

MANDAN REMEDIATION TRUST (MRT)
April 5, 2011

Meeting: 212th Official Meeting
Date: April 5, 2011
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 10:00 A.M.

The MRT meeting was called to order by Jim Neubauer. Fritz Schwindt and Dave Glatt were present. Also attending were Scott Radig and Marilyn Mertz, Department of Health; Bruce Strinden and Mark Bitz, Morton County Commissioners; Dawn Rhone, Morton County Auditor.

Minutes. March 1, 2011 minutes were reviewed. Revisions were made.

Motion. Schwindt moved approval of the March minutes, as amended; second by Glatt. All ayes. Motion carried.

Bank Statement. We have the Bank of North Dakota statement for the period ending February 28, 2011 that shows an ending balance of \$8,488,760.17.

Pay Request. We have received a bill from the city of Mandan for wastewater surcharges of \$1,545.62. Statement is dated February 28, 2011.

Motion. Motion and second to approve the payment to the city of Mandan for wastewater charges through February 28, 2011 for \$1,545.62. All ayes. Motion carried.

First Quarter Charges. Neubauer gave Radig the first quarter utility charges for the remediation buildings on behalf of MRT. He will review and present for consideration at the May meeting.

Pay Request. LBG invoice dated March 14, 2011 for professional services through February 28, 2011 for \$20,166.43. Radig indicated it is in line with the approved tasks for 2011. The consumer price index has been adjusted for the new year [1.025 percent].

Motion. Schwindt moved to approve payment of March 14, 2011 invoice to LBG in the amount of \$20,166.43; second by Glatt. All ayes. Motion carried.

Morton County Request. We have a request from Morton County to increase MRT payment for the work that was done in the Law Enforcement Center (LEC).

Commissioner Strinden -- I think you all have read the letter from me. When we look at the work that was done in the LEC, there is a reality that you are all well aware of and that is the fact that if there had been no aquifer or water that runs underneath the city of Mandan, the diesel would have no vehicle to carry it. So in essence wherever we

had diesel, it was carried by the water and the diesel in general was that I am aware of didn't come all by itself. So the statement has been made that what we have in the LEC was a water problem. Had it been only a water problem one of the things that I looked at and I understand your position as trustee so I understand what you are charged with as trustees. Quite honestly, if there had not been diesel contamination in the basement of the LEC we wouldn't be sitting here today. If it would have been simply a water issue, that's relatively easy to take care of that and be cleaned up easily and we probably would have at that point put in some additional sumps in which case the water can be pumped outside or into the storm sewer system. We would have cleaned it up and put dehumidifiers down there and away we went. That water table only came up that year when it rose and pushed all the diesel contamination into the building. Not to say that it won't at some point rise again. That is really the reason the Morton County Commission took the action that we took in the interest of protecting that building.

Like you, we have, as elected officials, a sacred public trust to administer the funds and an infrastructure and equipment that belongs to the citizens of Morton County, which includes the citizens of Mandan as well. The bottom line is if it were just a water issue, we would not be appearing here today. The fix for that would have been substantially less than what we were faced with because of the diesel contamination so when I look at, for example, the bid items- the section that we have here, the question that I ask myself on each one of these items is if diesel had not been carried into that facility would this procedure or this expenditure ever been made? When I go down the list of bid items on the top that are shown now over on the far right the answer to that would be no. We would not have ever done that work.

The other question that I asked myself regarding the LBG engineering and oversight was the advertising, for example, would we have hired LBG to engineer and provide oversight on a project that would only involve clean water? The answer to that is also no. That's really the rationale that I used when I looked at these numbers and why I feel that these are costs that are appropriate for the remediation trust to consider paying because the real truth of the matter is that when you look at these costs, they would not have been incurred had it not been for the diesel contamination. And if you look at the top under the bid items, there is a sump replacement in there. I made the assumption, had it been only water very likely we would have put in some additional sumps and have had some expense there. I have no problem with the fact that that is not included. That in essence is how I looked at it. When I look at the trust agreement I believe it's an appropriate expenditure for that trust. The building itself belongs to Morton County; however, since it was occupied it has also been occupied by the Mandan Police Department and the administration of that Department so it is not a Mandan building. The Mandan employees are housed in that building. When we looked at doing this, we had to look at the general health and welfare of not only our Morton County employees but also those employees of Mandan. Some of those employees were involved in a lawsuit regarding environmental issues. In that case it was also employees from the city and the county that were involved in that. For me it is hard to separate the two. They were in there together. From a personal standpoint I

think I reflect the views of the commission. We feel very much justified in requesting that the MRT pay these amounts.

