

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

Peoria, Illinois, July 16, 2008, a Peoria City/County Landfill Committee Meeting was held this date at 8:07 A.M., at 419 Fulton Street, Room 404, Peoria, Illinois, with Mr. Lester D. Bergsten presiding.

ATTENDANCE

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

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, Carl Niemann, Patrick Sloan, and operator representatives.

MINUTES

Mr. Van Winkle moved to approve the minutes of the Regular Peoria City/County Landfill Committee Meeting held on June 23, 2008; seconded by Mr. Polhemus.

Approved by viva voce vote.

AGENDA ITEMS**ITEM NO. 1. REPORT from FOTH INFRASTRUCTURE & ENVIRONMENT, LLC****A. Permit approvals as needed.**

Mr. Patrick Sloan, Environmental Engineer from Foth Infrastructure, discussed the special waste memorandum dated July 15, 2008, listing two waste streams, which was emailed to the Committee prior to the meeting and handed out to all members at the meeting. He said there were no objections to the waste streams and they both were types of sandblast materials.

Mr. Nichting moved to approve the special waste permit applications, as outlined; seconded by Mr. Widmer.

Approved by viva voce vote.

Report Regarding Landfill #1

Mr. Sloan handed out to all members of the Landfill Committee his Memorandum to them dated July 11, 2008, outlining the status of several issues at Landfill #1. He gave a brief overview of its contents, noting that gas migration continued to degrade, which had caused a new condition that required groundwater monitoring. He said that was already under assessment. Another issue, with regard to final cover, was that the gas emissions were causing vegetative stress in many areas since that condition kills grass.

Regarding final cover repairs, Mr. Sloan stated he was developing plans and specifications to get that work out for bid, and he requested input from the Committee about it. He said he would

have an estimate of the project later, but it would be between \$100,000 and \$200,000 worth of work. He said the cost of the project would be listed on the insurance claim they had discussed before.

Lastly, he stated a report back regarding the landscape waste issue would be provided to the Committee at its August meeting.

In discussion with Mr. Nichting regarding how much of the cost of the repairs could be attributed to the gas emissions resulting from inaction by RTC, Mr. Sloan indicated he would estimate it at about half. He stated much of the problem was caused by the gas collection system, but that the repairs on the final cover were necessary because of ponding that was occurring since the water doesn't drain. He said it was also a compliance issue, since it was required under the post-closure plan.

In discussion with Mr. Van Winkle, Mr. Sloan advised that the cover work would not be affected by any remedies that were ordered to be made to the above ground collection system. He said there were 50 acres, total, that needed to be improved with some areas needing dirt added so that they would drain properly. Further, he stated they would designate the areas at the landfill where the contractor could get the soil to do this.

Mr. Nichting stated that if there was no urgency in the matter, he would prefer it be deferred for 30 days so that Mr. Sloan and Ms. Floyd could work together to determine the Committee's liability for the issue and the necessary repairs.

In further discussion with Mr. Van Winkle, Mr. Sloan advised there were funds in the budget for the work.

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

Approved by viva voce vote.

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

Mr. Sloan stated he had emailed the document and mailed it the previous Saturday by U.S. Mail to all members of the City/County Landfill Committee. He also handed out another copy of the document to all members present. He noted the only real change to the document was on the last page regarding the criteria used for Evaluation. By using that form, he said the weight would be given to all of the items.

Mr. Nichting questioned, if the Committee approved the RFQ today, how they would arrive at a contract to compare X to Y when so many unknowns applied. He further stated it was hard to know which would be the best proposal.

Mr. Sloan stated the RFQ was based more on a qualification-based selection and it was designed to be flexible. He explained that, by going through the qualifications, the Committee could then select one firm and negotiate from what that firm was offering. Referring to an email the Committee received from PDC on the previous Saturday, he said their list of questions were definitely items that proposers needed to consider and they could submit those and we could clarify them, if we can. For instance, he stated one issue mentioned, regarding mining, was only one location standard, but there were others they needed to consider.

Ms. Floyd said from the concerns Mr. Nichting was stating, she believed he would prefer the RFQ to be more specific.

Mr. Nichting said that, in the end, he wanted to have a clear ability to evaluate the proposals, minimizing any subjective items to have a fair sense of what was being proposed. However, he said based on the Memo and what they were being advised about tweaking the proposals after they were submitted, it seemed to suggest that someone can't ask those questions ahead of time. He said that would open it up for them to be hit with a lot of extras.

Ms. Floyd stated the Committee came up with the technical aspects of the proposal, through Foth's work. She reiterated that the vendors could ask questions about the document but only at the appropriate time, which was after the RFQ was sent out.

For an example of the confusing issues, Mr. Nichting referred to a previous discussion about whether or not there was the requirement of a perpetual care fund. In that previous discussion, he said the Committee was advised that there was no requirement. He referred to the cost factors in Exhibit C of the proposal and he said if company A puts in a perpetual care fund and company B doesn't, then one is going to have a higher cost. He said that was not reasonable and fair to assume for any vendor. He wanted it to either state it does or doesn't apply.

Ms. Raithel stated that the portion of the County Code which addressed the perpetual care fund should be placed into the proposal document. She said that would address his concern and give the vendors an equal footing, because anything that any of the vendors would need to comply with would be included in the Code.

In further discussion with Mr. Nichting, Ms. Floyd stated her advice was that the Committee should be weighing in on the contents of the document, but not any potential bidders on the contract. In this document, she said, they were just looking for qualified contractors and they would propose all these things listed. Then, she said, the Committee will evaluate them and come back with recommendations. She said the Committee had indicated they wanted a general document, and that this document would allow them to take the three most qualified proposers and then negotiate with them.

