

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
January 21, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Ken Nysether, HDR Engineering; Vicki Twerdochlib, HDR Engineering.

The minutes of the December 17, 2020, Board Meeting were presented. Motion to approve by Shauna Laber, 2nd by Luci Snowden. Motion passed unanimously.

Monthly bills for January and the financial report for December 2020 were reviewed. Toman Engineering submitted an invoice for levee survey work. Chairman Robinson will follow-up on the invoice with Ron at Toman Engineering and provide an explanation back to the Board. Shauna Laber made a motion to approve all invoices with the exception of the invoice from Toman Engineering until further information can be provided to the Board, seconded by Mitch Bitz. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Reduction – Phase 2 November 22, 2020 to December 26, 2020	\$16,068.75
Toman Engineering Co.	Lower Unit Levee Survey October 5, 2020 to December 21, 2020	\$3,306.00 (not approved)
Morton County Treasurer	Real Estate Taxes	\$3,025.63
ND Water Resource Dist Assn	Association Dues – 2021	\$675.00
ND Tax Commissioner	State Payroll Taxes	\$40.00

SWC Cost-share Request of July 2017 Update: Chairman Robinson provided an update on the feasibility study cost-share application. The feasibility work invoices that were performed by and billed for by Houston Engineering will be submitted to the SWC for cost-share reimbursement.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, with HDR Engineering, presented the Project Update – Phase 2. Task Order 6 developed for local funding effort for Lower Heart WRD board consideration (Assessment district described under NDCC 61-16.1). Senate Bill 2208 in the Legislative Assembly would address various aspects of establishing an assessment district. Testimony may be offered to relieve some of the more archaic requirements of notifications to the assessment district (1 direct mailing and 3 newspaper publications). HDR’s analysis on Task Order 6 does not include newspaper publication costs, but does include direct mailing costs. Mitch Bitz made a motion to approve Task Order 6, seconded by Shauna Laber and carried. Cost share request and economic analysis for construction was submitted to NDSWC on December 28th. This was reviewed at their January 14th subcommittee meeting and recommended the full NDSWC board table it until the project construction

is imminent and the CLOMR is approved. HDR investigated the potential of floodwall replacement levee re-alignment from planned alignment. Initial results indicate the alignment could be altered closer to the river, but a stability berm may be required to meet USACE top-of-the levee requirement for level of protection. Shauna Laber mentioned that she could set up a meeting with landowner to show him the results of the study, the revised acreage and appraisal revision. Qualitative analysis was initiated on utilizing the spur dike to the south of 3rd Street SE as the official levee alignment.

Local Cost-Share Planning for Phase 3: Ryan Jockers and Bill Robinson will continue to work on the local cost-share planning tasks. They will work with the City of Mandan and provide ongoing updates to the board.

SWIF Update: Karli Frohling reviewed the 2018 System Wide Improvement Framework (SWIF). The LHRWRD received the 2019 Continuing Eligibility Inspection Reports from the USACE on October 6, 2020. The deficiencies noted in the reports are items that the LHRWRD are already aware of. There were no new deficiencies that were unexpected after attending the 2019 inspection. Below are the overall levee system ratings:

- Sunny Unit: Minimally Acceptable
- North Unit: Unacceptable
- Lower Unit: Minimally Acceptable.

A periodic inspection of the levee will occur between March-May 2021.

Luci Snowden will include the news release on the Lower Heart website in 2 different places. Discussion on the right of way markers that DOT is using. Chairman Robinson will work with Barry Beechie regarding ordering these markers. FEMA grant funds have been received by Morton County Emergency Management and Morton County will be pushing those funds to Lower Heart through their monthly tax collection funds transfer. Shores of Lakewood development O&M review was discussed. Luci Snowden will review the findings and let Bill Robinson and HDR know. Vicki Twerdochlib stated that we should prepare a statement of no objection letter requesting the Corps' assistance to review on our behalf and verify specific concerns to look at on the levee and berm in that location for current and future concerns to the levee. Vicki will draft a letter and have it available at the next meeting.

Property Within Floodplain: Chairman Robinson started the discussion on options for LHRWRD to advance possible land acquisition of future flood improvement areas within floodplain. In the area South of the Trolley, 4 of the 5 parcels are owned by the City and 1 owned by Lower Heart. After discussion, Ryan Jockers made a motion to prepare a letter to take ownership of the parcels that currently belong to the City, seconded by Luci Snowden and carried.

Other Items: Williamson signed the document to remove the trailers well before Covid hit. Chairman Robinson will work with Jim Neubauer to take legal action on how to proceed with this property, seconded by Ryan Jockers and carried.

2021 Runoff conditions: Predicted spring runoff is estimated to be light. Tractor will be leased again this year. HR issues between City and County have been discussed and procedures in place regarding duties.

Andy Zachmeier has County Commission days off and asked if the Lower Heart WRD Board could move to the 4th Tuesday of each month. This will be discussed at the February meeting.

Bill Robinson will discuss with Barry on the signs that need to be ordered and have up by August.

Files at Toman Engineering: Lower Heart has 1 file cabinet at Toman Engineering that needs to be moved to the Morton County Highway Building. Bill Robinson will look into this.

Update to City and County Commission Meetings: Ryan Jockers will work with Andy Zachmeier on the County update and Bill Robinson will work with the City to update.

Chairman Robinson adjourned the meeting at 4:00 p.m.

Next meeting is Thursday, February 18th at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
February 18, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Ken Nysether, HDR Engineering; Mayor Tim Helbling (phone); Cody Mattson, Morton County Emergency Manager (phone).

The minutes of the January 21, 2021, Board Meeting were presented. Motion to approve minutes by Mitch Bitz with two corrections noted (Chairman Robinson, not Mitch Bitz, will reach out to Barry Beechie regarding the right of way markers and Chairman Robinson, not Mitch Bitz, will work with Jim Neubauer to discuss legal action on Williamson property), seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for February and the financial report for January 2021 were reviewed. State Aid of \$17,000 was received in January from Morton County. Funds from the FEMA grant (approximately \$39,000) will be forthcoming. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Shauna Laber made a motion to approve the invoices and financial report, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 November 22, 2020 to December 26, 2020	\$16,068.75
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 December 27, 2020 to January 30, 2021	\$88,539.79
HDR Engineering, Inc.	General Engineering Services November 22, 2020 to January 30, 2021	\$2,482.53

SWC Cost-share Request of July 2017 Update: Chairman Robinson provided an update on the feasibility study cost-share application. The feasibility work invoices that were performed by and billed for by Houston Engineering were submitted to the State Water Commission for cost-share reimbursement. The State Water Commission is holding reimbursement until they receive the final report of the study from Houston Engineering for final documentation.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, with HDR Engineering, presented the Project Update – Phase 2. Lower Heart River’s Phase 3 Application for cost share was tabled at the 2/11/21 meeting for CLOMR completion. Teleconference was held on January 28, 2021 with USACE on Millwall location replacement levee and we are waiting on USACE review of request. Cost share request and accompanying Economic Analysis for construction submitted to the NDSWC on December 28, 2020. NDSWC subcommittee reviewed analysis at their January 14, 2021 subcommittee meeting and

recommend the full NDSWC board table it until the project construction is imminent and the CLOMR is approved. This action was carried out at their February 11, 2021 meeting. Geotechnical drilling program plan is being updated from previous version and will be submitted to the USACE when finalized. Waiting on CCTV subconsultant proposal before signing agreement. Senate Bill 2208 in the 67th Legislation Assembly was to address various aspects of establishing an assessment district. Significant opposition by various groups led to this turning into an interim study. Therefore, no changes to current statutory requirements. Hydraulic analysis of 3rd Street SE spur dike suggests no negative effects from a hydraulic perspective. Will have a qualitative memo for discussion at the March meeting outlining anticipated benefits and costs of using the spur dike alignment.