Schwindt . I guess if you didn't think that it was necessary to put in the project as you had it designed and installed, to control groundwater why did you proceed? If you didn't think the project was necessary to control water to that extent, I don't understand why you went ahead and did what you did.

Commissioner Bitz -- We didn't perceive it as a groundwater problem. We perceived it as a diesel problem. This work was done because of the diesel contamination in the basement. The water problems we addressed those and they were surface water problems. That's not included in what we are asking for.

Dave Glatt . I understand the diesel, but if there was no diesel you would still have water problems. The groundwater has come up that high and it will probably come up that high again. Your existing drain tile system doesn't work. I understand you have to address that. Now, how many sumps would you have to put in the basement based on the type of soil? In my mind, it is not totally a diesel issue. As an MRT we have taken some steps to address the diesel contamination and associated odors by installing remediation wells we are heading the right direction.

Commissioner Strinden . And I wouldn't sit here and tell you that it is totally a diesel issue, but the problem is because there was an issue when the water table rose it brought the diesel with it. So at that point it became a diesel issue. The measures that were taken here if it were simply an issue of the water table rising, these measures would never have been taken.

Neubauer . What would have been done differently to control the water?

Commissioner Strinden . Let me back up a little bit. If I had been sitting on the county commission when the LEC was built and when they first dug down to the footings and discovered there was diesel contamination in that soil; my hindsight is 20/20 by the way, but I would like to think the county commission would have looked at it along with the engineers. And I know the Health Department was also involved. I would like to think that the commission would have looked at that and said there is a danger that the water table could rise enough to negate the bentonite layer that was recommended that be put in so that it could push water with diesel up into that building. So having said that I would like to think that we would have said before the building was ever constructed there needs to be some type of groundwater removal system/ separator system put in here, but like I said hindsight is 20/20.

I know you were a representative of the Health Department at that time if you even suggested that be done. But it would be my hope that somebody did because it would have been considerably cheaper to have done that at the time and we wouldn't be sitting here today if it had been done. Unfortunately, we can't back up. Right now what we are concerned with and I am referring specifically to the county commissioners

what we are faced with right now is protecting the integrity of that building and the health and safety of the people that work there. And my view of it is, had we not taken the actions that we took whether you want to call it water or diesel that's immaterial to me at this point. But had we not taken the action that we took, we risked having the water table come up again and at some point it will and with the environmental concerns that are there we could have been faced with having to abandon that building which would not have been in my view very good stewardship of taxpayer dollars. And that would have meant whether Morton County and Mandan gone together again that I don't know. Mandan might have been faced with having to put their own facility up for the Police Department and we might have gone somewhere else but I believe in taking the action that we took and with the expertise that LBG brought to the table I believe we are set.

I don't believe we will ever have a problem again. Or if we do, the problem is going to be literally in every lower level basement structure in the city of Mandan. I think it is going to have to come up that high in order to affect us. We have a water problem, however, the fact is that the water was the vehicle for the diesel contamination. Because of that we feel fully justified in requesting that MRT pay these costs. We could sit and argue we have a water problem or not. I will readily admit to you that the water is what carried the diesel. No question. Was the building constructed right in the first place? Probably not, but none of us can back up and deal with that so right now we are faced with doing what we can to make that building safe and preserve it. I believe we have accomplished that.

Schwindt -- I don't disagree with that assessment. What you have constructed should protect the building going forward. What I struggle with is the contention that it is the trust's responsibility to pay for that entire process or entire project. The MRT is being asked to pay the entire costs of a project we didn't have any input in as far as the scope of the project or the decisions that were made going into it. We were alerted early on that you wanted just under \$200,000 to pay for the project. Now we are asked to pay for \$311,000 when we had no real input into the entire project and because we have a trust fund we are being asked to pay for the entire amount. That's where I struggle.

