

I moved to CICA in 2017. After attending board meetings I learned we had spent \$180,000 for legal expenses and a vulnerability study of our structures due to damages caused by construction and concern for more possible damages from tunnel construction and train operations as they got underway. I went to a hearing of the Legislative Commission on Metropolitan Governance at which Sen. Scott Newman called out Jim Alexander for his hubris after stating that there was no Plan B. Their experts assured them Plan A would succeed. Our then engineers presented their opinion to the contrary.

In 2019, I attended meetings by both Senate and House Transportation Committees and presented testimony urging the Legislature to mandate mediation. We were seeking agreement on a vibrational study, compensation for consulting, fair compensation limits for owner's damages and guarantees on pre-construction surveys. The Legislature mandated mediation through the Office of Collaboration and Dispute Resolution. Mariah Levison acted as Mediator.

Unfortunately, the mediation was doomed in the very first session when general counsel for the Met Council stated unequivocally that they would not pay any compensation, enter any contract or make any binding agreements. To demonstrate good faith, we stayed in talks as recommended by the mediator (at a cost of \$15,000). She asked the Met Council to write the final report and gave CICA three days to approve it. We rejected it and wrote our own report. (previously submitted to the record)

Prior to mediation, CICA had reached out to the Southwest Project Office to meet and we continue weekly construction meetings to this day. The meetings were cordial, open and productive. We hired an engineer to take us through construction who developed a good working relationship with the SPO. They kept him informed and listened to his opinions and warnings. They changed their methods to avoid damage to our structures and halted construction in 2020 when soil subsidence issues threatened during sheet piling. A year later, work began on the "secant wall". Work continued sporadically until January 27, 2022 when a 10th floor resident found carpet tiles separating in her hallway and felt "holes" in the floor. We lifted tiles from the 10th to the 3rd floors and found a 3/4" crack. We called our building manager, who called the SPO that evening. By 10:30 the next morning a Socotec engineer arrived from Chicago to inspect and determine cause. We were told they were independent and objective, and had been lead forensics teams on a list of disasters - we granted them access. I researched Socotec and their projects. There were no search results on them, only their website. Nor were there results for their reports on the projects we were told about. The Socotec website boasted 400 employees, 120 of whom were "expert witnesses" now changed to "dispute resolution experts". Our weekly meetings are chilled and answers only come after clearance. All this shakes my trust in the Council's motives and the engineering reports themselves.

A final report on April 12th presented the causes as: 75% temperature changes; 25% freight train vibration, wind loading, deferred maintenance and construction. We were denied supporting data because it was protected by attorney client privilege. All information is now passed through attorney's which is an additional expense to us. The deferred maintenance named an old "tunnel" under the foundation for grain removal. This caused us to hire an assessment (\$10,000) and include it on our disclosure form for would be sellers. The engineer debunked the assertion. When the footing for the tunnel was later removed as an "impediment", Mr. Alexander publicly referred to it as a "nothing burger" for which he has apologized. Despite our questions about soil conditions, we were told they could not have played any part in spite of the soil subsidence that caused them to change methods and repeated work stoppages due to sink holes and soil erosion under the freight rails.

I have searched for engineering expertise to verify or counter their claims. I searched for top attorneys who specialized in construction litigation. When the damage occurred, my two first choices for

engineer and lawyer had conflicts of interest. The Met Council has engaged so many engineering firms and attorneys that there are very few of either in the state of Minnesota without conflicts. Our engineer at the start of construction was at NTI. He left and went to Braun Intertec - contracted by MC. His replacement worked with us until NTI was purchased by AET - contracted by MC. Our present engineer retired from NTI and lives in VA. I have searched in NDAK, SDAK, KS and now in CA for a capable counter to Socotec - probably out of our price range but I am still looking.

In August of 2022 we entered into a second mediation with the Met Council hoping to be made whole and avoid further litigation. We were encouraged by Mr. Zelle's public statement that they would leave us in better shape than they found us.

Our buildings have been braced and our elevator lobbies are a shambles. Monitors attached to floors stripped of their carpeting, wallpaper half stripped, art removed, ceilings with temporary patches. Our engineer advises against restoring it until trains are operating – 2027? Almost \$1,000,000 in damages to date and work continues. More building separation with cracks in floors, ceilings and walls widening at an accelerating pace. Work is now by our garage, which is even more vulnerable. It already has sustained major damage including flooding, power failure, sinking, crumbling block, loss of function to a brand new door, and separation of a staircase from the garage.

Due to condemnation litigation for permanent and temporary easements that won't be settled until at least 2025, we are ineligible for FHA financing. Assessed values dropped 25% in high rises and 23% in town homes. Market values have dropped while surrounding values have soared. Many or most of the residents are of retirement age or greater and many may not survive this project. Nobody can escape this disaster without losing a significant share of what is, for many, their net wealth.

There is more but because of our agreement to confidentiality during mediation, I have not included any of the incidents, disappointments, broken commitments, or threats we have endured involving it.

We have been called NIMBYs, even racists. I can't imagine anyone wanting this in their backyard or in their lobbies or apartments or even 230 trains a day running just inches from their foundation. A few of us cling to the hope that the Council will deliver on Mr. Zelle's promise. Some of us not so much.

Jim Nikora
Minneapolis, MN