Local Cost-Share Planning for Phase 3: Ken Nysether, HDR Engineering, discussed the parcels facing inundation based on elevation and depth. Discussion continued on how to distribute assessment dollars. Ken Nysether will have a rough draft available at the March meeting. Chairman Robinson will contact Dr. Bitz, regarding the school district proposal that they are working on. Ryan Jockers will update Morton County at their March 11th meeting and Bill Robinson will discuss with Jim Neubauer with the City also. Ryan Jockers and Bill Robinson will continue to provide updates to the Board.

SWIF Update: Karli Frohling reviewed the 2018 System Wide Improvement Framework (SWIF). The LHRWRD received the 2019 Continuing Eligibility Inspection Reports from the USACE on October 6, 2020. The deficiencies noted in the reports are items that the LHRWRD are already aware of. There were no new deficiencies that were unexpected after attending the 2019 inspection. Below are the overall levee system ratings:

- Sunny Unit: Minimally Acceptable
- North Unit: Unacceptable
- Lower Unit: Minimally Acceptable.

A periodic inspection of the levee will occur between March-May 2021. Right-of-way survey data for the levee system was collected by Toman Engineering from 2016-2019. Survey data for the Sunny Unit and Lower Unit must be submitted to the USACE in 2020 while survey data for the North Unit must be submitted in 2028. Right-of-way survey data for the Sunny Unit encompasses the majority of the Sunny Unit, with a data gap occurring by the Youth Correctional Facility. Toman Engineering is searching for the remaining data. Right-of-way survey data for the Lower Unit ends at station 201+00 while the levee ends at station 250+00. Toman Engineering has collected the right-of-way survey data for the remainder of Lower Heart. HDR has been in contact with Angel Pletka of the USACE to ensure the contents of the submittal will meet USACE requirements. Toman Engineering is working on providing additional information for the survey data collected including; benchmarks, control points, survey datums and any easement information used. Once HDR has received the required information from Toman Engineering, the data will be submitted to the USACE.

Karli Frohling and Bill Robinson will reach out to Toman Engineering for an update. Karli will prepare a 2021 maintenance list for Barry Beechie to work from this year. No official notice has been received from the Corps on their periodic inspection.

Annual encroachment letters will be prepared for those 15 properties. Karli will bring additional information to the March meeting.

Files at Toman Engineering: Chairman Robinson moved the one file cabinet from Toman Engineering and it is currently in his garage. File cabinet will eventually be moved to the Morton County Highway Building.

Property Within Floodplain: Discussion on taking ownership responsibility of certain parcels owned by the City of Mandan near the 3rd Street SE/Trolley bridge area #65-5842000 (SA = \$212.10); #65-5839000 (SA = \$54.74); #65-836000 (SA = \$30.89); #65-5844000 (SA = \$30.89) letter of interest has been submitted to the City of Mandan and haven't heard when it will be presented to the City Commission. Discussion regarding the Kist Property purchase and having Kist plant on this land for the summer of 2021.

The Shores at Lakewood: Developer of this property has provided the Corps with required work for review. Also provided this information to HDR for O&M compliance. Information is waiting to be reviewed by the Corps. An email will be sent to City Planning stating that Lower Heart has not heard from the Corps and object to the development at this time.

Other Items:

Charles Williamson – Chairman Robinson and Jim Neubauer are looking into advancing the removal of the final mobile home. Jim Neubauer has passed information on to the City Attorney and has not received comment back yet.

2021 Spring runoff conditions – Mitch Bitz and Barry Beechie will get the tractor leased for the summer and get it to the shop in case it is needed for the Spring runoff. Cody Mattson will send out an invite to the Board members regarding the Spring Runoff Emergency Planning Meeting.

Meeting Date Discussion: After discussion, Shauna Laber made a motion to move the Lower Heart River Water Resource District Board Meetings to the 4th Tuesday of each month beginning with the March 2021 meeting to accommodate the schedule of our Morton County representative, Andy Zachmeier. Motion was seconded by Luci Snowden and approved.

Chairman Robinson adjourned the meeting at 3:15 p.m.

Next meeting is Tuesday, March 23 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
March 23, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; John Cambridge, HDR Engineering (phone); Vicki Twerdochlib, HDR Engineering (phone); Mayor Tim Helbling (phone); and Andy Zachmeier, County Commissioner.

The minutes of the February 18, 2021, Board Meeting were presented. Motion to approve minutes by Mitch Bitz, seconded by Ryan Jockers. Motion passed unanimously.

Monthly bills for March and the financial report for February 2021 were reviewed. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Ryan Jockers made a motion to approve the invoices and financial report, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 January 31, 2021 to February 27, 2021	\$44,304.05
HUB Intl Mountain States Ltd	Insurance on Leased Case IH Tractor w/ loader	157.00
U.S. Postal Service	Annual Box Rental	188.00
William Robinson	1 st Quarter Salary	369.40
Ryan Jockers	1 st Quarter Salary	646.45
Mitch Bitz	1 st Quarter Salary	277.05
Luci Snowden	1 st Quarter Salary	277.05
Shauna Laber	1 st Quarter Salary	277.05
Carol Beechie	1 st Quarter Salary	1,092.31

SWC Cost-share Request of July 2017 Update: Chairman Robinson provided an update on the feasibility study cost-share application. The feasibility work invoices that were performed by and billed for by Houston Engineering were submitted to the State Water Commission for cost-share reimbursement. Houston Engineering has submitted their feasibility study to the State Water Commission to complete the cost-share reimbursement.

Update on Mandan Flood Risk Reduction Plan:

Resolution of Necessity: Dennis Reep, with HDR Engineering, presented to the Board the “Resolution of Necessity” as required under NDCC 61-16.1. The Resolution states the features and rationale of the flood risk reduction project and is a required document. The Resolution is also needed to apply for Special Assessment. A roll call vote was held. Mitch Bitz-approved; Ryan Jockers-approved; Lucy Snowden-approved; Bill Robinson-approved; Shauna Laber-absent. Motion was made by Mitch Bitz to approve the Resolution as presented, seconded by Luci Snowden and carried.

Floodwall Improvement Area: Dennis Reep reviewed the floodwall improvement area. Original floodwall design has been updated with Fasching’s requests. Dennis will get the final graphic that shows what the Corps recommends and will get that to Shauna. Bill Robinson will visit with Shauna to arrange a visit with the parties involved.

3rd Street and Cut-Off Levee: Dennis Reep shared a memo prepared by HDR. Realigning the levee north of 3rd Street SE to the 3rd St SE roadway embankment was identified as a potential option to mitigate the underseepage deficiency. Rehabilitation of the roadway embankment will be necessary for the roadway embankment to function as a levee. A second realignment potential option has been identified consisting of a new levee embankment south of 3rd Street SE. The capital costs would be more expensive on the cut-off levee but would be cheaper to maintain over time. HDR will prepare comparative costs to present to the Board.

Preparation of Project Description and Status: Dennis Reep will contact the HDR Marketing Coordinator (Brenda) regarding setting up a dedicated website for the flood risk reduction project. Existing information can be added to this site for the public to access regarding this project.

Local Cost-Share Planning for Phase 3: Ryan Jockers presented the project status to the Morton County Commission. A presentation will be made to the Mandan City Commission on April 6th.

SWIF Update: Karli Frohling reviewed the 2018 System Wide Improvement Framework (SWIF). Once HDR has received the required information from Toman Engineering, the data will be submitted to the USACE.

Annual encroachment letters will be prepared for approximately 17 properties. HDR will send out the letters in May.

Property Within Floodplain: Discussion on taking ownership responsibility of certain parcels owned by the City of Mandan near the 3rd Street SE/Trolley bridge area #65-5842000 (SA = \$212.10); #65-5839000 (SA = \$54.74); #65-5836000 (SA = \$30.89); #65-5844000 (SA = \$30.89) letter of interest has been submitted to the City of Mandan and haven’t heard when it will be presented to the City Commission. Bill Robinson will check with the City.

