

question on Mr. Crockett's land.

So, we're dealing with the same issue that here we got a violation on one. Here we got a violation that was pointed out that happened years before on another. And we're pointing fingers back forth instead of just trying to solve it and get done and move on, and come up with a solution. Um, my view is we're gonna try to come up with some type of solution ... or I would hope that we can come up with some type of solution today. And move on with this and then Dell will have a direction to go get whatever issue and solution that we have here at the end of the day. Go take care of it and get it completed by a certain timeframe. Um.

Everybody obviously has been out to the site. Dennis, were you out to the site after they removed the fifteen feet in that corner?

Mr. LeBlanc: Yes.

Mr. Crockett: When you were there, that's what the fifteen feet looked like. You were there.

Mr. LeBlanc: Oh, oh ok. He was there. ...unintelligible

Thompson: I didn't know if it was before Dell, Dell did the work or not. Because that's someone's.... ok, so you've seen it in its present state, as it is now then, ...

Mrs. Crockett: No, he hasn't seen all the added dirt.

Mr. Thompson: Well, all the added dirt - that, that's a different issue that we're talking, it's in a different area of the lot. But, umm, ok, we need to first as, I met with Bob out there, and then I met with Dell out there last Thursday, and then... Friday I believe. Um, to try to come up with some type, or a, Friday and Monday, I believe. *Unintelligible words*... So we, we ended up (pause).... Monday and Tuesday, sorry. Monday I met with you, the next day I met with Dell. So, we went out trying to, you know, me, trying to find out what this issue was about, because we dealt with some other issues and we solved several of the issues that we've had in the past out there.

Umm. In this case, what I have noticed out there is, there is fill. There's no question there's fill over onto the Crockett's property. I also witnessed that there's been fill on the Crockett's property that's also in violation of the setbacks. Umm, so, in both cases I've seen, I've got... there's there is dirt from this project...

Outside noises

...up on Lynn's property. Umm, it is not down to what we feel is the final, what, probably was the original grade. Anywhere, I think Bob mentioned he thought it was anywhere from four to eight feet. It looks anywhere, to me, from two to, two to eight feet. Probably, somewhere in there. I mean, we can't really tell by how it is because we don't have any, you... you can't tell, really, what's out there. The issue ends up being though, is if we go down eight foot, it's gonna impact a little bit of the drainage, but umm, it will still be able, Dell mentioned, he thinks going down eight feet... You believe it's more like two foot... below that?

Mr. Isabelle (aka Dell): I don't know that it's, it's not below what it was existing. I

don't know that.

Mrs. Isabelle: We need to back up here.

Mr. Isabelle: All I'm saying is, we had an agreement about 13 feet, we did it.

Mr. Thompson: ok, unintelligible, there's no question that...

Mr. Isabelle: That was over a year ago.

Mr. Thompson: So let me just... the agreement that was went on, there was supposed to have been an agreement that Bob and you made out there in the field... Scott was supposedly in that meeting. You guys said it was fifteen feet.

Mrs. Isabelle: no, no, no...

Mr. Thompson: He said "no" it was approximately fifteen feet, because he thought fifteen feet would be there. But he wanted to look at it at the end of it and then decide whether that really was where it was at. I'd have to (unintelligible)

Mr. Isabelle: ...Thirteen feet. I think he said, no, it was more than that. I said well, "what, what was acceptable to you?" And then he brought up fifteen foot. I said, ok, if I go down fifteen foot, this is it, right? That was it. That was the end of our agreement, the end of the discussion. I took it down fifteen foot. I had it re-survey three times to get it there. And proved where the property corner was, what the elevation was, and it's been there for over a year. And nothing has been said to me about whether that was not the right elevation or he was unhappy about it.

Mrs. Isabelle: And back in October when we had the final meeting after all the survey was done, Scott came out and checked it. Are we good to go? Is it done? Is it acceptable? We established the corner, we took it down, exactly what the agreement was with the city and with the Crocketts. I mean ... they set the level... the elevation that they wanted to go down. Dell said ten to fifteen. And you know, the thing is, back last August what we said is, what's it going to take to make you happy? What do you want us to do? We've agreed that the corner has, has been covered up. We're sorry. That was an error. And we admit, it was wrong. We'll correct it. What can we do to correct it? Bob said, "I ought to go down fifteen feet". So when Scott's there, I want, both Dell and I there, and with Mrs. Crockett there, we all agreed, fifteen feet. We had thirty days to take it down. We took it down. Then we had (?) come out and survey the whole thing to be sure, that road was not encompassing the Crockett's property. That we did not infringe on their property. We took everything off, and we did exactly what you requested us to do and with the Crocketts said at that time they wanted done. We gave you the pictures. Mr. Hahn came out. In fact, we shook hands, said are we good to go? Yeah, and that was the end of it. And now they are coming back and saying that there's more dirt on their property. Now the thing is...

Mr. Thompson: We walked it, cause I mean we walked it. There is dirt, there is dirt, on their property.

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Mrs. Isabelle: Well, of course...well there is.... but you know what I've been saying is Mr. Crockett was filling dirt in there in 2001 at the same time, he wanted a smooth transition between the properties, that's fine. Actually he asked us to bring dirt to ()

Mr. Thompson: That was in a different location of the property.

Mrs. Isabelle: No, no, no. That was in their corner area he wanted it because that's where the right away is, and for the whole thing to be kinda smooth they didn't want it dropped off. That's fine, they've changed their minds, they want something different now, that's fine. We took care of that last fall, that, that corner there is what they wanted last year and for them keep coming and they're the ones that keep changing their minds and they scream to the city every time anything goes on, and that's their prerogative. But I think an immense amount of ahh, taxpayers dollars have been spent at the whims by the Crocketts on this. You know we're trying to get along. Now, if they don't want to be good neighbors, that's fine. You know, we took the dirt off like they wanted. And we haven't put any more on. We are not encroaching on their property.

Mr. Thompson: Well ... *unintelligible*

Mrs. Isabelle: What you're forgetting here is that Mr. Crocker, Crockett put his own dirt on there and Mr. Mann on the other side of us will attest to that, that he had dozer there sitting on his property for some time and he did do work down there. He worked down there in 2001, when we were first down there ahh putting dirt, smoothing it out because he wanted it all smooth.

So unintelligible

Mr. Thompson: That's the first I've heard that is that you guys did any other dirt work that we looked at the other day.

Mrs. Crockett: That is a lie and I contest every word and I'm not going to sit here and argue with them over this with them repeatedly that's not the issue, I'm not going to do it again. The point is they're not in compliance with code. They're on our property, I want them off, and I want them in compliance.

Mrs. Isabelle: We are not ...*unintelligible*

Mrs. Crockett: Bottom line... *unintelligible*. you are not enforcing the code.

Mrs. Isabelle: Then take us to court.

Mr. Thompson: I'm gonna say a couple different things is on the code issue, I talked with Bob (*Mr. Crockett*) there is a misconception on what the code says.

Mrs. Crockett: There is no misconception, it's right there.

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Mr. Thompson: There's a twenty-foot set back they you wanted, that I mentioned to him, it is not required by code. And it allows, the two to one and a twenty foot set back is a prescriptive nature that if you do not use a licensed soils engineer to establish whether or not the grade can work and whether it will and will not work. In this case, he'll have to provide that letter, I haven't not seen one letter that's ever been able not to approve that and that's where there's a misconception now... getting and moving that dirt and getting it twenty feet away from the property line and I talked with Bob about that, said first of all we gotta get past that, that you don't get that. Now the other question was yes there's soil, there's gravel, there's dirt there's everything on that property.

The problem that we have is, they're saying you guys did some on their own, they're also saying that you had an agreement to do it in the first place and only because things went south you brought us and got us involved because it isn't exactly what you wanted. So the problem ends up being where.. what we can do to decide whether or not final grade is where you guys ever agreed to it or whether or not it's a violation of the code. That they blatantly went over there on purpose ...the problem is been we haven't be able to determined who's telling the truth. So, really what I want to do is to try to solve it to where we can just get to a solution here because I don't know if we're going to be able to, in this arena, be able to put blame on one or the other and I'm not gonna get, ah I'm not gonna get, I'm not gonna have the documents to be able to prove whether there was an arrangement, a verbal agreement or not cause it sounds like there was some verbal agreement, umm of some sort, but we're not going to have any documentation on that and so for me to try...