Glatt . The positive is we have it fixed now and the basement can be used. We've had some previous testing that was done that showed that it probably could have been used earlier. ...I think you did have some water issues that created and made some mold. Mold can have the same impact....

Commissioner Strinden . Which is why we had some additional actions that we took that were not included in our request.

Glatt . One of the things I have to go back and look at the records though, the county did interact with the board here periodically but at no time were we led to believe that it was going to be over \$300,000. At one time the estimated cost was about \$200,000. Now we get a bill for \$311,000. If you are sitting in our shoes and if I was

sitting on the county commission if you go out and get a project done and all of a sudden it comes in at \$111,000 higher than what you anticipated you would question the cost.

Commissioner Strinden -- We didn't honestly anticipate that it was going to get to the level that it got either, but once we were in it, we were in the pool and we had to keep swimming. It wasn't as if we could all of a sudden say we need to back out of this now, it's getting too expensive. Once we got going with this we had no other choice.

Neubauer . There are a couple of things here that are a little bothersome. If you are building a house and your contractor is out there buying something. Well, I just have to keep going. They are going to contact the owner. The bill is going up. We found these other things that are going to cost you more money. Schwindt was stopping over there at least on a monthly or more often basis to talk to Paul Trauger and find out what's going on lately, but at no time did he come back and say we are going to go do this and we are going to give you the bill. We know there is other work going on but I don't know to what extent it is and nobody has ever come over and said your \$205,000 project is now up to \$300,000, but we can't do anything about that right now.

From a standpoint of I think we can sit here and go back and forth on the diesel and water issue, but at the end of the day what would have been done differently if it were simply a water issue. I don't know what number that is. I don't know how you install a different system that would handle the groundwater. I do have an issue that there was minimal contamination in the concrete that was removed. I wonder how I can lay a carpet tile on a piece of concrete and the peeled carpet tile smells like hydrocarbon, but the concrete underneath is clean. I have a hard time making sense of that. I don't know if it's the glue that's in the carpet tile or what it is or is it something else? That doesn't make sense in my mind, but understanding that the county took the bull by the horns and went forward and said, O.K. this is what needs to be done. I think right now it is a discussion on where from an MRT standpoint are we comfortable with. What kind of a number is it worth and the work that has been done?

We could probably agree to disagree that we don't agree on how the split should be done either on our part or on your part. My own personal opinion, I have looked at your spreadsheet and I can reasonably make an argument? O.K. at \$135,581 if I add the LBG engineering and LBG oversight to that I come up with \$206,000--\$127,000. In my mind I could justify that to some extent and then I say, O.K. it is worth something to me as an MRT trustee and also a city of Mandan employee that there is some value to having the Hold Harmless Agreement signed by the county and say, O.K. we will make this payment and we are done provided the system is going to operate. What value is that worth? Maybe it is worth \$43,873 and then we come up with \$252,000 and that's the MRT offer. But that's my opinion and I don't think Glatt and Schwindt are going to go along with that. I could logically put that in my mind and it may be logic to you all, but I'm trying to get a point like I said we could all pretty much agree that what was done was for the benefit of that building. There is no doubt why it needed to be done and the extent it was done, and who should share at what cost. I think we could talk about that

until next week. I just throw that out there as a thought. I don't think the MRT is responsible for the entire project. Are we responsible for some? Yes. What number is that is up for discussion.

Commissioner Bitz -- Early on in the process, I'm confused when you say you didn't have any input in this Fritz for the MRT because in June of 2005 the MRT met with the LEC Advisory Committee. I don't know what the minutes of that meeting said, but I have the reports from LBG of what they did. You said, the costs were pretty outrageous, but back in May of 2005 LBG's recommendation was the price range of anywhere from \$320,000 to \$360,000 for basically fixing or doing the same thing that we did.

