

County

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
December 17, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in special session at 2:00 o'clock p.m., on Thursday the 17th day of December 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester and Tom Doering from Morton County Emergency Management.

The minutes of the meeting of November 9, 2015, were presented. Manager Benz moved to approve, Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items.

Engineer Manchester provided the Board with a copy of a letter from the Corps of Engineers regarding rip-rap repair along the Missouri River. A developer is proposing a project in the area of this rip-rap.

The televising of all the culverts under the Levee System has been completed and a DVD of the televising was sent to the Corps of Engineers.

Chairman Robinson and Engineer Manchester attended a meeting at the State Water Commission with Laura Ackerman to discuss the situation with regard to the sandbar in front of the Heart River at its confluence with the Missouri River. The possibility of constructing jetties was discussed. The personnel of the State Water Commission are concerned about the possible downstream effects of the changes in the sandbar that it may have at the confluence of the Missouri River. Laura Ackerman, State Water Commission, wants to wait until they have some results from the present study that is ongoing.

Engineer Manchester informed the Board that he will be working on the SWIF plan which must be 60% completed by March, 2016. The Plans and Specification for the Outfall Project, Revisions to the Corps O & M and the levee boundary survey will also be worked on over the winter months.

Other Business

The Kist Farm Lease was discussed and the Board asked Manchester to check the Lease to see if 2016 is the last year of the present lease. If the lease is up in 2015, a letter from the District needs to be sent to Kist and Gervings informing that the land is up for bids in 2016.

The Board should visit with Kevin Bittner and discuss doing the CLOMR and talk about the effect the sandbar has on the freeboard.

Chairman Robinson presented the financial report for the period December 1 to December 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Benz moved to approve the financial report, Manger Goetzfried provided a second, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

Auto Starion Financial	218.97(Payroll Taxes
8055 William Robinson	369.40(Mtgs
8056 Gary Benz	369.40(Mtgs
8057 Tony Goetzfried	369.40(Mtgs
8058 Shirley N. Beechie	538.36(Sal Oct,Nov,Dec
8059 Mariann L. Lang	551.45(Sal Oct,Nov,Dec
8060 Gary Benz	3,750.00(Cont Oct,Nov,Dec
8061 Toman Enginerring Co	700.00(Retainer, Dec 15
8062 Toman Engineering Co	100.00(Ofc Rental
8063 Toman Engineering Co	1,972.50(Eng Fee-Levee Work
8064 Shirley N. Beechie	31.71(Ink & Paper
8065 ND Water Users Assn	300.00(2016 Dues
8066 City of Mandan	181.50(Fuel
8067 City of Mandan	140.74(Water to Shop
8068 West River Telecommun.	78.46(Monitor Heart River
Auto Montana-Dakota Utilities	<u>238.68</u> (Utilities

TOTAL: 9,910.57

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried, seconded by Manager Benz, all present voting "aye", the Board meeting adjourned at 3:30 p.m.

Chairman

Secretary

County Aud.

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
December 8, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday, December 8, 2016, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried and Morton County Commissioner Andy Zachmeier. Also present were Engineer Ronald W. Manchester, Toman Engineering and Kevin Bittner, Bolton–Menk Engineering.

The minutes of the meeting of November 10, 2016, were presented. Manager Benz moved to approve the minutes, Manager Geotzfried provided a second, all present voted “aye” and the motion passed.

Engineer Manchester reported on the following items:

Engineer Manchester contacted Mr. Barry Jennings with regard to the dirt work that needs to be done around the stop log structure on Memorial Highway and old culverts that were left on the site. He advised that he would take care of those items in the spring.

Attorney Malcolm Brown received the information he requested regarding the mobile home clean-up costs.

Mr. Kevin Bittner of Bolton & Menk Inc., provided a memo that discussed the reasons why the Heart River Project as planned for the 100-year event cannot handle the 500 year event. A copy of his memo is attached to the minutes. Morton County Commissioner Andy Zachmeier requested that a copy of the memo be sent to him.

A new Construction Permit will be applied for from the ND State Water Commission for the Culvert Replacement Project.

The Advertisement for Bids to lease the farmland will be prepared for the January 2017 meeting. The lease will be for a three (3) year period. Each bidder shall submit single bid. The highest bidder shall be given a lease for the land. The bids will be opened at the February meeting.

The 90% submittal for the SWIF Plan shall be finished for the December 22, 2016, submittal.

Prepare letters to the property owners along the railroad embankment was discussed. Manager Benz said that he would prepare the letters and mail them.

A letter from Attorney Tom Bair on behalf of the Morton County Water Resource District was discussed. The letter outlined the needs of the District to take over the rip-rap sites along the Missouri River. The Board took no action on the letter. A copy of the letter is attached to the minutes.

Other Business

Manager Benz informed the Board that Bill Klesalek would be interested in filling the culverts along the I-94 Business Loop. He requested that Engineer Manchester have an answer for the DOT on the culverts for the January meeting.

Houston Engineering has been visiting officials of the City of Mandan about putting together an Application for State Water Commission for the Levee Recertification Project. After a brief discussion Manager Benz moved to go forward with the Application, Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Chairman Robinson presented the financial report for the period November 1, 2016 to November 30, 2016, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Benz moved to approve the financial report, a second was provided by Manager Goetzfried, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

Auto Starion Financial	234.27(Payroll Taxes)
8187 William Robinson	554.10(Mtgs)
8188 Gary Benz	369.40(Mtgs)
8189 Tony Goetzfried	227.05(Mtgs)
8190 Toman Engineering Co	770.00(Retainer & Phone Exp)
8191 TECO Associates	100.00(Ofc Rent)
8192 Shirley N. Beechie	538.36(Sal Oct, Nov, Dec)
8193 Mariann L. Lang	551.45(Sal Oct, Nov, Dec)
8194 Gary Benz	3,750.00(Cont Oct, Nov, Dec)
8195 ND Water Users Assn	300.00(2017 Dues)
8196 Midwest Dragline	3,800.00(Clean Ditch, etc)
8197 Mandan Municipal Landfill	16.00(Dispose of trees)
8198 City of Mandan	116.00(Fuel)
8199 City of Mandan	62.70(Water to Shop)
Autp Montana-Dakota Utilities Co	196.33(Utilities)
8200 Toman Engineering Company	<u>3,132.00(Menk Eng Fees)</u>

TOTAL: 14,768.16

With no further business to come before the Board, upon a motion duly made by Manager Benz and seconded by Manager Goetzfried, all present voting "aye", the Board adjourned the meeting at 4:00 p.m.

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
November 10, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the of November 10, 2016, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were: Morton County Commissioner Andy Zachmeier, Engineer Ronald W. Manchester, Toman Engineering and Kevin Bittner of Bolton–Menk Engineering.

The minutes of the October 13, 2016 regular meeting were presented. Manager Benz moved to approve and Manager Geotzfried provided a second, all present voted “aye” and the motion passed.

Engineer Manchester reported on the following items:

Steve Robinson from the US Geological Survey called and advised that they will be crediting our account next year for not reading the bridge gauges.

