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NORTHERN OZAUKEE SCHOOL DISTRICT  
HEARING HELD OCTOBER 12, 2009

Dr. William Harbron: NOSD Superintendent

Walter Clarck: NOSD Business manager

Roger Sinnen: NOSD Director of Buildings and Grounds

Paul Krause: NOSD Board President

Stacy Stark: NOSD Board Vice President

Tim Burmesch: NOSD Board Clerk

Steve Baumeister: NOSD Board Treasurer

Steve Burmesch: NOSD Board Member

Tom Hoffmann: NOSD Board Member

Rick Hamm: NOSD Board Member

Francis Kleckner: NOSD Board Member

Kendall Thistle: NOSD Board Member

TRANSCRIBED BY:

Janet D. Larsen, RPR, on May 19, 2014



1 to be answered, and, and I see, I see some letters  
2 here that were addressed to the, well, one to  
3 William (inaudible) and one to, one's from the  
4 DNR. We got one from the DNR, and one from the  
5 attorney, and I think they answered both of our  
6 questions that we were asking.

7 Basically, the DNR on page 34, you know,  
8 the DNR had no problems with us moving forward  
9 with solving the problem; as far as getting the  
10 permits, that was one of the questions that was  
11 asked, as far as would we, you know, check in with  
12 the DNR. And there was one addressed to the  
13 attorney as far as liability that the, the school  
14 board would have. And according to the letter I  
15 read from the attorney, it didn't seem like we  
16 would be held liable. That's about the three  
17 questions that we had, leave it stand or do one of  
18 the two proposals from the two, from the two  
19 landscaping companies that Roger Sinnen gave us.

20 And I think given all the  
21 information, in my opinion, I think we do need to  
22 address the water standing there and especially  
23 because (inaudible) we come upon become a lawsuit  
24 possibly to the district. I would, if I was going  
25 to go with that route and have one of these two

1 excavating companies do it, it would be my thought  
2 to have, because the proposals are so similar in  
3 price, I would propose to, to use the local one  
4 out of, out of Fredonia, just to support our local  
5 businesses as far as, because according to Roger  
6 last month, he said that this would solve the  
7 problem. Now if it's too late in the year, I  
8 don't know, that would be, that would be something  
9 (inaudible).

10 (Francis K.) UNIDENTIFIED SPEAKER: Karrels' operation  
11 is in the school district, too.

12 (Steve B.) UNIDENTIFIED SPEAKER: Oh, they are? I  
13 just thought Port Washington was a, was --

14 (Francis K.) UNIDENTIFIED SPEAKER: His property is in  
15 the school district.

16 (Steve B.) UNIDENTIFIED SPEAKER: Yes.

17 (Paul K.) UNIDENTIFIED SPEAKER: Before we, we,  
18 we're way past, we've got to back up before  
19 (inaudible) we have to pick up (inaudible), we  
20 have to, I know, I know, because there's back and  
21 seven or eight. So your suggestion is to remedy  
22 the problem ourselves?

23 (Steve B.) UNIDENTIFIED SPEAKER: Correct.

24 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

25 (Paul K.) UNIDENTIFIED SPEAKER: Anybody else have

1 a suggestion?

2 (Stacy S.) UNIDENTIFIED SPEAKER: Well, I was happy  
3 to see that the attorney said that we wouldn't be  
4 liable in the future, but that's his opinion, and  
5 I'm not sure that that would necessarily play out  
6 30 years from now.

7 (Paul K.) UNIDENTIFIED SPEAKER: To add to that, if  
8 the remedy that we choose is inadequate, let's say  
9 it doesn't work or let's say we get increased flow  
10 due to future development or whatever, if it's  
11 inadequate because we put it in place, I don't see  
12 how it would be anybody's liability, other than  
13 ours. It's on our property. It's a solution we  
14 put in place. If it's inadequate and we have to  
15 do it again, it's going to be us.

16 So, I, I, I, I understand what he's  
17 saying as far as if it doesn't work, could  
18 somebody, could MasterCraft come back on us and  
19 say you shouldn't be dumping water into our  
20 drainage system, true. But if something happens  
21 and it doesn't work or needs to be expanded or it  
22 grows over with bushes or whatever, it's going to  
23 be our problem to fix.

24 (Steve B.) UNIDENTIFIED SPEAKER: So then we risk --

25 (Rick H.) UNIDENTIFIED SPEAKER: We hold the

1 property rights, it's part of our responsibility  
2 as property owners.

3 (Paul K.) UNIDENTIFIED SPEAKER: True, but my  
4 feeling on this whole issue is we didn't do  
5 anything to cause this pond to be here, absolutely  
6 nothing. And my, my opinion on it is the solution  
7 shouldn't be our problem, and it shouldn't reside  
8 on our property. Because any future maintenance  
9 on it, any future fixing of it is going to be on  
10 us if we do it now.

11 And, and you can't get any more innocent,  
12 be a more innocent bystander on this thing than  
13 the district has been. And yet we're proposing to  
14 take land from our property and fix it, fix a  
15 problem we didn't create. So that's, that's the  
16 fundamental, philosophical problem I have.

17 (Rick H.) UNIDENTIFIED SPEAKER: If we have someone  
18 else fix it and it's not fixed right, it's still  
19 on our property versus we're going to have to take  
20 care of it, we'll still have to fix it probably  
21 later on. It's kind of a Catch 22.

22 (Steve B.) UNIDENTIFIED SPEAKER: The landscaper  
23 would have to fix it initially, so it wouldn't  
24 solve the problem. And like you said, then it  
25 would be a maintenance, it would be a maintenance

1 thing where as far as bushes and whatever growing  
2 in it.

3 (Tim B.) UNIDENTIFIED SPEAKER: Does anybody have  
4 a question for Roger? We want to get Roger up  
5 here if there's any concerns about the remedies  
6 that were suggested?

7 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Wait until you get  
8 to a final solution because I think you have to --

9 (Paul K.) UNIDENTIFIED SPEAKER: Yeah.

10 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Wait until you get  
11 to a final solution.

12 (Paul K.) UNIDENTIFIED SPEAKER: My, my feeling is  
13 we have to make a fundamental decision here of  
14 whether we're going to fix it ourselves or we're  
15 going to somehow pursue an action to require  
16 somebody else to fix it. Once we can decide that,  
17 then we can perhaps talk about the P's and Q's of  
18 what the solution would be. But the question is  
19 do we fix it ourselves or do we staff the courts  
20 and have somebody else, or make somebody else fix  
21 it.

22 (Rick H.) UNIDENTIFIED SPEAKER: Which is going to  
23 cost us more to fix it.

24 (Paul K.) UNIDENTIFIED SPEAKER: Not in the long  
25 run it isn't.

1 (Rick H.) UNIDENTIFIED SPEAKER: Not in the long  
2 run?

3 (Francis K.) UNIDENTIFIED SPEAKER: No, because if  
4 we've got problems in the future, it certainly  
5 wouldn't cost us a lot of money. This way --

6 (Rick H.) UNIDENTIFIED SPEAKER: It would still  
7 cost us a lot of money even at -- Say the court  
8 orders them to fix it; correct? We have to pay  
9 the attorney fees, which is ten, \$25,000. It  
10 doesn't work. Now they have to come back and work  
11 on it some more but at some point --

12 (Paul K.) UNIDENTIFIED SPEAKER: You're in district  
13 compliance.

14 (Rick H.) UNIDENTIFIED SPEAKER: You're still going  
15 to have --

16 (Paul K.) UNIDENTIFIED SPEAKER: How would you do  
17 that? I mean our tax, our taxpayers ask us (Francis K.)  
18 repeatedly to treat the money like it's ours. (>P#  
19 this was my property, I would build a bigger berm.  
20 Let's see how far he'll go.

21 (Paul K.) UNIDENTIFIED SPEAKER: If this is your  
22 property, though, and, and somehow you end up with  
23 water on your property through no fault of your  
24 own, what would you do?

25 UNIDENTIFIED SPEAKER: Right now on this

1 property, I would take like (inaudible) north of  
2 the school building, on the north side there and  
3 get it so the water runs away from the building  
4 and shove that in the hole.

5 (Steve B.) UNIDENTIFIED SPEAKER: Is that an option?

6 (Paul K.) UNIDENTIFIED SPEAKER: No.

7 (Francis K.) UNIDENTIFIED SPEAKER: Sure. It depends  
8 on what time of the year you do it.

9 (Stacy S.) UNIDENTIFIED SPEAKER: What's the --

10 (Paul K.) UNIDENTIFIED SPEAKER: Okay. I'm sorry.  
11 Go ahead.

12 (Stacy S.) UNIDENTIFIED SPEAKER: What's the  
13 recommendation from the committee that's been  
14 working on this for a year-and-a-half? What do  
15 recommend out of the five choices that we do?

16 (Francis K.) UNIDENTIFIED SPEAKER: We, we pursue the  
17 remedy through the courts, that's my  
18 recommendation. Or we can do it like I would say,  
19 if I was property owner, I would make his berm  
20 quite a bit higher because last year it went over  
21 it a little bit, but then he hand dug a ditch to  
22 drain it the other way or somebody else. And  
23 surprisingly, he didn't even leave the ground  
24 here. You know, I don't know where the ground  
25 landed up, but it didn't stay right next to what

1 was done, at least I didn't see it.

2 (Paul K.) UNIDENTIFIED SPEAKER: So the suggestion  
3 from the one person on the committee would be to  
4 pursue a legal remedy. The other person on the  
5 committee?