Glatt . Then go back to the update from the county auditor in July 2010 and the county auditor told us construction costs had increased to \$399,000 and the county had indicated that \$200,860 allocated ended up being diesel costs.

Commissioner Bitz . LBG's recommendation in 2005 than it was up \$261,000.

Neubauer . They were all scenarios presented at that meeting that were ranged from the lower end to an upper end.

Commissioner Strinden . I have to admit to you I'm not really sure how that number really was arrived at.

Schwindt . I think there might have been a spreadsheet that accompanied that back when Trauger presented it. I would have to go back through my stuff to see what was included and what wasn't included. I think Trauger put that together.

Commissioner Strinden -- Regardless of LBG's number with this whole project I know there not doing it as a charity. However, when we first started talking about this in deference to the city of Mandan we felt it would not have been a good move to go hire some outside engineering firm because number one: LBG has obviously the expertise and number two: they had been working with the city of Mandan since the whole project began. As a commission we didn't feel it made any sense at all and not prudent to look elsewhere. Whether someone else was cheaper or not that is not the point, but when we had LBG in front of the commission after we had made the decision to move on, we specifically asked LBG to continually update the Remediation Trust and I am assuming and at least I hope as things moved on that they were doing that. You're shaking your head. That request was made of LBG.

Schwindt -- LBG doesn't attend our meetings.

Commissioner Strinden . But they have computers, phones and fax machines.

Neubauer . Would they have been billing this project or billing MRT?

Commissioner Strinden . They would have been billing Mandan, but we did specifically ask.

Neubauer . Why would they be billing the MRT when it is not our project?

Commissioner Strinden . I'm assuming the bills came to Mandan. That is an auditor function.

Neubauer . You hired them.

Commissioner Strinden . We hired them.

Neubauer . This project.

Commissioner Strinden . Our dime. In spite of that we have asked LBG to give you continued updates on what we had going on. And you shook your head and obviously that did not happen.

Glatt -- I remember the updates from the county but I don't remember the MRT saying that it was going to accomplish this. I will have to go back and look at the files.

Commissioner Strinden . That really pleases me.

Commissioner Bitz . What were MRT's plans for the LEC building?

Schwindt . Our plans were pretty well completed. We put those wells into the interior and we continue to operate the system now. That was basically the same layout and format that we have used throughout the whole remediation area was to put those wells in on roughly 70 foot spacing and operate the system until we met the criteria for closure and that's really what we are doing. So we had completed the installation of our remediation system for that area around the LEC.

Commissioner Bitz . So the MRT didn't have any plans to address the damage that the diesel had caused?

Radig -- The ventilation system has been put in.

Commissioner Bitz . I am referring to your concrete.

Schwindt . As we found out during the construction project, there was essentially very little, if any, contaminated concrete.

Commissioner Bitz . That was a surprise to us.

Schwindt . And LBG. I guess what we have maintained all along is if there are costs that are diesel related with the LEC that is an eligible cost for consideration by the

trust and that's why we are having this discussion right now. That doesn't mean that we are going to arbitrarily pay and are responsible for any project that the county will undertake. That's just not the case.

Commissioner Strinden . Another question I would have. Let me pose it this way. Let's reverse the situation. Let's say that that building was owned by the city of Mandan. I will ask Jim what Mandan would have done in the same circumstances.

Neubauer -- My hindsight is only 20/20.

Commissioner Strinden . You have torn buildings down and done a lot of different things. What would Mandan have done given the same sized building and the same cost of reconstructing that building? What would Mandan have done?

Neubauer . I think in all of the cases where the MRT in conjunction with the city of Mandan looked at buildings to acquire: Is it a benefit to the project to acquire this piece of property? Do you have a willing property owner? Do you have a single preface? Those were the two things we always looked at. OK what does it cost to rehab. We looked at Furniture First for rehab costs and there was a range and it was more beneficial to take that building down. It was easier and more cost beneficial to install the remediation system and get the pipes from the north side of Main Street to the south side of Main Street through that corridor than it was to looking at rehabilitating that building.

Commissioner Strinden . But reversing that situation, what would Mandan have done with the LEC if you owned it? Would you have done what we did? Would you have done nothing?

