

Minutes of Meeting  
Of the Board of Managers  
Of the Lower Heart River WRD  
November 28, 2023  
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; Luci Snowden, Manager (phone) and Carol Beechie, Secretary/Treasurer.

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Dan Vander Vorste, HDR Engineering; Vicki Twerdochib, HDR Engineering (phone); Joel Rostberg, Emergency Management; Patrick Martin, Emergency Management; and Tim Helbling, Mayor of Mandan (phone).

The minutes of the October 24, 2023, Board Meeting were presented. Luci Snowden made a motion to approve the minutes, seconded by Mitch Bitz. Motion passed unanimously.

The financial report for October 2023 was reviewed. The Mandan Plumbing invoice was for repairs to the sink in the shop that was damaged during the tractor tire dismounting. The Sign Solutions invoice was for no trespassing signs for the Parkview Trailer Court. Mitch Bitz requested that we reach out to Bismarck/Mandan Tire about removing the finance charge on their statement since Lower Heart did not receive an invoice for payment. Carol Beechie will follow-up with Bismarck/Mandan Tire. Mitch Bitz made a motion to approve the financial report and the monthly bills as presented, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	General Engineering Services – Task Order 3 October 1, 2023 to November 4, 2023	\$5,921.25
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 October 1, 2023 to November 4, 2023	\$43,745.37
HDR Engineering, Inc.	Levee System Section 408 Permit July 30, 2023 to November 4, 2023	\$1,078.75
Mandan Plumbing & Heating	Repairs to Sink in Shop	\$214.03
Bobcat of Mandan	Brushcat Rental	\$440.00
Sign Solutions (Voided-paid by Debit Card)	No Trespassing Signs Parkview Trailer Court	\$1,059.50
Bismarck/Mandan Tire Ctr (Void)	Farm Mount/Dismount	\$751.79
City of Mandan	Auto Fuel	\$142.13
Carol Beechie	Office Supplies-Microsoft Office Annual Subs	\$75.06
Bismarck/Mandan Tire Center	Farm Mount/Dismount	\$743.00

Joel Rostberg, Morton County Interim Emergency Manager, introduced the new Morton County Emergency Manager, Patrick Martin to the Board.

### **Operations and Maintenance:**

Mitch Bitz stated that everything has been prepared for winter. No trespassing signs and vehicle barricades were placed in Parkview Estates. Meadow Park still has trees that need to be trimmed up. The maintenance position for Lower Heart Water District is still listed on the County website.

### **Update on SWIF Plan:**

The most recent SWIF plan was submitted to the USACE for review and approval on October 11, 2021. The 2023 SWIF extension package has been prepared. It will undergo an internal review at HDR and then is ready to submit to the USACE for review and approval. An extension package will need to be prepared every other year until the SWIF is off.

The most recent CEI occurred from 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 only new, noteworthy item from that inspection included an outlet channel from culvert is more than 10% blocked by sediment and vegetation.

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.

Utility Item Discussion: A utility application was received on November 9<sup>th</sup> from MDU (electric/gas) and Midco (fiber) on the Shores of Lakewood area. After discussion, Alan Kemmet made a motion to approve the utility application subject to the contingencies being followed and the fee being received, seconded by Mitch Bitz. Motion passed unanimously.

Kayak Landing: A request has been received on the Lower Heart website regarding a “pay and grab” kayak landing along the Heart River. After discussion, the Board felt it was in their best interest to stay focused on the purpose of flood protection and not recreation. Chairman Robinson will contact this person and let them know where Lower Heart is at regarding this request.

Shores of Lakewood Development: Braun Intertec performed a seepage analysis with updated data on the location of the pond in the Shores of Lakewood Development with the seepage analysis shown as “good to go”. The Lower Heart Board noted the no basement request within 500 feet landward from the levee centerline needs to be reiterated. Lower Heart asked HDR to draft a letter for Chairman Bill’s signature stating no basements.

**Update on Mandan Flood Risk Reduction Plan:** Dennis Reep, HDR Engineering, provided a written update for the board. Work is progressing on the Section 408 process on the redundant levee segment. Preliminary hydraulics show minor inundation from Missouri River against redundant levee. An additional survey of flood plain flow paths is being gathered and refined hydraulics incorporated have verified that Missouri River floodwaters make it to the redundant levee. Initial remedies are being investigated such as flap gates on culvert crossings along I-94.

Mitch Bitz made a motion that the Board conduct an executive session under N.D.C.C. 44-04-17.1, 44-04-19.1 and 44-04-19.2 to discuss ROW negotiations on various parcels, seconded by Alan Kemmet. Motion passed unanimously.

A motion to conduct an executive session was passed. The Lower Heart River Water Resource Board proceeded into an executive session to discuss ROW negotiations on various parcels. The executive session is closed to the public but will be recorded as required by law. Any members of the public attending the meeting were asked to leave the room and remove themselves from the WebEx meeting. The executive session began at 3:31 p.m.

The executive session adjourned at 4:44 p.m. The Lower Heart River Water Resource Board came back into open session and the public was invited to return to the meeting room.

Mitch Bitz made a motion to direct HDR to engage an appraiser as discussed during the Executive Session, seconded by Luci Snowden. Motion passed unanimously.

**Other Business:**

The Board discussed the December meeting date and decided to move the December meeting to Tuesday, December 19<sup>th</sup> at 2 p.m. in the Veterans Room at Mandan City Hall.

The Board adjourned at 4:50 p.m. Next meeting is Tuesday, December 19 at 2 p.m.

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Chairman

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Secretary/Treasurer