6 (Tim B.) UNIDENTIFIED SPEAKER: I'd like to ask  
7 the question as to why we would suggest these  
8 repairs would be inadequate and fail over time  
9 that would be implemented by contractors, experts  
10 capable of implementing these kinds of waterways,  
11 if they use that, they're going to fail in time.  
12 I, that's why I was asking if we could have Roger  
13 come up here, and he could explain that there are  
14 certain level of comfort with the design of the  
15 waterway to navigate the water away from the area  
16 it's at right now.

17 (Paul K.) UNIDENTIFIED SPEAKER: My, my only  
18 comment to that, Tim, would be the waterway that  
19 existed prior to two years did a fine job of  
20 carrying the water away, and something changed,  
21 something materially changed, that's why we have a  
22 pond now. If we dig a ditch tomorrow, there's  
23 nothing that says two years from now something  
24 else won't materially change that causes us to  
25 have water sitting in the ditch. Whether that's

1 increased runoff from a subdivision or whether  
2 that's some other, some other neighbor further  
3 downstream that doesn't want water running across  
4 their property or whatever, things materially  
5 change, and now it's a solution that we've put in  
6 place that we have to maintain. That's my,  
7 that's, it's not that the waterway is inadequate  
8 today. It could be inadequate due to some other  
9 actions in the future. Again, we're kind of  
10 innocent bystanders on this whole thing already.

11 (Steve B) UNIDENTIFIED SPEAKER: But then my  
12 comment to that is, but you can't, you can't  
13 foresee everything that's going to happen as far  
14 as changing, then if something would happen two or  
15 three or four years down the road, then you would  
16 have to address that issue at that particular  
17 time.

18 (Paul K.) UNIDENTIFIED SPEAKER: You're right.

19 (Steve B.) UNIDENTIFIED SPEAKER: I mean right now  
20 it's addressing this particular issue, and solving  
21 the problem now or leaving the courts to decide,  
22 the biggest difference between that is the time  
23 element that we were talking about last month.

24 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, the courts  
25 aren't very fast, I agree with that.

1 (Steve B.) UNIDENTIFIED SPEAKER: This may, this may  
2 be going through courts for a year.

3 (Rick H.) UNIDENTIFIED SPEAKER: Or more.

4 (Paul K.) UNIDENTIFIED SPEAKER: Or more.

5 (Steve B.) UNIDENTIFIED SPEAKER: So if we're, if  
6 we're concerned with the amount of time, you  
7 know --

8 (Paul K.) UNIDENTIFIED SPEAKER: I know, I agree.

9 (Steve B.) UNIDENTIFIED SPEAKER: Because of that,  
10 if you, if you fix it and then, and then leave,  
11 you know, the courts handle who's at fault, that's  
12 just my opinion.

13 (Paul K.) UNIDENTIFIED SPEAKER: Okay. I  
14 understand.

15 (Tim B.) UNIDENTIFIED SPEAKER: So MasterCraft  
16 would be, according to this letter, right, be  
17 consenting to having the water drain into its  
18 system. The courts would be hard pressed to later  
19 try and claim that the district ought to be liable  
20 for doing something to MasterCraft specifically  
21 permitted to do so.

22 (Tim B.) UNIDENTIFIED SPEAKER: So if we go that  
23 direction, do we actually have to have a written  
24 agreement on their behalf that would suggest that  
25 they've authorized this move on our part?

1 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Get right into  
2 this?

3 (Paul K.) UNIDENTIFIED SPEAKER: M-hm.

4 (Dr. Bill H.) UNIDENTIFIED SPEAKER: I think you  
5 probably decide an action we have, I think there's  
6 some legal (inaudible), and I don't think you want  
7 to do that on a, on a handshake.

8 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Correct. If, once  
9 you to set aside a course of action then I think  
10 that it involves (inaudible) or property, you can  
11 either contact the attorney, make sure the  
12 (inaudible) document or give you the permission to  
13 do that and (inaudible).

14 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, I mean I  
15 think the, the, the land swap committee would say  
16 there's already an agreement with MasterCraft in  
17 place regarding increased discharge, and I'm not  
18 sure that we have increased discharge or reduced  
19 outflow. I'm not sure if we can claim one way or  
20 the other, but certainly we have water there where  
21 there didn't used to be.

22 (Paul K.) UNIDENTIFIED SPEAKER: Any other  
23 comments? You two have been quiet.

24 (Tom H.) UNIDENTIFIED SPEAKER: Well, it's just,  
25 this is just like a festering sore, it seems to

1 me. I, I don't know, I don't know what to think  
2 about this, you know, that we can't reach some  
3 kind of mutually agreed upon resolution, you know,  
4 and then not everybody is getting in on the  
5 mediation, and, I don't know that, I don't know  
6 the whole history, and I'm thinking there's a lot  
7 more to this than meets the eye. I just want to  
8 get it done, you know, and I don't want to see,  
9 you know, there, there be some kind of, some kind  
10 of backlash, but what I'm hearing sounds almost  
11 like this is on a no-win situation.

12 (Paul K.) UNIDENTIFIED SPEAKER: Committee members,  
13 can you speak to the mediation issue?

14 (Paul K.) UNIDENTIFIED SPEAKER: What was, what  
15 went wrong there? I mean --

16 (Francis K.) UNIDENTIFIED SPEAKER: Well, he, he, he,  
17 he would, when we called the meeting for an  
18 mediator, Thistle said he wouldn't agree to that;  
19 am I correct?

20 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Correct.

21 (Francis K.) UNIDENTIFIED SPEAKER: So, so if one side  
22 don't agree to mediate, I, I don't think there's  
23 much you can do about it.

24 (Paul K.) UNIDENTIFIED SPEAKER: We should have got  
25 a consensus out of that meeting then.

1 (Paul K.) UNIDENTIFIED SPEAKER: All right.

2 (Francis K.) UNIDENTIFIED SPEAKER: Then it was  
3 suggested the three alternatives or whatever, we  
4 should take that to the board.

5 (Paul K.) UNIDENTIFIED SPEAKER: Yeah.

6 (Francis K.) UNIDENTIFIED SPEAKER: But, but I mean  
7 me, if I was his neighbor, I'll assure you that I  
8 would build a nice flower berm just north of him  
9 there to see how his water wants to get, you know,  
10 I mean that's simple as some neighbor do that to  
11 me. Well, I got the power to do the same thing to  
12 him. Well, I certainly ain't going to give in on  
13 that one, I'm going to build my berm, too. He's  
14 going to take that water where it always ran. It  
15 always went there. It was never a big problem.

16 (Paul K.) UNIDENTIFIED SPEAKER: Okay. So we have  
17 one suggestion for a legal remedy.

18 (Stacy S.) UNIDENTIFIED SPEAKER: One for nuclear  
19 arms.

20 (Francis K.) UNIDENTIFIED SPEAKER: One for nuclear  
21 arm's race.

22 (Stacy S.) UNIDENTIFIED SPEAKER: I think I, and I  
23 really struggle with the fact this is a board  
24 member, and, and I have, and I have trouble with  
25 that. I have a real hard time separating that as

1 looking at it as a non-board member, any other  
2 neighbor, and I solidly admit that I struggle with  
3 that piece of it. How would we treat any other  
4 neighbor to the district.

5 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, I struggle  
6 with that as well. In my opinion, I wouldn't have  
7 struggled with this decision as long as I have if  
8 it would be a non-board member. In my opinion, I  
9 would have, I would have recommended legal remedy  
10 long ago, but because it's a board member, I am --

11 (Tom H.) UNIDENTIFIED SPEAKER: And I, and I guess  
12 I would say, you know, board member or not, yeah,  
13 it's, it's one of our taxpayers, but, you know,  
14 regardless, I mean it seems like this has  
15 developed into a, you know, danged if you do,  
16 danged if you don't.

17 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, it's a  
18 festering problem.

19 (Stacy S.) UNIDENTIFIED SPEAKER: None of the  
20 solutions are good. But what we have to do now is  
21 we have to take taxpayer money away from the  
22 children and their education in order to fix a  
23 problem we didn't create that may or may not down  
24 the road give us more problems; we, we don't know,  
25 it's a gamble.

1 (Steve B.) UNIDENTIFIED SPEAKER: Just a question,  
2 aside, too. How much -- Other than that pond, how  
3 much land is actually back there? Is that a whole  
4 field we have?

5 (Steve B.) UNIDENTIFIED SPEAKER: Fifteen acres.

6 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Fifteen

7 (Paul K.) UNIDENTIFIED SPEAKER: I believe it's 15  
8 acres.

9 (Paul K.) UNIDENTIFIED SPEAKER: Is it really 15?

10 (Paul K.) UNIDENTIFIED SPEAKER: I thought it was  
11 seven.

12 (Steve B.) UNIDENTIFIED SPEAKER: So once that, so  
13 if we solved this problem at this time and until  
14 some future date where we actually utilize that  
15 land for something, is that land available for us  
16 to rent out?

17 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Yes, it is.

18 (Paul K.) UNIDENTIFIED SPEAKER: Yes.

19 (Francis K.) UNIDENTIFIED SPEAKER: We need, we need a  
20 decent access to it, and a decent access is  
21 crossing, whatever you want to say, the waterway  
22 that is there.

23 (Steve B.) UNIDENTIFIED SPEAKER: Okay. So once we  
24 solve this problem, go, you know, it's going to  
25 cost us money initially, but we would actually, we

1 would, we would make it an asset to the school  
2 system where we could actually create some revenue  
3 off of it, you know.

4 (Stacy S.) UNIDENTIFIED SPEAKER: Depending on  
5 what's done with it.

6 (Paul K.) UNIDENTIFIED SPEAKER: Yeah.

7 (Paul K.) UNIDENTIFIED SPEAKER: I can't, can't  
8 disagree with that.

