

: OFFICIAL PROCEEDINGS :**: FOR THE CITY OF PEORIA, ILLINOIS :**

Peoria, Illinois, May 21, 2008, a Peoria City/County Landfill Committee Meeting was held this date at 8:04 A.M., at City Hall, Conference Room #404, 419 Fulton Street, with Mr. Lester D. Bergsten presiding.

ATTENDANCE

The following Committee Members were physically present: - Bob Akers, Les Bergsten, Patrick Nichting, Ryan Spain, Eldon Polhemus, Merle Widmer, and Steve Van Winkle - 7. Absent: – none.

City/County Staff present: Dave Barber, Julie Dewey, Miranda Floyd, Karen Raithel, Randy Ray, and Ruth Blancaflor.

Other interested parties: Emily Ambroso, Dan Erni, Dave Schaab, Mike Wiersema, Steve Matheny, Steve Harenberg, Patrick Sloan, and Chris Coulter.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on April 16, 2008; seconded by Mr. Spain.

Approved by viva voce vote.

AGENDA ITEMS**1. Report from Foth Infrastructure & Environment, LLC****A. Report from Mr. Sloan, Environmental Engineer, from Foth Infrastructure & Environment, LLC., with Permit Approvals, As Needed, including Request for Approval of Special Waste Permit #008P001.00;**

Mr. Patrick Sloan, Environmental Engineer from Foth Infrastructure, discussed the special waste memorandum listing two waste streams, which were forwarded to the Committee in their packets. He handed out Addenda Nos. 1 and 2 to that memorandum, listing two more special waste streams, to all members of the Landfill Committee. He noted the waste streams included with the Committee's packets and Addendum No. 1 which was handed out were renewals and, therefore, did not require action. The last waste stream from Haneghens Service Center, a gas station in Galesburg, as listed in Addendum 2 handed out, did require approval action, he explained, because it was over the pre-approved amount. He said they had no technical objections to it.

Mr. Nichting moved to receive and file Foth Infrastructure & Environment's report and approve the permit application of Addendum No. 2 for Haneghens Service Center; seconded by Mr. Akers.

Approved by viva voce vote.

B. Special Waste Procedures and Status Memorandum (For Information Only);

Mr. Sloan discussed the Special Waste Procedures and Status memorandum was for information only, to keep the Committee up to date on the issue.

C. Landfill No. 1 Gas Monitoring Results/Subsurface Gas Migration Memorandum (For Information Only).

Mr. Sloan stated that two perimeter gas probes showed migration above the limits of IEPA and that they continued to degrade. He referred to the map in the packet and he said both of the wells causing problems were in section one. He said six months had passed without a report from RTC, so the checks were made.

As a result of discussion with Mr. Sloan and Mr. Van Winkle, Mr. Nichting directed Mr. Sloan to report these violations to the IEPA, since RTC was not fulfilling that obligation. Further, he directed Ms. Floyd to add this breach of the contract to the litigation of record.

There were no objections from the Committee as a whole.

Mr. Nichting moved to receive and file the report; seconded by Mr. Van Winkle.

Approved by viva voce vote.

ITEM NO. 2 REVIEW AND APPROVE COMMENT on Proposed Request for Qualifications – Joint City of Peoria/County of Peoria Solid Waste Disposal Facility Expansion

Mr. Sloan stated the proposed Request for Qualifications was in this packet for the Committee's review and comment, only, and approval at the next meeting. Mr. Sloan stated he would take the Committee's comments and add them as updates to the request for qualifications document.

Mr. Nichting gave the following comments. He recommended the proposal schedule was insufficient and specifically that the time line for due diligence be extended to six months. Regarding Qualifications and Experience, he expressed concern about 4.1.a on page 2 regarding local government agencies operating landfills. He said they should keep it as open as possible.

Mr. Van Winkle concurred, and he said they needed to be sure the qualifications required did not exclude a competitor that may be viable.

