

County and

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
October 13, 2016**

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, October 13, 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 was Engineer Ronald W. Manchester, Toman Engineering.

The minutes of the regular meeting of September 15, 2016, were presented. Manager Benz moved to approve the minutes, Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Mr. Jan Fasching appeared before the Board and inquired about the tree removal on his property and ask if a two foot high retaining wall could be constructed along the levee. The board denied the request for the retaining wall. Mr. Fasching informed the Board that he is going to plant grass in that area.

Mr. Ted Emil also appeared before the Board with regarding the remove a building that is within the levee right-of-way. He explained to the Board that it was a hardship for him to get it done within the time frame the Board had set. He requested that the District remove the building. The Board advised that District is not responsible for the removal of the building and gave Mr. Emil until April 2017 to remove the building.

Mrs. Boehm has a shed on a concrete pad that Manager Benz says is 12.5 feet from the toe of the levee. The Board believes the 12.5 feet will be sufficient amount of footage from the toe of the levee and the shed will stay in place.

Engineer Manchester reported on the following items.

The North Dakota Guarantee and Title Company gave an estimate of \$100 to do a title search on an easement Lower Heart acquired from the former BNSF. The easement is located by a railroad embankment and is part of the Levee System. Manager Goetzfried moved to do the title search and Manager Benz provided a second, all present voted "aye" and the motion passed.

The Board reviewed the Plan for the 408 Permit to place fill on the former BNSF railroad embankment. The Plan was not approved as the Board thought too much dirt was being placed on the embankment. The Plan will be returned to the owners for revision.

The completed amendment to the Lower Heart River Hydraulic Analysis was presented to the Board for their review. It will be discussed at the November Meeting.

Attorney Malcolm Brown's correspondence of October 7, 2016, with regard to the quiet title action was discussed. Engineer Manchester advised that we need to review the Sale on the 4-year Agreement that indicates that the Willeamsons' were aware of the encroachment of the mobile homes on the Levee System when they bought the trailer court. Dave Tschider advised that \$20,000 could be put in an escrow account to solve the problem. The Board advised that the selling price was reduced because of this issue.

A location map of the culverts that District intends to abandon along the I-94 Business Loop was sent to the Department of Transportation for its review before we abandon the culverts.

Mr. Steve Robinson from the US Geological Survey joined the meeting. He went over the gauge monitoring system and the cost. He reported that they will no longer read the wire weight gauges that were discussed. It was decided the gauges will stay in place, but will no longer be read. The Board will be given credit for the cost of reading the gauges. He advised that USGS now has a rapid deployment gauge which can be set up in a short period of time. These gauges cost about \$2,000 per gauge to install. Mr. Robinson indicated he would have someone from the Geomorphology Study call Engineer Manchester regarding this matter.

Engineer Manchester received a telephone call from Mr. Dean Gerving indicating that he is interested in bidding on the Lower Heart leased property in 2017.

Chairman Robinson received a correspondence from Mr. Todd Kranda who is representing the Park Advisors, Inc. Mr. Kranda is looking for specific information about the 15' easement along the toe of the Levee System that the Corps of Engineers is requesting. Engineer Manchester will provide that information to Mr. Kranda.

Other Business

Manager Goetzfried went to Billings, Montana, and picked up a pump discharge hose and stainless steel hose clamps.

Manager Benz has been visiting with Bill Klesalek to do repair work on a portion of the Levee System near the Trolley Station on 3rd Street. The Board approved the cost of up to \$30,000 in make the repairs. Ty at Terracon has indicated the soil being considered for the repair is good material.

Chairman Robinson presented the financial report for the period September 1, 2016, to September 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 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
CC Mandan Tire Center	260.60(Switch Tires
8163 Toman Engineering Company	700.00(Retainer, Oct 2016
8164 TECO Associates	100.00(Ofc Rent
8165 Toman Engineering Company	10,426.00(Eng Fees, Levee work
8166 Tony Goetzfried	59.70(Trip to MT (fuel)
8167 Gary Benz	29.86(Photos of Levee
8168 SRS Cristifulli	3,320.00(Hose & Clamps
8169 Dakota Fire Station	17.00(Rep Fire Extinguisher
8170 State Tax Commissioner	35.00(Pay State Taxes
8171 City of Mandan	213.75(Fuel
8172 City of Mandan	121.00(Water to Shop
8173 Bullinger Tree Service	13,260.00(Remove Trees-Levee
Auto Montana-Dakota Utilities	<u>67.85(Utilities</u>
Total:	28,770.76

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

City and

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
September 15, 2016**

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, September 15, 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 Engineer Ronald W. Manchester, Toman Engineering Company and Andy Zachmeier, Morton County Commissioner.