9 (Steve B.) UNIDENTIFIED SPEAKER: Again, last month  
10 we, we kind of decided that doing nothing isn't an  
11 option, you know. So whatever we, you know, do,  
12 you know, I think, I think timing is a factor, you  
13 know, and I think the courts are slow.

14 (Francis K.) UNIDENTIFIED SPEAKER: We, we argue the  
15 issues of liability. We did whatever the  
16 insurance company wanted us to do. We posted the  
17 property. And so I think since we did that, the  
18 district is not liable, the insurance company is  
19 liable.

20 (Stacy S.) UNIDENTIFIED SPEAKER: I don't care who's  
21 liable. I don't want my child to drowned out  
22 there.

23 (Francis K.) UNIDENTIFIED SPEAKER: Right. Hey,  
24 there's, there's stormwater ponds around every  
25 village pretty near where this problem exists.

1 (Stacy S.) UNIDENTIFIED SPEAKER: But not surrounded  
2 by a, a playground for the children.

3 (Francis K.) UNIDENTIFIED SPEAKER: A child and a  
4 father died because they didn't recognize the  
5 problem that existed.

6 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, I don't want  
7 that to happen.

8 (Francis K.) UNIDENTIFIED SPEAKER: Whenever you have  
9 water entering a pond and leaving a pond, in those  
10 two locations it never freezes, so there's a  
11 problem always.

12 (Paul K.) UNIDENTIFIED SPEAKER: There's no  
13 question that if we pursue, the odds are it would  
14 be fixed by winter, it would be (inaudible)  
15 lower.

16 (Francis K.) UNIDENTIFIED SPEAKER: You know, we never  
17 had a problem until one neighbor decided to put a  
18 berm there, so simple as that. He created the  
19 problem.

20 (Rick H.) UNIDENTIFIED SPEAKER: It's using  
21 taxpayer money, and it's taking away from the  
22 children's education, and the remedy is the  
23 cheapest way possible, I feel.

24 (Steve B.) UNIDENTIFIED SPEAKER: I agree.

25 (Rick H.) UNIDENTIFIED SPEAKER: Which would be,

1 which would be take care of the problem.

2 (Francis K.) UNIDENTIFIED SPEAKER: Send the bill to  
3 the guy who created it, simple.

4 (Stacy S.) UNIDENTIFIED SPEAKER: We don't know, we  
5 don't know, >(Francis K.) there was no water down here until  
6 someone put a berm there.

7 (Paul K.) UNIDENTIFIED SPEAKER: Here's, here's --

8 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, there's no  
9 question. I mean here's -- I'll, I'll, my wife  
10 and I had a long talk about this tonight because I  
11 knew it was coming up, right. Well, it's not as  
12 fun as talking about some of the other things we  
13 could talk about.

14 But the problem is from a practical  
15 standpoint, the remedy that's on our own property  
16 is quickest and cheapest, but, but I struggle with  
17 that because we're fixing, again, we're taking  
18 property dollars and time to fix a problem we  
19 didn't create. And there's a part of me that  
20 would like to have the responsibility laid at  
21 whomever's feet is at fault, and it's definitely  
22 not at the district's feet. And sometimes if that  
23 requires a court remedy, then that's what it  
24 requires.

25 So I'm really, I'm really torn between

1 the two, because there's the practical side, and  
2 then there's the, there's the side that simply  
3 says, I really want, I really want the district to  
4 not have any ownership of this problem at all,  
5 because we, it's not our problem. And so that's,  
6 that's where, I'll admit it's a 50/50 thing from  
7 here on.

8 (Rick H.) UNIDENTIFIED SPEAKER: The courts are  
9 taking (inaudible).

10 (Paul K.) UNIDENTIFIED SPEAKER: And we're taking,  
11 we're using funds to, to make sure that the  
12 ownership falls where it belongs. >> This past year  
13 we spent what, 40, 40 some thousand dollars in, in  
14 attorney fees; am I correct? We did this to  
15 protect all contracts with schools and other  
16 things concerning WEMA. We did it for other  
17 reasons when it comes to legal action, when it  
18 comes to negotiating to make sure we're legal. I  
19 mean that isn't small dollars, either. And, and  
20 I'm quite sure that the opinion we had from the  
21 attorneys now, a thousand dollars didn't cover the  
22 bill; am I correct?

23 (Dr. Bill H.) UNIDENTIFIED SPEAKER: For this, the  
24 maintenance statement?

25 (Francis K.) UNIDENTIFIED SPEAKER: Yes, the two of

1           them.

2           (Paul K.) UNIDENTIFIED SPEAKER: Probably a  
3           grand.

4           (Dr. Bill H.) UNIDENTIFIED SPEAKER: Right.

5           (Paul K.) UNIDENTIFIED SPEAKER: Yeah.

6           (Paul K.) UNIDENTIFIED SPEAKER: All right. I'm  
7           just going to ask for a straw poll because we've  
8           all had our, what, 30 minutes or whatever to voice  
9           our opinions on this so --

10          (Stacy S.) UNIDENTIFIED SPEAKER: Are you going to  
11          whittle down the five choices?

12          (Paul K.) UNIDENTIFIED SPEAKER: I, I was only  
13          going to offer two.

14          (Stacy S.) UNIDENTIFIED SPEAKER: Okay.

15          (Paul K.) UNIDENTIFIED SPEAKER: Because I think it  
16          kind of comes down, it kind of comes in my mind,  
17          and you can correct me if I'm wrong, maybe if I  
18          don't express your opinion, by all means let me  
19          know, but I see a legal option and I see a ditch  
20          option. All right. Those are the two options  
21          that I think we boiled it down to.

22                         Does anybody have a third option that  
23          we're not considering?

24                         Okay. Then I'm going to go around and  
25          ask for a straw poll. And it's kind of time to,

1           you know, fish or cut bait on this issue, so --  
2           (Dr. Bill H.) UNIDENTIFIED SPEAKER: May I suggest, why  
3           don't you refer to a number up here so everybody  
4           knows what. I hear what you're saying but, can  
5           you clarify?

6           (Stacy S.) UNIDENTIFIED SPEAKER: Because they'll be  
7           numbered 1 or 2 down at the bottom.

8           (Dr. Bill H.) UNIDENTIFIED SPEAKER: One or 2 on the  
9           bottom.

10          (Stacy S.) UNIDENTIFIED SPEAKER: So change 1 and 2  
11          at the bottom to 4 and 5. How's that? Everybody  
12          okay with that?

13          (Paul K.) UNIDENTIFIED SPEAKER: Well, then, then I  
14          would say that the options that we are considering  
15          at this point is item No. 2 and item No. 5.

16          (Stacy S.) UNIDENTIFIED SPEAKER: I would say, I  
17          would say 4 is an option, though, too, take care  
18          of it now because we need it done and then pursue  
19          civil action.

20          (Paul K.) UNIDENTIFIED SPEAKER: But that, that to  
21          me -- Again, I'm going to bring my wife into this  
22          conversation. That seems like throwing good money  
23          after bad, because we're going to spend \$20,000 to  
24          get a \$7,000 bill paid so that the solution can  
25          still reside on our property, and we can still be

1 responsible for maintaining it. I don't know how  
2 we win on that one, right, that's the problem I  
3 have with No. 4.

4 (Stacy S.) UNIDENTIFIED SPEAKER: Five, but No. 5 is  
5 a, a solution you're not going to have a solution  
6 for --

7 (Paul K.) UNIDENTIFIED SPEAKER: No, you're  
8 right.

9 (Stacy S.) UNIDENTIFIED SPEAKER: -- five years,  
10 maybe more.

11 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, that's the  
12 drawback.

13 (Tim B.) UNIDENTIFIED SPEAKER: I have a problem  
14 with that. As far as I'm concerned, the pond has  
15 to be drained as soon as possible. Just  
16 submitting it --

17 (Paul K.) UNIDENTIFIED SPEAKER: Okay. So do we  
18 have 2, 4 and 5? Are those our options then?

19 (Steve B.) UNIDENTIFIED SPEAKER: I'm confused.

20 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Change the  
21 bottom.

22 (Steve B.) UNIDENTIFIED SPEAKER: This is just fix  
23 it on your own.

24 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

25 (Rick H.) UNIDENTIFIED SPEAKER: Four and 5.

1 (Steve B.) UNIDENTIFIED SPEAKER: And this would be  
2 4 and 5.

3 (Rick H.) UNIDENTIFIED SPEAKER: So I want to go 2  
4 and 5 --

5 (Tim B.) UNIDENTIFIED SPEAKER: Two and 5.

6 (Rick H.) UNIDENTIFIED SPEAKER: -- or 4 and 5.

7 (Paul K.) UNIDENTIFIED SPEAKER: Let's say, you  
8 know -- Well, let's say 2, 4 and 5. If anybody  
9 has a particular penchant for No. 4, then so be  
10 it.

11 Mr. Baumeister?

12 (Steve Bau.) UNIDENTIFIED SPEAKER: Two.

13 (Paul K.) UNIDENTIFIED SPEAKER: Tom?

14 (Tom H.) UNIDENTIFIED SPEAKER: Go over there  
15 but --

16 (Steve Bau.) UNIDENTIFIED SPEAKER: And I'm just  
17 saying, too, because we're into it so far, just  
18 cut our losses and move on.

19 (Paul K.) UNIDENTIFIED SPEAKER: There's a whole  
20 bunch of good reasons why any one of these could  
21 be chosen. There is no good answer.

22 (Tom H.) UNIDENTIFIED SPEAKER: I guess I would  
23 say lean toward the, the 5.

