

MANDAN REMEDIATION TRUST (MRT)
August 6, 2013

Meeting: 238th Official Meeting
Date: August 6, 2013
Location: Mandan City Hall, 205 2nd Ave. NW
Time: 10:00 A.M.

The MRT meeting was called to order by Jim Neubauer. Dave Glatt and Fritz Schwindt were present. Scott Radig and Marilyn Mertz, North Dakota Department of Health; Ellen Huber, city of Mandan; Steph Smith, JLG Architects; and Blake Nybakken, Dakota Commercial were present.

Minutes. July 2, 2013 minutes. Revisions were made.

Motion. Schwindt moved to approve the July 2, 2013 minutes as amended; second by Glatt. All ayes. Motion carried.

BND Statement. The bank statement for the period ending June 30, 2013 shows a balance of \$7,448,313.89. There were two payment requests in June. The receipt of June's statement was duly acknowledged.

Pay Request. Pay request from the City of Mandan covering wastewater surcharge for the period of June 1 through June 30 of \$1,067.58. Total volume is 66,599 cubic feet of water. There were no issues.

Motion. Glatt moved to approve and second by Schwindt to pay the city of Mandan \$1,067.58 for wastewater treatment. All ayes. Motion carried.

Pay Request. Received LBG's request dated July 19, 2013, Invoice No. 201307154 for \$14,213.60. No issues with this request.

Motion. Schwindt moved approval of LBG's invoice in the amount of \$14,213.60 for their July 19, 2013 invoice; second by Glatt. All ayes. Motion passed.

Ratz Project. Discussed the Ratz project.

Radig: July 2, 2013 I contacted LBG with some of the questions evaluating whether the previous recommendation was still standing. I didn't hear anything last week. I contacted them again on Friday and again this morning and have not had any response back. I don't know of any changes with the interior wells.

Glatt: I am not aware of anything that would have changed.

Neubauer: Do you have a schedule that you are looking at when to start digging?

Nybakken: We should probably get Craig [Tweten, Community Contractors, Inc.] on the phone. He is the construction guy.

Neubauer: Any questions prior to?

Schwindt: No, I don't have anything. It still covers the same footprint. Is there anything different you are proposing this time versus any of the other projects?

Glatt: It is a bit different than the previous ones we have looked at.

Huber: That was a different development.

Neubauer called Craig Tweten.

Tweten: We have worked on these other jobs with you, too, on the same thing so I hope this isn't two people today.

Schwindt: Shouldn't be. At least not for us.

Tweten: The question I have is on that site, it looked like to me that there is three, four, five, six, seven, eight wells are operational, is that correct?

Schwindt: Yes.

Tweten: My first initial question is we can work around wells in the commercial space we might have, but in the residential space we really can't do that. Is that going to be an issue?

Schwindt: I guess what we had looked at previously on other projects was probably eliminating most of the wells interior to the lot. The one I would have a question on is the very furthest northwest one interior to the lot. It looks like it is right by that stairwell. I know historically, that has shown free product every once in a while. I haven't looked at any of the recent data to see if there was any product showing up. We are also waiting for some feedback from our consultants as well to see if any of their recommendations in the past have changed. So as far as I know that is the only well there might be a question on.

Tweten: OK. So the rest of them we will get rid of then?

Schwindt: Yes.

Tweten: The one you want to leave is under the stairwell, you said?

Schwindt: It is the one right to the right of that stairwell.

Tweten: The one that is right in the hallway there--northeast corner.

Huber: Or northwest.

Tweten: So the northwest corner of the lot.

Glatt: One of the questions we may want to ask our consultant is could the wells just directly to the northwest and to the east take up some of the slack? Is that open to the northeast--that square is that parking area?

Tweten: Yes, it is.

Glatt: OK, so if we had a well there maintain that well and not the one interior to the building that probably would be preferable.

Tweten: Yes, that would be better, I agree.

Schwindt: Unless we move the well on the north side. Just move it back 10 feet or so to the northwest outside of the building footprint.

Tweten: Right. I guess either one would be OK. Either one would work.