Mr. Nichting said he was confused by Ms. Floyd's response to the email that potential proposers can't make a recommendation for a change in the document, now. However, he said if he understood that they could still negotiate after their submittal, he would be comfortable with that. He said he just didn't want to selectively allow one to be involved and not another and he didn't think there was any difference in that and trying to ask the questions ahead of time.

Mr. Ray explained that Ms. Floyd's advice was directed against the evil of having one company help write the specifications. He said it was the extreme example, but the idea here was for the spec to be written by a consultant who was not going to be bidding on it and that it all was done in the open and up front rather than in private discussions. However, he said, that didn't mean the Committee couldn't take reasonable action to make sure it was the best RFQ to go out.

Regarding the perpetual care fee issue, Chairman Bergsten questioned whether there was a document written so that the proposers would know they have to comply with County ordinances and Mr. Sloan stated there was a document.

In responding to earlier concerns, Mr. Sloan stated that Foth Infrastructure and Environment had no conflict of interest in the matter, as it was the consultant to the Committee. He concurred that it had been a fair and open process, since neither Foth nor the ad-hoc committee

members talked to anybody outside the process in developing this document. He said the Request for Qualifications document was based on the knowledge they had gained by working at the landfill for 30-years.

Chairman Bergsten said the original concept was that the Committee wanted to see some innovation and, in order to do that, this document needed to be fairly broad and not be specific. He said they wanted latitude.

Mr. Van Winkle moved to approve the proposed Request for Qualifications for the Joint City of Peoria/County of Peoria Solid Waste Disposal Facility Expansion; seconded by Mr. Nichting.

Mr. Nichting requested that the Motion be amended to include a modification to the proposed schedule for the last day to submit questions to be February 1, 2009 and that the last day to submit proposals would be a month later and then all the dates should be adjusted accordingly, from there.

The maker of the motion agreed.

Motion, as amended, to approve the proposed Request for Qualifications for the Joint City of Peoria/County of Peoria Solid Waste Disposal Facility Expansion with modifications to the proposed schedule for the last day to submit questions to be February 1, 2009 and that the last day to submit proposals to be a month later and all the dates would be adjusted accordingly, from there, was approved by viva voce vote.

Ayes: Akers, Bergsten, Nichting, Polhemus, Widmer and Van Winkle – 6.

Nays: None.

ITEM NO. 3 REPORT from WASTE MANAGEMENT, INC.

A. Monthly Activity Reports

Mr. Wiersema gave the June, 2008 monthly activity report from Waste Management. He stated the special waste volumes were down for 2008 versus 2007, which was largely due to a job that came in. He said everything else was in line except for MSW which was up slightly. He said yard waste was up because of the wet spring which had been experienced. He said construction at cell 5 was completed and that a permit application would be going in for that cell.

B. Permit approvals as needed

Mr. Ernie stated there were no permit applications for approval presently.

Mr. Polhemus moved to receive and file the Report from Waste Management, Inc.; seconded by Mr. Akers.

Approved by viva voce vote.

ITEM NO. 4 REPORT on RESOURCE TECHNOLOGY CORPORATION

A. Invoice approvals of SmithAmundsen LLC, as needed

Ms. Floyd stated there were no invoices for approval at this meeting. She said she had received one the previous day, which would be the final invoice from SmithAmundsen.

Report on Legal Costs

Ms. Dewey gave a report on the current cost for outside legal counsel. She reported that those costs approved and paid for 2008 amounted to \$105,239.42.

ITEM NO. 5 FLARE BIDS.

Mr. Sloan reported that Waste Management had picked up a used flare and that it was being stored at the landfill currently. He said it would have to be bid, if the Committee decided to do that, but that it gave them some flexibility.

Mr. Sloan stated a construction permit had been issued by the EPA for the flare. However, he said, he had requested a one-year extension of that permit.

Mr. Nichting moved to defer discussion regarding the proposed Request for Quotations for Landfill Gas Utility Flare System, Peoria City/County Landfill No. 1 to the next month's meeting for placement on the Agenda and to approve seeking the one-year extension of the EPA flare permit; seconded by Mr. Widmer.

Approved by viva voce vote.

UNFINISHED BUSINESS**Insurance Claim Issue**

Mr. Ray explained the problem with this issue was they didn't have a direct cause against the insurance company. He said first they would be to need to go back to review the original claims and then file a claim with the bankruptcy court.

NEW BUSINESS**Monthly Budget Items to be Included in Monthly Packets**

Ms. Dewey stated she was working with Chairman Bergsten on the format for a report outlining current budget figures. She said they intended for the report to be included in the Committee's meeting packets each month. Currently, she said \$18,000 had been escrowed regarding RTC issues.

Mr. Bergsten stated liabilities, reserves for those liabilities anticipated, and the balance left after that was of key importance to be shown each month.

PUBLIC COMMENT**Change of Location of Landfill Committee Meetings and Return of Administrative Staff Person**

Mr. Barber advised the Committee that contractors were in the process of renovating this side of the building and that there may be a period where the location of the Committee meeting would need to be changed. He also stated that Patti Pitcher would be returning to work in August and would attend that meeting.

NEXT MEETING

Mr. Bergsten announced the next Regular Landfill Committee meeting would be held on Wednesday, August 20, 2008, at 8:00 a.m., at the Scale House at the Landfill site.

ADJOURNMENT

There being no further business, Mr. Nichting moved to adjourn the Regular Peoria City/County Landfill Committee meeting; seconded by Mr. Van Winkle.

Approved by viva voce vote.

The regular Landfill Committee meeting adjourned at 9:08 A.M.

Lester D. Bergsten
Chairman

rmb