Mrs. Crockett: You're not going to have documentation on that is because nothing was signed, there was not an agreement.

Mrs. Isabelle: That's true it wasn't signed with us but you guys we did it verbally...

Mrs. Crockett: Don't talk to me, please! I have nothing to say to you, I am done with you.

Mr. Le Blanc: Scott was wanting to say something, Scott?

Mr. Hahn: Well, well, ahhh, I don't want to say anything but, that you know, the stop work orders were for more than just the fill over the corner, there were for the slope set backs.

Mrs. Isabelle: Well, ah that's fine *unintelligible*

Ms. Jennings: Let's let Scott finish.

Mrs. Isabelle: I think we need to ...

Ms. Jennings: Let's let Scott finish please.

Mr. Hahn: They were for the slope set backs and they were for slope angles, and to have some engineered verification of the extent of the fill and it did take the stop work orders

to get that.

Mr. Isabelle: We did provide that for you.

Mr. Hahn: Yeah you did after, but it took some, some convincing, so and you've been working with me but I want to say it wasn't all, this wasn't the only issues we had stop work orders over. It was over the... the extent of the work and getting um some verification about how much fill was there and some other issues ...*unintelligible* and we need to keep doing that because the permit is for a limited amount of fill. It's not for an unlimited amount of fill and if we don't have that control...

Ms. Jennings: How much, how much is the permit for Scott?

Mr. Thompson: 48,800 cubic yards.

Ms. Jennings: And how much how you determined has been brought in there?

Mr. Hahn: The engineer told us there was 21,000, I don't know how more has been brought in since then.

Ms. Jennings: Which engineer, your engineer?

Mr. Hahn: No Tobin-Spricland (?sp) he's a consultant, the code requires the contractor to retain a consultant to you know do those sorts of things, we don't have the ability to do it ourselves.

Ms. Jennings: So they are actually able to bring in twice as much fill as they've brought in there?

Mr. Thompson: Correct.

Mr. Hahn: That's what there is permitted for right now.

Mr. Crockett: I'd like to make a point, and that is this is an extreme situation. The amount of fill, the permit is extreme, the amount of fill appears to me to be to big...bigger than the hole available and when you're talking about extremes you need to stick with what the code says. And in this case the code says, clearly, that a twenty-foot set back and a two to one slope are to be provided, for adequate drainage, slopage and other sloughing. And right now, we have here is zero set back.

Mr. Thompson leaves the room

Mrs. Crockett: Excuse me Ron (*Mr. Thompson*) he was speaking to you.

Mr. Thompson: *from outside the room*, I am getting the code.

Mr. Crockett: I've got it right here. (*Code Book*) It says right here, the total toe of the slope shall not be nearer to plat boundary then one half the height at maximum of twenty

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feet.

Mrs. Crockett: And then does it say...

Mr. Isabelle: Which you are encroaching Bob, (*Mr. Crockett*) right now, with your property line.

Mr. Hahn: It's actually in the 97 UBC? But this is...this out of it..

Pause

Mr. Thompson: Modification of slope location, code official may approve alternative set backs, the code official may require investigation and recommendation buy a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. So what we're saying is, yeah the code sections are there, I agree, but it also has a code section that allows a qualified engineer to demonstrate that the intent of this section is met. If he meets that then he meets that.

Mrs. Isabelle: but it takes two years to come up with the..

Mr. Isabelle: ...to get an engineer to come up with one.

Mrs. Isabelle: We don't have, we don't have anything like that, for you to approve.

Mr. Kozlowski: Is there one?

Mr. Thompson: Not at this point.

Mr. Crockett: Ok well, I was told that I would be provided with one last year. I've waited along time for that engineering report and I still don't have it. And I have no indication of receiving one any time soon so what I asked that they do is comply with code and back him up twenty feet. If he needs to put a swale in that twenty-foot area, then he can do so. However, be in compliance with code. Two to one slope.

Mr. Isabelle: Ron (*Mr. Thompson*) told you he'll give us a period of time to comply, but we have to come up with an elevation on that corner that's agreeable before we can even start.

Mr. Thompson: Exactly.

Mrs. Crockett: You've had enough time, you've made promises, you keep giving out deadlines, he has never made any effort to meet the deadlines.

Mr. Thompson: I disagree with that, cause I dealt with Del, I mean I dealt with Del and dealt with that issue over by Cate

Mrs. Crockett: Then why is the dirt still on our property?

Mrs. Remme: *(background)* You never resolved the issue with the water... *(unintelligible)* it's only because of what happened with the ahh...

Mr. Thompson: *(background unintelligible)*

Mr. Isabelle: My attorney told us that don't even have to, we didn't have to remove the dirt, in the first place, We had an agreement to put the dirt there in the first place. We didn't have to remove any dirt if we didn't want to.

Mr. Hahn: They made an attempt.

Mr. Thompson: Right and that's where the civil matter gets involved. He's telling me there's an agreement; you're saying there's not. For the city to get involved in a criss cross umm agreement issue it's really a civil and where we're trying to come up with a solution but if we're....

Mrs. Crockett: The reason the city is involved is because you *(Mr. Thompson)* allowed him to fill, you never came out there, you never inspected it, we have been on you guys for how long now? We tried to get you involved from the very beginning and you pushed it off on Scott. *(Mr. Hahn)*.

Mr. Crockett: Cates' *(Mrs. Remme)* been involved as well.

Mr. Isabelle: Well you were involved and you allowed the fill.

Mr. Thompson: Let her just answer a quick question, Cate you called me this spring and said everything was just great? Two days later I heard from the Crockett's...

Mrs. Remme: Let me clarify that Ron, when I called you I said that I wanted to let you know that this year the water issue was marketably better, and your response was, that didn't mean that it was solved and that we would need to keep an eye on it in the future because it could come back. No, no problem solving or dirt moving that we discussed was ever done.

Mr. Thompson: Well when we discussed the whole issue and went off the property line is in a different location than you thought...

Mrs. Remme: No, what happened was when you *(Isabelles)* dug out on the other side it gave another way for the water to drain, which is why it wasn't directly draining into our yard anymore. But that was just a side effect, that was not an engineered solution and that was not I don't even believe intentional, it was, it just happened that way because of the winter, the way we had. And I called you because I wanted you to know if it's better I wanted to let you know if it's better, but that does not mean the problem was met or solved.

Mr. Crockett: There's no set back on the Remme's property either.

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Mr. Thompson: The property line, the whole discrepancy at that point in time was we wouldn't bring any more dirt closer, to then where it was, so it would probably be closer if we didn't come up with that solution. The other thing was is we (*unclear to whom we refers*) also identified exactly where the property line was which was well over from where we had talked about and what we were discussing it at the table and so once we determined where the property line really was, it wasn't, the issue wasn't ...

Mrs. Remme: Ahhh, you're losing me.

Mr. Thompson: A discrepancy on whether...

Mrs. Remme: ... are you talking about my property line?

Mr. Thompson: The property line was almost ten foot over from when, from when, we first met a year, a year and a half ago from where you thought it was and where the water was actually sitting was really still on Dell's property.

Mrs. Remme: That's absolutely not true. It was definitely for two years in a row on our property and we have many witnesses to that. I don't know what you're talking about that you established the property line separate then what we discussed. I was never involved in anything like that.

Mr. Isabelle: Our drainage can't go uphill to your property.

Mr. Thompson: Right.

Mrs. Remme: Your drainage comes downhill into our property.

Mrs. Isabelle: Our property line is up on the slope. We've got (*unintelligible*)

Mr. Isabelle: My grade's lower between me and the property line then it is to yours.

Mrs. Remme: (*Laughing*) This is absurd.

Mr. Isabelle: Well then...

Mrs. Remme: It pours directly down the hill. You were standing there watching it. You're the ones who cut the ditch and it came down our property for two days!

Mrs. Isabelle: That's not true.

Mr. Isabelle: Then you don't where your property line is.

Mrs. Isabelle: That's right.

Mr. Remme: We know where our property line is.

Mrs. Isabelle: Well then....

Mr. Isabelle: The water that went down stood on my own property.

Mrs. Remme: No, it didn't. It crossed over into ours.