The Shores at Lakewood: Developer of this property has provided the Corps with required work for review. Also provided this information to HDR for O&M compliance. The USACE review has not been completed or received at this time. Chairman Robinson submitted an email to City Planning indicating its’ present opinion of concerns until a qualified review of the developer’s plan is completed and satisfactory.

301 Riverwood Ave SE: Mandan Planning and Zoning will be considering approval of a Special Use Permit. The site plan includes a water retention area. Lower Heart will request the necessary steps of Corps compliance before approval can be received. The site plan may have encroachment issues. Lower Heart will clarify and require the developer to comply with necessary easement prior to approval being granted.

Other Items:

Charles Williamson – Chairman Robinson and Jim Neubauer are looking into advancing the removal of the final mobile home. Jim Neubauer has passed information on to the City Attorney and has not received comment back yet. It is the responsibility of the property owner to remove the trees and home from the property.

2021 Spring runoff conditions –Spring runoff is complete with no issues.

Survey Stakes – Bill Robinson ordered a box of 25 survey stakes.

Chairman Robinson adjourned the meeting at 3:40 p.m.

Next meeting is Tuesday, April 27 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
April 27, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Andy Zachmeier, County Commissioner; Vicki Twerdochlib, HDR Engineering (phone); Shawn Ouraduk, HDR Engineering (phone); Todd Joersz, ND Dept of Emergency Services (phone); Mayor Tim Helbling (phone); Cody Mattson, Morton County Emergency Manager (phone) and Jim Neubauer, City of Mandan (phone).

The minutes of the March 23, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for April and the financial report for March 2021 were reviewed. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Shauna Laber made a motion to approve the invoices and financial report, seconded by Ryan Jockers. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 February 28, 2021 to March 27, 2021	\$58,901.87
HDR Engineering, Inc.	General Engineering Services – Task Order 3 January 31, 2021 to March 27, 2021	\$2,182.62
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 6 January 22, 2021 to March 27, 2021	\$2,425.00
Dakota Appraisal	Appraisal Report-711 7 th St SW Mandan	\$7,500.00
Shauna Laber	1 st Quarter Salary (Resubmitted)	\$277.05
ND Tax Commissioner	ND State Income Tax	\$40.00

Local Cost-Share Planning for Phase 3: Todd Joersz with the ND Department of Emergency Services presented on the FEMA grant annual application process called the BRIC Grant. This is a competitive grant relating to protecting the community which the Lower Heart levee project would qualify for. A cost analysis would need to be prepared and submitted which could be prepared by HDR Engineering. The Grant favors projects that have partnerships with other entities, such as the City of Mandan and the State Water Commission. Cost sharing options are looked at favorably with the Grant. HDR estimates the costs to pull the cost analysis together would be \$50,000 and HDR is in support of pulling a BRIC application in place. Todd Joersz will obtain information from FEMA and work with HDR and share with the Board at their May meeting.

HDR presented information from the April 7 cost share meeting between Lower Heart (Ryan Jockers and Bill Robinson) and HDR Engineering (Dennis Reep, Karli Frohling and Natalie Pierce). Information was presented regarding the flood inundation area and the costs of flood insurance. After discussion, having the cost share based on the city assessment method makes the most sense. The Board talked about shifting their efforts on Task Order 6 to a city appraisal and to modify the task order requesting HDR to stand down for the time being until we apply and receive response on the BRIC grant to know what kind of cost share we are looking at between the entities (FEMA, State Water Commission and City). Dennis will update the State on the FEMA grant application. Shauna Laber made a motion for Lower Heart River WRD to request the City of Mandan to set up a special assessment district in order to support this project, seconded by Mitch Bitz. Motion was unanimously approved.

Update on Mandan Flood Risk Reduction Plan:

3rd Street and Cut-Off Levee: Vicki Twerdochlib, HDR Engineering, provided a written update on the estimated cost differences between the 3rd Street levee vs the cut-off levee. Approximate costs were \$1mm for the 3rd Street Levee and \$3.3mm for the cut-off levee. HDR is requesting direction from the Board on moving forward. The Board discussed developing a clarifying document with the City on the 3rd Street levee and who pays for what to maintain this roadway as a levee in the upcoming years. Luci Snowden made a motion to move forward with the 3rd Street levee option rather than the cut-off levee option and for HDR to proceed with that option, seconded by Mitch Bitz. A roll call vote was held with Luci Snowden, Mitch Bitz, Ryan Jockers and Bill Robinson voting in favor of the 3rd Street levee option. Shauna Laber voted against using 3rd street as a levee option.

SWIF Update: Karli Frohling reviewed the 2018 System Wide Improvement Framework (SWIF). Information has not been received from Toman Engineering yet. HDR will prepare and mail the annual encroachment letters to property owners.

Levee inspection by USACE subcontractor (RJH Consultants) is scheduled to begin on Tuesday, May 4th. Bill Robinson and Karli Frohling will work to complete the RJH pre-inspection questionnaire. Barry Beechie will be available to operate the security and flood gates for the inspection.

The Board adjourned at 4:10 p.m. and went into Executive Session.

Next meeting is Tuesday, April 27 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of the Executive Session
Of the Board of Managers
Of the Lower Heart River WRD
April 27, 2021
4:12 p.m. – Veteran’s Room
Mandan City Hall

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

Fasching Property: The Board reviewed the value loss appraisal on the property. Shauna Laber and Bill Robinson have a meeting scheduled with Jan and Rayette Fasching to discuss on Monday, May 3rd at 4:30 p.m. The Board discussed the appraisal and potential offers that could be presented to the landowners.

Kist Property: The Board reviewed the appraisal on the property. Chairman Robinson will work with 2-4 banks on financing costs and present best option at the May meeting. Chairman Robinson will also work on a purchase agreement with the Kist’s.

Legal Counsel: Chairman Robinson has reviewed a resume from Dan Anderson, an attorney with Legacy Law Firm. Mr. Anderson has experience in lease purchases. Chairman Robinson urged board members to look at his resume on their website and let him know.

Luci Snowden made a motion to adjourn executive session at 4:20 p.m., seconded by Shauna Laber and carried unanimously.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
April 27, 2021
4:30 p.m. – Veteran’s Room
Mandan City Hall

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

Fasching Property: Luci Snowden made a motion to initiate the property offering at \$31,000 up to a limit of \$40,000 for the deed and easement on said property, seconded by Ryan Jockers. Roll call vote was held with Luci Snowden, Ryan Jockers, Mitch Bitz, Shauna Laber and Bill Robinson voting in favor of the motion.

Kist Property: Shauna Laber made a motion to offer the appraised value of \$164,000 to the Kist family, seconded by Luci Snowden. Roll call vote was held with Luci Snowden, Ryan Jockers, Mitch Bitz, Shauna Laber and Bill Robinson voting in favor of the motion.

Legal Counsel: Ryan Jockers made a motion for Chairman Robinson to acquire legal counsel for the Kist property transaction and for future transactions, seconded by Shaun Laber. Roll call vote was held with Luci Snowden, Ryan Jockers, Mitch Bitz, Shauna Laber and Bill Robinson voting in favor of the motion.

The Board adjourned at 4:45 p.m.

Next meeting is Tuesday, April 27 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
May 25, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Ken Nysether, HDR Engineering; Jasper Klein, AE2S; Shawn Ouraduk, HDR Engineering (phone); John Cambridge, HDR Engineering; Mayor Tim Helbling (phone); and Cody Mattson, Morton County Emergency Manager..

The minutes of the April 27, 2021, Board Meeting were presented. Motion to approve minutes by Mitch Bitz, seconded by Shauna Laber. Motion passed unanimously.

