

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
January 23, 2024
2:00 p.m. – Veteran’s Room
Mandan City Hall

Attendees: Bill Robinson, Chairman; Alan Kemmet, Manager (phone); Ryan Jockers, Manager (phone); Mitch Bitz, Manager and Carol Beechie, Secretary/Treasurer. Absent: Luci Snowden, Manager.

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Dan Vander Vorst, HDR Engineering (phone); Tim Helbling, Mayor of Mandan (phone); Patrick Martin, Emergency Manager (phone); Andrew Stromme, Mandan City Planner and Jordan Singer, Mandan Building Official.

Election of Officers:

Secretary/Treasurer: Mitch Bitz nominated Carol Beechie for Secretary/Treasurer. Alan Kemmet made a motion for Carol Beechie to be the Secretary/Treasurer for 2024, seconded by Mitch Bitz. Motion passed unanimously.

Vice President: Mitch Bitz nominated Ryan Jockers for Vice President. Mitch Bitz made a motion for Ryan Jockers to be the Vice President for 2024, seconded by Alan Kemmet. Motion passed unanimously.

President: Mitch Bitz nominated Bill Robinson for President. Mitch Bitz made a motion for Bill Robinson to be the President for 2024, seconded by Ryan Jockers. Motion passed unanimously.

The minutes of the December 19, 2023, Board Meeting were presented. Mitch Bitz made a motion to approve the minutes, seconded by Ryan Jockers. Motion passed unanimously.

The financial report for December 2023 was reviewed. Mitch Bitz made a motion to approve the financial report and the monthly bills as presented, seconded by Allan Kemmet. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	General Engineering Services – Task Order 3 December 3, 2023 to December 30, 2023	\$2,944.25
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 December 3, 2023 to December 30, 2023	\$10,288.75
HDR Engineering, Inc.	Levee System Section 408 Permit December 3, 2023 to December 30, 2023	\$2,549.00
Morton County Treasurer	2023 Tax and Specials	\$5,193.46
BNSF Railway Company	Prelim Engineering to pursue levee raise FEMA Accreditation	\$255.10
ND Water Resource Districts Association	2024 Membership Dues	\$675.00
City of Mandan	Auto Fuel	\$37.39
ND Tax Commissioner	State Payroll Taxes	\$40.00
Carol Beechie	Office Supplies – Adams Tax Forms Helper	\$19.99

Operations and Maintenance:

No applications have been received for the maintenance position. Chairman Robinson will talk with Wendy about where else to advertise for the maintenance position. Manager Mitch Bitz stated that the contacts have been made for the spring tractor rental.

Update on O&M and SWIF Plan:

The 2023 SWIF plan was submitted to the USACE on December 21, 2023. The 2019 Continuing Eligibility Inspection (CEI) Reports from the USACE were received on October 6, 2020. The deficiencies noted in the reports are items that Lower Heart is already aware of. There were no new deficiencies that were unexpected after attending the 2019 inspection. Below are the overall levee system ratings:

Sunny Unit: Minimally Acceptable

North Unit: Unacceptable

Lower Unit: Minimally Acceptable

The most recent CEI occurred on September 12-14, 2022. The USACE inspected the Sunny Unit and the North Unit during that time and returned to inspect the Lower Unit in August 2023.

The USACE also shared that the levee inspection program is transitioning the CEI into Annual Site Visits with the goal of the sponsor being involved during the inspection.

The updated O&M Manual was submitted to the USACE for review and approval in May 2019. The most recent update (January 26, 2023) from the USACE stated that the project was still in their backlog for review and there is no estimated timeframe for when the review will be complete.

The dates to resolve encroachments adjacent to the levee have been updated to the following: encroachments adjacent to the redundant section date was updated to December 2028 and the encroachments not adjacent to the redundant section are December 2025.

Captains Landing Township and NFIP: The Board discussed Captains Landing Township and their response to National Flood Insurance Protection (NFIP) letter. The City of Mandan is already doing the flood plan work for Captains Landing. Captains Landing is in the Lower Heart tax district, but Lower Heart has no say in this matter. The City of Mandan is continuing to work with Captains Landing Township.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided a written update for the board.

Coordination: Ten of the eleven technical reviews are complete in the USACE Section 408 review. HDR is working on providing additional information. Coordination with BNSF and existing utility companies to update their crossing at the BNSF location continues.

Design: Preliminary hydraulics show minor inundation from Missouri River against redundant levee. An additional survey of floodplain flow paths were gathered and confirmed that natural high ground does not exist between the Missouri River and redundant levee segment. After review of the potential flow paths, the likely best path is to install flap gates on the culverts along I-94 that contribute to high water on the Missouri River being able to reach the redundant levee. Evaluation is ongoing. Major storm drainage design changes to the NDDOT Mandan Memorial Highway (MMH) occurred, resulting in the entire MMH now being drained into the Lower Heart Master Lift Station. However, NDDOT design is

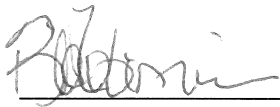
planning to construct a large basin to mitigate the impacts to the system with this additional area added. Based on the revised ice jam analysis, it is likely that additional levee raises will be required upstream of Highway 6 in the golf course area. Discussion on who would maintain and operate the lift station and a separate MOU may be needed between the City of Mandan and Lower Heart.

Right of Way: Dan Vander Vorst, HDR Engineering, reviewed the Johnson property status. Mr. Johnson has signed off on the access agreement for the appraiser to conduct the work. The appraiser was able to be onsite on January 22nd. The goal is to have the appraisal done by February 9th with the possibility of the appraisal being split into two appraisals. Lower Heart will wait to see the appraisals before the Board decides if more indepth legal review is necessary. Communication on the Biver property continues. The board stated that more clarification is needed from Amy, the City attorney, and Dan Vander Vorste will get in contact with Amy.

Chairman Robinson discussed leasing the farmland again this year and the Board okayed the lease. Chairman Robinson will work on the leasing process.

Andrew Stromme, Mandan City Planner, announced that a permit has been received for Shores of Lakewood Phase 2 project and a shop/condo development at the east end of MacKenzie Drive. Andrew Stromme will work with Karli Frohling, HDR Engineering, regarding the easement in this area.

The Board adjourned at 3:10 p.m. Next meeting is February 27 at 2 p.m.



Chairman



Secretary/Treasurer