The minutes of the August 11, 2016 regular meeting were presented. 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 2016 Corps of Engineers Inspection began at Toman Engineering at 7:30 a.m. on August 22, 2016, through August 23, 2016, at 2:00 p.m. The inspection team then met at the office of Toman Engineering to discuss what they observed. Chairman Robinson discussed his notes of that meeting:

1. The drainage culverts going under the I-94 Business Loop west of Mandan could be filled and abandoned. Manager Benz thought we should contact the DOT before we fill that area. Engineer Manchester will call the DOT. The Board discussed the approximate cost of filling that area.
2. Should we consider completing the levee all the way to the Missouri River?
3. The District's easements were discussed and Manager Benz would like to get letters out to property owners soon. Property owners are going to have questions and it is going to take time to get things moving. Chairman Robinson and Manager Benz were going to work on a letter.
4. The O & M Manual needs to be updated. The Inspection Report has a lot of items referenced as not being in the O & M Manual.
5. Levee work at the Trolley is needed on the landside. It was discussed that fill material could be obtained from removing the temporary approach by Gartner's property. Engineer Manchester advised that a 408 Submittal to the Corps will not be required.

Manager Benz visited with Don Moses during the Inspection and Mr. Moses would still like to see some concrete markers placed along the right-of-way.

Engineer Manchester spoke with Barry Jennings about the 15 foot setback from the toe of the levee for any structures.

Mr. Jesse Kist contacted Engineer Manchester and has requested copies of reports and information regarding the Levee Recertification Project. The Board has no problem releasing the information, however, Mr. Kist should pay for copies.

Chairman Robinson and Engineer Manchester attended the Morton County Commission meeting on August 23, 2016 and presented the Lower Heart Budget requesting \$206,000.00. Manchester visited with Dawn Rhone, County Auditor, and she informed him the County approved a budget amount of \$191,000.00.

Engineer Manchester presented Kevin Bittner's Memo from Bolton and Menk on the amendment to the Hydraulic Analysis of the Heart River. The Board directed Engineer Manchester to ask Mr. Bittner to develop the final plans as our approach to meet the recertification of the Levee System.

The Board ask Engineer Manchester to get a price from the Title Company to do a title search of the former BNSF Railroad property to see if an easement exists with the Lower Heart River Water Resource District. Mr. Don Moses suggested this at the Corps' inspection meeting.

Mr. Joe Glass is requesting a 408 review for placing fill against the east side of the Railroad Embankment. We will discuss this item at the October meeting.

Engineer Manchester will contact the USGS about attending a meeting to discuss gauging station costs for 2017.

Other Business

Chairman Robinson presented information from HDR Engineering on their capability to update the Levee O & M Manual. Manager Geotzfried moved that Chairman Robinson get a cost from HDR to update the O & M Manual, Manager Benz provided a second, all present voted "aye" and the motion passed.

Last month Manager Benz reported that new 16 inch Crisafulli Pump discharge hoses are now \$3,300.00 for a 50 length of hose. The Board discussed how many they should purchase and it was decided to buy one

hose and four stainless steel clamps. Manager Goetzfried made a motion to approve the purchase, a seconded was provided by Manager Benz, all present voted "aye" and the motion passed. Manager Goetzfried advised that if the Board would pay for the gas he would pick up the discharge hose and clamps. The other Board members agreed.

Chairman Robinson presented the financial report for the period August 1, 2016, to August 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, Manager Goetzfried provided a second, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

CC Chesak Seed House	140.00(Grass Seed
Auto Starion Financial	218.97(Payroll Taxes
8150 William Robinson	461.75(Mtgs
8151 Gary Benz	277.05(Mtgs
8152 Tony Goetzfried	369.40(Mtgs
8153 Shirley N. Beechie	538.36(Sal July Aug Sept
8154 Mariann L. Lang	551.45(Sal July Aug Sept
8155 Gary Benz	3,750.00(Cont Julu Aug Sept
8156 Toman Engineering Co	700.00(Retainer, Sept 2016
8157 TECO Associates	100.00(Ofc Rent
8158 Mandan Park District	23,608.08(Proj 8794
8159 City of Mandan	157.36(Fuel
8160 City of Mandan	62.70(Water to Shop
8161 Dept of Interior-Geological Sur.	18, 220.00(Jt Funding Agree.
8162 Toman Engineer Company	7,313.50(Eng Fees-Levee Work
CC US Postal Service	135.87(Certified Letters
ATM Montana-Dakota Utilities Co	<u>78.20(Utilities</u>
TOTAL:	56,682.69

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

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
July 14, 2016**

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 14 day of July 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 Engineer Ronald W. Manchester, Toman Engineering and Tom Doering, Morton County Emergency Management.

The minutes of the meeting of the June 9, 2016, were presented. Manager Benz moved to approve the motion, Manager Geotzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Kevin Bittner from Bolton-Menk will attend the August meeting to report on the Diversion Channel. The work is not yet complete as one of the employees working on the project has some health issues.