Attorney Malcolm Brown has scheduled a meeting with Chairman Robinson, Engineer Manchester and Jim Neubauer, City of Mandan, to discuss the mobile home situation on the interior drainage property. The meeting will be at the City Hall at 8:00 a.m., on Wednesday, November 16, 2016. Carl Bosch who owned the North Trailer has passed away.

Kevin Bittner, Boltom-Menk Engineer, discussed the Amendment to the Lower Heart River Hydraulic Analysis. Chairman Robinson reported that other engineering firms are thinking the plan should be reviewed by another firm to be sure something hasn't been overlooked. One question that has to be answered “can the present plan handle the 500-year event?” If not, what would have to be accomplished to reach the 500-year event and what would be the cost. Mr. Bolton will review the present plan to see if will handle the 500-year event. Chairman Robinson advised that the District should get an application in to the State Water Commission for the project. There was also some discussion about completing the levee to the bank of the Missouri River.

The Board received correspondence from the Bair Law Firm concerning the transfer of the ownership of the easements along the Missouri River to the Morton County Water Resource District. A copy of the correspondence is attached to the minutes. We need to put a map together indicating the location of the easements along the Heart River.

The Levee Maintenance that was needed west of the Trolley Station on Third Street Southeast has been completed.

Last month Chairman Robinson received correspondence from Mr. Todd Kranda, attorney representing Park Advisors Inc., doing business as Wildwood Trailer Park. Engineer Manchester has spoken to Mr. Kranda and is gathering some information for him. A copy of Mr. Kranda's correspondence is attached.

Mr. Barry Jennings of, property owner of Meadow Lands, needs to be contacted regarding the levee repair work needed by the closure structure at Memorial Highway. He also has some culverts that need to be moved. Manager Benz will stop in next week and they will call him.

The corn crop is now off at the second crossing (Sunny Bridge) so markers can be placed 15 feet off the toe of the levee.

A flap gate is needed for a pipe under Third Street for the purpose of pumping water across the street during a flood. Engineer Manchester will measure the pipe and get a cost estimate for a Flap Gate.

Engineer Manchester will go over the time frame with the Board for getting the work done for the projects noted in the SWIF Plan. A 90% review of the plan is due on December 22, 2016.

Other Business

Manager Benz has been in contact with Ron Steininger about cleaning out the end of the First Street Ditch. The City cleaned out the ditch and a lot of material has washed down to the end of the ditch and is blocking the drainage pipe. There are also more trees to be removed.

Chairman Robinson presented the financial report for the period October 1, 2016, to October 31, 2016, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Benz moved to approve the financial report, a second was provide by Manger Goetzfried, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

Auto Starion Financial	160.00(Dep Payroll Taxes
8174 Toman Engineering Company	770.00(Retainer, Nov 16 & Phone
8175 Toman Engineering Company	3,082.00(Eng Fee-Levee Work

8176 TECO Associates	100.00(Ofc Rent
8177 Landscapes by Leingang	3,800.00(Hydro Seeding, etc
8178 Kleselek Excavating	250.00(Black Soil
8179 Kleselek Excavating	22,000.00(Dirt Work per bid
CC Mandan Tire & Auto Center	32.00(Repair Tire
8181 TerraCon	665.50(Pro & Field Tests
8182 Bullinger Tree Service	8,965.00(Remove Trees, etc
8183 Tri-Energy Cooperative	203.71(Fuel
8184 City of Mandan	120.85(Fuel
8185 City of Mandan	121.00(Water to Shop
8186 Tri-Energy Cooperative	76.13(Fuel
CC Praxair	40.61(Acetylene for Welder
Auto Mark's Heating & Cooling	317.26(Rep Furnace
Auto Bobcat of Mandan	91.67(Equip Rep
Auto Montana-Dakota Utilities	<u>62.72</u> (Utilities
Total:	40,858.45

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried and seconded by Manager Benz, all present voting "aye", the Board meeting adjourned at 4:00 p.m.

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
November 9, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Monday the 9th day of November 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester, Tom Doering from Morton County Emergency Management, Mike Hall and Laura Horner from the North Dakota State Water Commission.

The minutes of the October 2, 2015 special meeting and the October 8, 2015 regular meeting were presented. Manager Geotzfried moved to approve the minutes and Manager Benz provided a second, all present voted "aye" and the motion passed.

Mike Hall and Laura Horner, representatives from the North Dakota State Water Commission, were introduced. Laura Horner informed the Board that FEMA has no plan at this time to reopen a study to revise the Flood Plain Maps. She did suggest that the District prepare a Conditional Letter of Map Revision (CLOMR). The CLOMR will show FEMA what we are planning to do to meet the freeboard requirements and can also address the sunny unit not meeting the 100 BFE requirements. Laura will be our contact person with FEMA for the CLOMR.

Mike Hall talked about the various 60% Cost-Share Programs the Water Commission can offer for Levee Accredibility, COE 408 review cost and construction costs. He advised that these programs will soon be on the web site for 2016. To participate it will be necessary for the Board to go through an engineering selection process. Mr. Hall left a copy of the Cost-Share Policy, Procedure, and General Requirements with the Board. Mr. Graig Odenbach at the State Water Commission would be the contact person for the cost-sharing program and Mr. Jon Paczkowski would be the Permit contact person.

As part of the project the Corps of Engineers will require a 408 review of the proposed plans and specification for the project. This process can take eight (8) months to a year to complete. The review is usually done by a third party engineer hired by the Corps or in this case an engineer representing the Lower Heart River Water Resource District.

Engineer Manchester reported on the following items:

The televising of all the culverts under the Levee System has been completed. A DVD of the televising will be sent to the Corps.

Letters to the trailer owners in the former El Rancho Mobile Home Park were sent a letter informing them that their trailer is located on property the mobile home park does not own and that these trailers must be removed in a certain amount of time. Mr. Charles Williamson, the owner of the mobile home park, was copied on the correspondence.

Chairman Robinson and Engineer Manchester will be attending a meeting at the State Water Commission with Laura Ackerman to discuss the situation with the sand bar in front of the Heart River at its confluence with the Missouri River. The meeting is at 10:00 a.m. on Thursday November 12, 2015.

Other Business

Manager Benz has noticed that the owners of the former El Rancho Mobile Home Park have installed about an 8" black plastic drainage pipes into the Interior Drainage System which he is sure he will hit with the mower. Engineer Manchester will take some photos and contact the owners.

The new tires were put back on the rental tractor and the tractor was returned.

All the flood gates have been serviced. The gates in town and the Karabench gate are open and all others are closed.

Chairman Robinson presented the financial report for the period October 1 to October 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report, a second was provided by Manger Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

8042 Toman Engineering Company	700.00(Retainer Nov 2015
8043 Toman Engineering Company	100.00(Office Rent
8044 Toman Engineering Company	2,429.00(Eng Work Levee
8045 Brown & Saenger	26.59(Labels
8046 US Geological Survey	17,800.00(Joint Funding Agree

8047 US Geological Survey	70.00(Lost Ck replaced
8048 Tri-Energy Cooperative	236.35(LP Fuel
8049 Vis Tec Industrial Services	33,777.00(Visual Pics on Culverts
8050 City of Mandan	50.30(Water to Shop
8051 Mike Ulmen	480.00(Work on dike
8052 Mariann L. Lang	500.00(Up-date LH Files
8053 City of Mandan	77.89(Fuel
8054 West River Telecommunications	78.46(Monitor Heart River
Auto Starion Financial	160.00(Dep Fed Taxes
CC Runnings	59.07(Chain-Locking Gates
CC Runnings	31.35(Fix cover-Lift Station
Auto Montana-Dakota Utilities Co	98.86(Utilities
Auto Starion Financial	<u>160.00(Payroll Taxes</u>

Total: 56,674.87

With no further business to come before the Board, upon a motion duly made by Manager Benz and seconded by Manager Geotzfried, all present voting "aye", the Board meeting adjourned at 4:00 p.m.