24 (Paul K.) UNIDENTIFIED SPEAKER: Would you like to  
25 order an appetizer first?

1 (Tom H.) UNIDENTIFIED SPEAKER: No.

2 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

3 (Paul K.) UNIDENTIFIED SPEAKER: Tim?

4 (Tim B.) UNIDENTIFIED SPEAKER: Two.

5 (Paul K.) UNIDENTIFIED SPEAKER: Stacie?

6 (Stacy S.) UNIDENTIFIED SPEAKER: Four.

7 (Paul K.) UNIDENTIFIED SPEAKER: It'd be like Tom

8 here.

9 (Francis K.) UNIDENTIFIED SPEAKER: So No. 4 is 2 and

10 5.

11 (Paul K.) UNIDENTIFIED SPEAKER: Four is kind of a

12 blend of 2 and 5. It's kind of a mixed bag, yeah.

13 I, I, I have to go with No. 5, I believe, make

14 sure it's not our fault.

15 (Francis K.) UNIDENTIFIED SPEAKER: No. 5.

16 (Rick H.) UNIDENTIFIED SPEAKER: Two.

17 (Steve Bur.) UNIDENTIFIED SPEAKER: I'd say 2.

18 UNIDENTIFIED SPEAKER: Okay. Do we have

19 a motion then? The vote came out to four to four,

20 quite frankly, four to one to three. So the four

21 being No. 2.

22 UNIDENTIFIED SPEAKER: Four being item

23 No. 2.

24 UNIDENTIFIED SPEAKER: I'll make a motion

25 that we do No. 2 and fix the problem.

1 (Tim B.) UNIDENTIFIED SPEAKER: I'll second it.

2 (Paul K.) UNIDENTIFIED SPEAKER: Motion made by  
3 Rick, seconded by Tim to take action to drain the  
4 pond, restoring its property to its original state  
5 with the district assuming full responsibility for  
6 the cost of restoring the property.

7 (Paul K.) UNIDENTIFIED SPEAKER: All right. Any  
8 further discussion?

9 (Tim B.) UNIDENTIFIED SPEAKER: How soon will that  
10 happen?

11 (Paul K.) UNIDENTIFIED SPEAKER: They have to redo  
12 it first.

13 (Paul K.) UNIDENTIFIED SPEAKER: All right. Any  
14 other discussion?

15 (Steve Bau.) UNIDENTIFIED SPEAKER: I think it's part  
16 of being like a good neighbor, maybe you can say,  
17 we're a good neighbor and we want to continue to  
18 be good neighbor and to fix this, going to be  
19 understanding.

20 (Paul K.) UNIDENTIFIED SPEAKER: Well, that part  
21 stays both ways.

22 (Steve Bau.) UNIDENTIFIED SPEAKER: Yeah.

23 (Paul K.) UNIDENTIFIED SPEAKER: All those in favor  
24 of item No. 2? Yeah, I'm sorry.

25 (Dr. Bill H.) UNIDENTIFIED SPEAKER: You may want to do

1 a roll call and get some opinions on that, but  
2 that's your choice.

3 (Paul K.) UNIDENTIFIED SPEAKER: No, that's a good  
4 point. This is an important issue.

5 All right. We'll start on this side of  
6 the table.

7 In favor of item No. 2, Steve?

8 (Steve B.) UNIDENTIFIED SPEAKER: Aye.

9 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

10 (Rick H.) UNIDENTIFIED SPEAKER: Yes.

11 (Francis K.) UNIDENTIFIED SPEAKER: No.

12 (Paul K.) UNIDENTIFIED SPEAKER: I'm going to say  
13 no.

14 (Stacy S.) UNIDENTIFIED SPEAKER: No.

15 (Paul K.) UNIDENTIFIED SPEAKER: Stacie?

16 (Tim B.) UNIDENTIFIED SPEAKER: Aye.

17 (Tom H.) UNIDENTIFIED SPEAKER: Nay.

18 (Steve Bau.) UNIDENTIFIED SPEAKER: Aye.

19 (Paul K.) UNIDENTIFIED SPEAKER: One, two, three --  
20 Four to four.

21 Well, we're not leaving without fixing  
22 this, so we can stay here all night, and I can  
23 filibuster this thing.

24 (Steve Bau.) UNIDENTIFIED SPEAKER: I just think the  
25 cost, you know, looking at litigation, the cost

1 for that is unknown, and it scares me, you know,  
2 of getting into it is just a, a mess.

3 (Tim B.) UNIDENTIFIED SPEAKER: I think everybody  
4 needs to add liability to the list. As for what  
5 she said, we have children, children playing  
6 adjacent to that pond daily.

7 (Stacy S.) UNIDENTIFIED SPEAKER: Yeah.

8 (Tim B.) UNIDENTIFIED SPEAKER: That concerns  
9 me.

10 (Stacy S.) UNIDENTIFIED SPEAKER: And it's going to  
11 get worse when it freezes out there.

12 (Walter C.) UNIDENTIFIED SPEAKER: How much can we  
13 get for rental of that property? My reflection  
14 was like five thousand --

15 (Steve B.) UNIDENTIFIED SPEAKER: It depends, you  
16 know, a hundred bucks an acre?

17 (Paul K.) UNIDENTIFIED SPEAKER: That doesn't help  
18 because either way the problem is getting fixed.  
19 It's just a matter of who it --

20 (Tom H.) UNIDENTIFIED SPEAKER: Spring.

21 (Paul K.) UNIDENTIFIED SPEAKER: Again, that, that  
22 doesn't, that doesn't play, because under either  
23 solution, that land is getting drained. So it's  
24 a --

25 (Walter C.) UNIDENTIFIED SPEAKER: When you get the

1 land strip in there, are you going to make an  
2 ingress into the land to cross that wetland.

3 (Paul K.) UNIDENTIFIED SPEAKER: But again, that,  
4 that happens no matter who drains the land; right?  
5 The, the -- I think we entered this presuming the  
6 water will be gone. It's just a matter of who's  
7 taking care of it.

8 (Francis K.) UNIDENTIFIED SPEAKER: What do we  
9 recommend to get decent access to that land  
10 furthest to the west?

11 (Francis K.) UNIDENTIFIED SPEAKER: No, but I mean  
12 that's all that's necessary, really is to put a  
13 culvert in there.

14 (Roger S.) UNIDENTIFIED SPEAKER: There should be  
15 enough room there before we get to the (inaudible)  
16 of the wetland.

17 (Francis K.) UNIDENTIFIED SPEAKER: Yeah.

18 (Paul K.) UNIDENTIFIED SPEAKER: Okay. Okay.  
19 Yeah, I mean ultimately somebody needs to have  
20 a --

21 (Steve B.) UNIDENTIFIED SPEAKER: Steve, I, you  
22 know, I wanted to reiterate, you know, I chose 2  
23 because if we're not going to recoup any of our  
24 legal expenses, you know, and, in our cost of  
25 fixing it is, you know, if you take the lesser of

1 the two around seven grand, you know.

2 (Francis K.) UNIDENTIFIED SPEAKER: What, what we're  
3 seeing, that if someone wants to do something  
4 wrong, he can get by with it if it's cheaper to go  
5 the other route.

6 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, that's  
7 the --

8 (Steve B.) UNIDENTIFIED SPEAKER: That is, that is a  
9 good point on that side, you know.

10 (Paul K.) UNIDENTIFIED SPEAKER: That's a  
11 philosophical problem I have if we don't choose  
12 No. 5, right. You can choose to, to do something  
13 wrong with the understanding that it costs more to  
14 fix it the right way than it does to do it, than  
15 to force the neighbor to fix it. Again,  
16 regardless of who's at fault, whether it's the  
17 Thistles or MasterCraft, we're the, we're the  
18 innocent ones here, we're the ones wrestling over  
19 paying money to fix a problem that's not ours.

20 (Stacy S.) UNIDENTIFIED SPEAKER: Paying money that  
21 isn't ours, either.

22 (Paul K.) UNIDENTIFIED SPEAKER: She's right.

23 (Stacy S.) UNIDENTIFIED SPEAKER: It's the  
24 taxpayer's money.

25 (Paul K.) UNIDENTIFIED SPEAKER: I mean, honestly,

1 if you put it to a referendum question, right, how  
2 many, how many taxpayers would say, I'd like you  
3 to spend \$10,000 of money that you'd have to  
4 collect from me to fix a problem that you didn't  
5 create. I, I think it, I think taxpayers would be  
6 hard pressed.

7 Now the, the alternative side is, how  
8 many taxpayers are going to say, I'd like you to  
9 spend \$20,000 of my money to go sue a neighbor and  
10 a developer to fix a problem that they created. I  
11 mean, I'm not sure that you would get any more  
12 yeses on that referendum, right. I mean we're  
13 stuck either way. We're going to be spending five  
14 figures either way.

15 (Francis K.) UNIDENTIFIED SPEAKER: And, and to prove  
16 whether there's more water draining down there now  
17 than there was before is impossible. I mean  
18 there's no records of what the flow was ten years,  
19 there's no record of what the flow is now, you  
20 know, there's -- We had some extreme conditions  
21 two years ago or three years ago, which we  
22 probably had only once in a lifetime, it created  
23 problems at the school, too. So to say, no, it's  
24 impossible to prove whether there is more or less  
25 water going down that waterway right now than

1           there was before.

2           (Paul K.) UNIDENTIFIED SPEAKER: If we could get  
3           civil action to be relatively quick, that's a big  
4           if.