The boundary staking is almost completed except some of the Blanket Easement Areas at the golf course, the mill wall area and Pulkrebek property.

The Plans for the Pipe and Flood Gate Replacement are almost completed. The plan is to complete the Plans next week and send them to Don Moses at the Corps for his review. Once the Corps' review is complete, we can advertise the project to receive bids. We would like to receive bids in August.

The 2016 Corps of Engineers Inspection will begin at Toman Engineering at 7:30 a.m. on August 22, 2016, and may continue the next day.

West River Telephone called about our service at to the two Gauging Stations. They are upgrading their system and want to know what we want to do as USGS no longer uses any equipment with telephone service and said the lines were not needed. We had the services disconnected.

The Meadowlands Development has not yet repaired the end of the railroad embankment which is part of the Levee System. Engineer Manchester will contact Barry Jennings about completing the repair.

Other Business

Manager Goetzfried visited with Attorney Tom Bair. Mr. Bair told him that it is a City matter and the City should handle it. Manager Goetzfried got the impression Attorney Bair did not want to take over something Attorney Malcolm Brown was working on for the District. Engineer Manchester got the same impression when Attorney Bair called and visited to him. The last conversation Engineer Manchester had with Attorney Brown was that a Quiet Title Action should be started. The Board instructed Engineer Manchester to contact Attorney Brown and have him begin the Quiet Title Action.

Chairman Robinson reported on his visit to the Minot and Fargo Flood Control Projects. The preliminary cost of the Minot Project was one billion dollars. They are looking at phasing the project over a period of 30 years. The Fargo Project is larger and they did not discuss costs. Chairman Robinson thought the cost of the Fargo Flood Control Project would easily exceed two billion dollars. Fargo's plan has a considerable amount of flood walls to be constructed because it does not have the room to construct earth levees.

Chairman Robinson also attended the Mandan Beautification Committee Meeting. Some of the things they requested were paving the top of the Levee, having picnic tables along the Heart River and cleaning up and mowing around the bridges. The Chairman told them he would discuss some of the requests with the Corps of Engineers.

Manager Benz is wondering what the correspondence to the people who are encroaching on the Levee property should say and how much time should they be given to move off the property. These are some questions for Attorney Brown.

Manager Benz would like to start the August meeting at 1:00 p.m. to review the 2015 Inspection Reports in detail to see what remains to be repaired. Manager Goetzfried and Chairman Robinson agreed.

Manager Benz would like to purchase two more 16 inch discharge hoses for the crisafulli pumps. He will call and get some prices.

Chairman Robinson presented the financial report for the period May 1 to May 31, 2016 and the reports from June 1, 2016 to June 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 reports, a second was provided 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
8133 Toman Engineering Company	700.00	(Retainer, July 2016
8134 TECO Associates	100.00	(Ofc Rent
8135 Toman Engineering Company	11,174.50	(Eng Fees, Levee work
8136 Wells Fargo	45.00	(Safe Dep Box Rental
8137 Fire & Tornado Fund	131.12	(Insurance
8138 Ofc of State Auditor	75.00	(Review 2016 Report
8139 City of Mandan	133.20	(Fuel
8140 Workforce Safety & Ins	50.00	(Late Report
8141Mahlum Goodhart PC	4,250.00	(2016 Audit
8142 City of Mandan	75.90	(Water to Shop
8143 Northern Plains Equipment	1,209.51	(Repair on Mower
CC Northern Plains Equipment	153.34	(Repair on Mower
Auto Montana-Dakota Utilities	70.78	(Utilities
Total:	18,328.36	

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
June 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, June 9, 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 Engineer Ronald W. Manchester, Toman Engineering, Tom Doering, Morton County Emergency Management, Andy Zachmeier, Morton County Commissioner and Ms. Pat McQueary from the US Army Corps of Engineers' Regulatory Branch in Bismarck, North Dakota.

The minutes of the meeting of May 12, 2016 were presented. 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.

Miles Mehlhoff from Sambatek Engineering was able to provide 40 feet of land for an easement along the Missouri River bank on the Shoreline Addition Subdivision Plat. They had originally only provided 15 feet of easement.

Mr. Barry Jennings, developer of the Meadowlands Addition, is proposing a land swap with the City of Mandan. The land Mr. Jennings is trading has an easement to Lower Heart on the property. This easement will transfer with the property to the City of Mandan. The City of Mandan asked the Board to take a formal action as to whether they would agree with the trade. Manager Goetzfried moved to allow the land swap, Manager Benz provided a second, all present voted "aye" and the motion passed.

To serve the Meadowlands Addition development, MDU is proposing to install a gas main in the 3rd Street Southeast right-of-way and not bore under the former BNSF Railroad embankment. Engineer Manchester is working with the Corps of Engineers to allow the installation.