Mr. Nichting further commented on the conflict of interest statement discussed on page 3 and he requested that it be more clearly defined. He said it was pretty broad and was not productive when trying to reach an agreement.

Mr. Spain commented on the evaluation of criteria and scoring system. He recommended additional breakdown of the scoring system to arrive at the 25 points. He said he wanted it to show the relevant factors arriving at the total, for instance: size of facility; importance of the relationship with the government; size and capacity and other issues, so that the Committee could clearly understand how the scoring areas were maximized.

Mr. Barber suggested that sub-bullets could be added to the individual criteria but, he said, the individual scorers used their best judgment on how to score the proposals.

Mr. Van Winkle stated the Committee should review each of the factors and give their feedback to be sure they approved of how they were being weighted.

Mr. Sloan recommended a change to the criteria on page 5 from “Effect on the City Collection Contract” to “Effect on the City/County Collection Contract,” since there would be impacts on the free dumping and the city collection contract.

Mr. Nichting discussed the need for the Alternative Proposals items in both areas of the document to match. He referred to a landscape waste program in Connecticut where everything is being separated, allowing for bio-fuel technologies being developed which then created a revenue source. He said he wanted this contract to include the flexibility to allow for unique items such as that program.

Mr. Sloan concurred and he stated the Exhibit B was written for a traditional system but that the front part of the document could state it may be modified.

Mr. Nichting discussed page 4 and he recommended that private landfills and public landfills both should be included, so as not to become too restrictive. Further, he discussed page 5, paragraph v. of the contract portion of the document (Exhibit B), regarding tipping fees. He stated the fee should either be waived or another procedure should address it, but that it needed clearer definition. He said if the fee was created, then everybody should have to pay it—residents of the City and the County—so that the distributor’s cost was equally distributed to everyone.

Mr. Polhemus stated the issue had been studied for years, and the conclusion was that if the free weekly load was discontinued, more dumping would take place on county roadways. Therefore, he said, he did not favor eliminating it.

Mr. Nichting recommended an addition on page 9, 1.9 Performance Bond to include that the Committee would be notified by the issuer of the bond 30 days in advance of the date on which it would lapse. Also, on page 19, 9.3 Compensation/Host Fee to the Committee, he suggested the percentage increase should be tied to the Consumer Price Index, for inflation.

Mr. Van Winkle cautioned against being too specific on what was expected. He said the purpose of the proposal was to leave areas for negotiation and that this was one of them. He agreed they should suggest that there ought to be an increase each year, but it should be left open for the proposer to make an idea on how to increase the fee. He said it should be made clear that the contract within the proposal would be used as a guide in the process, and it was not the suggested contract. He said the format of the present contract may or may not be that which is used in the future.

Mr. Nichting suggested the language include that the proposer will provide a host fee and show how it should be calculated and the CPI, or some other appropriate index, should be a factor in the calculations.

Mr. Matheny requested that the Committee consider which index they would use and also what trigger could be used as a “not to exceed” price. He stated if the percentage increase was based upon an index, the “not to exceed” price should be adjusted annually, also. Otherwise, he said, it could already be outdated at the beginning of a contract.

Mr. Sloan stated that was exactly what was being looked for from the proposers—including a revenue sharing idea.

Mr. Van Winkle stated there should be a link so that any increase in fees to the owners would be an increase in gate fees, as well.

In discussion with Mr. Akers regarding Prevailing Wage clauses being absent from the documents, Mr. Ray stated it depended upon whether or not a landfill was a public improvement. Ms. Floyd agreed it was determined by kind of worker present, and she said she would look into it.

Regarding the schedule for the RFQ, Mr. Bergsten recommended adding three more months. Mr. Van Winkle agreed and he suggested that the revised document should come back to the entire Landfill Committee at its next regular meeting so that it could be prepared for approval in July.

There being no objections, Privilege of the Floor was granted to Mr. Chris Coulter, Vice President of Peoria Disposal Company.