5           (Steve B.) UNIDENTIFIED SPEAKER: So then, so then  
6           to try to narrow it down to two choices, is it  
7           possible that, is it, and this is just something  
8           I'm throwing out, is it possible to throw No. 5  
9           out and just say 4 or 2, 2 meaning fix the problem  
10          ourselves and no lawsuit, 4 meaning we're still  
11          going to fix the problem in the same timely manner  
12          as 2, but then it would be followed up with, with  
13          legal action against MasterCraft Builders and  
14          Thistles? You know, if we narrow, if we -- I'm  
15          just throwing that out there as kind of a --

16          (Paul K.) UNIDENTIFIED SPEAKER: If, if the -- I  
17          would be okay with that, if any future problems  
18          that are in the ditch would be not, would not be  
19          our responsibility. By us fixing it, any future  
20          problems that occur there seem to be our problem  
21          where if the fix isn't located on our property,  
22          it's not our problem.

23          (Rick H.) UNIDENTIFIED SPEAKER: The fix doesn't  
24          seem to be located on our property.

25          (Paul K.) UNIDENTIFIED SPEAKER: No. See, the

1 problem is not on our property, why would the fix  
2 be there.

3 (Francis K.) UNIDENTIFIED SPEAKER: And if we, and if  
4 we do construction on that property, we can  
5 relocate the wet spots. That's done all the time.

6 (Paul K.) UNIDENTIFIED SPEAKER: That might be the  
7 best answer.

8 (Francis K.) UNIDENTIFIED SPEAKER: You know, they'll  
9 fill in and dig out or fill in and dig out.  
10 They'll relocate these, these, these wetlands, or  
11 whatever you want to call them, whether there is  
12 any there, I don't believe there ever really was  
13 one. I believe, knowing the Hymans (phonetic),  
14 that they drained that land, that there was tiles  
15 in it to drain it, and what happened to the tiles,  
16 I got no idea, but I've got problems with them, a  
17 bunch of them myself that I have to fix regularly.  
18 They get old and deteriorated.

19 (Paul K.) UNIDENTIFIED SPEAKER: Is 4 more  
20 palatable than 5?

21 (Steve B.) UNIDENTIFIED SPEAKER: I would say so. I  
22 would say 4 is more palatable just because of the  
23 timeline of it, you know. Five, 5 could take some  
24 time.

25 (Paul K.) UNIDENTIFIED SPEAKER: Could, could we --

1 (Paul K.) UNIDENTIFIED SPEAKER: I've got a  
2 proposal. Could we, could we modify No. 4 and  
3 just say that we would implement a temporary  
4 solution on our property, should we drain the  
5 pond?

6 (Stacy S.) UNIDENTIFIED SPEAKER: While civil action  
7 is taking place.

8 (Paul K.) UNIDENTIFIED SPEAKER: While civil action  
9 is taking place.

10 (Stacy S.) UNIDENTIFIED SPEAKER: What's temporary?

11 (Paul K.) UNIDENTIFIED SPEAKER: Enough to get the  
12 pond away, but it's not the answer. The civil  
13 action is not to recover the cost of -- I have a  
14 problem of taking civil action to the tune of  
15 \$20,000 to recover \$7,000. That just makes no  
16 sense to me at all.

17 (Stacy S.) UNIDENTIFIED SPEAKER: But it says if it  
18 aligns responsibility.

19 (Rick H.) UNIDENTIFIED SPEAKER: That's what you're  
20 doing. If you take civil action, that's what  
21 you're doing. You're taking civil action to save,  
22 or to get the \$7,000.

23 (Paul K.) UNIDENTIFIED SPEAKER: But it's, it's,  
24 it's a laying-responsibility-at-the-right-feet  
25 thing.

1 (Francis K.) UNIDENTIFIED SPEAKER: We aren't  
2 guaranteed that this would do the right job.

3 (Steve B.) UNIDENTIFIED SPEAKER: I think, I think  
4 per our conversation last month, he was saying  
5 that they were draft dodging that. So if one of  
6 these two excavators did it and it didn't solve  
7 the problem, they would be responsible to make it  
8 so it would solve the problem initially, you know,  
9 or that was under this proposal.

10 (Tom H.) UNIDENTIFIED SPEAKER: So what Paul is  
11 saying, if I'm reading it right, is that, yeah,  
12 this would be a potential fix, albeit not like a  
13 necessary, necessarily a permanent one, but it  
14 would be kind of like a put the plug in the hole  
15 in the wall for now, you know.

16 (Tim B.) UNIDENTIFIED SPEAKER: A temporary fix  
17 would not cost them a thousand dollars, maybe just  
18 throwing a pump into the pond and pumping it  
19 somewheres, whatever.

20 (Stacy S.) UNIDENTIFIED SPEAKER: Actually --

21 (Stacy S.) UNIDENTIFIED SPEAKER: I think the most  
22 important thing is to protect the kids, and I  
23 think that means draining the pond.

24 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, we have two  
25 goals here, right. We have -- One goal is drain

1 the pond, and the second goal is to be not at  
2 fault.

3 (Stacy S.) UNIDENTIFIED SPEAKER: Right. At fault.

4 (Paul K.) UNIDENTIFIED SPEAKER: Maybe we  
5 accomplish both of them.

6 (Tom H.) UNIDENTIFIED SPEAKER: Get the water out  
7 of the pond, and it fills back up, take it back  
8 out of there.

9 (Steve B.) UNIDENTIFIED SPEAKER: We can have Roger  
10 just keep pumping it out.

11 (Paul K.) UNIDENTIFIED SPEAKER: All right.  
12 Somebody want to draft a proposal 6, or if anybody  
13 changes their mind on -- or, or --

14 (Tom H.) UNIDENTIFIED SPEAKER: Ultimately, you  
15 know, whether it's a temporary one or permanent,  
16 you know, it's the same thing, 4 is 4, you know.  
17 I mean --

18 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, right.

19 (Tom H.) UNIDENTIFIED SPEAKER: If you have to  
20 drain the pond, wouldn't it be temporary?

21 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

22 (Paul K.) UNIDENTIFIED SPEAKER: Does that change  
23 the flavor for anyone?

24 (Steve B.) UNIDENTIFIED SPEAKER: I'd rather solve  
25 the problem rather than just temporarily taking

1 the water out, because it's going to be right back  
2 in in spring again.

3 (Paul K.) UNIDENTIFIED SPEAKER: Okay. Do I have a  
4 motion in support of No. -- whatever.

5 (Stacy S.) UNIDENTIFIED SPEAKER: Five.

6 (Paul K.) UNIDENTIFIED SPEAKER: Number whatever.  
7 Can you frame up a proposal?

8 (Steve B.) UNIDENTIFIED SPEAKER: Well, as far as  
9 the temporary fix, I don't necessarily agree with  
10 that.

11 (Paul K.) UNIDENTIFIED SPEAKER: Okay. No, that's  
12 fine, but then I -- It's not my proposal.

13 (Steve B.) UNIDENTIFIED SPEAKER: I mean I, I would,  
14 and, again, I, I chose No. 2 for the cost, but I,  
15 I would be willing to consider No. 4 but not --  
16 Again, I have that hard time with that, the legal  
17 fees, you know, that would be implemented, you  
18 know, or, but it, you know, we keep throwing out  
19 this \$20,000 number. Well, maybe that wouldn't be  
20 the case. You know, if we come up with this  
21 proposal, you know, we're just throwing out a  
22 large number. Let's say we fix it using one of  
23 these proposals, now MasterCraft Builders and the  
24 Thistles know how much we spent.

25 Possibly between the two of them, you

1 know, it can be resolved rather than spending a  
2 lot of time in court, I don't know. But I'm  
3 just -- You know, if we -- I would, I would say  
4 I'm okay with 4. I wouldn't go to 5. I would  
5 rather have 4 just to have this problem solved. I  
6 don't agree with just doing a temporary fix. I'd  
7 rather have it permanently fixed or permanently  
8 until the next issue arises like you said.

9 (Tim B.) UNIDENTIFIED SPEAKER: I think that's the  
10 idea behind Paul's proposal, is we'll have a  
11 temporary solution until the permanent solution is  
12 intact.

13 (Steve B.) UNIDENTIFIED SPEAKER: But not just to  
14 drain it, though. I mean to drain it and run the  
15 ditches.

16 (Walter C.) UNIDENTIFIED SPEAKER: If the court rules  
17 in your favor, they would probably ask you to fill  
18 in your ditch and --

19 (Paul K.) UNIDENTIFIED SPEAKER: That's, that's  
20 what I mean.

21 (Paul K.) UNIDENTIFIED SPEAKER: And, that the  
22 solution doesn't reside on the property.

23 (Walter C.) UNIDENTIFIED SPEAKER: That's not on your  
24 property.

25 (Walter C.) UNIDENTIFIED SPEAKER: I mean I would

1 think that that would --

2 (Paul K.) UNIDENTIFIED SPEAKER: That would be the  
3 desired outcome of the civil action. The desired  
4 outcome in my mind isn't to reclaim the \$7,000 and  
5 you need to dig a ditch. The desired outcome is  
6 to remove the solution from our property.

7 (Walter C.) UNIDENTIFIED SPEAKER: This would always  
8 be on our property. But I think, you know, the  
9 court would say, hey, wait a minute, back up, fill  
10 in your ditch. The problem lies with MasterCraft  
11 and the Thistles.

12 (Paul K.) UNIDENTIFIED SPEAKER: Right.

13 (Walter C.) UNIDENTIFIED SPEAKER: They've got to  
14 solve it.

15 (Steve B.) UNIDENTIFIED SPEAKER: So you're saying  
16 drain the ditch just so it's empty and then leave  
17 the courts to decide what to do with it.