Mr. Crockett: Well, I'd like to bring up something else, I've asked my surveyor Bel Kozlowski, who originally surveyed my property, ten years ago, if he could enlighten as to original grade. I'm not a surveyor, but I do know that I filled my property so I asked him to come here today so he could testify as to whether or not we're at original grade.

Mr. Kozlowski: You're not there.

Mrs. Isabelle: Well, but who's, who's original grade?

Mr. Thompson: Nobody's saying that we are.

Mr. Kozlowski: Ok

Mr. Thompson: I mean... that's that's an agreement.

Mr. Kozlowski: What, what, what's what's the slope allowed, allowed on the fill?

Mr. Thompson: The slope allowed ... It's per... prescriptive is two-to-one, but an engineer can design over that if they can deem that it meets the intent of the (*interrupted*)

Mrs. Jennings: But, I mean you say (*speaking over Thompson*) 21,000 cubic feet or more of fill in there. Everyone can see that (*male voice speaking in background*).... It's, ...and there's no engineered solution. So we either go with the (*other voices speaking*) prescriptive one, or we get an engineered ...

Mr. Thompson: *interrupting*: There is an engineered solution to build that up to make the drainage go out to Dimond Boulevard. So there is a designed, engineered system.

Mr. Isabelle: Right.

Mr. Thompson: It's all been designed...

Mrs. Remme: *interrupting*: And it's been signed off by, by an engineer? It's been reviewed and signed off by, by a..

Mr. Thompson: Correct.

Mrs. Remme: by a PE?

Mr. Thompson: Correct.

Mrs. Remme: And who is that?

Mr. Thompson: Greg Soulegg, upstairs does all our drainage.

Mrs. Remme: Well, Greg Soulegg was one of the first people who came on the property and saw the water on my property. And said that there was Title 21 violations and that it was not an engineered solution. Right from Greg Soulegg. And Mike Mason was standing right next to him when he did it.

Mr. ? : This is an ...

Mrs. Remme: So now I don't see how he thinks this is the, this is the solution now.

Mrs. Isabelle: Well...

Mrs. Remme: We were working...

Mrs. Isabelle: ... informed to where the right property line was. I mean, we, it was surveyed. Ah, survey corners were out there. There is an old, umm...

Mr. Thompson: *interrupts*: The trees that were in question..

Mrs. Isabelle: ... umm, landscaping line...

Mr. Thompson: ... were on their property. The trees that were being talked about when we went out there, were being talked about being... hurting these trees and there. They were actually on their property when we actually went out there and looked at it and saw the corners staked. The issues that we were talking about were over. And they were going to take and, and ah, prevent any more dirt from coming over there, and draining over there. And, and we had come up with a timeframe that it would hopefully be done which was this month. To where there would be no water coming off of that whole side and over because it was being built up and then swaled out toward the road. And so..

Mrs. Remme: And there was an improvement.

Mr. Thompson: And the difference is here, in any grading and fill job, there's, there are interim practices that, that do impact areas and you try to mitigate until the final solution is done. This issue is a lot longer timeframe than normal grading projects. And, and like I told Pamela and I've told Dennis, it's, we're going to put through a change. Because I don't believe any project or any residential lot in the future should, umm, deal with that much fill without going through a typical....

Mrs. Crockett: *interrupts*: We don't care about in the future.

Mr. Thompson: Right...

Mrs. Crockett: We're talking about right now. Ok?

Mr. Thompson: Right, but I'm just telling you - you know, the code is the code. It allows up to 50,000 *(pause)* without a conditional use. It allows the 50,000. It, it allows a design...

Mr. Kozlowski: *interrupts*: With reservations.

Mr. Crockett: It...Right. Your, not there...with prescriptions... So you can't allow -

Mr. Thompson: With reservations that meet the code that also allow...

Mr. Kozlowski: You haven't even come close. You haven't even come close on this property.

Mr. Thompson: We're not there yet, I mean...

Mrs. Remme: *speaking over Thompson*: When will you be there?

Mr. Thompson: I guess I'm trying to figure out...

Mr. Kozlowski: So when are you going to enforce it? To require the dirt to quit running on everyone else's property?

Mr. Thompson: I don't see it running on every... this, this

Mr. Kozlowski: You don't?

Mr. Thompson: In that corner, yes it is.

Mr. Kozlowski: We have already...

Voices, speaking over one another, unintelligible

Mr. Thompson: But remember, I also have ... an, he's saying there was an agreement. Bob admitted there was some kind of agreement. But the agreement didn't quite get met. There was some kind of agreement that went off. That was a civil matter that, what he's saying is that you guys approved it and now you don't want it. What they're saying is "we never had an agreement." But, Bob told me the other day, there was an agreement. And, and that's that's where, you know, I'm not the civil matter party going to decide what kind of civil agreement you guys had between each other. And so, see, that's the concern where I'm caught in the position that we had gravel on one side... and we don't have it on the other.

Mrs. Crockett: So what you're saying right now, is you believe them, because you think there's an agreement. There was never an agreement.

Mr. Thompson: What, what I'm saying is, is I can't make that decision.

Numerous voices speaking at once

Mr. Kozlowski: What, what I want to know is why all the concessions to him? And not to...

Mr. Thompson: There are no concessions. I've stopped work several times.

Mr. Kozlowski: Yeah, and why did it start? Again?

Mr. Thompson: Why?

Mrs. Crockett: Because...

Mr. Thompson: Because we were meeting and trying to come up with a solution.

Mrs. Crockett: Scott issued a stop work, stop work order two weeks ago and you lifted it.

Mr. Thompson: Correct.

Mrs. Crockett: On the weekend.

Mr. Thompson: Correct.

Mrs. Crockett: You never complied with anything that he stopped. Not one thing on that stop work -

Mr. Isabelle: Yes we did

Mrs. Crockett: ...work order has been complied with.

Mr. Thompson: That's not true.

Mr. Isabelle: Yes we did.

Mrs. Crockett:Scott, what did he comply with on that stop work order?

Mr. Hahn: *whispers:* No

Mr.?: Ron, you told me specifically...

Mrs. Crockett: ...Absolutely nothing.

Mr. Isabelle: Everything that's on there has been complied with.

Several voices

Mr. Thompson: I went out there...

Mr. : You told me

Mr. Thompson: and he introduced me to - ... *unintelligible*... the reason why, because he also made me aware of the exact same fill problem on your lot in a different location. And he's saying if you're not going to stop him and violate him...

Mrs. Remme: Oh, right.

Mr. Thompson: ... then I gotta

Background: Ho, ho, ho, ho, ho

Mr. Thompson: And it's true. I can go verify. You can see the tree variance. You can see it's way over to, it's three to one

Mrs. Remme: *interrupting*: I'd like to hear Mr., ...

Mr. Thompson: ...if not four to one

Mrs. Remme: ...Mr. Hahn

Mr. Thompson: ...and that

Mrs. Remme: ... respond to

Mr. Thompson: ...and because

Mrs. Remme: ...what was complied in the stop order when you lifted it.

Mr. Thompson: Well, just remember that the reason why I had to change the decision

Mrs. Remme: ...He was not allowed to answer that question...

Mr. Thompson: ...out in the field because it was not the issue with regard to the illegal fill that was done on Mr. Crockett's.

Many voices

Mrs. Remme: It had nothing to do with the stop order.

Mr. Thompson: It has everything to do with the area.

Mr. Kozlowski: ...Why was the stop order lifted?

Mrs. Remme: Right.

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Mr. Thompson: Because, I went out there and saw problems on both lots. Both people have problems; both people have violated the code. And that is the issue ...

Mr. Crockett: You told me yourself that they're fill on my property and that I was not going to be responsible for it...

Mr. Thompson: You told me you did topsoil...

Mrs. Crockett: Let him finish!

Mr. Crockett: I put topsoil on my property; I'm not lying to you. I put topsoil. That's what people do! They have... long way from...

Mr. Thompson: You didn't tell me about the other fill. That was...

Mrs. Remme: ... Because it wasn't effecting the problems that were being created.

Mr. Thompson: No, it's absolutely effecting - the exact same issue, because over here it's right on the property line...

Mr. Crockett: I have no idea what you're even talking about...

Mrs. Remme: Oh,

Mr. Thompson: It's right, even closer...

Mrs. Remme: You're just making stuff up now Ron.

Mr. Crockett: Yeah, you are! It's unbelievable!

