

Minutes of Meeting  
Of the Board of Managers  
Of the Lower Heart River WRD  
February 27, 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 Luci Snowden, Manager. Absent: Carol Beechie, Secretary/Treasurer.

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Dan Vander Vorst, HDR Engineering (phone); Vicki Twerlochlib, HDR Engineering (phone); Jordan Singer, Mandan Building Official; Andy Zachmeier, Morton County Commissioner (entered at 2:20PM).

The minutes of the January 23, 2024, Board Meeting were presented. Luci Snowden made a motion to approve the minutes, seconded by Mitch Bitz. Motion passed unanimously.

The financial report for January 2024 was reviewed. Luci Snowden made a motion to approve the financial report and the monthly bills as presented, seconded by Mitch Bitz. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	General Engineering Services – Task Order 3 December 31, 2023 to January 27, 2024	\$1,820.00
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 December 31, 2023 to January 27, 2024	\$35,465.00
HDR Engineering, Inc.	Levee System Section 408 Permit December 31, 2023 to January 27, 2024	\$455.50
Carol Beechie	Quickbooks Online Essentials Annual Subs	\$322.50

**Operations and Maintenance:**

Bill Robinson inquired about spring/summer horsepower for equipment. Mitch Bitz reported that our supplier is ready to provide should spring flood work occur. Summer power will be coming as the season approaches.

**Update on O&M and SWIF Plan:**

Karli Frohling, HDR Engineering, provided a written update for the board.

The 2023 SWIF plan was submitted to the USACE on December 21, 2023.

The LHRWRD received the 2019 Continuing Eligibility Inspection (CEI Reports from the USACE on October 6, 2020. The deficiencies noted in the reports are items the LHRWRD is already aware of. There were no new deficiencies that were unexpected after attending the 2019 inspection.

The overall levee system ratings are:

Sunny Unit: Minimally Acceptable

North Unit: Unacceptable

Lower Unit: Minimally Acceptable

The most recent CEI occurred September 12-14, 2022. The USACE inspected the Sunny Unit and 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 more involved during the inspection.

The updated O&O Manual was submitted to the USACE for review and approval in May 2019. The most recent update (January 26, 2023) from the USACE state that the project was still in their backlog for review but there is no estimated timeframe for when the review will be complete. The O&M Manual should be updated on an as-needed basis to reflect any new information.

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

**Coordination:** Section 408 coordination call was held on February 7, 2024, with a new USACE Coordinator. Based on CLOMR status that will delay ultimate responses to existing Requests For Information (RIFs) and will likely result in some additional design work. The USACE is recommending Lower Heart withdraw the present Section 408 request and re-submit after CLOMR resolution and any re-design. The general understanding is the pre-existing submittal and pre-existing concurrence on the project features that will not change will be able to be considered cursory reviews on the re-submittal.

Bill Robinson initiated discussion on the USACE's preference to withdraw the present submittal with members agreeing it seems prudent to follow the Corps suggestion. Motion made by Mitch Bitz, second by Luci Snowden to withdraw the Section 408 Permit submittal and re-submit upon CLOMR resolution and any re-design. Motion passed unanimously.

HDR held a meeting with BNSF on January 30, 2024, to discuss specifics on the utility relocation at the levee-BNSF interface. General concurrence was given by BNSF pending submittal of 90% design documents for the relocation and crossing. Separate utility (AT&T, Sprint, and MDU) crossing details were also discussed with BNSF.

**Design:** Progressing on Section 408 process on redundant levee segment. Preliminary hydraulics show minor inundation from Missouri River against redundant levee. The most likely best path solution is flap gate installation on the culverts along I-94. More evaluation is ongoing.

The NDDOT Mandan Memorial Highway (MMH) team submitted the preliminary hydraulics design to the DOT for review and comment in January. DOT has not raised any major concerns while having a few questions on the Master Lift Station design to support MMH and FRRP. MMH plans to submit a final design to DOT in March.

Additional design effort is likely upstream of HWY 6 bridge to achieve FEMA concurrence. As the CLOMR process advances, more discussion may occur.

Funding: Lower Heart’s application for the FEMA Flood Mitigation Assistance (FMA) grant program is “Identified for Further Review”, but the understanding is once a project reaches this stage, it historically likely to be awarded. LHRWRD’s application is in the amount of \$13,804,610. We continue to wait for this process to complete.

With the additional CLOMR work required for the Flood Risk Reduction Plan, we are expecting to see a budget shortfall. Additional cost-share with NDDWR may be applied for with the next deadline for submission being April 29 for the June 13, 2024 meeting.

Right of Way: Appraisal for the Johnson property was received early February. Appraisal was provided to Chairman for review. Land swap with the City of Mandan and the Biver property waiting on interpretation from legal counsel on City’s ability to transfer property. A contact with the City of Mandan to confirm the proposed lift station siting will fit in with current easement conditions.

Environmental/Permitting: Receive FEMA comments on CLOMR submittal on June 23, 2023. HDR has met with FEMA several times since to discuss resolution. H&H issues remain in resolution status with dialog ongoing. Draft FEMA policies regarding the unique situation of the floodway analysis for ice-jam scenarios are creating some significant hurdles and increased effort in responding to H&H items. Meeting has been held with FEMA reviewers on February 21, 2024, to discuss modeling approaches for floodway analyses, USGS analyses, and stage-frequency analyses.

Other Business: Bill Robinson reported that the advertisement for bids on the farmland has been placed in the Mandan News and posted to the Lower Heart web page.

Mitch Bitz made a motion that the Board conduct an executive session under NDCC 44-04-17.1, 44-04-19.1, and 44-04-19.2 to discuss ROW negotiations on various parcels, second by Luci Snowden. Motion passed unanimously.

Executive Session began at 3:04 PM.

Executive Session ended at 3:48 PM. Lower Heart returned into open session and the public was invited to return.

LHRWRD, through consensus, requested Dan Vander Vorste (HDR), solicit clarifications on the appraisals performed for ROW negotiations with the intent to resume discussion upon receiving those clarifications.

The Board adjourned at 3:50 p.m. Next regular meeting is March 26, 2024, at 2 p.m.

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Chairman

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Secretary/Treasurer