18 (Paul K.) UNIDENTIFIED SPEAKER: Because I'm not  
19 interested necessarily in a financial remedy.  
20 That's, that's whatever, right. But, but the,  
21 getting the problem off of our property is key, I  
22 think.

23 (Tim B.) UNIDENTIFIED SPEAKER: There's no way  
24 we're going to incorporate a \$7,000 solution just  
25 to get somebody else, just to get a civil suit in

1 place. I, I think it becomes a temporary repair.  
2 If it's pumping the water off reasonably  
3 expeditiously as possible. If it's perceived that  
4 civil action needs to be taken but the length of  
5 time we can, we can tell it that, right, because  
6 we don't want to see the liability where it is  
7 right now or anywhere, for that matter, that  
8 somebody would be injured or unspeakable.

9 (Francis K.) UNIDENTIFIED SPEAKER: That's what we've  
10 got insurance for.

11 (Tim B.) UNIDENTIFIED SPEAKER: Insurance is  
12 insurance. The chances that somebody would be --

13 (Francis K.) UNIDENTIFIED SPEAKER: Do you realize --

14 (Tim B.) UNIDENTIFIED SPEAKER: -- injured over  
15 there.

16 (Francis K.) UNIDENTIFIED SPEAKER: -- you, you own  
17 property where a creek runs through, am I correct,  
18 Jim; right? Do you know that people can come walk  
19 up and down that creek any time legally? And if  
20 they drown there on your property in the, in the  
21 creek, well, I guess they can do legal action  
22 against you. I mean --

23 (Paul K.) UNIDENTIFIED SPEAKER: That's the same as  
24 being an attractive hazard.

25 UNIDENTIFIED SPEAKER: That's probably

1 true.

2 (Stacy S.) UNIDENTIFIED SPEAKER: Surrounded by  
3 children.

4 (Paul K.) UNIDENTIFIED SPEAKER: If I put up a pool  
5 in my yard, I have to have a fence around. You  
6 have a three-quarter-acre pond alongside of a  
7 playground. I, I know what the insurance company  
8 says from a legal standpoint.

9 (Walter C.) UNIDENTIFIED SPEAKER: It looks bad.

10 (Paul K.) UNIDENTIFIED SPEAKER: I don't want to  
11 see some dad carrying his kid out of that in  
12 winter. Are you kidding me, really?

13 (Tom H.) UNIDENTIFIED SPEAKER: Where I can see  
14 this headed is it sounds like the idea where  
15 people seem to be coming together is take care of  
16 the problem, get rid of it, and then we'll kind of  
17 diverge is what about this after it's taken of.  
18 How do we address that, whether it be, you know,  
19 taking it up as far as some kind of legal issue or  
20 just flat out dropping it. You know, already  
21 we've seen we're split on the take action and then  
22 just drop it part. It may be that we are equally  
23 split on taking action, albeit maybe temporary or  
24 a more permanent type of action to remedy this  
25 situation, but, you know, how do we address the

1           aftermath.

2           (Paul K.) UNIDENTIFIED SPEAKER: Yeah, I would, I  
3           would agree with Tim, Steve and Rick, we let the  
4           water out now. You mentioned that, right. We  
5           water out now.

6           (Paul K.) UNIDENTIFIED SPEAKER: But I don't know  
7           that that's the end game because we want this to  
8           drag on as long as possible.

9                         Can somebody frame up -- To, to, to, to  
10           Tom's point, can somebody frame up a motion so  
11           that we can see where we stand, or do we want to  
12           do a straw poll again? Let's, let's -- We've got  
13           to get to the point of making a decision here.

14           (Steve Bau.) UNIDENTIFIED SPEAKER: So we're still  
15           looking at the same action items, 1 through 5, 2  
16           through 5?

17           (Paul K.) UNIDENTIFIED SPEAKER: Two, 4 and 5,  
18           although 4 has taken on slightly a different  
19           flavor, I think, a little bit.

20           (Dr. Bill H.) UNIDENTIFIED SPEAKER: Can you clarify,  
21           Paul, how No. 4 has changed. I, I think  
22           that's (inaudible).

23           (Paul K.) UNIDENTIFIED SPEAKER: I have my idea,  
24           and I think Steve has his idea. I'd just as soon  
25           hear from Steve.

1 (Steve B.) UNIDENTIFIED SPEAKER: Well, on No. 4, in  
2 order to -- Well, the big difference, like I was  
3 saying before, I kind of, I was hoping to maybe  
4 run another poll eliminating 5. And, you know,  
5 rather than pursuing legal action first, you know,  
6 narrowing it down to 4 and 2; 4 meaning solve,  
7 solve the same problem, 2 and 4 would solve the  
8 same problem initially. Take one of these two  
9 proposals, make a ditch, fix the problem.

10 The difference between the 2 and the 4 is  
11 let's, let's make 4 the situation where once you  
12 solve the problem, try to recoup some of your  
13 expenses, whether it doesn't -- you know, it may  
14 not cost \$20,000 depending on how, how far you  
15 have to pursue this.

16 I don't, I don't know if anybody's  
17 contacted, you know, MasterCraft Builders. So I'm  
18 just saying, I'm make a proposal to just take 4  
19 off the board and narrow it down to 2 or 4, either  
20 fix it and eat the expenses on our own or 4, fix  
21 it and pursue, pursue some reimbursement. That's  
22 all I -- if, if that's in the form of a proposal,  
23 in a motion.

24 (Tom H.) UNIDENTIFIED SPEAKER: How about this,  
25 what you said, but on the tail end as far as the,

1 kind of the aftermath, take action to pursue  
2 more -- I guess we have to frame it correctly.  
3 Force getting and obtaining a more permanent  
4 resolution to this.

5 The bottom line is, I, I kind of said it  
6 earlier on, is that I don't see this going, it  
7 ain't going away, obviously, until there's a  
8 forced resolution here. There was an attempt at  
9 meeting some kind of, getting and obtaining some  
10 kind of resolution, that's what mediation is, but  
11 if the parties are not, you know, willing to work  
12 together, you've got to force it, you know. I  
13 mean, all right, that's where the darned if you  
14 do, darned if you don't comes in.

15 So I guess to put it in there would be  
16 to, you know, take action and to alleviate the  
17 problem, issue, and further pursue a more  
18 permanent resolution.

19 (Paul K.) UNIDENTIFIED SPEAKER: I think in these,  
20 in these phrases, the, the permanent resolution is  
21 identified by the term responsibility.

22 (Tom H.) UNIDENTIFIED SPEAKER: M-hm.

23 (Paul K.) UNIDENTIFIED SPEAKER: And I think that's  
24 what has bothered me about item No. 4, the  
25 district taking civil action against the Thistles

1 and/or MasterCraft to recover the costs of  
2 restoring the property. That's not the big key  
3 for me. It's the responsibility for restoring the  
4 property which is what is, you know, in item No. 5  
5 and item No. 4, the district assumes full  
6 responsibility, or Thistles and MasterCraft assign  
7 full responsibility for restoring the property. I  
8 think that's what's important to me, the long-term  
9 ownership of it, because I, I don't want to leave  
10 some future board with --

11 (Tom H.) UNIDENTIFIED SPEAKER: Right.

12 (Paul K.) UNIDENTIFIED SPEAKER: -- problems that,  
13 that we have not resolved.

14 (Tom H.) UNIDENTIFIED SPEAKER: Right.

15 (Paul K.) UNIDENTIFIED SPEAKER: So I, I would  
16 propose changing item No. 4 to say take action to  
17 drain the pond, restoring the property to its  
18 original state, and the district taking action,  
19 civil action, against the Thistles and/or  
20 MasterCraft, to assign the Thistles and/or  
21 MasterCraft full responsibility of restoring the  
22 property.

23 (Stacy S.) UNIDENTIFIED SPEAKER: And do you put  
24 something in there about the cost, too, or is  
25 that --

1 (Paul K.) UNIDENTIFIED SPEAKER: And recover the  
2 cost of restoring the property, yeah, right.

3 (Stacy S.) UNIDENTIFIED SPEAKER: Responsibility and  
4 cost.

5 Dr. Bill H.) UNIDENTIFIED SPEAKER: So what we do --  
6 Would you say it again, please?

7 (Paul K.) UNIDENTIFIED SPEAKER: I'm working on  
8 that, I'm writing it down so --

9 (Steve B.) UNIDENTIFIED SPEAKER: That would be kind  
10 of a compromise between 5 and 2.

11 (Paul K.) UNIDENTIFIED SPEAKER: Right.

12 (Stacy S.) UNIDENTIFIED SPEAKER: It would take, get  
13 the immediate action, take the immediate hazard  
14 away, and yet go after the Thistles and  
15 MasterCraft for the responsibility and the cost  
16 but, but protect the children now by getting it  
17 taken care of.

18 (Paul K.) UNIDENTIFIED SPEAKER: Is that palatable?

19 (Paul K.) UNIDENTIFIED SPEAKER: Let me rephrase  
20 this, so let me re-read this.

21 Take action to drain the property,  
22 restoring the property to its original state,  
23 period. The district takes civil action against  
24 the Thistles and/or MasterCraft to recover the  
25 costs of restoring the property and to assign the

1 Thistles and/or MasterCraft full responsibility  
2 of, of the problem.

3 (Rick H.) UNIDENTIFIED SPEAKER: The issue, yeah,  
4 the problem.

5 (Paul K.) UNIDENTIFIED SPEAKER: I believe I  
6 have -- I can make a motion, or do I have to have  
7 somebody restate that? Yeah, let's do a straw  
8 poll.

9 (Steve Bau.) UNIDENTIFIED SPEAKER: I, I would go with  
10 4 now.

11 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

12 (Rick H.) UNIDENTIFIED SPEAKER: Yes.