Ms. Jesse Hanson, Manager for the Planning and Natural Resources Division of the North Dakota Parks and Recreation, joined the meeting. She advised that wildlife is an issue as is the Conservation Easement granted by Mr. Bill Higgins. She advised that there are covenants on the Easement that state that filling and excavating are not allowed. Projects

that impact the park and wildlife were discussed. The Board and Ms. Hanson will discuss the matter as the projects move forward.

Engineer Manchester spoke with Pat Fridgen from the ND State Water Commission regarding funding. He will email some forms to submit for requests for funding from the State for funding certain projects.

Ms. Pat McQueary, the US Army Corps of Engineers Regulator Branch in Bismarck, spoke with the Board about the Heart River Re-alignment Project. In her May 4, 2016 correspondence to the Board, Ms. McQueary said the Heart River Re-alignment Project would be extremely difficult to pursue this project. Ms. McQueary discussed the following items:

1. Deepening the existing riverbed would be allowed.
2. The Corps of Engineers does not have a problem with dredging.
3. An overflow channel would be allowed. The construction of an overflow channel would involve excavation only and would not require a permit from the Corps of Engineers.
4. The excavated material from the Overflow Channel can be placed on the upland.
5. There will be issues with the Fish and Wildlife at the confluence with the Missouri River.
6. There is a meeting the 1st Thursday of every month and there is an interagency meeting at the Corps office in Bismarck from 9 a.m. until noon.

Kevin Bittner from Bolton and Menk will be contacted to determine the size of the overflow channel.

The boundary staking is continuing on the levee. In areas where blanket easements exist, markers are being set 15 feet off the toe of the levee.

Once the levee boundary is marked letters will be sent to people who are encroaching.

The mill wall area will be looked at to see if any encroachments are occurring.

The approach onto the levee which is on the Pulkrabek property will be looked at for possible removal.

Other Business

The Board discussed all the easements for rip-rapping along the Missouri River. There is always a question whether The Lower Heart or Morton County Water Resource District has jurisdiction over certain areas along the river bank. The Board would like the Morton County Water Resource District to take over all of the rip-rapping along the Missouri River.

The Board is unhappy with Attorney Malcolm Brown not getting anything done with the trailer encroachments on the interior drainage area. They will ask Tom Bair to look into the matter.

Mariann Lang, secretary for the Board, had some questions from the Auditors which she was unable to answer regarding the budget. Chairman Robinson will talk with the Auditors about their questions.

Chairman Robinson presented the financial report for the period May 1, 2016 to May 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 provided by Manager Goetzfried, all present voted "aye", and the motion passed.

The following vouchers were approved for payment for the month of May, 2016, as the Secretary left on vacation before the May Treasurer's Reports were completed:

8107 Toman Engineering Co	700.00(Retainer, May 2016
8108 TECO Associates	100.00(Ofc Rental
8109 Toman Engineering Co	4,121.00(Eng Fee-Levee Work
8110 Mandan City	9.24(Equip Repair
8111 Mariann L. Lang	48.97(Ink Cartridge
8112 Southwest Ag Inc	300.00(Chemicals
8113 Tri-Energy Cooperative	88.43(Fuel
8114 Morton County Weed	350.00(Cheimcals
8115 City of Mandan	62.70(Water to Shop
8116 West River Telecommun.	78.74(Monitor Heart River
ATM Starion Financial	160.00(Payroll Taxes
ATM Mandan Tire Center	23.78(Rep Equip
ATM Chesek Seed	265.00(Seed
ATM Morrell's Welding Inc.	183.21(Equip Repair
ATM Montana-Dakota Utilities	<u>102.30(Utilities</u>

TOTAL: 6,593.77

The following vouchers were approved for payment for the month of June, 2016:

8117 William Robinson	277.05(Mtgs
8118 Gary Benz	277.05(Mtgs
8119 Tony Goetzfried	277.05(Mtgs
8120 Shirley N. Beechie	538.36(Sal Apr, May, June
8121 Mariann L. Lang	551.45(Sal Apr, May, June
8122 Gary Benz	3,750.00(Cont Apr, May, June
8123 Toman Engineering Co	700.00(Retainer, June 2016
8124 TECO Associates	100.00(Ofc Rent
8125 State Tax Commissioner	35.00(State Taxes
8126 Toman Engineering Co	8,393.16(Eng Fee-Levee Work
8127 HUB International Mn States	1,626.00(Insurance
8128 Bullinger Tree Service	1,500.00(Remove Trees
8129 City of Mandan	62.70(Water to Shop
8130 City of Mandan	151.35(Fuel
8131 Shirley N. Beechie	40.94(Ink cartridges
8132 West River Telecommun.	78.74(Monitor Heart River
ATM Starion Financial	173.07(Dep Payroll Taxes
ATM Montana-Dakota Utilities Co	<u>81.29</u> (Utilities

TOTAL: 18,657.72

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
May 12, 2016**

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, May 12, 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 Engineer Ronald W. Manchester, Toman Engineering and Tom Doering, Morton County Emergency Management and Andy Zachmeier, Morton County Commissioner. Also in attendance from the North Dakota Department of Emergency Services were Justin Messner and Gary Simmons and Jeff Wright, City of Mandan Director of Public Works.