Monthly bills for May and the financial report for April 2021 were reviewed. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Chairman Robinson explained the land lease parcel tax statements that were previously billing to Dean Gerving and the reimbursement being made to Gerving. The Morton County tax statements have been updated to the name of Lower Heart and Lower Heart will bill Spence Koenig for the taxes due this year. Mitch Bitz made a motion to approve the invoices and financial report, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 March 28, 2021 to April 24, 2021	\$38,250.77
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 6 March 28, 2021 to April 24, 2021	\$4,445.00
Schlosser Excavating, Inc.	Shop Water Valves Repair	\$1,420.00
Gerving Brothers LLP	Real Estate Tax Reimbursement	\$981.99
HUB International	Insurance- General Liability Renewal/ Inland Marine Renewal/Auto Renewal	\$2,717.00
Mandan Municipal Landfill	Landfill Charges	\$10.00
Warren’s Locks & Keys	12 Master Locks	\$182.00
Mandan Tire Center	Tractor Tires Switching	\$337.50

Local Cost-Share Planning for Phase 3: Dennis Reep, HDR Engineering, discussed the City of Mandan taking ownership of the assessment district process with a June 15th City Commission Meeting target date. Discussion on the levee protected and non-protected parcels analysis with various allocation methodologies and funding scenarios with the State Water Commission and possible BRIC grant. Consensus was to use unit vs square footage and a 65/35 split. Ryan Jockers and Bill Robinson will get together with HDR one more time to prep for the City Commission meeting on June 15th. HDR will prepare a letter to the City of Mandan to be put on the June agenda.

The intent is to apply for the BRIC grant with a possible award in the summer of 2022. The benefits of receiving the BRIC grant far outweigh the risks of not applying for the grant. Anticipated costs to prepare the BRIC grant is \$50,000 of which some of the work has already been done. If the BRIC grant is awarded, the balance would be split 60% from Federal level, 20% from State level and 20% from the local level. The consensus of the board is that HDR review what information needs to be gathered for the BRIC grant and if the Board needs to meet before the next meeting, they can do that.

Update on Mandan Flood Risk Reduction Plan:

3rd Street and Cut-Off Levee: Jasper Klein, AE2S, presented information on the ND DOT storm water lift station and the 3rd Street storm water lift station which are approximately 1,500 feet from each other if both of them are constructed with a \$7.2mm combined cost. Discussion on utilizing just one lift station in this area with possible job and maintenance cost share between Lower Heart and NDDOT. Schedules for both projects are trending to 2023 construction.

Lower Heart Board discussed utilizing the spur dike or cut-off levee in light of recent information and possible work with NDDOT. Shauna Laber made a motion for HDR and their staff to pursue the spur dike in light of the new information and possible work with NDDOT on a cost share for the lift station. Luci seconded the motion. A roll call vote was done with Luci Snowden, Shauna Laber, Mitch Bitz, Ryan Jockers and Bill Robinson all voting in favor of the motion. Motion passed to proceed with the spur dike.

Reach 2 and Reach 5 of the flood wall was discussed by John Cambridge, HDR Engineering.

The website has been populated with some draft material. Board members are encouraged to take a look and offer feedback

SWIF Update: Karli Frohling, HDR Engineering, reviewed the 2018 System Wide Improvement Framework (SWIF). Information has not been received from Toman Engineering yet. HDR has prepared and sent the annual encroachment letters to property owners. Board members have been receiving calls on the encroachment letters.

Levee inspection by USACE subcontractor (RJH Consultants) was held from May 4th through the 10th. Post inspection meeting noted animal burrows, foot traffic erosion in high traffic areas, 3rd Street to Memorial Highway segment – encroachment/trees/dirk and one gate structure is inoperable.

Other Items:

Charles Williamson – The mobile home is still standing. The city attorney has been in contact with him.
Shores At Lakewood – Corps has not responded to developers. Bill Robinson will discuss with Justin from the City of Mandan on holding off until we hear back from the Corps.

301 Riverwood Ave SE review by USACE- unknown to LHRWRD if a submission to review occurred.
LHRWRD sent letter to developer, engineer and City Building and Inspections of need to do so.

The Board adjourned at 3:40 p.m. and went into Executive Session.

Next meeting is Tuesday, June 22 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of the Executive Session
Of the Board of Managers
Of the Lower Heart River WRD
May 25, 2021
3:42 p.m. – Veteran’s Room
Mandan City Hall

Attendees: Bill Robinson, Chairman; Luci Snowden, Manager; Mitch Bitz, Manager (phone); Shauna Laber, Manager (phone) and Carol Beechie, Secretary/Treasurer.

Fasching Property: Shauna Laber and Bill Robinson reviewed their discussion on the Fasching property. Acquisition of the two parcels and easement access was discussed. Bill Robinson has talked with attorney on deed and assessments. Costs of acquisition:

\$5,083	Lot 5 deed
\$2,000	Easement Access – Lot 5
\$43,480	Lot 6 deed
<u>\$5,000</u>	Easement Access – Lot 6
\$55,563	Total Acquisition Cost

Kist Property: Bill Robinson reviewed the borrowing options. He sent information to 6 banks within the Lower Heart River flood protection area and received responses back from 3: Security First Bank, Starion Bank and American Bank Center. Security First Bank offered tax exempt 5 year at 3.28%, non-tax exempt at 3.99%. Origination fee would be waived. Starion Bank offered a 10 year loan at 3.65% with balloon payment in 5 years or a 10 year fixed at 4.45%. \$100 origination fee. American Bank Center offered a tax exempt 5 year loan at 2.82% or a 10 year fixed at 3.25%, \$250 origination fee and we pay closing costs. Bill Robinson recommends American Bank Center as the most competitive offer.

Luci Snowden made a motion to adjourn executive session at 4:00 p.m., seconded by Shauna Laber and carried unanimously.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
May 25, 2021
4:02 p.m. – Veteran’s Room
Mandan City Hall

Attendees: Bill Robinson, Chairman; Luci Snowden, Manager (phone); Mitch Bitz, Manager (phone); Shauna Laber, Manager (phone) and Carol Beechie, Secretary/Treasurer.

Fasching Property: Shaun Laber made a motion to present offer not to exceed \$56,000.00 on the properties and easement areas. Motion was seconded by Mitch Bitz. Roll call vote was held with Luci Snowden, Mitch Bitz, Shauna Laber and Bill Robinson voting in favor of the motion.

Kist Property: Mitch Bitz made a motion to finance the Kist property purchase through American Bank Center on a 10 year fixed rate of 3.25%, seconded by Shauna Laber. Roll call vote was held with Luci Snowden, Mitch Bitz, Shauna Laber and Bill Robinson voting in favor of the motion.

The Board adjourned at 4:10 p.m.

Next meeting is Tuesday, June 22 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
June 22, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; and Mayor Tim Helbling (phone).

The minutes of the May 25, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for June and the financial report for May 2021 were reviewed. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Chairman Robinson stated that he will be submitting a packet to the State Water Commission for reimbursement for the past 6 months. Luci Snowden made a motion to approve the invoices and financial report, seconded by Shauna Laber. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Reduction – Task Order 6 April 25, 2021 to May 22, 2021	\$8,715.00
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 April 25, 2021 to May 22, 2021	\$29,317.02
HDR Engineering, Inc.	General Engineering Serv-Task Order 3 March 28, 2021 to May 22, 2021	\$3,113.73
City of Mandan	Auto Fuel	\$58.14
William Robinson	Boundary Markers Reimbursement	\$449.96
William Robinson	Salaries 2 nd Quarter	\$554.10
Ryan Jockers	Salaries 2 nd Quarter	\$738.80
Mitch Bitz	Salaries 2 nd Quarter	\$369.40
Luci Snowden	Salaries 2 nd Quarter	\$369.40
Shauna Laber	Salaries 2 nd Quarter	\$369.40
Carol Beechie	Salaries 2 nd Quarter	\$1,092.31

Local Cost-Share Planning for Phase 3: Dennis Reep, HDR Engineering, updated the Board on the conversations that were held with the City of Mandan and the Morton County Commission. HDR has refined and processed the data to support the assessment project and prepared a letter to the City, County Commission and State Water Commission so they are aware of the joint venture between the entities. HDR drafted a letter to the State Water Commission to provide a brief update on our project status and to request a letter of commitment from the NDSWC. Luci Snowden made a motion to approve Chairman Robinson signing the letter to the State Water Commission requesting their commitment/support, seconded by Shauna Laber and carried.

