

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
May 23, 2023
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Dan Vander Vorst, HDR Engineering (phone); Vicki Twerdochib, HDR Engineering (phone); and Toby Gross, Montana-Dakota Utilities Bismarck District Manager.

The minutes of the April 25, 2023, Board Meeting were presented. Ryan Jockers made a motion to approve the minutes, seconded by Mitch Bitz. Motion passed unanimously.

The minutes of the May 3, 2023 Special Board Meeting were presented. Mitch Bitz made a motion to approve the minutes, seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for May and the financial report for April 2023 were reviewed. Luci Snowden made a motion to approve the invoices and financial report, seconded by Mitch Bitz. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	General Engineering Services – Task Order 3 April 2, 2023 to May 6, 2023	\$8,357.50
HDR Engineering, Inc.	Flood Risk Design Phase 2 - Task Order 5 April 2, 2023 to May 6, 2023	\$13,536.25
HDR Engineering, Inc.	Levee System Section 408 Permit October 23, 2022 to May 6, 2023	\$5,601.25
Morton County Weed Control	Chemicals-Tordon & Venue Herbicide	\$132.00
City of Mandan	Gas	\$83.15
Carol Beechie	Office Supplies	\$51.00

Operations and Maintenance:

Spring Flood Debris Cleanup: Mitch Bitz stated that mowing would begin next week. Gary Benz will be doing the in-town weed spraying and Ternes will be doing the other spraying. A mulcher has been rented to clean up the tree debris from the spring flood.

Interior Drainage Update: Cleanup has begun on the interior drainage areas.

Discussion on Motorized Vehicles on and within levee: Chairman Robinson has noticed that the motorized vehicle traffic on and within the levee is occurring again this year. Signs are posted on the levee stating no motorized vehicle traffic. Discussion on how much the fine is and how do you catch the individuals operating the motor vehicles.

Update on SWIF Plan: Karli Frohling, HDR Engineering, provided a written update for the board. HDR has received all the survey data information and has assembled the submittal package. A USACE contact for the survey data has been determined. A request has been made for the approval to upload the files. Once that is provided by the contact, the package will be submitted.

DCN Fiber Optic Damage: DCN has submitted the first “Permit for Encumbrance of Levee Right-of-Way” agreement and fee. This agreement requests the permittee to install underground fiber optic below the river and outside the levee embankments. The previous fiber optics were installed in 1997 and need to be replaced ASAP. The Board held a special meeting on May 3rd to discuss the guidelines provided by Brian Kumm, HDR Engineering. DCN has provided an updated agreement after the special meeting. KLJ will be performing the staking and Master Construction will be performing the work.

Utility Permit Process Discussion: Toby Gross, District Manager for Montana-Dakota Utilities, was present to discuss the concerns coming from their company regarding the utility permit application. Toby mentioned one possible scenario could be in the critical area where there is already existing equipment and replacing that equipment. Toby stated that Montana-Dakota Utilities could share their locations where their lines cross the levee. Most cases when Montana-Dakota Utilities needs to respond it is a time critical event with a possible gas leak or underground line cut. Montana-Dakota Utilities passes the permit costs on to the homeowner whose property they are working on. The board discussed utilizing a two tier utility permit scenario as long as we are able to meet Corps requirements – critical levee area review versus levee penetration review.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided a written update for the board. A meeting was held with BNSF on March 24, 2023, relating to high ground designation, otherwise known as a Non-Levee Reach (FEMA), or Non-Project Segment (USACE). BNSF replied with acceptance of this approach.

HDR received official acknowledgement from FEMA on CLOMR submittal on April 24, 2023 starting 90-day time window for review, barring additional information requests. Vicki Twerdochib has verified that everything has been included and they have what they need for review. It could be 5-6 months to issue authorization.

Lower Unit Construction space and impacted landowners: Dan Vander Vorst, HDR Engineering, presented an example of a Memorandum of Offer and a Memorandum Agreement which spells out specific agreed upon items. Dan stated the importance of presenting these items in person to the landowners so the documents can be explained. After Board discussion, Alan Kemmet made a motion to have Chairman Robinson share these documents with Alan Koppy, Morton County States Attorney for his legal review and to finalize the numbers contained within the documents and then put this offer forward. Motion passed unanimously. Chairman Robinson will take these documents to the States Attorney. Once he receives a favorable response from the States Attorney, Bill will get back with Dan Vander Vorst and Dennis Reep, HDR Engineering.

Other Business:

Temporary Levee Construction: Chairman Robinson stated that a couple of homeowners in the Sunny Unit, West of Johnson's Wrecking were building their own temporary levees. Natalie Pierce, Morton County Floor Manager, has been made aware of this situation and is addressing the issue.

Women's Correctional Center: The Women's Correctional Center did get funded in the most recent legislative session and the State Industrial School will be converted into a Women's Correctional Center. Site development and planning for this project is underway.

The Board adjourned at 3:40 p.m. Next meeting is Tuesday, June 27 at 2 p.m.

Chairman

Secretary/Treasurer