The minutes of the regular meeting of April 14, 2016, 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:

Engineer Manchester introduced Mr. Jeff Wright who advised the Board that the property the District owns next to Gartner's property will in the not too distant future be losing the area where it stockpiles materials (sand, gravel and recycle material) to the Park District. For the time being the Board gave Mr. Wright permission to use the area for snow storage in the winter and the Board will consider storage of the materials at a later time.

Mr. Miles Mehlhoff from Sambatek Engineering submitted a subdivision plat for comments from the Board concerning river access for future repairs to bank stabilization. The Shoreline Addition plat presently shows a 20 foot wide easement from an existing 24 foot wide access easement to a 15 foot wide easement along the river bank. Engineer Manchester informed the Board that past easements along the river bank were considerably wider. As of now trucks are unable to get in, out or turn around in 15 feet. The Board asked Engineer Manchester to research what the widths were on the past on easements.

Mr. Tom Doering opened the discussion on the Grant Application. Tom had a conversation with County Commissioner Schultz who is thinking that a Special Assessment request for funding the Levee Project should go before the voters.

Justin Messner spoke about the Benefit/Cost Analysis and that he was presently looking at \$115,000,000/50years. The need to have an Environmental Assessment was also discussed.

At 2:30 Laura Horner, John Paczkowski, Grahm Hart and Mike Hall from the ND State Water Commission joined the meeting. John Paczkowski discussed the need for an Environmental Assessment and a Corps of Engineers 408 review. Mike Hall talked about a Pembina Project where the Corps of Engineers charged \$400,000. The Board members indicated that a meeting be held as soon as possible with the Corps of Engineers.

John Paczkowski from the ND State Water Commission talked about the various assistance programs. One program can participate up to 35% of the engineering cost. Another program can participate up to 60% of the construction costs. An engineering selection process must be done before these programs are available for the project. The Board should also consider doing the CLOMR. Mike Hall talked about having the City of Mandan involved in a Joint Board for funding the project.

Kevin Bittner from Bolton-Menk gave a presentation on the Channel Re-alignment Amendment to the Lower Heart River Hydraulic Analysis report prepared in February of 2015.

Engineer Manchester inquired as to when the Geomorphology Study would be completed. In a previous meeting with the State Water Commission they were reluctant to do anything with the sand bar until the report was completed. They wanted to know more about the downstream effects of making any changes to the sandbar. It was suggested by the Board that Engineer Manchester call Laura Ackerman to ask about the report.

The State Water Commission staff informed the Board members that the railroad may have to comment on closure structures that hook into the levee.

Laura Horner asked if she could receive an electronic copy of the report amendment.

The State Water Commission staff and Justin and Gary from DES left the meeting at 4:00 p.m.

A question came up about Jerry Kist not making a rental payment in 2013. Chairman Robinson and Manager Benz seemed to recall the Board allowing that payment for the rental of the land not be paid that year. The minutes will be reviewed to see if any mention of no rent payment be made that year.

Engineer Manchester will contact Attorney Malcolm Brown about the mobile homes on city property. Don Moses will also be contacted regarding last year's inspection report.

The Survey markers for the levee have been ordered.

Other Business

Manager Benz has leased a tractor for summer mowing at a cost of \$3500.

Chairman Robinson presented the financial report for the period April 1, 2016 to April 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 seconded by Manger Goetzfried and all present voted "aye", and the motion passed.

No checks list at this time. All payments will be included in the next minutes.

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 4:45 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 14, 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, April 14, 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 Engineer Ronald W. Manchester, Toman Engineering, Tom Doering, Morton County Emergency Management, and Andy Zachmeier, Morton County Commissioner. Justin Messner and Gary Simmons, representatives of the North Dakota Department of Emergency Services, were also in attendance.

The minutes of the meeting of March 10, 2016, were presented. Manager Goetzfried moved to approve the minutes, Manager Benz provided the second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items.

Andrew Werder, an Engineer from KLJ Engineering, is asking for the Board's approval on a plan to construct a storm water detention pond on a portion of the Prairie West Golf Course. A portion of an old tree farm levee would be removed and the pond would be constructed at that location. He advised that this old levee provides no flood protection. The Board advised that they would allow the construction of the pond as long as the contractor will be responsible of the maintenance of the pond and the pool that provides drainage for the pond. After further discussion, Manager Benz moved the approval of the project, Manager Goetzfried provided a second, all present voted "aye", and the motion passed.

Engineer Manchester informed the Board that the 60% Submittal of the SWIF Plan was submitted to the Corps on March 23, 2016. With this plan in place the USACE will participate in any repairs needed to the levee system that were the result of high water damage.