Several voices at once - unintelligible

Mr. Thompson: I walked the site myself. I saw exactly what is going on.

Mrs. Crockett: ...You walked the site the other day.

Mr. : You've got a one-to-one slope.

Mrs. Crockett: Him... against anything on our property... All of a sudden your coming up with all kinds of ...

Mr. Thompson: Look, we did...

Several voices at once - unintelligible

Mr. Thompson: Nobody's trying to point fingers on anybody. What I'm saying is every time I go out there a new piece of information is thrown at me. That's different than other pieces of information...

Mr. Crockett: How many times have you been out there? Once.

Mr. Thompson: No.

Mrs. Crockett: Yes.

Mr. Crockett: You've been out and met with me one time.

Mrs. Crockett: You pushed this off on Scott. Scott finally got to a point to where he could do something about it. He put a stop work order on there... and as soon as he got it to that point...

Mr. Thompson: *interrupts*: You know who told...

Mrs. Crockett: You jumped in and undermined your own employee.

Mr. Thompson: Do you know who issued Scott the order to do the stop work order?

Mrs. Crockett: And I asked him, who's the one who can pull this stop work order? He said it had to go through him first.

Mr. Thompson: Right, and it did. I met with Scott, on

Mrs. Crockett: No, because nothing was in compliance.

Mr. Kozlowski: Could Scott answer the question: What was complied with with the stop order before it was lifted?

Mr. Hahn: Umm...

Several voices at once

Mr. LeBlanc: Excuse me, even beyond what he has to say, this is a building official; Ron Thompson is the head of Development Services. He has the authority to lift it. If he does so inappropriately, or incorrectly, that's a different issue.

Mrs. Remme: But that is the issue, sir.

Mr. LeBlanc: I understand that. But he has the authority to do that. So, it is, so, we're not going to ask Scott what his opinion is as between the three of us. Now, ...

Mr. Kozlowski: That wasn't tha. ..

Mr. LeBlanc: Let me ask this question,

Mr. Kozlowski: What was complied with, what wasn't.... *unintelligible*

Mr. LeBlanc: ...what is the status of the property today as we sit here? The, the stop work order has been lifted.

Mrs. Crockett: But it still...

Mr. Thompson: It was lifted; it was lifted until this meeting.

Mr. Isabelle: Right.

Mr. Thompson: Because we can discuss a solution. Everything Dell was agreeing to come to the table

Mr. LeBlanc: Ok.

Mr. Thompson: Bob was agreeing to come to the table, so I said ok. I'm not going to prevent work going on until we come here and if we get to a stalemate, and nobody's in agreement the stop work goes on to, or..

Mr. LeBlanc: Ok

Mr. Thompson: We, we issue it, until we can solve this issue.

Mr. LeBlanc: Ok.

Mr. Thompson: That's really what it came down to.

Mrs. Crockett: Actually, I had a message...

Mr. : The property in question

Mrs. Crockett: ...the stop work order was for the weekend.

Mr. LeBlanc: Where, where are we on work at that one corner, right now? Is, is the ...

Mr. : Dell...

Mr. LeBlanc: ...driveway in the slope is that finished unless we alter it?

Mr. Thompson: That's what is in question.

Mr. Isabelle: It can be finished.

Mr. LeBlanc: No, from the plans, you've got 21,000 cubic yards moved of 49,000 planned

Mr. Isabelle: Planned.

Mr. LeBlanc: The remaining 27,000 cubic yards of ...is anything going to go into that area? Is that area basically done?

Mr. Isabelle: There's a, there's a minor elevation increase to get the water to go to Dimond Boulevard through that area.

Mr. LeBlanc: Would, would that work effect the engineer's decision of whether or not

this a stable slope?

Numerous voices at once.

Mr. Thompson: In my mind I don't believe it will.It can always be pulled back.

Mr. LeBlanc: Yeah, I'm just asking questions. So right now, we don't, the work is basically done. But we don't have the prescriptive engineer's assessment.

Ms. Jennings: But they still think that we ... on their property

Mr. Isabelle: We can't do that until we determine for sure that it's going to stay at the elevation it's at on the property.

Mr. LeBlanc: Well, that was my question.

Mr. Crockett: Well that's exactly right. We need to go down until we find the original grade.

Mr. Isabelle: No, we don't.

Unintelligible voices

Mr. Isabelle: We're down to where we agreed. We're going to still back up from there and we're designed, everything's designed from that corner, right now.

Mr. ? : Yeah, but the reason why, the reason why

Mr. LeBlanc: Yeah, Bob, here's, here's my question, if we didn't do anything else...

Side One of Tape Ends

Side Two begins...pause space needs to be timed

Mr. LeBlanc: And why hasn't that been done?

Mr. Isabelle: Because we're arguing over the elevation.

Mr. Thompson: There're arguing, the question is whether they need to go down an additional.....

Mr. LeBlanc: How much will that affect the cost?

Mr. Isabelle: Too...finish where it is now?

Mr. LeBlanc: If we sent an engineer out there today to.. to do the slope stability assessment, how much would it cost and how long would it take?

Voices Unintelligible

Mr. Thompson: It probably would take him a few hours to go out there and analyze things and get back to us. I don't know how much that would cost.

Unintelligible

Mr. Thompson: It would probably cost a couple thousand dollars.

Mr. LeBlanc: And how many days?

Mr. Hahn: I'm not a geo technical engineer.

Mr. Isabelle: I'd probably have to give him a week.

Mr. LeBlanc: OK.

Mr. Isabelle: To get the calculations together but..

Mr. Crockett: You know, I haven't been unreasonable about this. What I said is, was this, provide me with the set back, if you come back at a later date and say I want to build a wall that, that's off the property line then do so, but right now today, I'm looking out my window and seeing dirt that's higher than my roof. Ok? It's an extreme slope, it's not in compliance with the two to one for the for the city, it doesn't protect my property rights and that's what I pay property taxes for.

Mr. LeBlanc: But wait Bob, wait. I'm going to challenge there. I'm just saying um, you know take me, I'm the Municipal Manager me, I came into this two to three months ago.

Mr. (7): Right

Mr. LeBlanc: What has been done has been done. From my perspective representing the city it might well be that the property owners disagree with the city's final assessment. And... and ... and you can sue us. I'm not saying you would, but you could. So from this perspective, with the code, there is an opportunity for the city to take the position that what's there is there and an engineer whoever that is suggests that's it's stable, through the proper calculations and the building official says that's acceptable to me. So that could be the city's position, you could disagree with that and you could say I want civil relief and I'm gonna sue, because I disagree. That's one option.. I'm just trying to see if we can get to... what are the two to three options. Recognizing that probably 50 percent of the folks around this table may not like the one that's chosen from the city's perspective, but, but...

Mrs. Remme: Well especially since the city allowed it to happen in the first place.

Mr. Le Blanc: Um...

Mrs. Remme: That would be a major factor in that.

Mr. LeBlanc: Right, and later there will be the opportunity to point fingers and find out how we got here.

Mrs. Remme: And state facts.

Mr. LeBlanc: But the point is we're here right now. And, and, so there's only two to three options that we can take us and go forward. One of them is, is, I would say, we need to get that engineered...if no other great amount of work is going to be done at that corner, then we can get that engineering assessment. Because if the assessment comes out and says it's not stable, then we're in a whole different position. Because forget the two to one and the twenty foot set back, you don't have stable slope. So dramatic...

Mr. Crockett: Well in that case you wouldn't forget the twenty-foot slope.

Mr. (?): Yeah.

Mr. LeBlanc: I mean, I mean, you wouldn't have to worry about that code, cause it still have to push it a point where it's stable.

Mr. Crockett: Well that's exactly my point.

Mr. LeBlanc: Ok, but we don't know that. I, I need that information. And I would suggest that we get that done as soon as possible, and the city's position is that I'm going to leave that to Ron to decide, if he needs to put a stop work order in order after this meeting to get you (to Mr. Isabelle) to do that with in a reasonable amount of time then I will to support him in doing that. But I mean there's tremendous emotion here. Everybody can, everybody knows that. And I think the best thing we can try to do is get the data as quick as we can, lay it on the table, we'll make the decisions and then people will have their alternative courses of action. If in fact they are disappointed or aggrieved by that decision. But, but sitting here walking out taking a phone call and coming back in, you've got to admit this isn't the most productive meeting. So let's, lets, try to find the two to three things of data we need to get, so can take our positions and choose the courses of action we need to take.