Update on Mandan Flood Risk Reduction Plan:

3rd Street and Cut-Off Levee: Jasper Klein, AE2S, met with the North Dakota Department of Transportation regarding using a combined lift station between the two projects and are in support of a joint lift station. Using 3rd street as a levee is worthy of further analysis.

In preparation of legal work that needs to be completed for securing land and easements, the Board discussed who could sign the necessary documents. Luci Snowden made a motion to have Bill Robinson and Shauna Laber act as signers for legal documents for purchase of real estate and/or easements, seconded by Mitch Bitz and carried unanimously.

SWIF Update: Information from the levee inspection by USACE subcontractor (RJH Consultants) was held on May 10th. Post inspection meeting noted animal burrows, foot traffic erosion in high traffic areas, 3rd Street to Memorial Highway segment – encroachment/trees/dirt and one gate structure is inoperable – Barry Beechie has corrected breakdown and gate is now operational. Chairman Robinson met with SW Mandan property owners to discuss encroachments. Chairman Robinson also met with Wildwood Park Manager to discuss encroachments.

The 55 and older community developer is looking to expand his development later this summer or early fall. Nothing has been filed with the City yet on this development expansion. Chairman Robinson will check with the City.

Other Items:

Charles Williamson – The mobile home is projected to be moved off City land by the end of July. Shores At Lakewood review by USACE is yet to be received by LHRWRD and developer. Chairman Robinson met with the City of Mandan to discuss Q&A with residents and sent written response to questions of adjacent landowner.

301 Riverwood Ave SE review by USACE is unknown to LHRWRD if a submission to review has occurred. LHRWRD sent letter to developer, engineer and City Building & Inspections of need to do so.

2021 City ban on fireworks – levee watch is substantially minimized with the ban on fireworks this year

The Board adjourned at 3:00 p.m.

Next meeting is Tuesday, July 27 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
July 27, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

Attendees: Bill Robinson, Chairman; Shauna Laber, Manager; Ryan Jockers, Manager (phone); Mitch Bitz, Manager (phone); and Carol Beechie, Secretary/Treasurer.

Also in attendance: Dennis Reep, HDR Engineering; Ryan Anderson, HDR Engineering; Craig Mizern, HDR Engineering; John Cambridge, HDR Engineering (phone); Vicki Twerdochlib, HDR Engineering (phone); Jasper Klein, AE2S; Ardin Striefel, NDDOT (phone); Paul Hester, BNSF (phone); Mayor Tim Helbling (phone) and Andy Zachmeier, Morton County Commissioner.

The minutes of the June 22, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Mitch Bitz. Motion passed unanimously.

Monthly bills for July and the financial report for June 2021 were reviewed. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Chairman Robinson has submitted a letter to ND-SWC for cost-share reimbursement for final Phase 1 invoices totaling \$34,658.62. LHRWRD receives 35% SWC program funding of this total. A letter has been submitted to the ND-SWC closing out our cost-share participation for Phase 1. Chairman Robinson submitted letter to ND-SWC for cost share reimbursement for Phase II progress invoices totaling \$348,808.60. LHRWRD receives 60% SWC program funding of Phase II. Ryan Jockers presented the 2022 LHRWRD budget to the Morton County Commission for consideration on July 21st requesting 4 mills for LHRWRD. Shauna Laber made a motion to approve the invoices and financial report, seconded by Mitch Bitz. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 May 23, 2021 to June 26, 2021	\$73,426.35
HDR Engineering, Inc.	Flood Risk Reduction – Assessment District May 23, 2021 to June 26, 2021	\$4,606.25
Ternes Outdoor Services	Chemicals, Spraying and Labor Charges	\$4,653.15
Bullinger Tree Service	243 S Prairie Lane limb removal	\$650.00
HUB International	Property Renewal Insurance	\$406.00
U.S. Geological Survey	Operation & Mtce Monitoring Gages October 1, 2021 to September 30, 2022	\$5,305.00
ND Workforce Safety & Ins.	Premium (6/1/2021 to 5/31/2022)	\$250.00
ND Tax Commissioner	ND State Income Tax	\$40.00

Local Cost-Share Planning for Phase 3: Chairman Robinson has been in conversation with Chairman Wade Bachmeier of the Morton County WRD in possible participation in assisting with costs associated with the Flood Risk Reduction Project (FRRP). Morton County WRD will discuss with their Board and updates will occur as we proceed with project planning. Chairman Robinson has received a draft of a Joint Powers Agreement from the City of Mandan on July 21st with a review underway.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided an update (see Project Update – Phase 2 dated July 27, 2021).

Floodwall Improvement Area: Manager Laber stated that legal work is in process for securing land and easement for the FRRP.

3rd Street and Cut-off Levee: Design details were presented by John Cambridge and Vicki Twerdochlib, HDR Engineering, regarding 3 separate options on combined lift stations with the Memorial Highway project and the corresponding levee work (see 3rd Street Alternatives Cost Comparison – Phase 2 dated July 19, 2021). After considerable discussion regarding the pros and cons of each option, Manager Shauna Laber made a motion to move forward with MLS 3rd Street S (Cut-off/Spur Dike Levee) with an estimated probable construction cost of \$7,489,000, seconded by Mitch Bitz. Roll call vote was held with Chairman Robinson, Managers Laber, Bitz and Jockers voting Yes. Motion passed.

Ardin Striefel, NDDOT, requested information to take back to his management on the levee option and get approval. Agreement needs to be performed between NDDOT, City of Mandan and LHRWRD on maintenance costs.

BRIC Application Grant: Dennis Reep, HDR Engineering, stated that based on the National Flood Insurance Program (NFIP) requirements, we may want Morton County to be the applicant for the BRIC grant. Chairman Robinson will work with Dawn Rhone, Morton County Auditor, to get on the County Commission Agenda to discuss.

SWIF Update: HDR presented information related to Task Order 8, Project Name: Lower Heart River Levee System Section 408 Authorization Request. Section 408 authorization request package is to modify the official levee alignment to remove two segments from the North Unit. Approximate cost of Task Order 8 is \$237,168. Shauna Laber made a motion for HDR to create Task Order 8, Project Name: Lower Heart River Levee System Section 408 Authorization Request, seconded by Mitch Bitz. Roll call vote was held with Chairman Robinson, Managers Laber, Bitz and Jockers voting Yes. Motion passed.

Other Items:

*Charles Williamson – The mobile home currently has the skirting removed.

*Shores At Lakewood review by USACE is still ongoing.

*301 Riverwood Ave SE review by USACE is unknown to LHRWRD if a submission to review has occurred.

*Paul Hester, BNSF Railroad, discussed a safety exercise to be held within the Heart River. BNSF is working with Morton County Emergency Management and Pinnacle Engineering on this exercise. LHRWRD requested a MOU be drawn up to understand the scope of this exercise.

*Sunny Unit encroachment letter from Laura Helbling (Dave Sterna). Chairman Robinson will respond to Laura Helbling.

The Board adjourned at 4:00 p.m.

Next meeting is Tuesday, August 24 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
August 24, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

Attendees: Bill Robinson, Chairman; Luci Snowden, Manager; Mitch Bitz, Manager; Shauna Laber, Manager (phone); and Carol Beechie, Secretary/Treasurer.

Also in attendance: Dennis Reep, HDR Engineering; Vicki Twerdochlib, HDR Engineering (phone); Jasper Klein, AE2S; Mayor Tim Helbling (phone); Cody Mattson, Morton County Emergency Manager (phone) and Andy Zachmeier, Morton County Commissioner.

The minutes of the July 27, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Mitch Bitz. Motion passed unanimously.