Engineer Manchester visited with Don Moses on March 25, 2016. He was going over the 2015 inspection notes from the Corps of Engineers before preparing his report.

Mr. Justin Messner and Gary Simmons, representatives of the State Hazzard Mitigation Office, and Tom Doering from Morton County Emergency Management discussed the Grant Application. They need move

information in order to submit the Application. Letters to various State and Federal Agencies informing them of the project and asking for their comments should go out soon. The addendum to the Hydraulic Analysis and revised cost estimate are needed. Tom would like a map showing the various property owners that will be affected by the project. We also need a 100-year and 500-year inundation map to show damages for the Benefit/Cost Analysis. Jesse Hanson of the North Dakota State Park was contacted with regard to his comments on the project. He advised that changing the confluence to a new location is going to eliminate flow along the park property. The Board of County Commissioners of Morton County will be required to pass a resolution to sponsor the project and representatives of the Lower Heart River Water Resource District will be responsible for the management for the project. The Grant deadline is May 31, 2016.

Mr. Scott Harmstead from SRF Engineering visited with members of the Board with regard to the Morton County Land Use Plan. They discussed the possibility of a roadway out of the Lohstreeter property. Traffic could be brought out of Lohstreeter's Subdivisions to the I-94 Business Loop without crossing the Heart River. Maps of the Lower Heart District Boundary and the Watershed Boundary will be provided for Mr. Hamstead.

The Carsonite markers were discussed with the Board. The six (6) foot markers will be used. Toman Engineering will order the markers and driver.

Other Business

Chairman Robinson presented the financial report for the period March 1, 2016, to March 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 provided 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
CC Mandan Tire Center	217.10	(Rep Tub on Truck
CC Runnings	44.96	(Chains for saw
8097 Toman Engineering Company	700.00	(Retainer, Apr 2016
8098 TECO Associates	100.00	(Ofc Rent
8099 Toman Engineering Company	10,463.25	(Eng Fees, Levee work

8100 State Tax Commissioner	35.00	(Dep State Taxes
8101 Brown & Saenger	27.49	(Address Labels
8012 Mariann L. Lang	65.67	(Cart Ink & Postage
8013 City of Mandan	46.71	(Fuel
8014 Tri-Energy Cooperative	112.02	(LP Gas
8015 City of Mandan	58.30	(Water to Shop
8016 West River Telecommunications	78.74	(Monitor Heart River
Auto Montana-Dakota Utilities Co	166.62	(Utilities
CC Mandan Tire Center	<u>262.60</u>	(Switch Tractor Tires
Total:	12,538.46	

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

Chairman

Secretary

County

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
March 10, 2016**

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 10th day of March, 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 Engineer Ronald W. Manchester, Toman Engineering, Tom Doering from Morton County Emergency Management and Andy Zachmeier, Morton County Commissioner.

The minutes of the meeting of February 11, 2016, were presented. 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.

Engineer Manchester and Manager Benz attended the February 24, 2016 Heart Butte Dam Emergency Action Plan meeting, which was held at the dam site. The Plan was discussed along with the existing leakage problem they are monitoring. The leakage is not considered to be a serious problem at this time. Plans for repairs are being worked on and two scenarios were discussed. The final repair plans have not been selected, but the repairs will be made in 2017. Mr Allen Schlag from the National Weather Service was not in attendance. The weather outlook he presented at a meeting on February 23, 2016, was discussed. The present El Nino, warm weather, will continue through spring. The average weather is predicted for the summer and an El Nino cold weather pattern is expected to develop with cold temperatures and possibly not much moisture.

Manager Benz attended a portion of the Oil Train Derailment Exercise. This was a three day exercise on how to deal with an oil spill from a train derailment.

Engineer Manchester reported on his preparation of the 60% Submittal of the SWIF Plan due on March 23, 2016. With this plan in place the USACE will participate in any repairs needed to the levee system that were the result of high water damage.

Members of the District was asked by Morton County Planning Commission members to review the Fred Berger, Storm Water

Management Plan for property Mr. Berger is platting West of Mandan along the Heart River. The Plan was reviewed and there are no plans to construct any buildings or do any site work (earth moving). With no additional buildings being constructed and no site work being done, the pre-construction run-off and the post construction run-off, there will be no changes in the run-off conditions as a result of this subdivision plat.

Levee Boundary Markers were discussed with the Board. The plan is to drive a 2 inch galvanized pipe into the ground and place a small sign on the post. The sign would read "Lower Heart Levee – R/W".

Mr. Justin Messner, State Hazzard Mitigation Officer was unable to be at meeting. Tom Doering from Morton County Emergency Management discussed the Grant application items that he would need to submit the application.