Chairman

Secretary

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
October 8, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Wednesday the 8th day of October 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester, County Commissioner, Andy Zachmeier and Tom Doering, Director, Morton County Emergency Management.

The minutes of the meeting of September 9, 2015, were presented. Manager Benz moved to approve the minutes, Manager Goetzfried provided a second, all members present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Mr. Charles Williamson called and informed Engineer Manchester that his contractor would tear down and scrap a mobile home for \$1,500 per unit, or if the home was moved to another lot, it could be done for \$3,000 per unit.

Engineer Manchester reviewed the letter he would be sending to the mobile home owners whose homes are on the encroachment area of the Interior Drainage System. The Board advised that if the home were sold it would have to be removed immediately. Engineer Manchester will add that to his correspondence.

The September 24, 2015 correspondence from the Corps of Engineers was shared with the members of the Board which addressed the last information provided by Bolton-Menk.

John Paczkowski a representative of the North Dakota State Water Commission informed Engineer Manchester that the grant for the Third Street Project was in place.

Laura Ackerman a representative of the North Dakota State Water Commission advised Engineer Manchester about the sandbar in the Missouri River at the confluence of the Heart River which discharges water into the Missouri River. She forwarded Engineer Manchester a copy of the Draft Memorandum on the Heart River and Missouri River Confluence Geomorphology. The Board reviewed the Memorandum. Chairman Robinson and Tom Doering requested copies of the Draft Memorandum.

Engineer Manchester advised that the cleaning and televising of the culverts going under the levee is scheduled to begin next week.

Mike Hall of the Corps of Engineers as a liaison with the North Dakota State Water Commission should be contacted and invited to attend the November Board meeting.

The lowering of the Sunny and the Railroad Embankments was briefly discussed. We need to begin discussing the possibility of doing this project with the Corps of Engineers.

Other Business:

Manager Benz moved to pay Mariann Lang \$500 for the additional work she did on the reorganizing of the Lower Heart filing system, Manager Goetzfried provided a second, all those present voted "aye", and the motion passed.

Manager Benz is unable to attend the Board meeting scheduled for November 12, 2015. The Board agreed to move the meeting to November 9, 2015.

Chairman Robinson presented the financial report for the period September 1 to September 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report, Manager Benz provided a second, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

8013 William Robinson	369.40(Mtgs
8014 Gary Benz	277.05(Mtgs
8015 Tony Goetzfried	277.05(Mtgs
8016 Toman Engineering Co	700.00(Retainer, Sept 15
8017 Toman Engineering Co	100.00(Ofc Rental
8018 Toman Engineering Co	2,473.75(Eng Fee-Levee Work
8019 Shirley N. Beechie	538.36(Sal July Aug Sept
8020 Mariann L. Lang	551.45(Sal July Aug Sept
8021 Gary Benz	3,750.00(Cont July Aug Sept
8022 City of Mandan	171.82(Fuel
8023 Mandan Park District	24,610.80(Project #8794
8024 Montana-Dakota Utilities	76.34(Utilities
8025 City of Mandan	62.70(Water to Shop
8026 West River Telecommunications	78.56(Monitor Heart River
8027 Bullinger Tree Service	850.00(Remove Tree

8028 Roughrider Mudjacking	7,000.00(Fill Animal Holes
Auto Starion Financial	181.37(Fed Payroll Taxes
Auto Montana-Dakota Utilities Co	84.11(Utilities
Auto D-X Business Products	<u>230.25</u> (Check for LH

TOTAL: 42,390.01

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried and seconded by Manager Benz with all present voting "aye", the Board meeting adjourned at 3:45 p.m.

Chairman

Secretary

Copy and

**MINUTES OF SPECIAL MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
October 2, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in special session at 3:00 o'clock p.m., on Friday the 2nd day of October 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Benz reported that he has received a bid from Vistec to clean and televise the storm water culverts going under the Levee. The cost to do the work is \$10,695 per day. Vistec estimates that it will take two to possibly three days to do the work. Roto Rooter was contacted with regarding to doing the work, but said they declined. After some discussion Manager Goetzfried moved to accept the Vistec bid, Manager Benz provided a second and all present voted "aye", and the motion passed.

Mr. Charles Williamson and his son Charles joined the meeting to discuss the encroachment issue of four mobile homes in the interior drainage area. Mr. Williamson explained to the Board that he was aware of this issue and wants to work with the Board to get this matter resolved. He and his brother were aware of this issue when they purchased the property from the Eckroths. Chairman Robinson explained that this issue must be resolved within a five (5) year time frame at the most as encroachments are an item the Corps of Engineers wants resolved.

The current residents will be notified of the situation and informed that they will be required to find another place to live. Once the present people living in the mobile home leave it must remain empty. There was considerable discussion what to do with the mobile homes once they are empty, such as who pays to have them moved off the property, unhooking all the utilities (water, sewer, gas, electric, etc.).

The Board discussed the encroachment on the west leg of the interior drainage system. This issues affects one mobile home and a much larger portion of the lot area. The Board does not consider this an issue for Lower Heart at this time, but in the future when the home becomes vacant it should be moved off and the lot remain vacant.

At this time the consensus of both the Board members and Mr. Williamson believe that something can be worked out on getting the homes moved and the utilities disconnected.

With no further business to come before the Board, it was moved by Manager Benz, seconded by Manager Goetzfried, with all present voting "aye", the Board meeting adjourned at 4:00 p.m.

Chairman

Secretary

County
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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
September 9, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Wednesday the 9th day of September 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

The minutes of the meetings of July 9, 2015, and August 13, 2015, were presented. Manager Getzfried moved to approve the minutes, Manager Benz provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

On August 24 and 25, 2015, representatives of the Army Corps of Engineers made its Annual Inspection of the Levee System. They commented that we have made considerable progress on the unacceptable items. They did discuss the following items:

1. The deficiencies with the tie-backs at the second crossing if repaired soon will not be shown as a deficiency for this inspection. We must send some photos of the repair.
2. In Barry Jennings Development, a pit was dug close to the levee and gouged into the old railroad embankment on the north side. Don Moses advised that he will send a letter to Engineer Manchester to pass along to the developer.

Ramona Furlong contacted Engineer Manchester and inquired if Lower Heart has an easement where the proposed restaurant is planned. After review, he advised that the District does not have an easement in that area.

Engineer Manchester will schedule a meeting with the Members of the Board and the Williamsons to discuss the encroachment of the trailers in his trailer park on the Lower Heart on the Levee System.

We have not heard from the Corps of Engineers on the last response that Bolton - Menk made to their questions.