Mr. LeBlanc: Yes sir?

Mr. Kozlowski: Can we have a time agreement on when that engineering will be in the city's hands?

Mr. Thompson: The question that I have with that is, to make an assumption that we're allowing the grade to stay as it is and if we're doing that. And if that's the assumption that we want to take, that's really the big assumption that's, that's at stake. And my view is I agree because I don't know where it's supposed to...

Mr. LeBlanc: No, no, I would not say that even if the engineers report came back, and

said it's stable, it's still up to you (Mr. Thompson) to accept it.

Mr. Thompson: Correct.

Mr. LeBlanc: What we don't know is if it's stable or not. If it's not stable, it's clear something has to be done to it. Even if...

Mr. Thompson: Well, what I'm talking about is um, that there're still saying it's eight feet down they got to go and he's saying no I think it's good where it's at.

Mr. LeBlanc: Right.

Mr. Thompson: And so we're not going to get to the bottom of that, from our view, I'm almost, what I'm hearing, we're not going to get into that argument, we're saying if it's stable... the grade at the present, we're going to get an engineering report, on and if that engineering report substantiates either the negative or the positive...if it's negative, obviously he's going to change it. If it supports it then I'm going to review it to make sure it meets the criteria.

Mr. LeBlanc: Then you would be in a position to make a qualified decision that might be agreed to by other parties, or maybe challenged through other avenues...but we need to get to that point.

Mr. Thompson: What Del agreed to the other day was also, you know, trying to take and contour this to where it got to the point where it was found and plant it and seed it for owners of that area and make it so...and then keep the water from draining that way, keep the swale going around his own property and keep it on his own property.

Mr. Hahn: That, that's the other part of the code for the set back, it's not just intended for it sliding in the neighbors yard, it's to keep the water out of the neighbor's yard.

Mr. Thompson: And so that's going to cut it... that's going to force you to cutback a little anyway. We talked about that, he's going to have to cut it back because he's gotta swale it and keep the water from coming down that slope and crossing the property line. And my biggest concern with dropping that any more is...there's going to be... that's going to be worse of a problem for drainage then if we leave it where it's at now and configure it and slope it around and keep it on his own property.

Mr. Kozlowski: The engineer's report should be able to do both scenarios at the same time, existing and natural ground. For a minimal extra money. Because it's basically soil mechanics that are involved.

Mr. LeBlanc: How do you find... here's the question, how do you find natural ground there?

Mr. Kozlowski: Get a shovel, start digging.

Mr. Crockett: And I agreed to do that a month ago and (?) the stop work order got issued, and I agreed to do that. I gave Del access to the property. But when he got on location Del said he no intentions of digging where I wanted to dig, he wanted to go dig into the fill slope that's been on my property since before I bought it.

Mr. Isabelle: That's not true, the condition was, the agreement was, that I sent to him a week prior was that if I dig that test hole for you on that corner, then you allow me to dig one up where I know you filled.

Mr. Le Blanc: Ok, ok I'm going to say the city's going to separate those two. We're going to bipaprigate? those two issues. And we have to... to make this thing go forward. And we will deal with the second one tomorrow, but I think the first one is, if we want to try to establish where natural soils are at that corner, how do we do it?

Mr. Isabelle: Court, I don't care at this point I had an agreement to get it down to 15 foot, my attorney says, "you didn't have to take any dirt off there, why did you"? I told him well, cause I was being a neighbor. So I've done it what neighborly what I can do for these folks and that's as far as we're going to go. It's 15 feet where we agreed. We're gonna design it from there and if we're not going to go there then it's going to civil court.

Mr. Thompson: I think the best thing that we do Dennis is exactly what you said, we force this report to come in, they deal with that situation, they come in, and we leave the battle with regard to where the original grade was, because there are signed agreements that they made, that we're not going to be able to get involved in...I mean I can't get involved with agreements that may or may not have been made.

Mr. Crockett: I can agree... I can clear that up right now. When this report or...

Unintelligible voices

Mr. LeBlanc: What did you want to say Bob?

Mr. Crockett: This is a proposed resolution from Del to Scott Hahn and me and when this came out August of last year, and I told them because Del had told me so many things that I couldn't get him to comply with ...that I would sign this when the work was complete. The work has never been completed, therefore we have no agreement. I never signed it.

Mr. Isabelle: It was completed to 15 foot exactly what it said on there. I have another copy of this, that I took and lined out what I didn't agree with.... what was proposed. Because what Del told me and had said to me, wasn't what we discussed.

Mr. Kozlowski: And so has there been a determination of what elevation we're going to do this soils work from? And my question is the city dictating this or is the gentleman?

Mr. Thompson: We believe it's right where it's at based upon what we felt was the fifteen-foot dropping and original...

Mr. Kozlowski: Now how did you make the determination?

Mr. Thompson: We just talked about, the only way...

Mrs. (7): Because you believed Del.

Mr. Thompson: The only way we can get engineering... is right now today whether...*unintelligible*..stayed at...

Mr. Kozlowski: Why not get engineering for both at the same time and save a whole lot of money.

Mr. Isabelle: I've already engineered that retaining wall at that elevation.

Mr. Kozlowski: Are you an engineer?

Mr. Isabelle: I'm not, I don't have a degree.

Unintelligible voices

Mr. Thompson: There was no existing....

Mr. Le Blanc: Ron, at the risk of asking a question that you may not want to answer here, we can caucus, that's ok. Is it an obligation or responsibility of the city at this point to try to determine natural elevation, if that's the term we can use, before you can adequately make other judgments? Is that a piece of information the city should have or make an attempt to find.

Mr. Thompson: That's kinda the heat of the issue because there're saying that...

Mr. Le Blanc: No, I'm, I'm asking you. In order to rule appropriately... is that information that you need?

Mr. Thompson: To rule appropriately on the engineering report, no.

Mr. Kozlowski: How can the answer be no?

Mr. Thompson: Because I can review an engineering as a as-case basis right exactly where it is.

Mr. Kozlowski: I'm saying to which elevation are we speaking? To both or either or yours?

Long Pause

Mr. Le Blanc: Scott?

Mr. Hahn: Well, I don't know, I mean...

Mr. Thompson: Both sides have been cleared and grubbed. I mean the elevation, ... I mean it looks to me pretty standard grade just kind of slowly goes up through that valley I mean it doesn't look so out of place. I mean it's got to... my view is that it's got to be within one to two feet.

Mrs. Crockett: It's not a valley, it's a trench.

Mr. Isabelle: It always has been.

Mr. Thompson: It's better though....

Unintelligible Arguing

Mrs. Crockett: Never

Mr. Isabelle: For that matter it was never trees, just dirt.

Mrs. Crockett: Never.

Mrs. Remme: No it wasn't.

Mr. Isabelle: Yeah it was.

Mrs. Remme: It was an older pond that had grown over.

Mr. Isabelle: There was a big pile of brush and dead trees and stumps and everything down there at the end of his property, on his property and in front of the right of way.

Mrs. Crockett: Never.

Mr. Isabelle: Yes it was.

Mr. Kozlowski: Then it should be easy to find.

Mr. Crockett: I'd like to read part of this agreement. It says, The ? agreement, the property line will reflect grading to the property line with the exception that it is not to exceed a two to one slope.

Mr. Isabelle: That's not what you sent to me. That's on your property. That's referring to your own property.

Mr. Crockett: Lot B, Isabelle's southern property line will reflect Crockett's adjoining grading to the property line with the exception it is not to exceed a two to one slope. That's what you sent to me.

Mrs. Crockett: And that's the agreement you're going off of that was never signed.

Mr. Crockett: And what I highlighted...

Mr. Isabelle: It says, I believe it says on there that the slopes will be waved along that area.

Mr. Crockett: And that's what I vetoed. I am not going to wave. And that's why we never had an agreement Del, just because you send me something, I don't agree to it, doesn't mean I'm going to send it back to you.

Mr. Isabelle: All you have to do is line out what you don't agree with.

Mr. Crockett: I did.

Mrs. Crockett: He did.

Mr. Crockett: That's what I've got!

Mr. Isabelle: Well why didn't we get that?