Engineer Manchester was directed to prepare correspondence to Mr. Neubauer, Mandan City Administrator, with regard to having the City prepare a 90-day plan to have trailers in El Rancho Trailer Park removed off city property.

Tom Doering asked Engineer Manchester if he could provide him with electronic files of the Heart River Hydraulic Analysis and Kevin Bittner's Memo and Map. Engineer Manchester advised that he will provide copies those documents.

Engineer Manchester will provide a copy of the SWIF plan for the Board at the April meeting.

Other Business

Manager Benz informed the Board that it was going to be necessary to have Bullinger Tree Service remove a tree in the interior drainage area next to Mike Brady's home to prohibit the tree from falling across 10th Avenue Northwest. He suggested that the tree be removed soon for the safety of the public. The cost is estimated at \$3,000.00.

Chairman Robinson presented the financial report for the period February 1, 2016, to February 29, 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 Manger Goetzfried, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

Auto Montana-Dakota Utilities	249.88(Utilities
Auto Starion Financial	234.27(Payroll Taxes
8084 William Robinson	369.40(Mtgs
8085 Gary Benz	554.10(Mtgs
8086 Tony Goetzfried	277.05(Mtgs
8087 Shirley N. Beechie	538.36(Sal Jan, Feb, Mar
8088 Mariann L. Lang	551.45(Sal Jan, Feb, Mar
8089 Gary Benz	3,750.00(Cont Jan, Feb, Mar
8090 Toman Engineering Co	700.00(Retainer, Mar 16
8091 Toman Engineering Co	100.00(Ofc Rental
8092 Toman Engineering Co	3,227.75(Eng Fee-Levee Work
8093 City of Mandan	41.66(Fuel
8094 US Postal Servicw	102.00(PO Box Rental
8095 City of Mandan	58.30(Water to Shop
8096 West River Telecommun.	78.82(Monitor Heart River
CC Mandan Tire Center	<u>50.00(Tire for dump truck</u>

TOTAL: 10,883.04

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 4:30 p.m.

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
February 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 February 11, 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 Engineer Ronald W. Manchester, Toman Engineering and Tom Doering from Morton County Emergency Management. Andy Zachmeier, Morton County Commissioner was not in attendance.

The minutes the January 14, 2015, regular meeting were presented. Manager Benz moved to approve and Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items.

Engineer Manchester visited with the representatives of the N. D. State Water Commission regarding funds for tree removal along the Heart River and if funds could be utilized to assist the Wilsons' with the removal of a tree. Wilsons' have a tree that is located on the bank of the Heart River that they believe is in danger of falling on their home. He was told the State Water commission could not provide funds for those purposes.

The annual meeting to review the Heart Butte Dam Emergency Action Plan will be held on February 24, 2016, at the Dam. The plan is reviewed, annual discharge report is given and Allen Schlag usually provides a weather outlook for the spring runoff. Engineer Manchester advised the Board he would be attending. Manager Goetzfried indicated he would also like to attend.

Tom Doering Morton County Emergency Management Director introduced Mr. Justin Messner, the State Hazzard Mitigation Officer. Mr. Messner outlined the details to the Board of the FEMA flood mitigation assistance grant. This is a nationwide grant program for grant funds for flood mitigation. FEMA has a maximum limit of \$3,000,000 for a single project. An environmental assessment is required for the project, but is not as involved to complete as the preparation of Environmental Impact Statements. Engineer Manchester informed the Board that he has prepared environmental assessment for other projects and did not think that would be a problem for our project. We will also have to comply with

The Endangered Species Act. The Board is aware of having to deal with the Piping Plover and the Least Tern. It will also be necessary to prepare a cost-benefit analysis for any grant project.

The sandbar removal was discussed, but was not consider in the Heart River Hydraulic Analysis due to the fact that it is in the Missouri River and was not include in the model generated by Actkins in the FEMA Study. Representatives of the N. D. State Water Commission do not want to see anything done with the sandbar until the geomorphology report is complete and what the affects will have to downstream area. Furthermore, whatever was done to the sandbar would not be a permanent solution as sand will continue to accumulate in this area and maintenance is always going to be an ongoing expense.

The Board discussed the possibility of looking at a re-channelization of a portion of the Heart River. The re-channelization of the Heart River would begin at the Trolley Bridge and be parallel to the Levee to a point on the Missouri River upstream of the sandbar. This would eliminate an area in the Heart River where ice jams are always a problem. This would also change the present model used in the Heart River Hydraulic Analysis and would change the freeboard. A re-channelization project could be a good project for the FEMA Flood Mitigation Assistance Grant that would be prepared by Tom Doering. Cost estimate was discussed, but no costs were brought forth.

The Board directed Engineer Manchester to contact Mr. Kevin Bittner of Bolton-Menk to discuss the re-channelization effect on the freeboard.

Manager Goetzfried had to leave the meeting at 4:00 p.m.

