

Valley County Refuse District #1  
Board Meeting  
Valley County Landfill  
September 21, 2022 – 5:00 pm

**MEMBERS PRESENT:** Paul Tweten, Mary Armstrong, John Fahlgren

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Darcia Schindler – Administrative Assistant, Brian Austin – Refuse District Manager, Rocky Thompson – T&R Trucking, Todd Riggs, Stan Ozark, Sheriff Tom Boyer

Chairman Paul Tweten called the meeting to order.

Chairman Tweten asked for public comment.

The August 16, 2022, meeting minutes and were reviewed.

**John Fahlgren moved to approve August 16, 2022, minutes.**

**Mary Armstrong seconded the motion. Motion carried.**

The August/September 2022, claims were reviewed.

**Mary Armstrong moved to approve August/September claims.**

**John Fahlgren seconded the motion. Motion carried.**

### **Finance Report**

Unrestricted Cash as of 9/2022	- \$181,653.87
Accounts Payable as of 9/2022	- \$81,008.45
Accounts Receivables as of 9/2022	- \$27,219.70

**REFUSE DISTRICT MANAGER REPORT - -**

- \*\* D&S Electric installed the UPS and Generator. Waiting for an Eaton tech to come and finish the set up of UPS. Sean Heavey will help with the UPS. It was not informed to Mike Bain or the Refuse a Eaton tech would need to finish the UPS set up.
- \*\* Moving dirt for winter
- \*\* Had to replace injectors on front and back scraper engine.
- \*\* Barry Damschen will be here Monday.
- \*\* Was a small chemical fire in the pit.
- \*\* Working on portable fences.
- \*\* Will be burning tree piles after it rains.

**T&R REPORT - -**

- Starting to slow down.
- Frazer had some messed up gates and small messes.
- Need to look at fencing in Nashua and Frazer.
- Need to get Frazer cleaned up before winter.
- Going to start locking up the back door of the containers in Frazer and Oswego but it's only a band aid.
- Everything else is going well.

**ASSESSMENT UPDATE - -**

John Fahlgren asked Secretary Schindler to put together a list of businesses and total of number of units being assessed.

Discussion was held on Corps of Engineers assessment. T&R Trucking has a five-year contract with the Corps of Engineers. The Corps of Engineers assessment was figured by T&R's contract, as the contract has how many and size of garbage containers and how often they will be dumped each fiscal year. Rocky Thompson from T&R Trucking asked if Darin McMurray from the Corps of Engineers had been reached out to on this matter. Mr. Fahlgren stated they have been it has been a while. Right now, since the Corps of Engineers has not paid the assessment maybe it's a miscommunication or the upper level that pays the bills need to be contacted. Same problem with the Border Patrol up by Opheim, has not paid their assessment. The Post Office has paid. Mr. Tweten stated Valley County Treasurer, Brenda Anderson is checking with Valley County

Attorney Dylan Jensen to see if the county can take an assignment out on Corps of Engineers since they're on the overdue list.  
End of Report

## **OLD BUSINESS:**

## **OLD OF NEW BUSINESS**

## **NEW BUSINESS**

Tribal Council was on the September agenda to visit about the Oswego and Frazer container sites. Nobody from Tribal council attended the September meeting. Ms. Armstrong wanted to discuss the lengthy discussion that was held at the last meeting about these sites. At the last meeting there was a motion to add extra cleanup to the tribe's assessment at the end of the year. The motion read:

**Mary Armstrong moved to charge the Fort Peck Tribe for special cleanups that require additional personnel and equipment at the Frazer site in order for the site containers to be picked up. The charges would be added to the annual assessment sent to the Fort Peck Tribe. John Fahlgren seconded the motion. Motion carried.**

It came to Refuse Board attention that not only tribal members use those containers. This is probably not the best way to go. Since the tribal council is willing to help with the cleanup at these sites, this is probably a better way to go. Maybe T&R Trucking and Manager Brian Austin could suggest dates to the tribal council that would work for the cleanup.

**John Fahlgren moved to rescind the motion from the August meeting, (stated above). Mary Armstrong seconded the motion. Motion carried.**

Ms. Armstrong then asked how the meeting went with the tribal council. Rocky Thompson – T&R Trucking, Refuse District Manager, Brian Austin and Secretary, Darcia Schindler went to the Tribal Council on August 17, 2022. The biggest thing that was heard from the Tribal Council felt there has not been any communication and they would like a line of communication. Ms. Armstrong thought there had been communication

with the old Refuse Board. Manager Mr. Austin stated since the Commissioners have taken over the board there has been no communication with the Tribal Council.

Right before the Refuse Board had been disbanded the agreement had been sent over to the Tribal Council. At no fault of anybody there is a new Refuse Board and Tribal Council and there had been no line of communication between the two. Mr. Tweten felt the contract is beside the point because the tribal assessment was paid. Manager Austin feels if there was a contract it would help with the responsible party of the messes in Frazer and Oswego. Mr. Tweten state as the Refuse Board they sent Mr. Austin, and Secretary Schindler to talk to the Tribal Council. Mr. Austin is only the middleman at those meeting. He is not in a position to make any decisions. The decisions falls to the Refuse Board.

Mr. Tweten stated he though a contract had been mailed to the Tribal Council. Manager Austin stated there was one sent just this May with the tribal assessment bill, and it's never been returned. Mr. Fahlgren did not feel this meeting was about the contract because the contract is not needed if the bill is already paid. Secretary Schindler stated the Tribal Council felt there is no way to negotiate without a contract. Mr. Tweten didn't feel it was a negotiation but to ask for help with the cleanup. Ms. Armstrong agreed with Mr. Tweten. Ms. Armstrong feels this is the Refuse Manger's job. Ms. Armstrong stated this is the first time she has heard about the Tribal Council wanting some kind of agreement. When the commissioners called Manger Brian Austin down to the commissioner's office to talk about this, Ms. Armstrong does not remember this being brought up. Mr. Tweten asked if they had a copy of the agreement. Tribal Council didn't like the part about the maintenance. Attorney, Dylan Jensen had removed the maintenance part and it was re-sent to the Tribal Council and nothing was every heard back. The agreement was again sent in May, 2022 with the assessment bill.

Ms. Armstrong presented the question, what were the main points that the Tribe expressed to you, representing the Refuse District, so we understand if there are things the board needs to do that is beyond what the Refuse Manager can do? Mr. Austin stated that there was a lot of discussion on different things that could be done to try and stop the messes. Adding cameras, hiring a site monitor to site at the site and monitor was is gong

into the containers and what is not and about grants. Mr. Austin explained how game camera's have been used in the past and do not work. The Tribe is having this same problem all over the reservation, so they understand, but the container is on tribal land, but the container site is Valley Counties and Mr. Austin feels this is where he gets stuck in the middle.

Ms. Armstrong wanted to know the feed back on the contract. Mr. Austin said the tribal council only had enough for a quorum at the meeting. Tribal Council asked if there ever was a contract, so Mr. Austin laid out the history. Mr. Austin wasn't sure where things were between legal counsel on the Tribal side or on Valley Counties side. Another contract was presented to the Tribal Council at this meeting.

## END OF NEW BUSINESS

End of Report

## OTHER BUSINESS

Chairman Tweten asked for public comment.

**Mary Armstrong moved to adjourn the meeting. John Fahlgren seconded the motion. Motion carried.**

Meeting adjourned 5:40 PM



Paul Tweten, Chairman



Darcia Schindler, Secretary

Valley County Refuse District #1

*Next meeting will be October 20, 2022, 4:00 PM*