Mr. Crockett: You did, because you sent it back contesting it, saying no.

Mr. Isabelle: No I didn't. I sent you one copy, ...I never

Mrs. Crockett: Show him the other copy.

Mr. Isabelle: ... I never got a copy back. We went out there, met discussed it. It was all verbal at that point because you refused to sign anything.

Mr. Crockett: At that point because I couldn't come to an agreement anymore and I said ok we're going to go with what the code says. I want the set backs, I want the two to one slope because I can never agree with anyone, but the city has an obligation to enforce code. And since the the city has an obligation to enforce code I want to protect my property rights by utilizing the code that's already been in place by people who are engineers, way smarter then me and you if want anything different then that, then get an engineer. But in the meantime, back up twenty feet. Make it a two to one slope.

Mrs. Crockett: And get off our property.

Mr. Crockett: That was the bottom line. I never signed anything. I never agreed to anything. I have copies of letters that have been sent to me that I never signed, never agreed to. I don't need to send you (*Mr. Isabelle*) a receipt saying I received it and I don't agree with it. I don't need to do that. If I don't sign it, I didn't agree with it. I sent this... when I got this letter I told Scott, I'm sure he'll remember this, because you called me and badgered me to sign it. And I told him; I'm not going to sign it until the works done.

Mrs. Crockett: Are you (*Mr. Hahn*) going to play dumb on this too?

Mr. Hahn: I'm not playing dumb, I'm playing silent.

Mr. Isabelle: Why did it take you a whole...why did it take you a whole year to come up with this idea?

Mr. Crockett: It has not taken a whole year...

Mr. Isabelle: Yes it has. This is the first I heard about it and it took a year for you to say that.

Mrs. Crockett: He has contested it from day one.

Mr. Isabelle: No he hasn't.

Mr. Kozlowski: Yes he has.

Mrs. Crockett: Del you know what? You have lied on every single issue, we're done talking to you.

Mr. Le Blanc: Guys, guys, we'll dismiss the meeting if... we'll just dismiss the meeting.

Mr. Crockett: I'd like to get the issue resolved.

Mr. Le Blanc: Right.

Mr. Crockett: Ok.

Mr. Crockett: What I'm saying is the city has an obligation to enforce code. This is a huge commercial fill operation in my back yard. It's encroached on my property.

Mr. Isabelle: It's not ...commercial. It's in our yard.

Mrs. Isabelle: We have a three-acre residential lot and that's what that is.

Mr. Crockett: All that's....

Arguing voices, unintelligible

Mrs. Remme: A question I have, is if that is a residential area you don't have an intention of storing heavy equipment or running heavy equipment out there?

Mr. Isabelle: No, I don't need to. I've got plenty of other property, I don't need that.

Mrs. Remme: I just want to establish that. That, that will be residential.

Mrs. Isabelle: It is residential.

Mr. Crockett: I'm not trying to be not neighborly. I'm not trying to be not reasonable. All I'm saying is I have property rights, I've paid for my property. I paid for my taxes. And I don't want to give up any of my land to somebody else. I have no need to pay taxes on somebody else's dirt. *(voices interjecting)* I never agreed to this obligation....

Mrs. Isabelle: Can you...?

Mr. Crockett: I never made a resolution to avoid or avert the code. I want the code to be upheld. That's all, and the city has an obligation to do that.

Mr. Kozlowski: And they haven't done it... for years.

Mr. Crockett: All I'm saying is, back up twenty feet and if you come back in two years and say: we want to go around what the code says... and he'll sign off on it and my engineer says it's ok... we want to build a retaining wall... then build your retaining wall.

Mr. Isabelle: So basically you're saying...*(unintelligible)* getting into the property. You have no access. You're going to cut off my access.

Mr. Crockett: No I'm not!

Mr. Isabelle: That's what you're trying to do!

Mr. Crockett: No I'm not, Dell!

Mr. Isabelle: You told me to come up the back of the property, come in a different way, because you didn't want me coming through there.

Mr. Crockett: I told you that would be a real good idea. I didn't say you can't do it. You have legal access, and I have no right or reason to deny you. I am not trying to knock off your access at all.

Mr. Isabelle: It sure appears that way.

Mr. Crockett: What I'm saying is, you have an access that's fifty foot wide. It can't have more than a two-to-one slope. That's all.

Mr. Isabelle: Unless I engineer it.

Mr. Crockett: And if you want to engineer it - go ahead! I'm not stopping you.

Mr. Isabelle: And that's why I said to you in the first place, as a neighbor, and said, hey, can I spill some property, some dirt on your property...to get me access. And you agreed, and said "OK".

Mrs. Crockett: No, we said OK, if you do this as well. Like the trees along the east side. We asked you, ok, yeah you can be on our property but we're not giving it up for

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nothing. Leave the trees so we can have some privacy. You left the trees till the very end. And then when you took them out, Bob went down there and said, "Hey, what about our agreement? You took out these trees!"

Mr. Isabelle: I don't know...

Mrs. Crockett: And you said, "Oh, oops, my tractor guy didn't know. I didn't tell him." Yeah, of course, play dumb.

Mr. Isabelle: The only trees you said to leave were the ones that were left there. That's where the toe of the slope was. Where your trees were. We didn't touch 'em.

Mrs. Crockett: It wasn't our trees. It was the east end ... of your property. In front of the Remmes.

Mrs. Isabelle: We didn't...

Mr. Isabelle: ...know

Mrs. Crockett: That was our agreement. Yeah, you don't remember it.

Mr. Isabelle: No, I don't remember anything about that.

Mrs. Crockett: Of course you don't.

Unintelligible

Mr. LeBlanc: ... I need to meet with Ron for moment ...

Mr. Hahn: You want me in there Ron, or no?

Mr. Thompson: No, ahh, yeah.

Mr. Hahn: Yeah?

Pause - Mr. Thompson, Mr. Hahn, Mr. Le Blanc leave room for several minutes.

Tape stops, parties return, tape resumes:

Mr. LeBlanc: I don't think we've met.

Mrs. Remme: Cate Remme.

Mr. LeBlanc: Hi, Cate, Dennis LeBlanc.

Mrs. Remme: Nice to meet you, sir.

Mr. LeBlanc: And I don't know, we've met either.

Mrs. Isabelle: Sue.

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Mr. LeBlanc: Sue, hi, I'm Dennis LeBlanc. Sorry, I came in late...

Mr. Thompson: I think where we need to go is, ahh... Dell, we need you to go out and dig in that corner. And we need to try to establish the existing grade elevation. And... that will be witnessed by your engineer, and, and one of our staff. To see where that is. How much deeper than where we're at now. And then at that point in time, um, we'll establish where that grade is, and end up designing a solution.... Or, or making your engineer come up with a design solution, with regards to that elevation.

Mr. Hahn: Rather than stopping the project.

Mr. Thompson: Because, we need, we need to know where that elevation, we need to really know where that elevation is. It takes us out of the argument of where that is. We'll find out exactly where it is.

Mr. Isabelle: So your saying I have to come into compliance right there? Are you going to make him come into compliance where he filled on my property?

Mr. Thompson: That's a different issue. We ...we took that... we'll deal with that as a different, separate issue - after this meeting. In this case...

Mr. LeBlanc: Well, we aren't.

Mr. Isabelle: Well, I think you need to put these two together.

Mr. LeBlanc: Well, we aren't.

Ma. Jennings: They're not together.

Mr. Thompson: We're not going to put them together, it's a different issue. We'll deal with that issue...

Mr. LeBlanc: We'll be here six months from now... if we don't separate them and deal with them individually.

Mr. Thompson: But what we need to do is establish that elevation of existing grade.

Mr. Isabelle: Regardless of the agreement that we had?

Mr. Thompson: We are not party to an agreement that's been said, so, ... I mean we don't have anything in writing that takes and identifies that agreement. There's no signed documents that say that. It's his word against your word. We just need to know where that existing grade is. So, the easiest place to do it is we go out there have your engineer on site, have one of our staff on site. Once we find out where the existing grade is - that will make the determination - if it's two foot below, then you do your engineering analysis based upon two foot below. If it's eight feet below, then you're going to have to

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reestablish that contour, and get an engineering analysis to make it meet down there at the eight foot elevation. Or, you always have the ability to work it out with Mr. Crockett, out on, on the side.

