for the Solid Waste and Junk Vehicle Department. Greg Acton seconded. Motion passed.

c. **Award Phase 4A Excavation and Partial Closure of Phase 1 Landfill Area Project – Action Required**

Bids were received on April 16th, 2010 for the Phase 4A Excavation and the Partial Closure of Phase 1. Due to moving the board meeting forward one week, staff was unable to receive bids in time to include them in the board packet. Provided at the meeting is a table summarizing the bids from each firm and a recommendation from the District's Engineer to assist the Board in awarding the bid to the lowest, most responsive bidder.

John Helton moved Award the bid to Noble Excavating Inc. in the amount of \$1,924,550 for the Phase 4A Excavation and Partial Closure of Phase 1 Landfill Area and authorize the Director to execute the contract documents. Wayne Miller seconded. Motion passed.

d. **Recycling Infrastructure Grant – Columbia Falls Cardboard Compactor – Action Required**

Montana Department of Environmental Quality (DEQ) has awarded the District \$25,000 to purchase and install a stationary cardboard compactor at the Columbia Falls container site. The District is required to contribute \$5,382.78 in matching funds. The grant money is part of the American Recovery and Reinvestment Act (ARRA). The Project will include the installation of a reconditioned two cubic yard Marathon stationary compactor on a concrete slab at the site.

To prepare the grant we worked with Evergreen Disposal and Debbie Pierson, County Grant Writer. Part of the work completed in preparing the grant response was to evaluate the time to "pay back" our investment of \$5,383. We currently remove approximately 45 –six yard containers each month from the site. This costs \$844 each month. The compactor should gain three to four times the density of the loose cardboard in the six yard containers. Therefore, we will be removing approximately two 40 yard compactor loads each month at a cost of \$98 per

pull, or a total of \$196 each month. The difference between the hauling costs is \$648 each month. Dividing our \$5,383 investment by \$648 gives a payback time of 8.3 months.

We had originally looked at an increase of staffing at the site of 1.5 FTE's. These employees would be utilized to operate the compactor during site hours and act as site monitors. This allows the District to eliminate the expense of \$900 per month for the site maintenance costs from an independent contractor. Unfortunately, due to the economic situation in the valley, the Commissioners have requested we not ask for additional FTE at this time. We are proposing to utilize our Container Site Educator position to staff the site and operate the compactor, along with utilizing a 0.5 FTE union laborer position to work the weekends at the site. Our landfill maintenance employee will be utilized to supplement the container site educator at the other sites as time permits. Staff is anticipating as the economic situation hopefully brightens in the future we can implement additional FTE at the site as we work towards fully staffing the busier container sites.

Staff has also discussed the idea of changing the hours of operation at the site (currently at 6 a.m. to 7 p.m.) to be consistent with the Landfill hours of 8 a.m. to 5 p.m. This would also allow eliminating the cost of the independent contractor who currently opens and closes the site gate at a monthly cost of \$750/month and improve operations of the compactor and the site, in general.

John Helton moved to authorize the Director to execute agreement No. 210079 with the Montana Department of Environmental Quality accepting the grant of \$25,000 to install a stationary two yard cardboard compactor at the Columbia Falls Container Site and to modify the site hours to be consistent with Landfill hours of 8 a.m. to 5 p.m. seven days per week starting on August 1, 2010. Bill Shaw seconded. Motion passed.

6. Director's Report

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

Discussions occurred with both Dan Vincent, director for Great Northern Environmental Stewardship Area (GNESA), and Matt O'Connell with Evergreen Disposal. The proposed meeting with GNESA, Tim Manley with Fish, Wildlife and Parks, and Ron Sullens, business owner in Essex, has not occurred. Dan was going to try to organize the meeting via the phone again but he is still in Arizona. He will be returning to the Flathead in late April or early May. Matt was also going to call Dan and Tim and try to prompt them to get the meeting scheduled.

b. Olney Container Site Purchase

Staff has continued to work with the Montana Department of Natural Resources and Conservation (DNRC) on starting the ground work to look at the District obtaining an easement of two to three acres of land immediately north of the current container site. The land is currently in a lease with the Montana Department of Transportation (MDT) but they are not utilizing it. Our DNRC contact was confident that the land could be given an easement by the District. In discussions with MDT, they seemed open to the idea of allowing the area to be

used by the District. Staff provided a conceptual layout and location of the proposed facility to DNRC.

c. County Ordinance No. 8

The Board requested staff to include the Litter Ordinance in this month's agenda. We have also included a letter we received from Lee Griswold on the subject when staff met with him on April 6th. Our annual spring ad campaign is currently running on the radio and we have focused on littering and securing your load as you drive to the landfill or container site.

Due to time constraints, the Board decided to table this item until next months meeting.

d. Refuse Operations

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

	<u>March</u>
Total MSW to landfill	7,122.71
Total Appliances Collected	526
Junk Vehicles Collected	1
Truck Trips to Container Sites	429
Refuse tons/trip	7.25

The District land filled 10.6% less waste in March, 2010 as compared to March, 2009 and our refuse trucks hauled **17.2% 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 March, 2010 (75% through the year) we have received \$579,265.41 (68% of budget). We are currently slightly behind plan to meet the projected gate revenue. The gate represents approximately one quarter of the District's revenue stream.

e. Budget and Financials

Dave reviewed the budget and financials with the Board.

7. Comments from Board Members

John Helton asked what the next step is for Mr. Connors. Dave said they can take it to arbitration.

Alan Ruby stated they (Union) are searching for an answer and having an arbitrator decide will settle the issue.

8. Adjournment

The meeting was adjourned at 7:17 p.m.