Engineer Manchester presented the 2016 Budget for the Lower Heart River Water District to the Board of County Commissioners. They had very few questions and approved the 2016 Budget as submitted.

The plans for the Third Street Project were reviewed with the Board. The decision was made not to install a pump to pump water over the Levee. In the event of a flood, the City of Mandan can set up a temporary pump. As part of the Project the Corps Drainage Structure to the southeast of our Project was to be abandoned. The storage building complex at one time was discharging water through the structure. Engineer Manchester will look at the area to be sure that abandoning the structure will not cause any drainage issues. A pond has been constructed on the storage building site for storm water. It does not have an outlet pipe. Chairman Robinson informed Engineer Manchester that while he was recovering from surgery Justin from the City of Mandan sent a copy of the pond plan by email to him. Engineer Manchester will check his email.

Chairman Robinson asked if we have heard anything from the State Water Commission about their inspection of the sandbar by the Heart River. Engineer Manchester will call John Paczkowski for an update and also ask about the grant for our Third Street Project.

The trees on the Levee System at the Trolley Station were discussed and Engineer Manchester will contact Mr. Beck to inform him that the trees must be removed.

The storm water discharge pipe going into our Interior Drainage System in an area near Jerry's Minnows is rip-rapped with small rock. Mr. Benz advised that children will probably throw these rocks into the grass along the Levee and he will be hitting the rocks with the mower. It was suggested that larger rocks or a concrete slab be placed in that area. Engineer Manchester advised that no personnel from the District was contacted by John Sauger who did the design work of the Project on this installation.

Chairman Robinson presented the financial report for the period August 1 to August 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report, a second was provided by Manager Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

8013 William Robinson	369.40(Mtgs
8014 Gary Benz	277.05(Mtgs
8015 Tony Goetzfried	277.05(Mtgs
8016 Toman Enginerring Co	700.00(Retainer, Sept 15
8017 Toman Engineering Co	100.00(Ofc Rental
8018 Toman Engineering Co	2,473.75(Eng Fee-Levee Work
8019 Shirley N. Beechie	538.36(Sal July, Aug, Sept
8020 Mariann L. Lang	551.45(Sal July, Aug, Sept
80221 Gary Benz	3,750.00(Cont July, Aug, Sept
8022 City of Mandan	171.82(Fuel
8023 Mandan Park District	24,610.80(Project #8794
8024 Montana-Dakota Utilities	76.34(Utilities
8025 City of Mandan	62.70(Water to Shop
8026 West River Telecommun.	78.56(Monitor Heart River
8027 Bullinger Tree Service	850.00(Remove Trees
8028 Roughriver Mudjacking	7,000.00(Fill Animal Holes
Auto Starion Financial	<u>188.37(Fed Payroll Taxes</u>

TOTAL: 42,075.65

With no further business to come before the Board, upon a motion duly made by Manager Benz and seconded by Manager Goetzfried. All present voting "aye", the Board meeting adjourned at 3:45 p.m.

Chairman

Secretary

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and

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
August 13, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 13th day of August 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester, County Commissioner, Andy Zachmeier and Tom Doering, Morton County Emergency Director.

The minutes of the meeting of June 11, 2015, were presented. Manager Benz moved to approve the minutes, Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

The Thilmony correspondence submitted to the Corps of Engineers on April 20, 2015 for review was answered on August 4, 2015. The results of their review are that the responses in the original letter are still accurate. Mr. Thilmony will be sent a copy of the August 4, 2015 correspondence from the Corps.

Kevin Bittner from Bolton-Menk responded to the Corps of Engineers questions as a result of their review of the Hydraulic Analysis of the Heart River. His response was sent in on August 4, 2015.

The Corps of Engineers levee inspection will be held on August 24 and 25, 2015. The inspection will start at 8:00 at a.m., at the office of Toman Engineering.

The washout into the Dead Heart near Manager Goetzfried's home has been repaired.

The storm water discharge pipe going into the District's interior drainage area from Jerry's Minnows is rip-rapped with small rock. Our maintenance personnel will be hitting small rocks with the mower from children throwing these small rocks into the grass. Engineer Manchester suggested that larger rock or concrete should have been placed in that area. Engineer Manchester indicated that personnel from the Lower Heart River Water Resource District was never contacted during the design or installation that was designed by John Sauber for this project.

All the dirt piles that were left from the cleaning the interior drainage area from the Master Lift Station to the Heart River on 3rd Street have been removed. It was taken by the developers of the property. Mr. Benz has seeded some of the area.

Engineer Manchester is working on a plan to submit to the Department of Transportation for mounting the flood gauges on the downstream bridge piers on Highway 10 and Sunny Bridges. We will set the zero gauge reading at the 10 feet river stage.

Engineer Manchester is working on the SWIF Plan. The outline of what the plan will contain has to be submitted to the Corps of Engineers no later than September 4, 2015.

The 2016 Budget must be submitted to the Morton County Commissioners at the August 25, 2015 County Commission meeting. Secretary Mariann Lang will get the budget information together.

Malcolm Brown will be attending the meeting today at 4:00 p.m., to discuss the encroachment of the former El Rancho Trailer Park now owned by the Williamson Brothers.

The final payment for the Heart River Drainage Structure Pipe Replacement Project on 3rd Street was approved in the amount of \$24,248.52. The Project Bid amount was \$208,568.00 and the total cost of the project is \$158,335.20.

Survey work is continuing on the Levee boundaries. The surveyor is waiting for some survey information from the Corps of Engineers.

The Brady property is cleaned of all debris. A fence has been installed and Mr. Benz has hauled in fill so he could get in and out of the area for maintenance purposes.

Controlled burning of the grass on the river side of the Levee was discussed. Tom Doering, Emergency Director of Morton County, will asked personnel of the Morton County Rural Fire Department if they would issue a permit and be on the scene during the burn.

At 4:00 p.m., Attorney Malcolm Brown joined the meeting. The Board discussed the situation with the Williamsons and Engineer Manchester's last conversation where Charles Williamson. They asked Engineer Manchester if the Board would be willing to pay them \$15,000 per lot. Attorney Brown will write a letter to Mr. Williamson outlining the legality of the situation. Engineer Manchester will send Charles Williamson's mailing address to Mr. Brown.

Other Business

Manager Benz reported that Mr. Jerry Kist once again has hay bales piled along the levee. The Corps will gig us if they are not moved before the August 24, 2015 inspection. Engineer Manchester will call Jerry Kist.

Chairman Robinson reported that the North Dakota State Water Commission has made an inspection of the sandbar at the mouth of the Heart River.

Chairman Robinson presented the financial report for the period July 1 to July 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report a second was provided by Manger Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

8003 Toman Enginerring Co	700.00(Retainer, Aug 2015
8004 Toman Engineering Co	100.00(Ofc Rental
8005 Toman Engineering Co	7,528.25(Eng Fee-Levee Work
8806 US Geological Survey	15,000.00(Jt Fund Agree (Lost Ck)
8007 Wells Fargo	45.00(Safe Deposit Box
8008 City of Mandan	236.40(Fuel
8009 West River Telecommunications	78.56(Monitor Heart River
8010 City of Mandan	62.50(Water to Shop
8011 Montana-Dakota Utilities	81.06(Uilities
8012 Swanberg Construction	24,248.52(HR Drainage Structure
CC Northern Plains Equipment	<u>368.21</u> (Blades for Mower
TOTAL:	48,478.70

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried and seconded by Manager Benz with all members present voting "aye", the Board meeting adjourned at 4:30 p.m.