Monthly bills for August and the financial report for July 2021 were reviewed. Chairman Robinson is still working with Toman Engineering regarding the invoice they submitted in January for levee survey work. Reimbursement has been received from the ND-SWC for cost-share reimbursement for final Phase 1 invoices totaling \$34,658.62. LHRWRD receives 35% SWC program funding of this total. Reimbursement has also been received from the ND-SWC for cost share reimbursement for Phase II progress invoices totaling \$348,808.60. LHRWRD receives 60% SWC program funding of Phase II. Ryan Jockers presented the 2022 LHRWRD budget to the Morton County Commission for consideration on July 21st requesting 4 mills for LHRWRD and we should hear back in September from the Morton County Commission. Luci Snowden made a motion to approve the invoices and financial report, seconded by Shauna Laber. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 June 27, 2021 to July 31, 2021	\$70,706.00
HDR Engineering, Inc.	General Engineering Services – Task Order 5 May 23, 2021 to July 31, 2021	\$595.99
Bullinger Tree Service	Remove tree on shed @ 613-615 W Prairie Lane (\$1,200.00 Inv 4200) Remove section of tree down on shed at 615 W Prairie Lane (\$600.00 Inv 4237)	\$1,800.00

Local Cost-Share Planning for Phase 3: Chairman Robinson has received a draft on July 21st of a Joint Powers Agreement from the City of Mandan with a review underway. BRIC Grant letter has been sent to the Morton County Commission seeking its participation in assisting with application access for submission on the Mandan Flood Risk Reduction Project. If FEMA BRIC grant is secured, NDDWR cost share is 50% of non-federal share. NDDES is tentatively suggesting a 60% federal cost share (maximum is 75%) to optimize success of grant application. In that scenario, the breakdown would be 60-20-20

(federal, state, local). Ryan Jockers will be speaking on this topic at the September Morton County Commission meeting. ND Department of Water Resources has sent to Lower Heart River WRD its support for the grant application and Lower Heart River WRD intentions should we be awarded approval.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided an update (see Project Update – Phase 2 dated August 24, 2021). Chairman Robinson will visit with Spence Koenig and Kists regarding access to their property to conduct geotechnical field investigation. Discussion on land belonging to Scott Johnson that is in the Missouri River floodplain and possible dike options to protect his property. The board authorized HDR to pull title and start survey process.

Floodwall Improvement Area: Manager Laber stated that legal work is in process for securing land and easement for the FRRP.

3rd Street and Cut-off Levee: HDR will send information to the Lower Heart River WRD Board on the cut-off/spur dike levee analysis. NDDOT should be discussing and a decision document will be created upon their review and direction.

SWIF Update: Lower Heart River WRD has had two occasions of trees falling within resident properties in Meadow Park. Chairman Robinson contracted Bullinger Tree Service for removal and cleanup.

Mandan Park District is looking for water access to the river south of the golf course to water the ball diamonds.

The update to the SWIP plan is overdue and an update needs to be sent to the Corps as to what has been done in the interim. Karli will be back from maternity leave in a couple of weeks and will work on the SWIF plan update upon her return. Section 408 authorization request package is to modify the official levee alignment to remove two segments from the North Unit will also be included in the SWIF plan.

Other Items:

- *Charles Williamson – The mobile home has been removed.
- *Shores At Lakewood review by USACE is still ongoing. Developer does want to meet with Mandan Planning & Zoning regarding this project.
- *301 Riverwood Ave SE review by USACE is unknown to LHRWRD if a submission to review has occurred.
- *Paul Hester, BNSF Railroad, discussed a safety exercise to be held within the Heart River. BNSF is working with Morton County Emergency Management and Pinnacle Engineering on this exercise. LHRWRD requested a MOU be drawn up to understand the scope of this exercise.
- *Nexus Consulting is submitting a grant application on behalf of the City to put a permanent pumping station on West Highway 10.

The Board adjourned at 3:20 p.m.
Next meeting is Tuesday, September 28 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
September 28, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohlich, HDR Engineering; Joel Rostberg, Morton County Emergency Mgmt; Vicki Twerdochlib, HDR Engineering (phone); John Cambridge, HDR Engineering (phone); Jasper Klein, AE2S (phone); Mayor Tim Helbling (phone); and Andy Zachmeier, Morton County Commissioner.

The minutes of the August 24, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for September and the financial report for August 2021 were reviewed. Ryan Jockers presented the 2022 LHRWRD budget to the Morton County Commission on July 21st for consideration requesting 4 mills for fiscal year 2022 and we should hear back on approval of budget by next meeting. Shauna Laber made a motion to approve the invoices and financial report, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 August 1 to August 28, 2021	\$70,052.05
HDR Engineering, Inc.	Flood Risk Assessment Dist - Task Order 6 June 27 to August 28, 2021	\$773.75
Morton County Auditor	2020 Audit Expense	\$3,500.00
Mandan Park District	2021 Payment	\$18,594.47
William Robinson	1 st Quarter Salary (resubmitted)	\$369.40
William Robinson	3 rd Quarter Salary	\$461.75
Ryan Jockers	3 rd Quarter Salary	\$369.40
Mitch Bitz	3 rd Quarter Salary	\$277.05
Luci Snowden	3 rd Quarter Salary	\$184.70
Shauna Laber	3 rd Quarter Salary	\$369.40
Carol Beechie	3 rd Quarter Salary	\$1,092.31

Local Cost-Share Planning for Phase 3: Chairman Robinson has received a draft of a Joint Powers Agreement from the City of Mandan on July 21. General approval of the Joint Powers Agreement has been returned to the City along with comments. The application window for the BRIC grant opens on

September 30. Ryan Jockers presented the BRIC grant information to the County Commission on September 9. Assessment information should be available at the October Board Meeting for review.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided an update (see Project Update – Phase 2 dated September 28, 2021).

Floodwall Improvement Area: Manager Laber stated that corrected plat which provides right of way for Lower Heart has been signed. An easement agreement needs to be put in place to note the 24 hour notice if Lower Heart needs to use that access with the exception of emergency flood situations. Legal work and closing continue to be worked on.

Lower Unit Stability Berm: Dennis Reep, HDR Engineering, has been in discussion with Scott Johnson on the stability berm in the lower unit. Scott Johnson would like the levee to be extended down to the Missouri River to provide protection for his property in that area. The board discussed the possibility of extending the levee and other possible options. HDR will acquire title for the area so they can review the request and situation. The Board will visit with adjacent landowners to the lower unit stability berm to obtain their thoughts.

SWIF Update: Karli Frohling, HDR Engineering, announced that the Corps requires an updated SWIF plan to be submitted. The SWIF plan has been updated w/ current progress and scheduling changes. Information will be emailed to the Board members for review and approval. Chairman Robinson requested the board members to review the SWIF plan and email him with any questions by October 5. Manager Laber made a motion to approve the SWIF plan update pending Karli sending the SWIF plan to the Board members to review and provide comments by October 5th. If no revisions, HDR has the authority to submit any time after that. Motion was seconded by Mitch Bitz and carried unanimously.

Water intake for Mandan Parks: Mandan Park District is looking for water access to the river south of the golf course to water the ball diamonds. On September 30th, Dennis Reep and Karli Frohling from HDR and Chairman Robinson met with Burian & Associates, LLC to discuss the water intake. Burian & Associates is representing Mandan Parks.

Shores of Lakewood: The Lower Heart River WRD Board is still waiting for USACE review.

Other Items:

*Charles Williamson – The mobile home has been removed, but sheds remain on the property.

*301 Riverwood Ave SE reviewed by USACE. Toman Engineering is processing submission to USACE for review.

*BNSF Railroad, via Pinnacle Engineering, is planning a safety exercise within the Heart River. To be coordinated by Morton County Emergency Management and Pinnacle Engineering

The Board adjourned at 3:55 p.m.

Next meeting is Tuesday, October 26 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
October 26, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohlich, HDR Engineering; Randy Wilson; Vicki Twerdochlib, HDR Engineering (phone); John Cambridge, HDR Engineering (phone); and Mayor Tim Helbling (phone).

The minutes of the September 28, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Mitch Bitz. Motion passed unanimously.