Mr. Isabelle: What if I were to have as that area? That whole area was disturbed. We don't know where the disturbance started or stopped from the time when I filled in there and what was existing from when I got there. There was a cabin on that property already that I had to destroy and haul to the dump. So, this, this area has been excavated in the past. I've, I've dug up full truckloads of asphalt...

Mr. Thompson: So, I mean, if we go down we can't determine the difference. We're gonna go right where it's at. If we can't tell a difference of the soils and you're digging down.

Mr. Hahn: It's inconclusive.

Mr. Thompson: It's inconclusive. We're going to have to do only one thing and assume right where it's at is where... is where

Mr. Crockett: I'd like to ... make a point to that... and I have fill on my property, right? I can move that fill from my property - it's my right as a property owner to remove any fill from my property. All I have to do is get a permit. Right?

Mrs. Crockett: That fill that he put there...

Mr. Thompson: You can go within two feet of your property line

Mr. Crockett: Right. That's my land that his dirt is on. So if you tell me right now that that is, is, ah, ... is where it's at, I can guarantee you I will be in here and get a permit and I will remove his fill from my land.

Mr. LeBlanc: And if you do comply, if you do...

Mr. Crockett: What I'm saying is, I'll bring it back to original grade. And once I do that, that will alter any engineering that you're talking about. Because it, right now, I, I guarantee you, 100 percent, it's not at original grade.

Mr. Thompson: Bob, Bob, we're checking.

Mr. LeBlanc: We don't know that.

Mr. Crockett: I, I do.

Mr. LeBlanc: No, ok. You know me Bob. All's we're trying to do right now is establish a common ground.

Mr. Crockett: Right.

Mr. LeBlanc: If it's inconclusive, then we have to make another decision, but, ahh...

Mrs. Isabelle: And, and are, are we in agreement that, that he brings it back to original grade on his property?

Mr. Thompson: Correct. That's why we're digging down and finding where...

Mrs. Isabelle: That's, that's what's going to happen? He'd, we're going to determine original grade. He's going to bring it back...

Mr. Thompson: If we can find it by the test hole.

Mrs. Isabelle: Right.

Mr. Thompson: If it's conclusive that we know where it's at.

Mrs. Isabelle: Right.

Mr. Thompson: It's real easy to establish that, to say that's where it is. Engineering analysis...everything needs to go. If it's inconclusive, we can always go back to where, where it's at right now...

Mrs. Isabelle: Right now

Mr. Thompson: And just assume that that's...the best we can get it. Otherwise it's inconclusive we can't confirm, confirm where it is. So we'll do that. What we'll need is one of our representatives out there, you engineer and yourself, and it shouldn't take but a few minutes to dig a hole and try to get down to that elevation and see where it really is.

Mr. Isabelle: Well is he saying he's going to dig a hole and take it off now?

Mr. LeBlanc: Let's ...that's a different issue now, what the city needs to have is this information before we can make any determination of how to forward.

Mrs. Crockett: OK, What's the time limit?

Mr. ?: tomorrow?

Mr. Isabelle: Well I'm still not getting past this agreement we had for 15 feet. I'm not sure....

Ms. Jennings: Well we have no proof of any agreement, I'm sorry Del. It's your word against his.

Mr. Isabelle: I have one right here...

Ms. Jennings: Is it signed by him?

Mr. Isabelle: No I gave it to him, went out there and verbally went over it, he agreed....

Ms. Jennings: He didn't sign it, he didn't sign it.

Mr. Isabelle: He wouldn't sign nothing, ever!

Mrs. Isabelle: Del, Del, Del, Del...

Ms. Jennings: So, unfortunately, we don't know what you guys said to each other. None of us do, and so we can't make a determination on that. It has to be...

Mr. Isabelle: All I can do is give him something in writing and ask him as a neighbor to sign it.

Ms. Jennings: But he didn't sign it. ...*(Interrupted)*

Mr. Isabelle: Ok, but he refused to sign it, and he told me verbally and it's on for three years, nothing happens, and then all of a sudden he decides, well I don't like what you're doing on my property, I want you off. Three years is a quite a long time in a court of law that's gonna say, "Why didn't you say something sooner?"

Ms. Jennings: Didn't you say something sooner?

Mr. Crockett: I did say something sooner.

Mr. Isabelle: Who did you say it too? Who did you say it too?

Mr. Crockett: No you're going to say...?

Arguing

Ms. Jennings: Let me just what we're going to do now, right. I just wanted to...we're going out go out there; we're going to find original grade.

Mr. Thompson: Correct.

Ms. Jennings: Or what original grade is.

Mr. Thompson: We're going to try to establish that.

Ms. Jennings: ...if we can determine that. Once it is determined, if it is determinable, Mr. Isabelle will bring it back to that grade, is that correct?

Mr. Thompson: Correct.

Ms. Jennings: Then the engineering report will be made on that? Based upon that.

Mr. Thompson: Based upon the redesign, if it's down whatever depth it is, cause he'll have to meet all the grades and engineering analysis based upon that new established grade.

Mrs. Remme: And how will that affect the permitting for twenty more thousand yards coming in?

Mr. Thompson: Right now if we get this taken care of tomorrow, we'll see where we're at tomorrow... I can't determine that.

Mrs. Remme: So we would re-meet to make a decision about that?

Mr. Thompson: We won't be re-meeting I don't believe to discuss more. He's got a valid permit the current law allows him to pull a permit up to forty eight thousand, eight hundred cubic yards. And until he goes over that... it is ... he has a permit that's already been issued for that much.

Mrs. Crockett: And you have proof of what's there already?

Mr. Thompson: We have a letter that established what's in so far. Ahh, yes, and it's under that amount.

Mrs. Crockett: When was that letter dated?

Mr. Thompson: Just... couple

Mr. Hahn: Umm, no, a month ago. And we've told, err, a month and a half, and we've told him you need to periodically ...

Mr. Thompson: *(interrupts)* provide them...

Mr. Hahn: ...provide additional information.

Mr. Kozlowski: Who's providing this information?

Mr. Thompson: Tobin Spricland.

Ms. Jennings: And how, what's periodically? Weekly?

Mr. Thompson: No... no.

Ms. Jennings: These guys are bringing in a lot of fill everyday.

Mr. Hahn: It be...

Mr. Isabelle: How is it impacting them?

Mr. Hahn: We just need to make sure...

Mr. Isabelle: As long as it's not being filled on their property line, why do they care?

Mr. Hahn: They're not bringing in twenty thousand cubic yards...

Mr. Isabelle: That's the whole purpose of this fill.

Mr.?: I agree

Ms. Jennings: But it's been four weeks...

Unintelligible voices at once

Mr.?: Where did you get the ... of the

Mr. Hahn: From, they did, they did a cross section from whatever, based off the topo they had.

Mr. Kozlowski: They did original topo?

Mr. Hahn: They have, we have stuff that's in the permit record and I think they went off what we had in our permit. You'd have to talk to Tobin. So... I'm not a surveyor, I'm not...

Ms. Jennings: And, and how, how much time are we going to have to, to get this engineering report done?

Mr. Thompson: Well, we'll establish what the impact ... because it may go into redesign. If it's down far enough that he has to pull things back around that area - he's going to have to re-look at that... redesign it. So, it could be, if we can't establish it, and where it's at, it could be like you said, a week. If he has to re-contour that whole area, and redesign it, then it could take longer than that and so...

Mr. ? : I want to, well,

Mr. Thompson: No, from...

Mr. Isabelle: No, what you're talking about... if we have to drop that corner eight feet, that means I've got to pull all back those slopes back all the way around. It's going to take me three weeks to do that.

Numerous voices talking at once:

Mr. Kozlowski : We're talking, we're talking about ... We won't know that...engineer's report..... We're not talking about moving the dirt.

Mr. Thompson: Right, right, exactly... but

Mr.? : We're talking about the engineer's report... We're not talking about moving the dirt.

Mrs.? : Right now.

Numerous voices
So...but...

Mr. : The question is when is the engineer report due?

Mr. Thompson: We'll know that, we'll know that after we establish where the elevation is.

Mr. Isabelle: Right.

Mrs. : And what about...

Mr. Thompson: Because we'll know the impact of the design. Because... the design and the engineering analysis will be more in depth if it's down eight or ten feet - than if it's at current grade.