Chairman

Secretary

County Card

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
July 9, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 9th day of July 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester, County Commissioner, Andy Zachmeier and Tom Doering, Morton County Emergency Director.

No minutes were presented at this meeting.

Engineer Manchester reported on the following items:

Attorney Malcolm Brown is out of the office until July 20, 2015. He will be contacted upon his return to attend the August 13, 2015 Board meeting. Engineer Manchester will contact the Williamsons for the names and addresses of the four trailer owners whose trailers are on the District's Interior Drainage Area.

A letter from the North Dakota State Water Commission about our Third Street Lift Station Project was received. Engineer Manchester will answer the correspondence providing them with a project update. The Board informed Engineer Manchester that they would like to review the project plans at the August meeting.

Engineer Manchester informed the Board that Mr. Jeff Klein has retired from the North Dakota State Water Commission. His position as the State FEMA Director is now being filled by Dionne Haynes.

Mr. Brandon Sayler of the Riverdale Corps of Engineers Office would like to schedule the annual levee inspection for August 24 and 25, 2015. The Board members did not have any concerns with the dates. Engineer Manchester will confirm them with Mr. Sayler.

According to the North Dakota Century Code (61-16), it is possible to amend the Lower Heart River Water Resource District Boundary. The Board is curious that with all the development that has taken place in the area that more runoff being directed toward the Heart River. Engineer

Manchester will prepare a map of our present boundary overlaid onto the City Map.

The Corps of Engineers has provided an answer to their review of the Hydraulic Analysis of the Heart River which was submitted to them. Engineer Manchester will review the Corps' comments and discuss the review with the Board at the August meeting. The Corps did not provide any comments on the Thilmony letter. Chairman Robinson would like a copy of the Corps' review of the Hydraulic Analysis of the Heart River. The Board would like Mr. Mike Hall to get a copy of the Corps review as well.

The sand bar at the mouth of the Heart River was discussed. The channel that was constructed along west side of that sand bar is not flowing. Tom Doering is going to check on the availability of 2011 mitigation funds to do something with the sand bar.

Swenson and Hagen is taking the material that was cleaned out of the oxbow channel on Third Street.

There was discussion on the need to get the 1st Street ditch cleaned this year.

Engineer Manchester will put together a drawing of all the culvert locations that need to be televised.

Jerry's Minnows, Dan's Super Valu and the storm water discharge near Manager Tony Geotzfried's home all have erosion problems. They asked if the City enforces the Storm Water Plans after they are approved. Engineer Manchester will visit with personnel at the City about the enforcement.

Other Business

Manager Benz reported the tractors will cost \$3,500 minimum next year.

Manager Benz will pick up the river gages from the Morton County Emergency Management Office.

Chairman Robinson presented the financial report for the period June 1 to June 30, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report a second was provided by Manger Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

Auto Starion Financial	160.00(Payroll Taxes
CC Inland Truck Parts	654.16(Rep Rotary Mower
7991 Toman Enginerring Co	700.00(Retainer, July 2015
7992 Toman Engineering Co	100.00(Ofc Rental
7993 Toman Engineering Co	4,640.00(Eng Fee-Levee Work
7994 Workforce Safety Ins	387.02(Employee Ins
7995 Hub Int'l Mtn States LtD	2,043.00(Liab, Equip, etc Ins
7996 Fire & Tornado Fund	129.98(Bldg, Property Ins
7997 Bullinger Tree Service	2,100.00(Remove Trees, etc
7998 Tri-Energy Cooperative	260.38(LP Fuel
7999 St Tax Commissioner	35.00(Dep State Taxes
8000 City of Mandan	191.70(Fuel
8001 City of Mandan	71.50(Water to Shop
8002 West River Telecommunications	78.56(Monitor Heart River
Auto Starion Financial	160.00(Pay Aug Payroll Taxes
CC Chesak Seed House	700.00(Seed for Levee
Auto All New Time Rentals	<u>275.00(Equip Rental for</u>
Levee	

TOTAL: 12,686.30

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried and seconded by Manager Benz, all present voting "aye", the Board meeting adjourned at 3:45 p.m.

Chairman

Secretary

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
June 11, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 11th day of June 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester, County Commissioner, Andy Zachmeier and Tom Doering, Morton County Emergency Director.

The minutes of the meeting of May 14, 2015, were presented to the Board. Manager Geotzfried moved to approve the minutes and Manager Benz provided a seconded, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

The Corps of Engineers advised that they should have a status report for the Board by next week on the review of the Hydraulic Analysis and the Steve Thilmony letter.

Engineer Manchester visited with Mr. Charles Williamson, new owner of the El Rancho Trailer Park, about the encroachment issue. Mr. Williamson requested of the Board to agree to a payment from the District in the amount \$15,000 for each of the four lots encroaching on the Levee System. Engineer Manchester advised that he would inform the Board of his request. After discussion, the Board agreed that they would like to have Attorney Malcolm Brown and Jim Neubauer, City Administrator, to attend the next meeting to discuss this situation.

The abandoned drainage structure on the North Dakota Youth Correctional Center was listed on the last Corps of Engineers Inspection Report with a question if the Center was still connected to the river discharge line. Engineer Manchester advised that the discharge line was excavated, a section of pipe was removed, three yards of concrete was placed in the ditch and pipe ends were filled. The excavation was then backfilled, so the Center is no longer connected to the river discharge line.

Engineer Manchester advised that personnel will be using 2 inch pipe to mark the right-of-way for the Levee System. The pipe will be placed on a line of sight of one to the other and closer spacing will be used on curves.

Jerry Kist paid his rent for 2015.

Engineer Manchester informed the Board that a drawing showing the location of culverts to be televised will be prepared so a bid can be obtained to do the work.

The May minutes were dated April 9, 2015. The correct date is May 14, 2015.

The Board inquired if the district map boundary can be amended, because there are many new subdivisions that have been developed and their drainage goes into the Heart River. Engineer Manchester will check into amending the district boundary map.

Other Business

Manager Benz advised that he has purchased signs noting "No Motor Vehicles" on the levee.

Tom Doering, Morton County Emergency Director, will provide the Board with copies of the new flood plain maps for Morton County. Mr. Doering would also like his name added to the meeting notification list.

Mosquito pellets were placed in some to the interior drainage areas.

