

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
May 28, 2024
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Dan Vander Vorst, HDR Engineering; Craig Mizera, HDR Engineering; Tim Helbling, Mayor of Mandan (phone); Cole Higlin, Mandan Park District Executive Director (phone); Jordan Singer, City of Mandan Building Dept; Andy Zachmeier, Morton County Commissioner; and Patrick Martin, Emergency Manager.

The minutes of the April 22, 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 April 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 March 31, 2024 to May 4, 2024	8972	3,994.80
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 March 31, 2024 to May 4, 2024	8973	26,782.50
HDR Engineering, Inc.	Levee System Section 408 Permit January 28, 2024 to May 4, 2024	8974	670.00
Southwest Ag, Inc.	Dike Maintenance – Chemicals	8975	630.00
City of Mandan	Dike Maintenance – Auto Fuel	8976	63.46

Operations and Maintenance:

Gary Benz has begun the summer grass cutting. Trees are being cleaned up in the storm drain area of south 3rd Street. Mitch Bitz mentioned that Gary has been using his personal mower in certain areas. Mitch will work with Gary on a long-term plan for a lawn mower and report back to the board. Mitch also mentioned that forts have been built in the drainage ditch area behind the mobile home park. This area will need to be cleaned up.

Update on O&M and SWIF Plan:

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

Survey to Verify Easements/Encroachments: On May 17, 2024 HDR Engineering collected survey data for permanent structures that were potentially encroaching into the right-of- way (ROW) for the Lower Heart Levee System. Six structures were identified as permanent encroachments. It is recommended that these encroachments be added to the O&M Manual. Once incorporated into the O&M Manual, the USACE will review the details about the permanent encroachments and if accepted, the encroachments

will no longer be considered deficiencies to the levee system. HDR will verify their survey information and will draft a letter to property owners for the board to review.

Shores of Lakewood Phase 2: The Shores at Lakewood Phase 2 is going through plat approval process with City of Mandan. An Irrigation plan has been provided to Lower Heart WRD for review. The board requested HDR to verify the seepage analysis and pond level and add this in writing to the irrigation plan prior to the June P&Z meeting.

BNSF Boom Site: Mitch Bitz shared with the board that BNSF will use a temporary boom site for their Facility Response Plan (FRP) since the permanent site location just South of 3rd Street is not ready yet. This boom site will keep hydrocarbon from flowing into the Missouri River in case of a spill. The City of Mandan will also be able to use this boom site.

Levee Site Survey: The Levee Site Visit that was scheduled for May 7-8, 2024 was postponed due to rain. The new visit is set for June 5th. Karli Frohlich will reach out to Gary Benz with the new date.

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

Cost-Share Amendment: The cost share amendment will be reviewed at the June 13, 2024 meeting of the ND State Water Commission. Dennis will prepare quick presentation materials to share with the commission for the June 24, 2024 Commissioner-hosted meeting in Bismarck. Chairman Robinson plans to attend this meeting.

Mandan Municipal Stability Berm: HDR met with Cole Higlin, Mandan Parks Executive Director and Garrett Schultz, Golf Operations Manager, regarding the new construction adjacent to hole 4 of Mandan Municipal golf course. Options include a seepage berm or a cutoff wall. Estimates from the golf course to redo hole number 4 would be in the range of \$800,000 to \$1,000,000. The board reviewed the pros and cons related to the seepage/stability berm option and the cutoff wall option. HDR will gather cost information (initial costs and long-term costs) and report back to the board.

Amendment to Cost Share: Over the past several months, the HDR design team has been going back and forth with FEMA reviewers on acceptable methods to model the floodplain, floodway, ice-affected flow and the USGS gage period for record for the CLOMR approval. In light of the new freeboard-deficient reach, they are unwilling to commit to an approved combination of methods for the various sub-topics listed above until a new submittal package is prepared. In an attempt to mitigate this situation, HDR prepared several scenarios with potential combinations of decisions to achieve what they believe would be a worst-case scenario. This approach, or scenario, that HDR feels is the correct modeling approach and produced results that have been discussed has a freeboard-deficient reach along the golf course in the amount of 6 to 9 inches and would also have additional freeboard-deficient reach on the lower unit in the amount of 1 to 3 inches. After discussion, Mitch Bitz made a motion to submit the "worst case scenario" to CLOMR, seconded by Luci Snowden. Motion passed unanimously.

Amendment to Task Order: The fee estimate maximum amount presented by HDR is \$1,206,500 with a 60% State cost share of \$723,900 and a location cost share of \$482,600. Luci Snowden made a motion to approve the Amendment to the Task Order subject to State Water Commission support under their cost share from the June 13th meeting. Motion seconded by Mitch Bitz. Motion passed unanimously.

DRAFT

Memorial Highway Closure Structure: Craig Mizera, HDR Engineering, presented information related to the levee closure structure on Memorial Highway. The board had consensus on this closure providing no benefit and to have this levee closure structure removed in coordination with the Memorial Highway project.

Luci Snowden 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, seconded by Mitch Bitz. Motion passed unanimously.

Executive Session began at 4:00 PM.

Executive Session ended at 4:40 PM. Lower Heart returned into open session and the public was invited to return.

Mitch Bitz made a motion to make an offer to Mr. Johnson at 100% permanent easement value and at the percentages noted on the access easement and temporary construction easement as noted on the appraisal in hand. Motion seconded by Luci Snowden. Motion passed unanimously.

The Board adjourned at 4:45 p.m. Next regular meeting is June 25, 2024, at 2 p.m.

Chairman

Secretary/Treasurer