Neubauer . Something would have been done and who is going to pay for it like we said earlier if we hire a contractor and sometimes this happens at a project we are looking at. You hire a contractor to come in and do a job and if we are paying for it then all of a sudden we are looking at a \$200,000 bill. And all of a sudden it comes in at \$300,000 and there is little or no indication that is to why or what and everything else. Now you expect me to do as a county commissioner. You wouldn't be very pleased number one and what if you didn't have the money to pay for it. What if you had \$200,000 in your pocket and the contractor comes in and says here's a bill for \$300,000. What would you do? You start going through every item trying to find out why it was so high. I think the MRT is saying that we are responsible and willing to pay for items that are felt are diesel related. Obviously, there is an issue on what is felt is diesel related.

Commissioner Strinden . I agree with that. What I simply have here is a basic disagreement regarding what's water and what's diesel. I do understand that and I understand and appreciate the position that the trust is in because you are guardians of that money and I fully understand the position you are in. And I realize that we have to

separate the city of Mandan from the MRT even though you were appointed by the city commission you are a separate entity.

Schwindt . Only Neubauer was appointed by the city commission. Glatt was appointed by the governor and I was appointed by the two entities.

Commissioner Strinden . I stand corrected. In any event you were appointed to this trust. I completely understand and appreciate your position as trustee.

Glatt . Just a little background, we've scrutinized every bill that has come out of here--sometimes the agonized details so the process we are going through now is not unlike any other process we have gone through. What I am hearing is you have our offer and it isn't going to cut it. You need something more. From our position, \$311,000 is pretty high. I am speaking strictly from our point of view. Can we sit back and look at it and reevaluate some of those numbers. Yeah, I think maybe we can. We can look at something different. It is a possibility. I don't think it is going to rise to \$300,000. If it doesn't rise to \$300,000, where is the county at it on it? Are you saying that's our bottom line period? Are we open to discussion on this? One of the things we would like to see a piece of paper signed at the end of the day that says we are done. I don't need an answer on that. If that \$311,000 is a bottom dollar I don't know how much conversation we have here. Get this thing behind us and move on.

Commissioner Strinden . The county commission appointed Commissioner Bitz and myself to come to the Remediation Trust and to negotiate a settlement. Mark if I understand correctly that is our function. I guess they are expecting us to come back with something to negotiate something and bring it back to the commission. I would say with the proposal that you made earlier, don't hold it to the commission, but I am telling you the general tenure of the commission at that time was that there was no way that they would sign off on a Hold Harmless Agreement without more contribution.

Glatt . If it's the only way we will sign the Hold Harmless is if we get \$311,000 as an MRT and as the state I don't want to be back in there doing things 10 years from now. It is your responsibility as the county takes as far who operates it and . I think there is some room for discussion-- \$311,000 is up here and \$170,000 down here we end up in the middle and both walk away and say, I don't like it. Let's get this done and move on.

Commissioner Strinden . And I realize completely that we have these two separate entities. We have Mandan and we have the MRT. It's kind of hard for me to separate the two while I understand that they are separate. So I think I did make a comment in the letter that I sent you regarding the arrangement that we have with Mandan with the LEC and Neubauer would agree that the arrangement that we have with the city of Mandan is very beneficial to Mandan.

Neubauer -- It has been beneficial for both sides. There isn't one side that says more than the other side. The city of Mandan, the taxpayers are helping pay for their building from the get go and almost everyone in Morton County.

Commissioner Strinden . It is a nice arrangement for the city of Mandan. In terms of building costs it works out very well. From that standpoint, we as a county commission we don't hold it up apologetically asking for assistance. I would certainly hope based on the fact that during the course of this project I was down there three times a week. I know Commissioner Bitz was down there a lot so it wasn't something where we just turned over the keys to the contractor and said here you go. This was something that we had great concern about. The employees that are housed in that building we had great concern about even though it had been some time since the lawsuit. There were still environmental concerns. The thing that may be the most gratifying at this point in time is that those concerns as far as I can tell have been completely alleviated.