Glatt: That would almost be better for us anyway if we want to continue to maintain that and have access, I would rather have it outside the building than inside.

Nybakken: So that there is five in one and four in the apartment space that we would look at either eliminating or removing.

Schwindt: Or even those three in the parking space we could probably eliminate those as well.

Glatt: We might keep this one, if this one still shows product. And these operate or if we just move that. The rest of them I don't think are an issue. The one exterior to the building on the sidewalk, we would want to keep. We still had some product issue with those.

Schwindt agreed.

Glatt: Is this building going to be at grade?

Tweten: Yes, it will be at grade.

Schwindt: I know some of the proposals in the past have looked at some underground parking. You are not proposing to do that at this one?

Tweten: No, we are not. Is it very similar to the other building we just did?

Schwindt: Yes. There are a couple of things that you should probably be aware of. One of those wells that are on Collins and on Main they are located in the sidewalks if I remember correctly for industry. But when they took the old building out there was some remnants of a brick foundation that is underneath the sidewalks that was not removed so you will have to deal with that and as you do that I don't know how close our pipe is to where those brick are actually located. They are certainly not underneath them but they might be pretty close.

Tweten: We will have to watch real closely like we did last time. I will probably have to excavate out at the foot of the building. I know the last time we went down about 18.8 feet. We compacted it all back up. It wasn't compacted properly.

Schwindt: Yes. I would guess our pipe is somewhere around 5 feet deep or so.

Tweten: I think they were deeper than that in the other buildings.

Schwindt: Some of them were, I think. We had some really deep ones going underneath Main. Those are the ones that you ended up drilling through, but we shouldn't have that particular issue here.

Tweten: That's good then.

Schwindt: That's what I recall.

Tweten: OK, well that's the way it is. There is one well up by the curb on Main there.

Schwindt: Yes.

Tweten: So that corner of the building there I will have to dig that down. It's not the foundation that is a problem, but stabilizing my issue because I have to dig down so far. Does the lot have a basement there?

Schwindt: Yes.

Tweten: So that means I will be down nine feet to get down to virgin soil so that sidewalk will have to come out. You see what I am saying, I have to be down there because a hole that is certifiable for the OSHA requirements I have to in order to get that well.

Schwindt: OK, we will just have to work through that as you start excavating there to see.

Tweten: That's right, that's all we can do.

Schwindt: OK. I think those foundations may have even gone along the south side right next to Main. I vaguely remember seeing some brick along that side too, perhaps.

Tweten: That will probably all end up coming out. So OK, these other questions on the wells, do you guys remove the wells?

Schwindt: We typically don't. We end up plugging them with bentonite and once they are plugged you guys can do with them as you wish.

Glatt: Will they be excavating...site?

Tweten: So your pipe is going to be deep there. Don't you go down with pipe about 25 down or something or am I wrong?

Radig: The wells would be about 20 or 25 feet deep.

Tweten: Yes. OK. So you cut the pipe off and then remove it. We do that or do you do that?

Schwindt: Typically, all we have done is plug the well and you can excavate however deep you need to go.

Tweten: OK.

Schwindt: We typically have not removed the pipe that connects the wells to the manifold. If you need to excavate those and remove them that's your option I guess.

Radig: We shouldn't have to do that.

Schwindt: Would you be excavating down a certain depth across the entire project area?

Tweten: Only in the building line we will go down that deep depth. The rest will stay there.

Glatt: So they will probably be ripping through these pipes anyway.

Schwindt: They could very well be.

Glatt: So if they pull those out, no big deal.

Schwindt: Right.

Glatt: We just have them capped someplace else.

Schwindt: We haven't even been capping them.

Glatt: Because they are handled at the control at the manifold station, so the only question we have at this point is whether we move it or if we move it then they can abandon all the ones in the parking lot. If we don't, if we abandon it, then they may want to keep that one well.

Schwindt: OK

Neubauer: That first one in the parking lot.

Glatt: That's why we will have to talk to LBG to see if that makes any sense to them.

Schwindt: I wouldn't be opposed to that because we have never seen any product here whether that is going to recover anything there.