13 (Tim B.) UNIDENTIFIED SPEAKER: What's your  
14 definition of draining the pond immediately?

15 (Francis K.) UNIDENTIFIED SPEAKER: Well, I, I would  
16 assume that's digging the ditch, too.

17 (Steve B.) UNIDENTIFIED SPEAKER: Yeah, this is one  
18 of these proposals we have.

19 (Paul K.) UNIDENTIFIED SPEAKER: I'm, I'm operating  
20 under the assumption it's a \$7,000 solution.

21 (Tim B.) UNIDENTIFIED SPEAKER: See, if we just  
22 add to that, that was a permanent solution. If  
23 it's a temporary solution, it's not a \$7,000  
24 solution. I just want to make note of that.

25 (Tom H.) UNIDENTIFIED SPEAKER: I, I don't know if

1           what we're necessarily saying which (inaudible).  
2           (Paul K.) UNIDENTIFIED SPEAKER: I think, I think  
3           it does matter. I guess I'm operating under the  
4           assumption, too, that it could cost as much as  
5           \$7,000. I don't know exactly what it would cost.  
6           And because there's no guarantee that you'd be,  
7           that we'd be successful in either winning the  
8           court case or in forcing those parties to remedy  
9           the situation, I think whatever we do has to have  
10          a certain amount of life.

11          (Tim B.) UNIDENTIFIED SPEAKER: Pumping the pond  
12          drains of tomorrow.

13          (Paul K.) UNIDENTIFIED SPEAKER: Pumping the pond  
14          drains of tomorrow.

15          (Stacy S.) UNIDENTIFIED SPEAKER: And then the  
16          proposal talks about seeding it and putting mat  
17          down and straw and all that other stuff, which you  
18          wouldn't have to necessarily do, it's just  
19          temporary, but --

20          (Steve B.) UNIDENTIFIED SPEAKER: Is that something  
21          they could do now, or they would do that in the  
22          spring?

23          (Stacy S.) UNIDENTIFIED SPEAKER: I don't think --  
24          It's too late to proceed now.

25          (Paul K.) UNIDENTIFIED SPEAKER: Yeah, they can't

1 do it now.

2 (Francis K.) UNIDENTIFIED SPEAKER: Just so you, you  
3 aren't misled on, on the bids, a four-to-one slope  
4 is a steeper than a three-to-one slope.

5 (Paul K.) UNIDENTIFIED SPEAKER: Right.

6 (Tim B.) UNIDENTIFIED SPEAKER: Let's take a vote.

7 (Paul K.) UNIDENTIFIED SPEAKER: Okay. You're  
8 going with that one?

9 (Stacy S.) UNIDENTIFIED SPEAKER: Yes, for No. 4.

10 (Paul K.) UNIDENTIFIED SPEAKER: I can't disagree  
11 with No. 4.

12 (Steve Bau.) UNIDENTIFIED SPEAKER: I would say yes.

13 (Francis K.) UNIDENTIFIED SPEAKER: Yes.

14 (Rick H.) UNIDENTIFIED SPEAKER: No.

15 (Steve B.) UNIDENTIFIED SPEAKER: I guess I  
16 reluctantly, I would, I would go with No. 4,  
17 assuming that we're going to do one of these to  
18 solve the problem.

19 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, I, I'll  
20 admit I came into the meeting thinking that No. 4  
21 was nonsensical, and here I am saying yes to  
22 No. 4, but I mean --

23 (Steve B.) UNIDENTIFIED SPEAKER: It was more of a  
24 compromise asking for No. 2.

25 (Paul K.) UNIDENTIFIED SPEAKER: We have two goals;

1 one is to be not at fault and the other one is to  
2 drain the pond. I think this accomplishes both in  
3 my mind, but I, I struggle with it.

4 All right. Well, I think we have enough  
5 interested to at least take a vote, so can  
6 somebody make a motion, please?

7 (Stacy S.) UNIDENTIFIED SPEAKER: I make a motion  
8 that we take action to drain the pond, restoring  
9 the property to its original state. The district  
10 will then take civil action against the Thistles  
11 and/or MasterCraft to recover the cost and assign  
12 the Thistles and/or MasterCraft full  
13 responsibility of restoring the property. That's  
14 my combination.

15 (Paul K.) UNIDENTIFIED SPEAKER: You did a nice  
16 job.

17 (Paul K.) UNIDENTIFIED SPEAKER: I'll second that  
18 motion.

19 (Paul K.) UNIDENTIFIED SPEAKER: Any other  
20 discussion? Steve, yes or no?

21 (Paul K.) UNIDENTIFIED SPEAKER: Roll call vote,  
22 too.

23 (Steve B.) UNIDENTIFIED SPEAKER: Yes.

24 (Paul K.) UNIDENTIFIED SPEAKER: Rick?

25 (Rick H.) UNIDENTIFIED SPEAKER: No.

1 (Paul K.) UNIDENTIFIED SPEAKER: Francis?  
2 (Francis K.) UNIDENTIFIED SPEAKER: Yes.  
3 (Paul K.) UNIDENTIFIED SPEAKER: I vote yes.  
4 (Paul K.) UNIDENTIFIED SPEAKER: (Inaudible)?  
5 (Stacy S.) UNIDENTIFIED SPEAKER: Yes.  
6 (Tim B.) UNIDENTIFIED SPEAKER: No.  
7 (Tom H.) UNIDENTIFIED SPEAKER: Yes.  
8 (Steve Bau.) UNIDENTIFIED SPEAKER: Yes.  
9 (Paul K.) UNIDENTIFIED SPEAKER: Motion passes, six  
10 to two.  
11 I would ask the administration who's  
12 going to be responsible for carrying on our  
13 confusing wishes here. Was everything clear to  
14 you what's expected there?  
15 (Dr. Bill H.) UNIDENTIFIED SPEAKER: No. You need to  
16 clarify exactly what you want us to do to drain  
17 the pond, and if you're going to do with the more  
18 permanent solution presented by the excavators,  
19 tell us which excavator we're using, please.  
20 (Francis K.) UNIDENTIFIED SPEAKER: Okay. So we go  
21 with the cheaper bid.  
22 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Exactly what your  
23 bid is.  
24 (Paul K.) UNIDENTIFIED SPEAKER: Yeah, right.  
25 (Paul K.) UNIDENTIFIED SPEAKER: So there's two

1 actions here. There's, we have to, I think  
2 clarify the drain the pond action, and, and to  
3 that end, is it pumping the pond, is it, is it  
4 digging the ditch, is it digging the ditch with  
5 excavator A or B.

6 (Rick H.) UNIDENTIFIED SPEAKER: I, I need to  
7 clarify the digging the ditch part.

8 (Paul K.) UNIDENTIFIED SPEAKER: Yeah.

9 (Rick H.) UNIDENTIFIED SPEAKER: I have a conflict  
10 of interest, so I --

11 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

12 (Rick H.) UNIDENTIFIED SPEAKER: Because Karrels  
13 has been digging sand on my brother's pond last 20  
14 years, and the other one is my neighbor so --

15 (Paul K.) UNIDENTIFIED SPEAKER: Okay. Well, I  
16 appreciate you revealing that. I appreciate it.

17 (Steve B.) UNIDENTIFIED SPEAKER: I would agree with  
18 going with the lower of two bids, which would be  
19 what Francis said.

20 (Francis K.) UNIDENTIFIED SPEAKER: Roger, make sure  
21 we, where that includes the cost of draining the  
22 pond.

23 (Roger S.) UNIDENTIFIED SPEAKER: Okay.

24 (Francis K.) UNIDENTIFIED SPEAKER: And I don't know  
25 what the other one included.

1 (Paul K.) UNIDENTIFIED SPEAKER: If this is truly a  
2 short-term solution, simply pump the pond, is it a  
3 feasible solution and for how long.

4 (Rick H.) UNIDENTIFIED SPEAKER: (Inaudible)  
5 hundred.

6 (Francis K.) UNIDENTIFIED SPEAKER: It's only get the  
7 ditch dug --

8 (Stacy S.) UNIDENTIFIED SPEAKER: (Inaudible).

9 (Stacy S.) UNIDENTIFIED SPEAKER: This big arch of  
10 water lying over here somewhere or --

11 (Paul K.) UNIDENTIFIED SPEAKER: I think right here  
12 in the corner.

13 (Paul K.) UNIDENTIFIED SPEAKER: It's (inaudible).

14 (Stacy S.) UNIDENTIFIED SPEAKER: Okay.

15 (Francis K.) UNIDENTIFIED SPEAKER: Unless you can dig  
16 the ditch down deep enough, and I mean how soon do  
17 they want it drained?

18 (Paul K.) UNIDENTIFIED SPEAKER: Roger, does the  
19 pump last for five years?

20 (Roger S.) UNIDENTIFIED SPEAKER: What's that?

21 (Paul K.) UNIDENTIFIED SPEAKER: If we were to pump  
22 the pond, would that be a solution for up to five  
23 years?

24 (Roger S.) UNIDENTIFIED SPEAKER: No.