Glatt . I think there could be some exception to what the diesel supported by the science. I still think there is still some diesel down there. That is just going to have to be flushed through the system. I do respect your opinion on this. I understand where you are coming from. On Neubauer's perspective, he is advocating for the city. That's why we have different flavor of people sitting in these chairs so we aren't all one way or the other. We have different perspectives and I think that is good.

Commissioner Strinden . We very much appreciate that. Another thing I will say I hope nobody got the wrong idea about the comment I made about the Mandan PD and the LEC because my personal opinion is just based on the fact that is my portfolio and I spend a lot of time over there. My personal opinion is the citizens of this county which includes Mandan are much better served by having those two departments under the same roof. The communication between the two departments is excellent and I think it is absolutely a win/win situation and I would never

Glatt . I would like to discuss with these guys. How much we would change our number I don't know but I would like some time to discuss that with you guys. Because of negotiations I don't know if all of you want to sit at the table and negotiate, but I would like us to come to a conclusion and we will find one and then get back to the county.

Schwindt . How about if we just split the difference?

Neubauer -- We were at \$175,000. Now we are at \$311,000.

Schwindt . We were at \$164,000 and \$311,000. If you split the difference it is \$237,665.

Glatt . I would go to \$240,000.

Neubauer . I would go to \$250,000. At the end of the year we have to have something justifiable to our auditors that owns up to all the state of North Dakota . We have to find a way to do that. I know we can.

Commissioner Strinden . I understand that your auditors probably like based on what we have discussed and have been discussing, I think your auditors might say, why you paid the \$311,000, they may say why did you pay that when you had that disagreement so I do understand that.

Glatt . I do feel comfortable with \$240,000 with the agreement.

Neubauer . You guys looked at the agreement and it is worded reasonably?

The commissioners agreed they had reviewed it.

Commissioner Strinden . It looked like the typical Hold Harmless Agreement. What are your thoughts Mark?

Commissioner Bitz . We can take this back to the commission and vote on whether it is acceptable and if they are willing to sign off on it.

Neubauer -- As a defacto, I don't know if I can make a motion.

Glatt . At the end of the day, we still have to justify the \$240,000. If the numbers can justify that then we can have a memo. They are going to go through our files. The county said \$200,000 why are you paying \$240,000? We are going to have to show why we paid the addition. We've got a memo that says we can pay \$164,000 then we will have to show that difference. I am comfortable with saying \$240,000 now. We can go back and look at the numbers and see if we can justify them. Do we need a motion on that?

Motion to Counter Offer. Glatt moved to approve the counter offer of \$240,000 to the county for the diesel/water system contingent upon them also signing the proposed agreement of Release of All Claims and Indemnity. Second by Schwindt.

Neubauer indicated he would be willing to go \$250,000, but that is his own personal motion.

All those in favor of \$240,000 along with the signed proposed agreement. All ayes. Motion passed.

Commissioner Strinden . I don't know that they gave us the authority to accept the agreement.

Glatt . No, you have something to go back to them.

Commissioner Strinden -- Once again we very much appreciate your reconsideration.

Neubauer - I think from an MRT standpoint and the city's standpoint the work that has been done over there will last for a long, long time. We are very happy as county commissioners that you move forward so from that standpoint. Now it's just a matter of where we promise or agree to disagree, but here is a number and we will put it together.

Glatt . Now you have your basement back.

Commissioner Strinden . It's 10,000 square feet taxpayer-owned building. And the other thing I think I said before, but even though I'm a little upset that LBG wasn't we thought they were giving you regular updates when they gave you updates on the other stuff. Apparently, there must have been a misunderstanding there, LBG in what they did in that basement was nothing short of genius in my view. The way they did it, it was an incredible project. It was very messy and smelly and it took longer than by far what the contractors had indicated, but the end product we feel is very good. We are really comfortable with the way it was handled. And I think it gave the employees that are housed in that building a peace of mind that they haven't had and they honestly felt that the various officials look forward in their interests and I think it is important we did it. We compliment LBG.

Neubauer . After the initial study in November of 2009 when they first got the bids in, the things I remember when they did the coring over there in my mind were goofy. The layer of bentonite that was put down originally was similar to a smidge.