Glatt: I'm just wondering, but your pull is going to be from these 2 wells. If there is going to be enough pull to affect this area, if not we may just want to move this well up here and get rid of those others. I'm open to either one. We will just have to keep an eye on the wells and the sidewalk as they excavate to make sure that they are not damaged. They know that going in so they repair anything that would be damaged.

Schwindt: If we end up removing or replacing that one well that we are talking about on the north end of the building, typically, we would look at that as your expense.

Tweten: In relocating it?

Schwindt: Yes.

Tweten: So we would have to relocate that?

Schwindt: Yes.

Radig: The well that has had recent free product is the one out in the street, not this one.

Schwindt: OK, but it seems that one inside the building has had product in the past.

Radig: We did our preliminary cut on what wells could be abandoned and that was one of them and we were being very conservative in our estimate because this one 2013 out in the street but 2003 that one hasn't had any free product for 3 or 4 years.

Glatt: So we are keeping these exterior wells (Well Numbers: 2010, 2011, 2012, 2013, 2018, 2019, and 2007.)

Nybakken: Would you still look at keeping any of the parking lot ones? Or would the whole side be open?

Glatt: You could get rid of all of them.

Radig: I would say pretty much all those interior to the property boundary could be removed. This one that is in the street here is really the only one that has had free product. Up north—a couple of these up by the Fire Station have had free product within the past couple of years as well.

Glatt: How about initially?

Radig: That two year mark on it, is just something within the past three years.

Glatt: So you haven't seen anything in the past three years interior to the property?

Radig: No.

Glatt: OK, that's good.

Schwindt: Sorry for the bad news.

Nybakken: Did you hear that Craig? All the wells inside the property look like they are OK to be abandoned so it would just be the ones on the perimeter like along the sidewalk there that would have to be maintained.

Tweten: That's pretty good news.

Glatt: And with the caveat that during excavation if they are damaged you would replace or repair them. The wells you can probably maintain those. You might hit a line or something that needs to be repaired.

Neubauer: Do you have a time schedule, Craig?

Tweten: The drawings are being drawn right now as we are speaking. So I'm hoping we can start digging about the middle of September or September 1st right in that area.

Huber: I think our purchase agreement says we need a September 1 commencement date so if you can have some activity at that point that would be helpful.

Tweten: We can. Just the drawings are needed to be finished.

Neubauer: Have you contacted Dave Titus with Titus Excavating? He is the one that did the backfilling.

Tweten: Oh, he did, huh.

Neubauer: He might be someone good for you to give a holler to.

Tweten: Thank you for that name, I will call him.

Neubauer: He will tell you what he has compacted it with and what is best.

Tweten: If there is a report when he did it, the sole engineer that was on board that actually did do the compaction testing, than I am covered. Do you follow me?

Glatt: Do you have some requirements of the city?

Tweten: If it is compacted properly, then I don't have to go all the way down, then I only have to go five feet. That would be great, if that is the case. I will call him.

Neubauer: I might have that site mixed up with the old furniture store site, but I thought we had specs in there for what they had to compact with.

Tweten: I will call that Titus. If we have to start earlier, just let us know. You said the agreement says we have to start by September 1.

Huber: Correct.

Tweten: We can certainly start-- have to have the drawings complete first,...
Give us a call.

Glatt: Tentatively what we had discussed I think we can proceed forward. We still want to verify that one well by the stairwell to make sure that we have the right information on that because we did show some free product as much as over a foot. We don't know the timeline on that so we just want to double check that to make sure we are on the same page.

Tweten: No problem, I will do that.

Glatt: So we will get back to you or Huber.

Tweten: OK

Radig: I can check that as soon as I get back.

Glatt: If we can get that done today that would be great.

Schwindt: Do you want me to work with these guys as they are doing stuff?

Neubauer: Yes.

Schwindt: As you are working on that lot and you need something coordinated with the MRT, why don't you give me a call? This is Fritz. My number is 471.9899.

Tweten: If there are any questions on the wells you would have them, right?

Schwindt: Yes. Any of the wells or piping or anything like that, you can give me a call.

Tweten: I will. We might set up a coordination meeting just to make sure we do it right whatever we do.