Chairman Robinson presented the financial report for the period May 1 to May 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report, a second was provided by Manger Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

7974 William Robinson	461.75(Mtgs
7975 Gary Benz	277.05(Mtgs
7976 Tony Goetzfried	277.05(Mtgs
7977 Toman Engineering Co	700.00(Retainer, Jun 15
7978 Toman Engineering Co	100.00(Ofc Rental
7979 Toman Engineering Co	1,361.25(Eng Fee-Levee Work

7980 Shirley N. Beechie	538.36(Sal Apr May June
7981 Mariann L. Lang	551.45(Sal Apr May June
7982 Gary Benz	3,750.00(Cont Apr May June
7983 Four Square Concrete LLC	312.50(Plug Up Pipe
7984 Blockwhite Co LLC	8,434.12(Mtrl-Rep Dike
7985 Hub Int'l Mtn States Ltd	59.00(Equip Floater
7986 Crescent Printing	65.78(Folders, Tabs
7987 City of Mandan	22.45(Fuel
7988 City of Mandan	58.30(Water to Shop
7989 West River Telecommun.	78.62(Monitor Heart River
7990 Midwest Dragline	16,350.00(Rep Dike-bikers, etc
CC Menards	181.34(Fencing Mtrl
CC 3D Specialties	793.10(Signs No Motor Veh.
CC Warren Locks & Keys	178.80(Padlocks & Keys
Auto Montana-Dakota Utilities Co	115.21(Utilities
Auto Starion Financial	<u>203.67</u> (Fed Payroll Taxes

TOTAL: 34,869.80

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried, a second provided by Manager Benz, all present voting "aye", the Board meeting adjourned at 4:15 p.m.

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
April 9, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 9th day of April, 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester.

The minutes of the meeting of March 12, 2015, were presented to the Board. Manager Benz moved to approve the minutes and Manager Goetzfried provided a second, all present voted "aye", and the motion passed.

Engineer Manchester reported on the following items:

The SWIF Letter of Intent was approved by the Corps of Engineers on March 23, 2015. We now have to prepare our SWIF Plan and continue to correct the deficiencies. We have two years to complete the plan which will be up on March 23, 2017. During this two-year period, the Levee will have a conditional active status in the Rehabilitation Program.

Dave Patience from Swenson Hagen is looking for 60,000 CY of material. The Board is willing to give them the material that is stockpiled from cleaning the Interior Drainage Channel. Manager Benz and Engineer Manchester will meet with Dave Patience.

Engineer Manchester sent a letter to Mr. Todd Sando, State Engineer at the ND State Water Commission, to inform him of the Hydraulic Analysis of the Heart River being reviewed by the Corps of Engineers and the North Dakota State Water Commission. Upon completion of the reviews the Board would like to meet with representatives of the State Water Commission.

Trails 4 Transplants would like to ride horses along a portion of the levee for their annual trail ride. The members of the Board will allow them to do so again this year. Engineer Manchester will find out if they are going to use Kist Livestock as their staging area.

At 2:30 PM Steve Thilmony and Tom Freidt joined the meeting. They would like the District to remove the BNSF old railroad embankment, a part of

the Lower Heart Flood Protection Levee System, which the Corps of Engineers inspects on an annual basis. They contend that FEMA took all the property out of the 100-year flood plain and that this embankment is no longer needed for flood protection. The Board advised that they must deal with the Corps of Engineers and not with FEMA. The Board agreed to re-submit the letter Mr. Thilmony received from the Corps of Engineers dated May 27, 2004, and ask the Corps if they would consider changing their position on lowering or removing the embankment.

Engineer Manchester and Chairman Robinson discussed their meeting with Mr. Charles Williamson, the new owner of the former El Rancho Trailer Park. He advised that he doesn't like losing the income and having to evict the four trailer owners. Mr. Williamson talked about having the District take ownership of the four trailers, collect the rent and deal with evicting the owners of the trailers. The Board discussed becoming landlords but can see potential problems such as access, who pays for water and sewer, snow removal etc. The Board instructed Engineer Manchester to talk to the District's attorney, Malcolm Brown, about the situation and see if he has some other possible solutions.

Engineer Manchester informed the Board that he did attend the Auntie-Em Tornado exercise put on by the Morton County Emergency Management. The table top exercise went from 5:30 p.m. to 10:30 p.m. on Thursday, March 25, 2015. Personnel from the Police Department, Fire Department, City Utility Staff, Weather Service and Boards of City Commission and County Commission participated.

The Missouri Geomorphology meeting has been rescheduled for May 11, 2015. This is a commission from the ND State Water Commission to study the Missouri River after the 2011 Flood.

Workers of Steininger's will be working on the Levee ruts from dirt bikes and 4-wheelers going over the Levee.

Survey work on the Levee boundary will be continuing.

Engineer Manchester will ask the Corps of Engineers for the coordinate of the critter holes in their inspection report so we can find them in the field easily.

Mr. Jerry Kist's payment for this year's lease with the District has not yet been received. The Board asked Manchester to call Mr. Kist.

Other Business

Chairman Robinson reported that he did speak with the Wilsons and they have decided to hold off on the construction of a new home on the site of the existing home. He is still going to talk to Laural Lundstrom.

Manager Benz moved to approve the 2014 Audit Report prepared by Mahlum Goodhart, PC., Manager Goetzfried provided a second, all present voted "aye", and the motion passed.

Chairman Robinson presented the financial report for the period March 1 to March 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report, a second was provided by Manger Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

7958 Toman Engineering Company	700.00(Retainer, Apr
7959 Toman Engineering Company	100.00(Ofc Rent
7960 Toman Engineering Company	2,372.50(Eng-Levee Work
7961 State Tax Commissioner	35.00(Dep St Taxes
7962 Mahlum & Goodhart, PC	3,900.00(2104 Audit
7963 City of Mandan	87.16(Fuel
7964 Mariann L. Lang	49.42(Postage
7965 City of Mandan	58.30(Water to Shop
7966 West River Telecommunications	78.62(Monitor Heart River
Auto Starion Financial	160.00(Dep Fed Taxes
CC Dakota Fluid Power	26.44(Hydraulic Hose
Auto Montana-Dakota Utilities	207.78(Utilityies
CC Mandan Tire Center	<u>225.80(Mount Tires-Tractor</u>
TOTAL:	8,001.02

With no further business to come before the Board, upon a motion duly made by Manager Benz and a second provided by Manager Goetzfried, all present voting "aye", and the Board meeting adjourned at 4:00 p.m.

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
March 12, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 12th day of March, 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester, Morton County Commissioner Andy Zachmeier, Tom Doering from Morton County Emergency Management and Mr. Mike Hall representing the ND State Water Commission.

The meeting minutes of February 12, 2015, were presented to the Board. Manager Benz moved to approve the minutes and Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Chairman Robinson and Engineer Manchester have a meeting with Charles Williamson, owner of the El Rancho Trailer Park, on Friday, March 27, 2015, at 10:00 a.m., at Toman Engineering regarding the encroachment of some of the trailers on the District's Interior Drainage System.

Steve Thilmony wants to remove a portion of the railroad embankment. Engineer Manchester presented the Board with a copy of a letter given to him by Mr. Thilmony. The letter was dated May 27, 2004, (copy attached) from the Corps of Engineers in a response to a May 17, 2004 letter Mr. Thilmony wrote to the Corps. After reviewing the correspondence the Board decided to take no action. The railroad embankment is still being inspected by the Corps and they still consider it to be part of the Flood Protection System. The Corps of Engineers sees no need to change that.

Engineer Manchester received the 2014 Inspection Report of the Levee System and sent all the information about the inspection on a CD. Engineer Manchester suggested that he make a CD of the inspection material for the Board. The Board agreed.

The Hydraulic Analysis of the Heart River was sent to Laura Horner at the ND State Water Commission and to Jennifer Gitt at the Corps of Engineers in Omaha.