Commissioner Strinden -- It would have been nice to do it when the building was originally built, but there was a lot of things people didn't know at that time.

Glatt -- There's a side of me that would like to see water pulled through those pipes now to see how it works.

Commissioner Strinden . Right now that HVAC system is kind of moving air through there, which was also I thought a real stroke of genius on the part of LBG to keep that air moving out of there.

Neubauer . I think the SVE wells are installed around there.

Glatt . To keep the vapors down. What we are seeing on those wells the city folks are cleaning up and the bacteria is doing their job. We should see some significant cleanup.

Commissioner Strinden thanked the trustees. Commissioners Bitz and Strinden and Auditor Rhone left the meeting.

Dumpster Damaged Building. Schwindt looked at the building that was damaged by a dumpster. It looked like it was superficial damage. Apparently, when they were putting the dumpster back down they nicked the corner of the building over here behind The Medicine Shoppe. There are a number of areas on the east end of the building too from where they slide the dumpster in and out. Again, it is just superficial where there is the plaster over the Styrofoam that's the siding we have on it so they have knocked that off. Schwindt went over and got Rusty Krikava. They went in and looked and there was no interior damage that we could see, but it was mostly cosmetic kind of a thing.

Water Leak. Neubauer asked Schwindt if he could recall Wade Bachmeier. Bachmeier represents Leonard who used to own the Century 21 building now The Medicine Shoppe. He called last week. Apparently, there was a water leak in the service line from the main in the alley to the building. Schwindt remembered a leak being there. Bachmeier asked if the MRT was going to pay for that. Neubauer said, why should they? Bachmeier said it wasn't leaking before and then you guys put in all your remediation stuff. Apparently, when Leonard sold it to Kevin Ritterman there is something in the sales agreement that says the water and everything else is good. Now Ritterman has had to go back and dig it up and replace it and fix it and now is sending Leonard the bill. Wade calls Neubauer and says, well I am sure it can't be possible because you disturbed. Neubauer doesn't recall. If there would have been a leak it probably would have shown up immediately not later.

Swindt recalls a repair that was done to the service line going into that building, but that was done a long time ago, not recently. Did they replace the whole water service line going into the building? That wasn't part of our deal. He was aware of something being done, but wasn't involved in that.

Glatt -- How was the service line damaged?

Swindt . I don't recall that specifically. Part of my memory wants me to think that they replaced the service line going into the building because it was old and they wanted it replaced, but for some reason there is part of my memory that thinks there was some kind of a leak to begin with and that's what triggered the whole deal.

Glatt . I vaguely remember that.

Swindt . It wasn't something that we were directly involved in. I was aware of it, but not really digging into all the details. There was something about the service line to that building. I remember that. Krikava and I talked about was to figure out what kind of material that goes on the outside. It knocked that plaster off so the Styrofoam is exposed so we will probably want to seal it up.

Glatt . Is there some way you can have a barrier. Use a 4x8 so they can't roll it all the way into the building.

Schwindt . It was actually when they were bringing it back down. So it is up about 8 feet high. They lifted the thing up and were too close to the building and when they started bringing it back down it caught the corner of the building. If Waste Management is doing it, they are also dinging up a building on the east side in that little alley between our building and the law office. There are a number of dings along there from rolling the dumpster in and out.

Neubauer . I will go and take a look and take some pictures and say look.

Schwindt -- The other thing that we could do is just take and put some plywood of some kind over the top of it. In particular where they are dinging it up there is kind of a raised area, kind of a decorative raised thing along the side and that's what they are beating up maybe we can reinforce it with some plywood or something just to give it a harder surface than just the Styrofoam.

Glatt -- Ask them to work with us.

Schwindt . So we will work on that when the weather gets a little warmer. I don't think there is anything super critical.

Glatt . Structurally it is sound. Aesthetically, we can repaint.

Schwindt -- Yes. We don't want to get moisture into it.

Next Meeting. May 3, 2011 at 10 a.m.

Motion to Adjourn. Glatt moved and second by Schwindt to adjourn the meeting. All ayes. Motion carried.