Schwindt: Sounds good.

Tweten: We have worked on three sites with the wells on so...Collins does help with those...there. Thanks. It was a good meeting. It was good information.

Radig: It is a little hard to read with numbers. I will have to double check that. It may or may not be the case with that well 2003.

Glatt: If it is that much product, if we are still at that foot range, which I don't think it is.

Schwindt: That is several years old, but I don't know the date.

Glatt: Let's verify that because if there is any appreciable product in there, I would want a well still in that area. We just move it to the north a little bit. If there is nothing there then we are OK with abandonment.

Schwindt: So that's the data we have. It doesn't have a date on it so really can't tell for sure.

Glatt: If there is that much product there, we would want the well there.

Schwindt: I don't think the recent stuff shows that same level.

Smith: So you would be able to move it a little bit to the north?

Schwindt: So that way you wouldn't have to deal with it inside the building. Just put a different well in. We connect the pipe and stuff like that.

Smith: OK.

Glatt: At best, we abandon it and not need anything new. The worst would be just move it to the north a little bit.

Smith: On the parking before or the parking lot area all of those would be abandoned?

Nybakken: All the rest of them on the site?

Glatt: All interior to the property.

Schwindt: Probably, more than likely.

Neubauer: And all the lines on the sidewalk, I think we planned to have those connected to the street and nothing through the property, correct?

Schwindt: That's right. I think all the wells on the outside go around the outside and I think they come up the alley into this manifold if I am remembering right, but these are plumbed through the lot this way and then up to the alley. From what I remember everything out in the sidewalk goes around so you don't have to reconnect those.

Neubauer: Would we have to cap the connecting lines to the well somehow whether the groundwater comes up?

Schwindt: We haven't been.

Neubauer: We could plug it through the manifold, I guess and go the other end.

Glatt: We have a horizontal pipe.

Radig: This is how they lay out there.

Schwindt: These are the as-builts.

Radig: That's what I would check as well because that's all I've got.

Schwindt: These all go around.

Neubauer: All plumbing for the exterior wells go around so you don't have to go through. What is the time schedule from date of occupancy for the building? Is it a year project or 18 month project?

Nybakken: Less than two for sure.

Huber: It has a September 2014 projected completion date.

Schwindt: So a year from now, you will be open for business, right?

Huber: It's getting close.

Nybakken: I think it is a little smaller than the other project, too; 6,000 square feet.

Huber: In terms of the Institutional Control Ordinance that governs construction in the area of remediation and there are some requirements of what needs to be submitted to the Health Department and inspection equipment.

Radig: It is supposed to be a plan in case they run into a contamination while they are excavating. They have done most of the excavation already there.

Glatt: I wouldn't imagine that it would be much, but they should still have that plan.

Huber: It should be submitted prior to...but we have a new building inspection official so he hasn't....

Radig: I would say it would be very similar to the other projects.

Schwindt: You might want to go back and look at what you did over here on the other one.

Glatt: Yes.

Radig: Essentially, it would be the same plan.

Glatt: Just change the location on it and they are basically the same.

Huber: I send all that to Kevin, but I don't know if he forwards it on to the appropriate folks.

Neubauer: Questions from a Trust standpoint?

Glatt: We never did a motion on the past projects--a motion that it is OK to do this.

Schwindt: I think maybe we did.

Huber: I recall it.

Discussed language for a motion to OK the abandonment of all the interior wells except 2003 in the northwest corner, which we will contact LBG on.

Radig: I have all the groundwater fluid data until April [2013]. It is for well 2003.

Glatt: So you just go back to the office and verify that data.

Glatt/Radig: The motion would be to approve the abandonment of all the interior property wells at the corner of Collins and Main with the one caveat that well 2003 will be evaluated for free product in the last three years. If it has not had free product it can be abandoned. If it has had free product, it may have to be abandoned at a later date or replaced.

Motion: To approve the abandonment of all the interior property wells at the corner of Collins and Main. The options are we abandon without any additional well because there has been no free product or we abandon it and have a new well drilled just to the north to the exterior of the building because of free product being there,

Glatt moved to approve abandonment of all the interior wells at the corner of Collins and Main with an option to have a new well drilled to the north of the exterior of the building if free product is present; second by Schwindt. All ayes. Motion carried.