A letter will be prepared and sent to Mr. Todd Sando, State Engineer of the ND State Water Commission, to inform him of the Hydraulic Analysis of the Heart River being reviewed by the Corps of Engineers and the North Dakota State Water Commission.

Mr. Mike Hall from the ND State Water Commission was introduced. Mr. Hall advised the Board about the Silver Jackets Program. They can under certain conditions be able to provide small amounts of money for projects. He also spoke about his role as a liaison with other agencies to assist in solving flood issues.

Engineer Manchester attended a FEMA meeting in Dickinson to discuss problems communities and counties were having with flooding issues in the Upper Heart River Drainage Basin. Engineer Manchester asked FEMA if its program considered any new dams in the Heart River as a solution to some of the flooding problems and was advised that a new dam is not something they would consider. He explained to FEMA that the Lower Heart River Water Resource District is concerned that some of the solutions to the various communities will increase the flows in the Heart River and the Board agrees that it would like to have more water flowing into Lake Tschida during the spring runoff.

Engineer Manchester also attended the Heart Butte Dam Emergency Response Meeting at the Dam. This year will be an uneventful spring runoff due to the January thaw however, the National Weather Service commented that with the frost in the ground a heavy rainfall event will cause some quick run-off, but not enough to cause major flooding. The District's name had been dropped off the contact sheet, but has now been put back on the sheet.

Ryan Buckley for the Corps of Engineers office in Omaha called and informed Engineer Manchester that the Letter of Intent for the SWIF Plan is at Headquarters for final review and approval.

The North Dakota DOT will allow us to fasten the river gauge to the Highway Bridges. A drawing will have to be sent to Kevin Levi at the DOT for approval before the gauges can be installed.

Other Business

Manager Benz again mentioned that the Board will have to pay \$1,500 to rent a 25 horsepower tractor. The tires will be changed so that we will not have to buy new tires if one gets cut. This was the situation last year and we kept the cut tires to put on this year.

Manager Benz also discussed his meeting with Mike Brady. Mr. Brady wants a 5 foot high hog wire fence and wants the District to put it up. Manager Benz advised that there is a tree that should be removed and he will also get some prices on the fence material.

Chairman Robinson presented the financial report for the period January 1 to January 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report Manger Benz provided a second, all present vote "aye", and the motion passed.

The following vouchers were approved for payment:

7942 William Robinson	277.05(Meetings
7943 Gary Benz	277.05(Meetings
7944 Tony Goetzfried	277.05(Meetings
7945 Toman Engineering Company	700.00(Retainer, Mar 2015
7946 Toman Engineering Company	100.00(Office Rent
7947 Toman Engineering Company	3,934.50(Eng Fees
7948 Shirley N. Beechie	538.36(Sal Jan Feb Mar
7949 Mariann L. Lang	551.45(Sal Jan Feb Mar
7950 Gary Benz	3,750.00(Cont Fee-Jan Feb Mar
7951 Mariann L. Lang	14.99(Computer ink
7952 Voided	-----
7953 US Postal Service	92.00(Post Office Rent
7954 Crescent Printing	80.00(Vouchers
7955 City of Mandan	95.98(Fuel
7956 City of Mandan	58.30(Water to Shop
7923 West River Telecommunications	78.48(Monitor Heart River
----- Starion Financial	173.07(Payroll taxes
----- Montana-Dakota Utilities	405.55(Utilities
Total:	\$11,403.33

With no further business to come before the Board, upon a motion duly made by Manager Benz and seconded by Manager Goetzfried, all present voting "aye", the Board meeting adjourned at 4:15 p.m.

Chairman

Secretary



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
106 SOUTH 15TH STREET
OMAHA NE 68102-1618

May 27, 2004

Steve Thilmony
4705 South Bay Drive
Mandan, ND 58554

Dear Mr. Thilmony;

This letter is in response to your letter dated, May 17, 2004 inquiring about the Mandan Flood Protection Levee system. The responses to your questions are as follows:

1. **Is the RR embankment (exhibit 1 on the photo) part of the Corps of Engineers (COE) Lower Heart River Flood Protection Plan for the City of Mandan?**

Yes, the railroad embankment in question is part of the Mandan Flood Protection Project and includes protection along the Lower Heart River.

2. **If the dike is in the COE plan, can it be removed, due to the fact that Mandan is in the process of updating the flood plain by raising and gating the property between this RR embankment and the Missouri River?**

To respond to this question it should be understood that the City of Mandan is the owner and operator of the levee system. The Corps of Engineers would not give approval to remove a portion of the levee system unless the City of Mandan first requested it be removed. Then only after the City of Mandan had proven to the COE that the portion of the levee system in question was no longer needed because the equivalent amount of protection was being provided in some other manner would any approvals be granted.

3. **If it is determined that the RR embankment is needed, what is the minimum elevation needed for flood control prevention? The reason for this question is can we make a roadway on top of the embankment or level it at an elevation that blends with the existing property and still provide flood protection?**

Determining the minimum elevation needed for flood protection will require a hydraulic analysis. Assuming that the RR embankment existed prior to the construction of the flood protection system, and assuming that the flood protection system just tied into the embankment, it may be possible that the existing embankment is higher than necessary. Only a hydraulic analysis can answer this question. Although we do have levees with roadways on top of the embankment, it is not desirable. There are several problems associated with doing this that need to be addressed before it would be approved. First it would depend on the material the levee is constructed of because during times of high water the levee would be saturated and traffic on it may cause pumping. There is also a safety factor. During a flood fight, traffic could be a hindrance and a source of danger to individuals on the levee.

4. If the embankment is needed and at the approximately elevation it currently is, can the dike be relocated to the west along the existing trailer?

The City of Mandan would have to approve relocating the levee, and the new levee would have to be constructed to COE standards.

If you have further questions please contact Gary Rubingh at (402) 221-4140.

Sincerely;



Janelle M. Mavis; P.E.
Chief, Readiness Branch
Omaha District, Corps of Engineers

CF: CENWO-ED-GB (Bertino)

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
February 12, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 12th day of February, 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present were Engineer Ronald W. Manchester, Morton County Commissioner Andy Zachmeier, Tom Doering from Morton County Emergency Management and Kevin Bittner from Bolton/Menk Engineering.

The meeting minutes of January 8, 2015, were presented to the Board. Manager Benz moved to approve the minutes and Manager Goetzfried provided a seconded, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Engineer Manchester introduced Kevin Bittner from Bolton and Menk who reported on the completed Lower Heart River Hydraulic Analysis. He explained that the Youth Correctional Center Levee would be moved back 150 feet onto their property. The Levee at the Legion Park would be moved back onto park property. The Highway #6 and Highway 1806 bridges would be replaced with longer structures to provide more conveyance of water under them. The river channel between the Highway #6 bridge and the Highway 1806 bridge would be widened. It was also explained that no improvements to the Sunny Unit would be made.