Mrs. : Okay, so

Mr. Thompson: It's easy to do it at current grade - they can walk over there, take the soils at the present state.

Mr. Isabelle: Right.

Mr. Thompson: If it goes down, they have to go back, they got to probably, you know, evaluate whether the soil's right near the ten, is the same back in there ten feet because they may have to contour back in. So, they'll have to ... there's a lot more design and impact.

Mr. Kozlowski: I worked for twenty years as a civil engineer for the state. And it didn't take any longer to do it up here or down here.

Mr. Isabelle: Well, the fact is - is that's it's already been done up here.

Mr. Isabelle: I've already paid for that. Now I've got to pay for it to be down at another elevation, plus I've got to pay for another survey to get the corner back put back in. So, you're talking a lot of money here. Plus, I've got to move, I don't know how many thousands of yards, to get that back down to that grade to make it work.

Numerous voices..

Mr. Kozlowski: The engineer's report is already in... it won't take much longer to determine...

Mr. Thompson: We're talking a whole redesign if we move that... is what I'm talking about. I'm not just talking an engineer analysis on the soil. If he has to move that grade...now he's got to deal... if he goes down eight feet he now might be over thirty and he gets into the terracing... impact and...

Mr. LeBlanc: But, I think basically, the answer to your question is - tomorrow afternoon we'll be able to answer that question.

Mr. Thompson: Okay.

Mr. Kozlowski: Okay, do you a copy of the, current engineer's report on the existing?

Mr. Hahn: On the amount of fill?

Mr. Thompson: On the amount of fill, sure.

Mr. Kozlowski: No, no we're talking about the design. He just said, he, he just said he'd paid to have it done to the existing depth right now. Without an engineer's report... Where's the engineer's report for the retaining wall? ...Where is it? Do you have it?

Mr. Thompson: We're not going to solve anything by answering that right now. He doesn't...

Numerous voices at once

Mr. Kozlowski: ...design... he doesn't... retaining wall.... Do you have one or not? retaining wall... retaining wall design... do you have one?

Mr. Kozlowski: Do you have one? Do you personally have one?

Mr. Isabelle: Yes he does.

Mr.? : No, well... we have something...

Mr. Kozlowski: Do you have it?

Mrs. Remme: He doesn't have it.

Mr. Thompson: I don't know... if it's in the folder.

Mr. Kozlowski: Do you have it?

Mr. Hahn: We, we have, we have, calcs and a design for retaining wall on the in, on the inside corner of the right of way there. We don't have a slope stability analysis or, or ahh,

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Mr. Kozlowski: *(interrupts)* I thought we said... I thought we were just told that we had that.

Mr. Thompson: No, no... that we're going to have to get that.

Mr. Isabelle: It depends on whether we go from retaining wall to a slope stability. The slope stability is going to be a lesser, a cheaper way to go - and that's what we are talking about changing to. We have, right now, an approved retaining wall design for that corner. Yes.

Mr. Kozlowski: Where is it?

Mr. Hahn: But then the other issue is all...

Mr. Kozlowski: ... show me the, the report...

Mr. LeBlanc: Okay, that's that's, that's... I mean, I, I don't need that for today. What I need to hear is this test hole is going to be done tomorrow.

Mrs. Isabelle: Well, you need to make sure that Tobin can do that.

Mr. Isabelle: I don't know.

Mrs. Isabelle: We need to, I mean, we ...

Numerous voices at once

Mr. Thompson: We can get a hold of ... Okay... make it a priority...

Mr. LeBlanc: If, in fact, the hole is not done by tomorrow - the stop work goes back into effect at five o'clock tomorrow evening.

Mr. Thompson: Correct.

Mr. LeBlanc: If it's not done tomorrow. *(tape stopped...)*

Mr.? : Until the report is completed then?

Mr. LeBlanc: When, when he recommends it.

Mr.? : Well, obviously...

Mr. LeBlanc: It's based on what we learn tomorrow.

Mr. Kozlowski: Okay, but you see, where the problem is here... that report has been, I mean that permit has been pull, pulled. That stop order has been pulled.

Mr. Isabelle: No, it hasn't been pulled. Why is it... It's still posted; it's just got conditions.

Mr. Kozlowski: The conditions have never been...

Mr. LeBlanc: I think the most important thing is to get the hole dug. And I think that's what we ... focus on.

Mr. Kozlowski: All I'm saying is ... how long will the... will that stop order stay in effect?

Mr. Kozlowski: When you say until he, the he allows... the stuff to fall by the wayside.

Mr. LeBlanc: No he doesn't.

Mr. Kozlowski: He has.

Mr. LeBlanc: Well, that's, well that's your allegation, and I'm not prepared to accept it. So...

Mr.? : I, just listening to what I heard...

Mr. Thompson: I think we have a solution that we're heading forward with. We'll contact Tobin and try to set up a time with him to help you out. Get him out there and tell him how much of a critical nature it is. Umm, we'll have one of our representatives out there, we'll have your representative out there, and we'll try to establish it. And after that, we can determine some more dates and times - because I don't think we can make those dates and times until we see that.

Ms. Jennings: And can I have a, can people, in, in this room accept that whatever Tobin and the municipal engineer say is original grade or is not determinable to be original grade - will you guys accept this?

Mr. Crockett: I'll, I'll look at what he says... with an open eye, I'm, I'm not going to give away my property.

Mr. Hahn: Do you want to have your surveyor there too?

Mr. Crockett: You know it only mentions that I would be there so...yeah I'd be interested in you (Mr. Kozlowski) being there.

Mr. Kozlowski: *unintelligible*... ok.

Mr. Thompson: Right I mean I figured that you'd be there...we'll um... Scott will be making sure that you're aware of the time this will take place, we'll try to get at least that established and then we'll be able to answer a few more questions after that, but other

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than that we can't really make any decisions until we have that.

Mr. Crockett: Ok thanks for meeting with us.

Ms. Jennings: Ok ...we'll east you'll have that.

Group: thank you, thank you, thank you... Meeting ends.

Haan, Scott M.

From: Thompson, Ron J.
Sent: Friday, August 27, 2004 8:58 AM
To: Haan, Scott M.
Subject: FW: Estimate of Fill Quantities - Lot 7B, Blk 2, Sea View Heights

Importance: High

Please file in folder.

-----Original Message-----

From: Shrader, Steve D.
Sent: Wednesday, August 25, 2004 5:54 PM
To: Thompson, Ron J.; Frost, Jack L.; Stubbs, James R.
Cc: Holtan, Howard C.
Subject: Estimate of Fill Quantities - Lot 7B, Blk 2, Sea View Heights
Importance: High

I met on-site with Inspector Jim Stubbs this afternoon. Together we paced off the fill area on Lot 7B and estimated the heights of fill around the perimeter of the fill area.

I estimate the on-site fill volume to be in range of 40,000 to 45,000 cubic yards. The Lori Drive fill volume is estimated to be in range of 1600 cubic yards.

Assumptions include:

- All horizontal measurements were made by pacing at the top of the fill pad;
- The "fill pad" was squared off to facilitate field pacing and calculations;
- Heights of fill are visual estimates;
- Assumes a planar surface beneath the fill areas, i.e., no adjustment or allowance made for terrain features such as depressions, humps, swales, etc.
- Volumes DO NOT include 10'± high conical pile in southeast corner of fill pad or the active fill piles below the house under construction.
- Side slopes were estimated to be about 1 horizontal to 1 vertical (1:1), except the easterly side slope was estimated slightly flatter (1½:1) due to a terrace part way down.

And now for the exculpatory language:

These "measurements" are not sufficiently accurate to unequivocally state that there are at least 40,000 cubic yards of fill on-site. But in my judgment, the volume of fill significantly exceeds 21,000 cubic yards.

For a more accurate determination, I recommend that the site be cross-sectioned and compared to existing topographic mapping to better estimate fill quantities. Should you elect to have this done, I would be very interested in these quantities.

I hope that this estimate meets your needs and the level of effort we discussed this morning. If you need to discuss further, don't hesitate to holler.

Steve

Steve Shrader, P.E.
Project Management & Engineering Dept.
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343-8088 (fax)
shradersd@muni.org

*In 8/19 Mfg MOA
stated by a surveyor had
geometry from that & he
was well under 40k yd
p.33*