Neubauer suggested calling Schwindt if there are any questions.

Neubauer: Asked Schwindt to call the well pluggers (Water Supply, Inc.).

Glatt: If they actually have to, they can cut off the casings. You just cut it off wherever.

Schwindt: The well will be solid. It will be filled not pending the horizontal pipe. The pipe will remain empty.

Glatt: But during the excavation if you run into the horizontal pipe they can pull it out and destroy it or whatever you want to do with it to get rid of it.

Neubauer: Will this well have to be cut somewhere over here so when they pull it they won't have to pull everything out of the manifold, too, or under the ...?

Glatt: That's not a big deal.

Radig: The only place they are going to run into them is along the exterior foundation. The rest is not excavating that deep.

Nybakken: So those are going to be maintained anyway so...take special care of them....

Schwindt: Typically, we haven't done anything to the horizontal pipe.

Glatt: If they run into them and pull them out, they will probably just going to chop it off here.

Nybakken: I think Craig will go through that at the coordination meeting prior to excavation, too. Thanks everyone.

MRT Presentation. We had talked about doing some wrap-up presentation update for the board in August or September.

Glatt: I think at the July meeting we talked about that, but in September LBG is coming up for the Waste Conference.

Radig: But it is not the same week as the Commission meeting.

Neubauer: We could potentially do a special meeting if that is easier to do or do you want them to do it?

Radig: I think Tim [Kenyon] is coming up for that.

Schwindt: I guess we could probably make a presentation, too.

Glatt: Yeah. At the end of the day, is what the Health Department determines what can be abandoned anyway so we will have to hear it from the horse's mouth so to speak. So what date? You have a better feel for what type of business goes on in the evenings.

Schwindt: We will probably have to wait to hear from LBG.

Radig: Agreed.

Neubauer: The 3rd or the 17th are the next Commission dates. They start at 5 p.m.

Glatt: Let's try to find out from LBG. The 17th is fine, which gives us a little over a month.

Neubauer: I just don't want to do it on our budget meeting date. I will check with Greg. The 3rd or the 17th? Or we can go into October 1.

Glatt: October 1 would work for me.

Neubauer: Collins should be done by then.

Glatt: And I would anticipate some questions on what's going to be done with the balance once everything is done. We started that discussion on insurance. We will bring up some of that stuff.

Neubauer: Any new products out there on environmental liability insurance in the last two or three years since the last time Tag [Anderson] was working on it.

Glatt: Don't know.

Glatt: So October 1, 2013 meeting with the Commission.

Other: Radig: I will make it known that we definitely need an update on recommendation for plugging manifolds by the next meeting.

Schwindt: I was going to say we could abandon that manifold, but we can't because there are quite a few....

Radig: There are still other wells so we can't shut down the whole manifold.

Schwindt: We might be able to abandon that whole building.

Neubauer: We still have stuff coming over from the west.

Schwindt: It shows it's coming up here and going into the building rather than through this manifold. This manifold looks like it just does the interior wells. The only reason to continue would be if we do replace that well. Not that it is a big deal whether we close that manifold one way or another. We might be able to do that.

Sludge. Schwindt tried calling Chief Construction about hauling sludge, but never got a response there either.

Glatt: We talked about whether the city would be interested in that.

Neubauer: They don't want to either from the standpoint you put that stuff in there and have to clean it out--all the hoses. We may get into trouble.

Schwindt: Continue to use EarthMovers and pay the price.

Radig: As long as no one else wants to do it, they can pretty much charge whatever they want.

Schwindt: I think the last bill was \$1,400 that we had.

Neubauer: It is more expensive to dump it up there than it is to haul it up there.

Meetings. MRT meeting scheduled for September 3, 2013 at 10 a.m. Meeting on October 1, 2013 to update the City Commission.

Motion to Adjourn. Glatt moved to adjourn the 238th meeting of the MRT; second by Schwindt. All ayes. Motion carried.