

ET1496-CORR-11JUN2019

Date: March 27, 2018

Reference: Meeting with Wyoming DEQ, Rich Vincint; Quality Landscape, Randy Stevens; Town Resident, Steve Wilcoxin; Town of Saratoga, Dan Ferrin

Daily Report:

I met with Randy Stevens, Rich Vincent and Steve Wilcoxin over at his property located on S. River and Maple, in Saratoga. The discussion topic was the shear pile wall and its safety. Mr. Wilcoxin filed a complaint with the Wyoming DEQ concerning the over-excavation of the wall and the walls integrity. Mr. Vincent scheduled a visit and met with Mr. Stevens, Mr. Wilcoxin and myself. After inspection of the wall, Mr. Vincent required that the drainage above the wall needs to drain away from the wall and that some of the shoring above needed to meet MSHA requirements. Also the banks to the east of the wall need to be sloped at minimum of a 1.5:1. Mr. Vincent recommended that the shear pile wall needs to be anchored or supported by some kind of bracing. He mentioned that he did not see an immediate threat of the wall giving way but it is a possibility in the future, hence the supports.

As we discussed these issues with Mr. Vincent, Mr. Wilcoxin and Mr. Stevens argued over who was responsible for these violatoinis and the safety of the wall.

Mr. Stevens gave us a brief history of the lawsuit and case and told us that there were 5 other, recent, amendments to the consent decree that I had with me. It was dated June 21, 2010. Mr. Wilcoxin and I were unaware of these other amendments. Mr. Stevens told us that he has a restraining order from the Town not to dig in the alley or anywhere near it. I asked Mr. Stevens if he had a copy of this restraining order and he said it was verbal from Judge Waldrip. I asked if, "anywhere near it" was defined by a given distance and Mr. Stevens said it was not.

I told Mr. Stevens and Mr. Wilcoxin that if the Town is responsible, by the court order, to grade the alley, above the wall, to drain properly, then the Town would need to do that. It was up to the Town Council to direct this operation. I also told them if the Town had other responsibilities, directed by the court order, then the Town should be taking care of those also, by direction of the Town Council. As far as the other banks with the vertical sides, since Mr. Stevens has a restraining order, I asked Mr. Wilcoxin if the Town had a way to waive the restraining order so Mr. Stevens could fix these issues. I told everyone that for the Town to fix these, they would have to trespass onto Mr. Stevens' lots. Mr. Stevens said that would not be allowed. I asked Mr. Stevens if we were able to waive the restraining order, would he fix these violations. He said no, he would not want to violate or ask that the restraining order be lifted for that purpose. I said the only other option would be to hire a third party to do the work. Mr. Stevens would agree to that. I said that the Town Council would have to approve that and Mr. Wilcoxin said he would ask them. Mr. Stevens said that if the Town would put back his power then he would allow them to trespass to fix the issues. I said that would also need to be run by the Town Council for approval and direction. I told Mr. Stevens and Mr. Wilcoxin that I would work with Mr. Stevens to help correct any situation but I cannot do anything without the direction of the Town Council.

After our site visit at the River St. and Maple Ave. site, Mr. Stevens, Mr. Vincent and I went to Mr. Stevens' property located over by the LDS church to discuss the operations over there. Mr. Vincent gave us the definition that mining is any dirt, rock or topsoil collected off of one property and moved to another or sold. He said you can dig and move dirt around on your property but it can't leave the property and it cannot be sold for other uses. I told Randy that he needed a grading permit to do any of that type of work on his property and an excavation permit if it is in the right-of-way. Other than that, we don't have any say as to what he does on his property as long as it is not mining. I told him I doubt the Town would approve of another mining process in Town. Mr. Vincent did not have any issues with the operation as long as he was not mining and he completed his work in a safe manner.

I gave Mr. Stevens a Grading and Excavation permit to fill out for the work he is performing over on his property located by the LDS church. I told him to fill it out and return it to Mr. Winter with the Town Public Works Department, for approval.

Dan Ferrin

Cc: Randy Stevens  
Steve Wilcoxin  
Rich Vincent  
Mayor Glode