Mr. Chris Coulter, Vice President of Peoria Disposal Company, discussed 4.1 on page 15 and he requested that the Committee be aware that any proposer would need to know what the perpetual care fee would be.

Mr. Van Winkle stated the City/County Landfill was a different situation because there were actually fees built in to cover perpetual care for Landfills 1 and 2.

Mr. Sloan stated he would address that local siting could add some conditions.

Mr. Coulter questioned, under paragraph 4.3 whether there was technical data, including boring information, to be shared with potential responders. He said it was a critical component.

Mr. Sloan stated they would be generating the geographic and topographical map and hydro-geologic information for the area and that information would be made available for responders. By the time this was published, he said there was a lot of information that would be available, including making the site available for borings to be done by potential proposers. He stated the information would be included in the RFQ document.

Regarding paragraph 4.7 on page 3, "Additional Services," Mr. Coulter requested further information on what the Committee was seeking there. Mr. Sloan answered that it was meant to be an open point for the proposers to be creative.

During discussion regarding paragraph 8.1 on Page 18, Mr. Van Winkle suggested adding the words, "to include all of Peoria County."

There were no objections.

In discussion with Mr. Coulter, Mr. Erni stated the landfill's remaining capacity was projected at 8 years, or to 2016.

There being no further comments or suggestions, Mr. Nichting moved to defer the discussion on the proposed Request for Qualifications for the Joint City of Peoria/County of Peoria Solid Waste Disposal Facility Expansion to the June, 2008 meeting of the Landfill Committee; seconded by Mr. Akers.

Approved by viva voce vote.

ITEM NO. 3 REPORT from WASTE MANAGEMENT, INC.

- A. Monthly Activity Report**
- B. Permit approvals, as needed**

Mr. Matheny gave the report of Waste Management, Inc.

In discussion with Ms. Raithel regarding the difference in the "in County" and "out of County" general refuse numbers from the transfer station, Mr. Matheny stated the exact amounts were hard to determine as to which loads were coming from just Peoria, since some commercial trucks could pick up loads from both Peoria and East Peoria.

Mr. Van Winkle suggested going by the point of origin of the waste stream.

Further, Mr. Matheny suggested that the Landfill Committee's meeting planned to take place at the Landfill's Scale House be postponed from July until August, since other companies wanting to be represented for the RFQ may attend and then the Scale House would be very full.

The Chairman concurred.

Mr. Wiersema gave a brief report regarding the ongoing construction, which he said was progressing well. He reported that they were constructing cell 5, compacting the clay layer, and expected to be putting plastic down within the next 2 to 3 weeks.

Mr. Nichting moved to approve the permit application proposed to wash equipment at the active area, update the cqa plant, and correct some EPA errors in the last permit issued, subject to Mr. Sloan's approval, and approve the request for Mr. Barber to sign; seconded by Mr. Spain.

Approved by viva voce vote.

Mr. Nichting moved to receive and file Waste Management's report; seconded by Mr. Spain.

Approved by viva voce vote.

ITEM NO. 4 REPORT on RESOURCE TECHNOLOGY CORPORATION

- A. Request for Approval of Statements of SmithAmundsen LLC:
#305626, dated April 2, 2008, #305624 dated April 3, 2008, #306935,
dated May 5, 2008, and #306941 dated May 5, 2008.**

Neither Mr. Fortelka nor an RTC representative were in attendance.

Mr. Bergsten commented that when he was recently at the site he noted one engine running and there was a private contractor working on a tank which apparently had a valve failure.

Mr. Widmer moved to approve the statements of SmithAmundsen LLC #305626, 305624, 306935, and 306941 but to withhold payment of the fees for 3.5 hours billed on April 25, 2008, concerning emails from Mr. Greenblatt until further breakdown of those fees is received, in writing, and reviewed; seconded by Mr. Nichting.