25 (Paul K.) UNIDENTIFIED SPEAKER: My concern is the,

1 I'm not sure how quick the civil action --  
2 (Francis K.) UNIDENTIFIED SPEAKER: We would spend  
3 \$7,000 in, and whatever.  
4 (Paul K.) UNIDENTIFIED SPEAKER: \$7,000 to run a  
5 cap or cable out there.  
6 (Francis K.) UNIDENTIFIED SPEAKER: People to, to  
7 monitor it.  
8 (Paul K.) UNIDENTIFIED SPEAKER: Okay. So draining  
9 the pond involves digging this ditch. Is that, is  
10 that the consensus? Is that --  
11 (Francis K.) UNIDENTIFIED SPEAKER: Yes.  
12 (Tom H.) UNIDENTIFIED SPEAKER: Well, the point  
13 about, you know, members, you mentioned before  
14 about the four-to-one versus the three-to-one and  
15 basically saying make sure that these two are  
16 apples to apples.  
17 (Stacy S.) UNIDENTIFIED SPEAKER: You're saying less  
18 slope is better than more slope?  
19 (Paul K.) UNIDENTIFIED SPEAKER: Sure.  
20 (Roger S.) UNIDENTIFIED SPEAKER: Correct.  
21 (Stacy S.) UNIDENTIFIED SPEAKER: Because I don't  
22 think --  
23 (Paul K.) UNIDENTIFIED SPEAKER: (Inaudible).  
24 (Stacy S.) UNIDENTIFIED SPEAKER: Right. So that  
25 would be the three-to-one.

1 (Tom H.) UNIDENTIFIED SPEAKER: The thing here is  
2 that's, you know, \$150 less. It doesn't  
3 necessarily itemize all these issues that we  
4 addressed. This one is four to one. Maybe he  
5 does this three to one? Less?

6 (Stacy S.) UNIDENTIFIED SPEAKER: I don't know.

7 (Tom H.) UNIDENTIFIED SPEAKER: That's why I made  
8 the comment about what Francis brought up. We  
9 want to go least expensive, but we want to make  
10 sure it's apples to apples.

11 (Paul K.) UNIDENTIFIED SPEAKER: Roger, do you have  
12 experience with any of these companies in terms of  
13 their --

14 (Roger S.) UNIDENTIFIED SPEAKER: Yeah, I --

15 (Paul K.) UNIDENTIFIED SPEAKER: Good, bad, don't  
16 care. So you don't have any qualms with either  
17 one?

18 (Paul K.) UNIDENTIFIED SPEAKER: No. Okay. Can I  
19 have a motion then?

20 (Francis K.) UNIDENTIFIED SPEAKER: He, he needs to  
21 make sure that the pump is, I mean that Karrels  
22 don't have any added costs if, you know, pumping  
23 is included in the deal, you know.

24 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Bill, that was my  
25 clarification.

1 (Francis K.) UNIDENTIFIED SPEAKER: These people all  
2 have this equipment, you know.

3 (Paul K.) UNIDENTIFIED SPEAKER: Go ahead, Bill.

4 (Dr. Bill H.) UNIDENTIFIED SPEAKER: When I read the  
5 Karrels' proposal (inaudible), I don't see pumping  
6 the pond then with Karrels' the proposal. If  
7 you're going by lower costs, you're going to come  
8 back with Karrels while (inaudible).

9 (Roger S.) UNIDENTIFIED: Get an (inaudible) you  
10 said get a pump and pump it out. I told him, I  
11 said include it.

12 (Francis K.) UNIDENTIFIED SPEAKER: G & M's last  
13 statement on pumping the pond is allowance one  
14 thousand. Does that mean he can add a thousand  
15 dollars to the cost of pumping the pond?

16 (Steve B.) UNIDENTIFIED SPEAKER: So when we make,  
17 when we make a motion to choose one of these, we  
18 could make a motion being contingent on the lower  
19 one that there is no extra cost, that this \$7,100  
20 includes --

21 (Tim B.) UNIDENTIFIED SPEAKER: Roger, could I ask  
22 you, are you partial to either one or the other as  
23 far as the solution, either one would work in your  
24 estimation?

25 (Stacy S.) UNIDENTIFIED SPEAKER: Oh, I make a

1 motion that we approve Karrels Trucking Sand &  
2 Gravel proposal estimate.

3 (Paul K.) UNIDENTIFIED SPEAKER: Okay.

4 (Steve B.) UNIDENTIFIED SPEAKER: I would second it.

5 (Tim B.) UNIDENTIFIED SPEAKER: I would like to  
6 answer it that it mirrors the G & M Excavating  
7 solutions that came in.

8 (Paul K.) UNIDENTIFIED SPEAKER: Basically that  
9 it's all inclusive.

10 (Stacy S.) UNIDENTIFIED SPEAKER: I would think  
11 so.

12 (Paul K.) UNIDENTIFIED SPEAKER: So there's a  
13 motion on the table to approve Jim Karrels  
14 Trucking Sand & Gravel, assuming it's inclusive?  
15 All inclusive; right?

16 (Roger S.) UNIDENTIFIED SPEAKER: Yeah.

17 (Paul K.) UNIDENTIFIED SPEAKER: And seconded --  
18 Made by Stacie, second by Steve.

19 (Paul K.) UNIDENTIFIED SPEAKER: Just in the  
20 interests of making sure that we're all on the  
21 same page here, let's do a roll call vote on this.  
22 I know this is a \$7,000 bill, but this is a messy  
23 problem.

24 Steve?

25 (Steve Bau.) UNIDENTIFIED SPEAKER: Yes.

1 (Paul K.) UNIDENTIFIED SPEAKER: Tom?

2 (Tom H.) UNIDENTIFIED SPEAKER: Yes.

3 (Tom H.) UNIDENTIFIED SPEAKER: Aye.

4 (Francis K.) UNIDENTIFIED SPEAKER: I'm sorry, it's a  
5 problem, Roger's problem.

6 (Tom H.) UNIDENTIFIED SPEAKER: We've approving,  
7 we're approving Karrels. There's got to be --  
8 Okay, whatever. I mean I didn't hear a lot of,  
9 you know, yes, definitely this is the way it is.  
10 It still sounds like there's some, like you said,  
11 there's some buts out there, but, okay, I'll say  
12 Jim Karrels.

13 (Paul K.) UNIDENTIFIED SPEAKER: I --

14 (Tom H.) UNIDENTIFIED SPEAKER: You know what I'm  
15 saying?

16 (Paul K.) UNIDENTIFIED SPEAKER: I understand. I  
17 agree with that, too.

18 Tim?

19 (Tim B.) UNIDENTIFIED SPEAKER: I want to place  
20 emphasis on the pond being drained promptly with  
21 the yes, not that it -- the pond has to stay  
22 drained until the ditch is dug. That's -- my  
23 suggestion would be yes.

24 (Stacy S.) UNIDENTIFIED SPEAKER: Yes.

25 (Tim B.) UNIDENTIFIED SPEAKER: Does that make

1 sense?

2 (Paul K.) UNIDENTIFIED SPEAKER: Yes.

3 (Paul K.) UNIDENTIFIED SPEAKER: Stacie?

4 (Paul K.) UNIDENTIFIED SPEAKER: Yes.

5 (Paul K.) UNIDENTIFIED SPEAKER: Frank?

6 (Paul K.) UNIDENTIFIED SPEAKER: Francis, yes.

7 (Rick H.) UNIDENTIFIED SPEAKER: Abstained.

8 (Rick H.) UNIDENTIFIED SPEAKER: \*\*Avoid.

9 (Paul K.) UNIDENTIFIED SPEAKER: Steve?

10 (Paul K.) UNIDENTIFIED SPEAKER: All right.

11 Unanimous.

12 Okay. So now we've got drain the pond  
13 half forward identified. And now I think do we  
14 need -- Bill, do we need further instruction on  
15 the legal action discussion, or are you --

16 (Dr. Bill H.) UNIDENTIFIED SPEAKER: Well, (inaudible)  
17 other discussion with them, because there seems to  
18 be some legal notification I feel to the Thistles  
19 and to MasterCraft. MasterCraft has to be given  
20 permission to drain legally, because anytime I  
21 think MasterCraft has to be punctual whether  
22 they're also going to turn around and take civil  
23 action against them to declare who's responsible  
24 for it. See what I'm saying?

25 (Paul K.) UNIDENTIFIED SPEAKER: I understand.

1 (Dr. Bill H.) UNIDENTIFIED SPEAKER: But I think, I'll  
2 work with the attorney to get a letter drafted so  
3 they understand what the action the board has  
4 taken so all the property owners aren't  
5 (inaudible) to the board.

6 (Kendall T.) UNIDENTIFIED SPEAKER: What time would  
7 you expect those letters to be going out?

8 (Dr. Bill H.) UNIDENTIFIED SPEAKER: I don't know until  
9 I talk, talk to Mr. (inaudible).

10 (Kendall T.) UNIDENTIFIED SPEAKER: A week, a two  
11 weeks, a month?

12 (Dr. Bill H.) UNIDENTIFIED SPEAKER: We'll call  
13 tomorrow, but I don't, I don't know. Generally, I  
14 would say within a week or two.

15 (Dr. Bill H.) UNIDENTIFIED SPEAKER: All right.

16 (Paul K.) UNIDENTIFIED SPEAKER: Okay. Do you --  
17 Does the administration need anything on this  
18 topic?

19 (Dr. Bill H.) UNIDENTIFIED SPEAKER: I just want to  
20 make sure Roger is clear what he has to do.

21 (Paul K.) UNIDENTIFIED SPEAKER: Okay. Let the  
22 record show that we're still on time, even after  
23 that.

24 (Proceedings ended)

25

1 STATE OF WISCONSIN )

2 COUNTY OF MILWAUKEE )

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I, JANET D. LARSEN, Registered  
Professional Reporter, have transcribed the foregoing  
proceedings held on October 12, 2009, from a CD  
recording. The recording has been transcribed to the  
best of my ability.

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Dated this 19th day of May, 2013  
at Milwaukee, Wisconsin.

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JANET DONALDSON LARSEN  
REGISTERED PROFESSIONAL REPORTER  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES 1-22-18

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