Mandan Oil Train Derailment Exercise will be held on February 17, 2016, at the Mandan Rural Fire Department. It is a three day exercise beginning on February 17, 2016, from 3:00 p.m. to 7:00 p.m., February 18, 2016, from 2:00 p.m. to -8:00 p.m., and February 19, 2016, from 2:00 p.m. to 4 p.m. Manager Benz indicated he would be attending.

Engineer Manchester provided the Board with copies of a correspondence from Mr. Kevin Bittner at Bolton-Menk detailing a proposal to prepare a CLOMR for the Heart River.

Engineer Manchester informed the Board that he attended a Mandan City Commission meeting to clarify the Interior Drainage area that is on property owned by Mr. Mike Brady.

Other Business

Chairman Robinson presented the financial report for the period January 1, 2016, to January 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, Manger Goetzfried provided a second, all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

CC Bobcat of Mandan	73.56(Parts for Bobcat
Auto Starion Financial	160.00(Payroll Taxes
CC Bobcat of Mandan	252.75(New Cutting Edge
CC Praxair	79.05(Fill Tanks
CC Warren Lock & Key	29.95(Rep Shop Door
8069 Toman Enginerring Co	700.00(Retainer, Jan 2015
8070 Toman Engineering Co	100.00(Ofc Rental
8071 Toman Engineering Co	935.00(Eng Fee-Levee Work
8072 ND Water Resource Dists	475.00(2016 Dues
8073 Morton County Treasurer	1,006.77(Special Assessments
8074 City of Mandan	73.38(Fuel
8075 St Tax Commissioner	35.00(State Taxes
8076 City of Mandan	62.70(Water to Shop
8077 West River Telecommun.	78.82(Monitor Heart River
Auto Montana-Dakota Utilities	<u>263.89</u> (Utilities
TOTAL:	4,325.87

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

Chairman

Secretary

City Council

MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
January 14, 2016

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 14th day of January 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 was Engineer Ronald W. Manchester, Toman Engineering Company, Tom Doering from Morton County Emergency Management, Andy Zachmeier, Morton County Commissioner and Kevin Bittner-Bolton and Menk, Consulting Engineers.

The minutes the regular meeting of December 17, 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.

Engineer Manchester informed the Board that Mr. Jerry Kist has paid the rent on the leased land early this year. This is the last year of the present lease.

The Mandan Assessor, Shirley Shaw, called Engineer Manchester about the Mike Brady property. They discussed the issues regarding the trailer park and that we need not to forget about getting a formal solution worked out. The letters were sent out and there was no response from anyone. On the Brady lot where all of the interior drainage water is stored, the City was assessing the property as residential. Engineer Manchester will meet with Shirley and show her the property that is used by the Lower Heart River Water Resource District to store interior run-off water during the spring run-off.

Engineer Manchester introduced Kevin Bittner from Bolton & Menk Engineering. The Board and Kevin discussed the Preparation of a Conditional Letter of Map Revision (CLOMR). Kevin has a question about the flow numbers in the Houston Engineering Study of the Heart River above the Sunny Bridge. Engineer Manchester will contact Laura Horner to find out who at Houston Engineering did the report so Kevin can get his questions answered. Kevin will also work on an estimate for doing the CLOMR. The question was asked if a dirt levee could be constructed to

replace the Mill Wall and this question will be asked of a representative of the Corps of Engineers.

Engineer Manchester provided the Board with some Reservoir information for Garrison, Oahe, Ft Randall and Lake Tschida. At this point all the reservoirs have plenty of storage capacity for the spring run-off. No large spring run-off event is anticipated.

The Wilsons' home which is located on the right bank of the Heart River just east of the 1806 Bridge and has a tree which is leaning toward their home. They inquired if the District would remove the tree before it falls on their house. After some discussion, the Board decided that the tree is on private property and it is really the homeowner's responsibility to remove the tree. However, Engineer Manchester will ask a representative of the ND State Water Commission if they have tree removal funds available.

The Mandan Assessor Shirley Shaw called Manchester about the Mike Brady property was discussion was had about the trailer park and that we need not to forget about getting a formal solution worked out. The letters were sent out and there was no response from anyone.

Work continues on the Levee Survey, SWIF plan, Outfall Project and O & M Manual Revisions.

Other Business

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 a second was provided by Manger Goetzfried, 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 15
8059 Mariann L. Lang	551.45(Sal Oct Nov Dec 15
8060 Gary Benz	3,750.00(Cont Oct Nov Dec

8061 Toman Engineering Co	700.00(Retainer, Dec 2015
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 Waters Users Assn	300.00(2016 Dues
8066 City of Mandan	181.50(Water to Shop
8067 City of Mandan	140.74(Fuel
8068 West River Telecommunications	78.46(Monitor HR
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 and seconded by Manager Benz and all present voting "aye", the Board meeting adjourned at 4:00 p.m.

Chairman

Secretary