

**MANDAN REMEDIATION TRUST (MRT)**  
**January 3, 2012**

**Meeting:** 221st Official Meeting  
**Date:** January 3, 2012  
**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. Scott Radig and Marilyn Mertz, North Dakota Department of Health, were present.

**Minutes.** December 6, 2011 minutes were reviewed. Revisions were made.

**Motion.** Schwindt moved to approve the December 6, 2011 minutes, as amended; second by Glatt. All ayes. Motion carried.

**BND Statement.** October 2011 ending balance: \$8,032,373.74; November 2011: \$8,019,646.52. This is acknowledgment of monthly balances.

**Pay Request.** LBG statement dated December 16, 2011 for \$26,424.31. Radig noted there was an interest charge on the statement that should not have been. It was deducted.

**Motion.** Schwindt moved to approve payment of \$26,424.31 to LBG excluding the billed interest that was charged on their invoice dated December 16, 2011; second by Glatt. All ayes. Motion carried.

**Pay Request.** Brady Martz 2010 audit bill was received for \$4,900. Last year it was \$5,250. It may have taken less time to do the audit this year resulting in the reduction and less activity. The typical split has been 70 percent MRT; 30 percent SEP. Seventy percent is \$3,430 of \$4,900.

**Motion.** Glatt moved to pay the MRT's 70 percent of the \$4,900 audit bill of \$3,430; second by Schwindt. All ayes. Motion carried.

**Pay Request.** Schwindt's statement for the year of 2011 for a total of 67.5 hours at the actual rate of \$100 per hour at \$6,750.

**Motion.** Glatt moved to pay Schwindt the \$6,750; second by Neubauer. All ayes. Motion carried.

**City Loan.** Neubauer has not heard from Malcolm Brown. He was going to contact Kevin Hay from Brady Martz about the potential implication of the city borrowing from the Trust if that would somehow put in jeopardy the Trust's tax exempt status. He

will touch base with Brown tonight at the commission meeting to see if he has an update.

Schwindt asked for Glatt's view. Glatt talked to a few folks. A couple of issues were discussed. I think it is allowed under the Trust. Questions that came up were: security, if the city of Mandan wants it there wouldn't be a whole lot of risk there; there was some concern what is to stop other communities coming in and asking for loans, what would the cost be to prepare documents? Glatt had answers to some of them, but not all of them. The big one is if there are any tax issues. Schwindt indicated this is different because it is like a bridge loan until they get the payments back from FEMA so they would be looking at a short term loan rather than a 10- or 20-year loan. Glatt – it would have to be like a year or something. Schwindt – barring tax issues I don't have a major concern about it. To me it would make sense to get a higher rate of return by loaning money to the city. They will wait to hear from Brady Martz.

**Progress Report.** Neubauer presented a proposal for the annual Progress Report which Ellen Huber puts together on behalf of the city and the Trust. Her estimate right now for 16 pages is roughly \$5,000 plus postage of \$2,100 with 2 pages devoted to remediation. She is asking the MRT to consider covering one-eighth of the cost not to exceed \$1,000 with the cost based on actual invoices.

Schwindt -- Do we have to continue putting out 2 pages?

Glatt – Once we are getting close to shutting things down, but for right now it is status quo.

Neubauer – Status quo with some forward looking things that could say or outline the process of shutting down might be a wise move for now and provide some of that information now. Glatt has no objection to that.

**Motion.** Schwindt moved approval of MRT's participation in the Progress Report to cover the cost not to exceed \$1,000. Actual fee reimbursed on actual invoices. However, I would suggest that Huber take a look at changing our story so that it reflects future considerations. Second by Glatt. All ayes. Motion carried.

Glatt suggested meeting with Huber to discuss the MRT update covering this is what we have done in the past and this is what we will be doing in the future.

**Indoor Air Issues.** Justin Otto, Health Department, came over and did some sampling of the air at city hall checking for mold. Radig has not received the report from him yet. Neubauer indicated we have some folks indicating I don't have a headache at home, but when I come to work I have one and my nose starts running. Otto will get a report back if there are any serious issues. We are looking at the whole building.

**LEC.** Schwindt did stop over at the LEC before the meeting and it looks like the groundwater continues to decrease that is being discharged from the remediation

system. They were a little uneven when they took their readings for the last week or so. It appears that it is around 2,000 gallons now or less per day. As I reported last month when they don't run the SVE because it cycles from manifold to manifold, you get some odors in the mechanical room on the northeast corner. There was a slight odor in there today. When I went in during December it was much stronger in the mechanical room. Do they use the basement? There is one officer with the canine unit that has his office downstairs.

Glatt – For all appearances, the remedy with the drain tile has been resolved. We didn't see a lot of issues before, but this has taken care of it.

Schwindt has not seen any water problems in the basement. The maintenance man is trying to get new containers because there were some issues with whoever they got them from.

Neubauer -- They have been talking with Steve Himmelspach at the wastewater treatment plant. At least they have had communication.

**Remote Manifolds.** They have been damage free and are OK as of today.

**Pay Request.** City of Mandan wastewater surcharge of \$701.36 for the month of October to November 2011, statement dated November 29, 2011.

**Motion.** Schwindt moved approval of payment to the city of Mandan for wastewater treatment plant bill in the amount of \$701.36; second by Glatt. All ayes. Motion carried.

**Projected Cost for 2012.** LBG will be sent a request to provide projected 2012 MRT costs.

**Environmental Liability Insurance.** Radig will do further checking on liability insurance following when the system is shut down. He will review AON Insurance, Minneapolis, MN, and the process or procedure required.

**Next Meeting.** Schwindt will be gone on the 7<sup>th</sup>. The meeting will be February 21, 2012 at 10 a.m.

**Motion to Adjourn.** Schwindt moved to adjourn; second by Glatt. All ayes. Motion carried.