Mr. Widmer expressed concern that there was no way to dispute these charges and he questioned why these matters were not handled by the Peoria attorneys. He stated he wanted to see their documentation.

Ms. Floyd explained the Chicago attorneys handled the appeal case and this information could be relevant to the appeal and, therefore, the information was forwarded to them for handling.

Motion to approve the statements of SmithAmundsen LLC #305626, 305624, 306935, and 306941 but to withhold payment of the fees for 3.5 hours billed on April 25, 2008, concerning emails from Mr. Greenblatt until further breakdown of those fees is received, in writing, and reviewed was approved by viva voce vote.

ITEM NO. 5 **REVIEW AND APPROVE Proposed Request for Quotations for Landfill Gas Utility FLARE SYSTEM, Peoria City/County Landfill No. 1***

Mr. Sloan reported that he had given the Committee in their packets a sample of an RFQ for a flares which was similar to that which had been done two years ago. He said that one was thrown out as being untimely. He noted this bid would bring in a flare and get it connected to the electrical system, but not tie it into the collection system. He said that was one way to go. He said he knew of two flares in the country: one which needed more work and one coming out of the factory in mid June. He said there would be more coming available in July and August.

In further discussion, Mr. Nichting moved to defer discussion regarding the proposed Request for Quotations for Landfill Gas Utility Flare System, Peoria City/County Landfill No. 1 until after the Executive Session; seconded by Mr. Spain.

Approved by viva voce vote.

*See further discussion on page 7.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PUBLIC COMMENT

Mr. Widmer stated he received an email communication from a former County Board member regarding recyclable disclosures and he had forwarded it to Mr. Bergsten and Mr. Sloan. He said it requested the contract language that whenever recyclable waste is taken it should be required that it is reused by a processor and not taken to any landfill. He said he would forward it to Ms. Raithel and requested that she answer the questions. Mr. Bergsten stated his email address had changed and that change would be reflected in an updated listing to be handed out at the next Committee meeting.

Commendation to Ms. Raithel and Team on the IEPA Recycling Event

Mr. Akers commended Ms. Raithel and her team on the recent IEPA-sponsored household hazardous waste recycling event. He said they did a good job of getting the word out and had an outstanding event.

The Committee concurred.

NEXT MEETING

The Committee determined there would not be a quorum for the next regular meeting scheduled for June 18, 2008. They concurred to schedule the next Regular Landfill Committee meeting on Monday, June 23, 2008, at 8:00 a.m.

EXECUTIVE SESSION

Mr. Nichting moved for the Landfill Committee to go into Executive Session to discuss 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent, and to return to Regular Session; seconded by Mr. Van Winkle.

Approved by viva voce vote.

Yeas: Akers, Bergsten, Nichting, Polhemus, Spain, Widmer, Van Winkle.

Nays: None.

The Landfill Committee held an Executive Session in Room 404 at City Hall at 9:26 a.m.

RECONVENING OF THE LANDFILL COMMITTEE

At 9:40 a.m. the Landfill Committee reconvened its Regular Session in City Hall Room 404.

The following Committee Members were physically present: - Bob Akers, Les Bergsten, Patrick Nichting, Ryan Spain, Eldon Polhemus, and Steve Van Winkle - 6. Absent: Merle Widmer -1.

ITEM NO. 5 REVIEW AND APPROVE Proposed Request for Quotations for Landfill Gas Utility FLARE SYSTEM, Peoria City/County Landfill No. 1

Mr. Nichting moved to direct FOTH Infrastructure & Environment, LLC to review and make any necessary changes to the contract for the Flare System regarding changes in the circumstances and to bring it back for review at the next month's regular meeting of the Landfill Committee; seconded by Mr. Akers.

Approved by viva voce vote.

ADJOURNMENT

Mr. Van Winkle moved to adjourn the meeting; seconded by Mr. Nichting.

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 9:42 A.M.

Lester D. Bergsten
Chairman