There was more discussion about the Sunny Unit. It is the desire of the members of the Board that the Lower Heart River Water Resource District not to have the Sunny Unit meet the 100-year event freeboard requirement set by FEMA. Most of the thirty to forty homes and businesses are in the AE Zone or are in the Floodway. The owners are presently paying for flood insurance. The Board agreed that it is not cost affective to meet the 100-year event protect. It was agreed that many of these people are in danger of being flooded from Interior Drainage System when the flood gates are closed. The \$36,469,000 estimated cost of the Levee Decertification Project was discussed. The State Water Commission has a program that could participate in 65% of the project cost and the remaining 35% would have to be financed from other sources. One funding mechanism being consider is a special assessment district. The amount of the assessment would be \$12,764,150. There are approximately 4,500 parcels of property that

would be affected by the Levee Decertification Project. Each parcel would be assessed approximately \$2,837.00. The cost of the flood insurance could be that much or more for ever year that a loan agreement is in place.

Chairman Robinson visited with personnel from the North Dakota Youth Correctional Center about the Levee Project. He reported that they were not happy about losing their athletic field. They did say they would work with the members of the Board of the District. The Chairman also spoke with the Wilsons who are considering building a new home on the property of their existing home. Chairman Robinson has also been in contact with personnel of the Parks and Recreation Department. They are concerned about the loss of the Legion Park and the building. They are also willing to work with the members of the Board of the District.

Engineer Manchester advised that he received two invitations to attend the Heart Butte Dam Emergency Action Plan Exercise on March 11, 2015. and the Morton County Emergency is having a Tornado Exercise (Auntie – Em) on March 25, 2015. The Board members agreed that Engineer Manchester should attend both meetings

Engineer Manchester informed the Board that he met with Mr. Mike Brady about moving of his fence and building. Mike would like Lower Heart to assist in the cost of doing some of the work. The Board directed Engineer Manchester to get a cost figure from Mr. Brady. Manager Benz said he would meet with Mr. Brady and discuss the cost and Engineer Manchester will arrange the meeting.

Engineer Manchester visited with the Williamson's who purchased the EL Rancho Mobil Home Park with regard to the the encroachment into the Interior Drainage System. He had an error in Charles Williamson's e-mail and he could not reach them. Mr. Williamson would like to sit down and discuss a solution to the encroachment situation with the Board in March. He will contact Engineer Manchester with a date and the Board was agreeable to meet with him.

Chairman Robinson and Engineer Manchester met with Dave Patience from Swenson & Hagen and Cole Higlin of the Mandan Parks and Recreation with regard to a park on District's property on the north side of Third Street. Mr. Higlin was not interested in the area as they have parks not too far from the area. The developer is interested in getting fill material for the site and develop a park after the dirt is removed. Chairman Robinson told Mr. Patience the members of the Board of the Lower Heart River Water Resource District might be interested in selling the property. Engineer Manchester reminded Mr. Patience of the pond put on the site as a fish spawning area by the US Fish and Wildlife. The Corps of Engineers

would have to be contacted before a sale could occur, it may have to be a public sale and the property sold to the highest bidder.

Tractor rental and tractors to pump water was discussed. Manager Benz reported that he and Dave Auch from the City of Mandan would be visiting with the supplier later this month.

Manager Benz asked Engineer Manchester about the Survey and the Culvert Inspection. He informed Manager Benz that not much had been accomplished on the Survey, but work is being done to get bids to inspect the culverts in the System.

Chairman Robinson presented the financial report for the period January 1, 2015 to January 31, 2015, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report, a second was provided by Manger Benz, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

Auto Montana-Dakota Utilities	344.49(Utilities
7934 Toman Engineering Company	700.00(Retain Feb 2015
7935 Toman Engineering Company	100.00(Office Rent
7936 Toman Engineering Company	7,094.25(Eng Work onLevee
7937 Bullinger Tree Service	650.00(Remove Branches
7938 Mandan Municipal Landfill	18.05(Dispose-Branches
7939 City of Mandan	14.95(Fuel
7940 City of Mandan	58.30(Water to Shop
7941 West River Telecommunications	78.48(Monitor Heart River
Auto Starion Financial	320.00(Payroll Taxes
CC Sears	<u>319.99</u> (Air Compressor-Shop
Total:	9,698.51

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried and seconded by Manager Benz, all present voting "aye", the Board meeting adjourned at 4:15 p.m.

Chairman

Secretary

Q. H. J. and.

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
January 8, 2015**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 8th day of January, 2015, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Manager Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

The minutes of the meeting of December 11, 2014, were presented to the Board. Manager Benz moved to approve the minutes, Manager Goetzfried provided a second, all members present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

On January 6, 2015, Mr. Ryan Buckley a representative of the USA Corps of Engineers e-mailed Engineer Manchester informing him that HQ and Division had no questions on the LOI that was submitted and he has forwarded it to the District for approval. It then goes back to Division and HQ for final approval. It can take as long as 90 days for this process to be completed.

A letter was sent to Mike Brady about the encroachment of his shop building on the right-of-way of the District's Levee System.

Engineer Manchester sent an e-mail to Mr. Williamson who owns the former El Rancho mobile home park asking him to respond to the Agreement prepared by personnel of the District which was forwarded to him for his response.

Engineer Manchester informed the Board he has had some staff members working on a plan to have all the culverts and drain pipe going through the Levee or in Interior Drainage System cleaned and televised. He explained it is one of the deficiencies on the inspection report from the Corps of Engineers.

The Draft copy of the Lower Heart River Hydraulic Analysis was presented to the Board by Engineer Manchester. The Members of the Board reviewed the preliminary report during the meeting. They are going to take a copy of the report and review it in more detail. Engineer Manchester will call them on Wednesday, January 14, 2015, for their comments. He will then pass the comments along to Kevin Bittner.

There were some general comments about the report:

1. Chairman Robinson spoke with Cole Highi of Mandan Parks and Recreation and he would not like to lose the warming house building. He would also like to be given some property for the property that the district would be giving up for the project. The Lower Heart property on 3rd Street was discussed as a possibility for a land swap.
2. There was discussion as to whether the report should address the Sunny Unit. It was decided that Engineer Manchester would discuss the Sunny Unit issue in a cover report which he will attach the report.
3. Chairman Robinson would like to present the report to Senator Hoeven, Senator Heidtkamp and Congressman Cramer before it is sent to FEMA.

Chairman Robinson presented the financial report for the period November 1 to November 30, 2014, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Goetzfried moved to approve the financial report Manager Benz provided a second, all present vote "aye", and the motion passed.

The following vouchers were approved for payment:

7924 Toman Engineering Company	700.00(Retainer Jan 2015
7925 Toman Engineering Company	100.00(Office Rent
7926 Toman Engineering Company	9,534.25(Eng Work on Levee System
7927 ND Water Resources Dists	475.00(2015 Dues
7928 Morton County Treasurer	860.86(Special Assessments
7929 Swanberg Construction	134,086.68(Levee Replacement Project
7930 State Tax Commissioner	35.00(Deposit State Taxes
7931 City of Mandan	15.57(Fuel
7932 City of Mandan	55.40(Water to Shop
7933 West River Telecommunications	78.48(Monitor Heart River
CC Bobcat of Mandan	153.81(Flush Valve
Auto Montana-Dakota Utilities Co	444.38(Uilities
Total:	146,484.01

With no further business to come before the Board, upon a motion duly made by Manager Goetzfried and seconded by Manager Benz, and with all present voting "aye", the Board meeting adjourned at 4:00 p.m.

Chairman

Secretary