Monthly bills for October and the financial report for September 2021 were reviewed. Mitch Bitz made a motion to approve the invoices and financial report, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	BRIC Grant Application – Task Order 7 July 12, 2021 to September 25, 2021	\$1,550.00
HDR Engineering, Inc.	General Engineering Services – Task Order 3 August 1, 2021 to September 25, 2021	\$5,885.00
HDR Engineering, Inc.	To 8 Levee System Section 408 Permit August 6, 2021 to September 25, 2021	\$2,280.00
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 August 29, 2021 to September 25, 2021	\$84,377.73
Ternes Outdoor Services	Dike Spraying	\$4,101.40
Dakota Fire Station, Inc.	Fire Extinguisher Inspection	\$52.40
City of Mandan	Auto – Fuel	\$100.72
Mandan Municipal Landfill	Landfill Charges	\$7.00
ND Tax Commissioner	State Withholding Tax	\$40.00

Local Cost-Share Planning for Phase 3: Chairman Robinson received a draft on July 21st of a Joint Powers Agreement from the City of Mandan. General approval of the Joint Powers Agreement has been returned to the City along with comments. The Joint Powers Agreement should be discussed at the November 16th City Commission Meeting. Karli Frohling, HDR Engineering, presented the preliminary costs on the assessment analysis using the BRIC grant. The American Rescue Plan Act is a \$20 million project and an email was submitted to the Interim Committee for consideration of providing funding assistance for the Mandan Flood Risk Reduction Plan. In person testimony was provided by Chairman

Robinson on Tuesday, October 19th. A webex meeting was held on October 13th between HDR staff, Chairman Robinson and Manager Jockers to discuss the special assessment process before presenting to the City of Mandan on November 16th.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided an update (see Project Update – Phase 2 dated October 26, 2021).

Floodwall Improvement Area: Manager Laber stated that the corrected plat has been filed and the landowners are in agreement with the corrected plat. The plat will be signed, notarized and back to City Hall for recording and a record number. Closing can be scheduled.

Dan VanderVorst, HDR Engineering, had an information gathering session with landowner, Gerving. John Cambridge, HDR Engineering, would need to perform hydraulic modeling. Manager Mitch Bitz made a motion to authorize 3 dry side appraisals and 1 mass appraisal for the wet side and for Shauna Laber to line up the appraisal. Motion seconded by Shauna Laber. Motion was carried unanimously.

Lower Heart is still waiting for a decision back from the NDDOT regarding the details of the combined lift station.

SWIF Update: Karli Frohling, HDR Engineering, presented the SWIF update. Lower Heart WRD with HDR's assistance has compiled a SWIF Plan update for the USACE. Outstanding survey data is owed to the Corps by June 2022. Chairman Robinson will schedule a meeting with Toman to discuss. The O&M manual was submitted in May 2019 and we have not heard back on the manual yet. HDR is going to request an update from Carolyn, SWIF Coordinator. Two inspections have been completed since the O&M manual submission and we have not heard back on those inspections either. Karli will also check with Cody Mattson, Morton County Emergency Manager, on the Floodplain Plan.

Shores of Lakewood: The Lower Heart River WRD Board is still waiting for USACE review.

Water intake for Mandan Parks: Burian and Associates will continue to advance their study of this project. This would be a gravity intake under the levee.

Memorial Highway Flood Gate Structure: This structure needs to be moved for the Meadowlands development. Chairman Robinson has been in contact with Barry Jennings, Meadowlands owner. Robinson and Bitz will work through this location.

Other Items:

*Charles Williamson – The mobile home has been removed, but sheds remain on the property.

*301 Riverwood Ave SE reviewed by USACE. Toman Engineering is processing submission to USACE for review.

*BNSF Railroad, via Pinnacle Engineering, is planning a safety exercise within the Heart River. To be coordinated by Morton County Emergency Management and Pinnacle Engineering

The Board adjourned at 3:25 p.m.

Next meeting is Tuesday, November 23 at 2 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
November 23, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

Attendees: Bill Robinson, Chairman; Mitch Bitz, Manager; Shauna Laber, Manager; Luci Snowden, Manager; Ryan Jockers, Manager and Carol Beechie, Secretary/Treasurer.

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohlich, HDR Engineering; Vicki Twerdochlib, HDR Engineering (phone); John Cambridge, HDR Engineering (phone); Craig Mizera, HDR Engineering (phone); Brenda Levos, HDR Engineering (phone); Ally Carson, HDR Engineering (phone); Dan VanderVorste, HDR Engineering (phone); Justin Froseth, City of Mandan; Andrew Stromme, City Planning; Jordan Singer, City Building Inspector; Jasper Klein, AE2S Engineering; Andy Zachmeier, Morton County Commissioner; Arthur Goldammer, Verity Homes/TRX Developers and Mayor Tim Helbling (phone).

The minutes of the October 26, 2021, Board Meeting were presented. Motion to approve minutes by Shauna Laber, seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for November and the financial report for October 2021 were reviewed. Mitch Bitz made a motion to approve the invoices and financial report, seconded by Shauna Laber. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	Assessment District – Task Order 6 August 29, 2021 to October 23, 2021	\$2,991.25
HDR Engineering, Inc.	BRIC Grant Application – Task Order 7 September 26, 2021 to October 23, 2021	\$3,598.75
HDR Engineering, Inc.	To 8 Levee System Section 408 Permit September 26, 2021 to October 23, 2021	\$3,780.75
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 September 26, 2021 to October 23, 2021	\$55,605.61
HDR Engineering, Inc.	General Engineering Services – Task Order 3 September 26, 2021 to October 23, 2021	\$3,121.25
Morton County Weed Board	14 Gallons Tordon 22K Herbicide	\$168.00
City of Mandan	Auto Fuel	\$138.91

Shores of Lakewood – SE Mandan Development Proposal: Arthur Goldammer, Verity Homes, was present to discuss the draft development agreement between Verity Homes and Lower Heart River WRD. Discussion revolved around allowing and now allowing basements, fences/markers or no fences/markers, the seepage analysis, access easements and covenants. Mr. Goldammer will resend the draft development agreement to the board members. Lower Heart River WRD Board members will review and discuss at next meeting. Lower Heart needs to include our specific requirements in the development agreement. Legal review should also be done before the next meeting.

Local Cost-Share Planning for Phase 3: Chairman Robinson received a draft on July 21st of a Joint Powers Agreement from the City of Mandan. General approval of the Joint Powers Agreement has been returned to the City along with comments. The Joint Powers Agreement as edited has not been returned; however, the City of Mandan has verbally approved it. The cost share benefit ratio analysis is at the ND Department of Water Resources and is under review by the commission. Karli Frohling, HDR Engineering, has made good progress and presented the preliminary costs on the assessment analysis using the BRIC grant. Morton County will be the sub-applicant and maybe Ryan Jockers or Dennis Reep may attend an upcoming county commission meeting (December 9 and December 28) looking for a signature. The American Rescue Plan Act is a \$20 million project and an email was submitted to the Interim Committee for consideration of providing funding assistance for the Mandan Flood Risk Reduction Plan. In person testimony was provided by Chairman Robinson on Tuesday, October 19th. \$75 million in ARPA funds are to be administered by the ND Dept of Water Resources after the November Special Session. A meeting between HDR and City of Mandan was held on November 8th to discuss assessment method and process. Dennis Reep, HDR Engineering, will share FAQ with the Board members regarding the local cost share assessment and the rationale behind the decision. Discussion regarding upcoming communication with the public.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided an update (see Project Update – Phase 2 dated November 23, 2021).

Dan VanderVorst, ROW Specialist with HDR Engineering, had an information gathering session with landowner, Gerving. John Cambridge, HDR Engineering, has performed hydraulic modeling with good material obtained from borings. Defined plats are needed to order appraisals. Shauna Laber will contact the appraiser, but needs title package information, contact information for each landowner, defined area and GIS imagery underneath.

