

**MANDAN REMEDIATION TRUST (MRT)**  
**December 6, 2011**

**Meeting:** 220th Official Meeting  
**Date:** December 6, 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 was present; Dave Glatt was absent. Scott Radig and Marilyn Mertz, North Dakota Department of Health, were present.

**Minutes.** November 1, 2011 minutes were reviewed. Schwindt had revisions.

**Motion.** Schwindt moved to approve the November 1, 2011 minutes, as amended; second by Neubauer. All ayes. Motion carried.

**Pay Request.** Fritz Schwindt's pay request for \$6,750 was tabled. Neubauer offered to schedule a special meeting. Schwindt was willing to wait till the next meeting.

**Pay Request.** LBG invoices for \$19,622.50 and \$20,031.07. September billing had more under labor costs or professional costs because that is when LBG came up to do all the changes on the RTO. The billing of \$19,622.50 is for the October statement and \$20,031.07 is for September 2011. The chemicals that were ordered made a difference. Pay request for October 20, 2011 was \$19,622.50.

**Motion.** Schwindt moved to approve LBG's October 20, 2011 statement of \$19,622.50; second by Neubauer. All ayes. Motion carried.

**Pay Request.** LBG statement dated November 15, 2011 for \$20,031.07.

**Motion.** Schwindt moved to approve payment to LBG's November 15, 2011 statement of \$20,031.07; second by Neubauer. All ayes. Motion carried.

**Pay Request.** City of Mandan's wastewater bill dated October 31, 2011 for BOD and TSS charges of \$905.96.

**Motion.** Schwindt moved to approve payment to the city of Mandan for \$905.96 for wastewater charges on their statement dated October 31, 2011; second by Neubauer. All ayes. Motion carried.

**Pay Request.** The city received Dakota Fence's invoice of \$3,970. Neubauer verified this amount was the original estimate.

**Motion.** Schwindt moved to approve payment to Dakota Fence of \$3,970 for the new screens that were put up at the Main Remediation building; second by Neubauer. All ayes. Motion carried.

**Comments.** Schwindt noted that the foot and a half piece that Dakota Fence filled in the grommets they had placed on the one side looked like they are falling apart. When they called and had him look at it last week that's what he told them so he was going to take a look at it again. He does not see this as a major issue.

**Audits.** The Remediation Trust and the Supplemental Environmental Projects Trust completed audits for 2009 and 2010. Copies were provided. Neubauer will also scan and send them electronically. He didn't know if we have had any unusual items that we have not had in the past regarding internal control and things like that. It's just not cost effective to have 2 or 3 people doing the same thing. From a trustee's standpoint, we review the bank statements every month to make sure there is nothing unusual. Glatt can take a look at them and at the next meeting we can simply say, we will accept them or if we want to accept the financial statements now we can get that step taken care of.

**Motion.** Schwindt moved to approve and accept the financial statements for the Mandan Remediation Trust and Supplemental Environmental Projects Trust through December 31, 2010; second by Neubauer. All ayes. Motion carried.

**LBG Maps.** We did get updated maps from LBG dated December 1, 2011 showing the product thickness maps. Also, the hydrographs showing the groundwater table have risen significantly from last year roughly about 4 feet from most of the wells that were measured at an elevation of 1,629 or 1,630 up to 1,634 is the high. Most of them are at 1,633 feet. The LEC basement floor elevation is 1,634.

Schwindt stopped at the LEC and it looks like their groundwater discharge is down significantly to about the mid 2,000s per day. This morning it was about 2,500 gallons in round numbers from yesterday. It is down significantly from the 5,000-6,000 gallons that they were putting out before. There was a little odor in that back room. The maintenance guy from Morton County said that when they turn the ventilation off (SVE) then occasionally there are some odors that build up in that room. They just keep the door closed. He didn't notice anything in the basement itself. Schwindt told him that they cycle the SVE between the different manifolds so it is going to be off at different times.

**Product Thickness Map.** It was interesting there were a couple of spots that showed up again. Schwindt did not recall free product showing up much over on the corner of Collins and First by the We-Ship area. There is a spot where the Butcher Block is that I don't remember seeing before. Then there is another spot by the LEC. It seems like it was here where we had some stuff before by the Library Square or the LEC, but those disappeared. It is interesting that this one by the LEC showed up. Even the area outside the city office showed up. It must be related to the groundwater

coming up and running into some of the clay areas. It pushes it into different spots than it has historically been.

**Indoor Air Odors.** Radig indicated that there were some folks concerned about indoor air odors, but not petroleum related. Justin Otto from the Department came over to do some measurements and inspecting of city hall. He indicated he would get back to the city by mid December.

Neubauer noted that the folks in the finance or reception area and the judge wanted some kind of air study done. If we do a full-blown study he suggested that the MRT pay for a full-blown study of the building. Neubauer was hesitant to go that route so we will wait for the results. Employees were having headaches at work, but not at home and saying my nose and sinuses plug up and things like that. When I get home, I'm fine. If something comes back, we will deal with it at that time.

Radig noted that Dan Harman, Otto's supervisor, thought there might be some air handling issues that could be changed that might improve certain areas.

**MRT's Authority to Loan.** Discussed the memo received from Maggie Olson concerning the ability to loan money to the city of Mandan. Neubauer would like to know what restrictions there might be from a standpoint of the city asking the question. If there are tax issues, the city would probably give Brady Martz a call and contact Malcolm Brown and contact his folks at Brady Martz. If this is a situation with consequences or do we jeopardize the letter ruling status of the Trust as far as not being subject to taxes -- that seems to be the only issue. It doesn't say that we can't. There isn't anything restricting us other than if we were to do that I would remove myself from the conversation and discussion and involvement in there and then I would recommend that the MRT establish a policy that we would not be making any other loans to any other entities requesting loans. We will consider something with the city. I think that will take care of that issue.

Schwindt agreed that some kind of assessment or appraisal be done by Brady Martz to see if there is any tax liability.

Neubauer will do that right away.

**Bank Statement** – The last statement received is dated November 1, 2011. We should still have close to \$8,032,373.74. LBG did not send their pay request. We would have had the wastewater bill.

**Other.** Radig has not received the proposal for next year's O&M costs from LBG. They should submit that sometime this month.

**Next Meeting.** January 3, 2012 at 10:00 a.m.

**Motion to Adjourn.** Schwindt moved to adjourn the meeting; second by Neubauer. All ayes. Motion carried.