Legal work is in process for securing land and easement for the flood risk reduction project.

No decision has been made yet by the DOT on the joint lift station.

SWIF Update: No new items to present on the SWIF update. Hoping to receive O&M comments back by December 1st and will bring those comments to the next meeting.

Other Items:

*Charles Williamson – The mobile home has been removed, but sheds remain on the property.

*301 Riverwood Ave SE reviewed by USACE. Toman Engineering is processing submission to USACE for review.

*BNSF Railroad, via Pinnacle Engineering, is planning a safety exercise within the Heart River. To be coordinated by Morton County Emergency Management and Pinnacle Engineering

The Board adjourned at 4:05 p.m.

Next meeting is Tuesday, December 28 at 2 p.m.

Chairman

Secretary/Treasurer

Special Meeting
Of the Board of Managers
Of the Lower Heart River WRD
December 16, 2021
Via Phone

Attendees: Bill Robinson, Chairman; Mitch Bitz, Manager; Shauna Laber, Manager; Luci Snowden, Manager and Carol Beechie, Secretary/Treasurer.

This meeting was called to order at 3:05 p.m.

BRIC Application: Chairman Robinson reviewed the BRIC application grant cost share information. After discussion, Mitch Bitz made a motion to move forward with the 60% cost share request in the BRIC grant application, seconded by Luci Snowden. Motion passed unanimously.

Square Footage of Levee Lower Unit Stability Berm: Chairman Robinson reviewed the three parcels that comprise the levee lower unit stability berm. Discussion continued regarding an easement appraisal vs a purchase appraisal. Shauna Laber made a motion to move forward with requesting a purchase appraisal on the one parcel that contains the levee and an easement appraisal on the two remaining parcels. Motion was seconded by Mitch Bitz. Motion passed unanimously.

Kist Property Purchase: Chairman Robinson reviewed the abstract and title information regarding the Kist property. After discussion, Shauna Laber made a motion to purchase the Kist property for \$164,000.00 cash with the title work to be completed after the purchase and to secure financing after the closing. Motion was seconded by Luci Snowden. Motion passed unanimously.

Meeting adjourned at 3:25 p.m.

Chairman

Secretary/Treasurer

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
December 28, 2021
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Vicki Twerdochlib, HDR Engineering (phone); John Cambridge, HDR Engineering (phone); Tina Fricke-Robinson, HDR Engineering (phone); Ally Carson, HDR Engineering (phone); Jordan Singer, City Building Inspector; Jasper Klein, AE2S Engineering; Andy Zachmeier, Morton County Commissioner; Arthur Goldammer, Verity Homes/TRX Developers and Mayor Tim Helbling (phone).

The minutes of the November 23, 2021, Board Meeting and the December 16, 2021 Special Board Meeting were presented. Motion to approve both sets of minutes by Shauna Laber, seconded by Luci Snowden. Motion passed unanimously.

Monthly bills for December and the financial report for November 2021 were reviewed. Mitch Bitz made a motion to approve the invoices and financial report, seconded by Luci Snowden. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	General Engineering Services – Task Order 3 October 24, 2021 to November 20, 2021	\$1,005.00
HDR Engineering, Inc.	Flood Risk Design Phase 2= Task Order 5 October 24, 2021 to November 20, 2021	\$39,238.25
HDR Engineering, Inc.	To 8 Levee System Section 408 Permit October 24, 2021 to November 20, 2021	\$2,405.00
HDR Engineering, Inc.	BRIC Grant Application – Task Order 7 October 24, 2021 to November 20, 2021	\$11,981.25
HDR Engineering, Inc.	Assessment District – Task Order 6 October 24, 2021 to November 20, 2021	\$9,072.50
William Robinson	Registration Reimbursement for ND Water Convention & Irrigation Workshop	\$200.00
City Of Mandan	Auto – Fuel	\$23.86
William Robinson	4 th Quarter Salary	\$461.75
Ryan Jockers	4 th Quarter Salary	\$554.10
Mitch Bitz	4 th Quarter Salary	\$369.40
Luci Snowden	4 th Quarter Salary	\$369.40
Shauna Laber	4 th Quarter Salary	\$646.45
Carol Beechie	4 th Quarter Salary	\$1,092.31

Shores of Lakewood – SE Mandan Development Proposal: Arthur Goldammer, Verity Homes, was present to discuss the draft development agreement between Verity Homes and Lower Heart River WRD. Comments regarding the draft development agreement were received by HDR from the Board members prior to the meeting. HDR will compile the comments into one document and share with the Board members and Art Goldammer for final review and comments.

Closings on Levee and Flood Plain Real Estate and Farmland Lease for 2022:

Kist flood plain land: Mitch Bitz made a motion to sign the purchase agreement with the landowner with the agreement to lease back the land for one year, seconded by Luci Snowden. Motion passed unanimously. Shauna Laber will email leasing provision language to Bill Robinson.

Land Lease: The farmland that was leased by Spence Koenig expired in 2021 and will need to go up for bid again. Luci Snowden made a motion to put the land up for bid lease for one more year, seconded by Mitch Bitz. Motion passed unanimously.

Local Cost-Share Planning for Phase 3:

Joint Powers Agreement: Chairman Robinson received a draft on July 21st of a Joint Powers Agreement from the City of Mandan. General approval of the Joint Powers Agreement has been returned to the City along with comments. The Joint Powers Agreement as edited has not been returned; however, the City of Mandan has verbally approved it.

Cost Share Benefit Ratio: Dennis Reep, HDR Engineering, will get date and time of 2022 meetings of the ND Department of Water Resources to the full board.

BRIC Grant: Information has been loaded into FEMA. Cody Mattson has reviewed along with the Department of Emergency Services. Application will be submitted by January 21st along with the letters of support.

Local Assessment: Need to select date to get on City Commission Agenda- January 4 or the 18th. The board will target January 18th.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided an update (see Project Update – Phase 2 dated December 28, 2021).

Jasper Klein, AE2S Engineering, provided updates on the interior drainage and potential costs of each item. 1)BNSF culvert 2) Current Lift Station 1806 (Prairie Lane and Old Oxbow) 3) Baseball Diamonds 4) Riverwood Avenue & 3rd Street 5) 3rd Street and 11th Avenue 6) New master lift station South of 3rd Street SE. Opinion of probable cost is \$3,733,000 and does not include probable cost share with DOT on the master lift station. After discussion, Mitch Bitz made a motion to proceed on design of improvements listed, seconded by Shauna Laber. Motion passed unanimously.

Wetland Delineation Report will be submitted to USACE Regulatory Office this week.

SWIF Update: The periodic inspection of the levee took place in May and was performed by RJH Consultants. The inspection reports have not been received yet. The updated SWIF plan was submitted

to the USACE for review and approval in October. No response has been received to date. The O&M manual was submitted in May 2019 and comments were provided in December 2021. Have not received a response yet. Karli Frohling, HDR Engineering, will put together a Spring and Fall checklist of routine and special maintenance items that should be performed.

Chairman Robinson has been in contact with Barry Jennings, owner of Meadowlands development, on the Memorial Highway flood gate structure.

Other Items:

Williamson: Sheds remain on this property.

301 Riverwood Avenue SE review by USACE: Toman Engineering is processing submission to USACE for review.

Hunting: Calls have been received regarding hunting on Lower Heart land. Post signs were up and recognized by the callers. Most calls were to inform Chairman Robinson that it appears trespassing is occurring.

Approval of Regular Meeting Dates for 2022: Shauna Laber made a motion to continue to hold the board meetings on the 4th Tuesday of every month for the calendar year 2022. Motion was seconded by Luci Snowden. Motion passed unanimously.

2022 Meeting Dates are as follows:

January 25
February 22
March 22
April 26
May 24
June 28
July 26
August 23
September 27
October 25
November 22
December 27

The Board adjourned at 3:50 p.m.

Next meeting is Tuesday, January 25 at 2 p.m.

Chairman

Secretary/Treasurer