

Minutes of Meeting
Of the Board of Managers
Of the Lower Heart River WRD
April 23, 2024
2:00 p.m. – Veteran’s Room
Mandan City Hall

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

Also in attendance: Dennis Reep, HDR Engineering; Karli Frohling, HDR Engineering; Dan Vander Vorst, HDR Engineering (phone) entered at 2:35 PM; Jordan Senger, City of Mandan Building Dept. entered at 2:10PM.

The minutes of the March 26, 2024, Board Meeting were presented. Mitch Bitz made a motion to approve the minutes, seconded by Alan Kemmet. Motion passed unanimously.

The financial report for March 2024 was reviewed. Mitch Bitz made a motion to approve the financial report and the monthly bills as presented, seconded by Alan Kemmet. Motion passed unanimously.

Vouchers approved for payment:

HDR Engineering, Inc.	General Engineering Services – Task Order 3 February 25, 2024 to March 30, 2024	8967	4,367.50
HDR Engineering, Inc.	Flood Risk Design Phase 2 – Task Order 5 February 25, 2024 to March 30, 2024	8968	33,713.50
BNSF Railway Company	Prelim Engineering to pursue a levee raise FEMA Accreditation	8969	434.12
ND Workforce Safety & Ins.	Premium (4/01/2024 – 03/31/2025)	8970	250,00
ND Tax Commissioner	State Payroll Taxes	8971	40.00

Operations and Maintenance:

Bill Robinson reported we are discussing job search options with Morton County for Maintenance.

Mitch Bitz reported that Lower Heart has a tractor lined up for 2024 operations and maintenance. It has not been delivered, at this point, and is expected early May.

Mitch Bitz reported that Gary Benz, on behalf of the board, is getting a bid for tree trimming and removal in the storm drain area of south 3rd Street. A bid of \$4,000 was received from Bullinger Tree Service to perform the services. Bill Robinson reported that this area has received trimming and tree removal services about every two to three years in an effort to protect private property and conveyance in the storm drain areas. Board consensus approved of the work to be performed.

Update on O&M and SWIF Plan:

Karli Frohling, HDR Engineering, provided a written update for the board.

LHRWRD received the 2020 Periodic Inspection Reports from the USACE on March 14, 2024. With the nature of the inspection, there are many deficiencies noted in the report. The report indicates levee system ratings of:

- Sunny Unit – Unacceptable
- North Unit – Unacceptable
- Lower Unit – Unacceptable

The most recent CEI occurred from September 12-24, 2022. The USACE inspected the Sunny Unit and North Unit during that time and returned to inspect the Lower Unit in August 2023. During that CEI, the USACE communicated that they resolve numerous deficiencies noted in the 2020 report.

The next planned Site Visit is May 7-8, 2024. HDR will be on site with the inspectors and Bill Robinson reported that an effort for a LHRWRD manager and or maintenance employee to also be on site.

LHRWRD's updated O&M Manual was submitted to the Corps in May 2019 and full desk review remains in their que for complete review.

HDR will perform survey data work to add clarity to encroachments with concrete foundations and other items. They will be added to the O&M Manual for improving LHRWRD's inspection process. Karli Frohling presented a copy of a letter to be sent to the property owners that may see survey work performed.

Karli Frohling reported she attended the Heart Butte Dam EAP meeting and provided an updated on their plans to repair the dam. The design is at 30% with a design completion scheduled for 2025.

The Shores at Lakewood irrigation plan was discussed. Some follow up work will occur to understand the plan from the point of drawing water from the pond and assure appropriate water levels are maintained.

Mandan Parks received conditional approval of their 408 Permit to irrigate their southside ball fields. LHRWRD will seek clarification of their planned intake and flood gate setup and operation.

SWIF Items for 2024 were noted in the memo for resolution and related to the process indicated above. Also of note, is to provide quarterly updates in the Mandan Messenger, describing deficiency corrections and plans.

Update on Mandan Flood Risk Reduction Plan: Dennis Reep, HDR Engineering, provided a written update for the board.

BNSF has provided general concurrence of the FRRP design in their west end space pending review of a 90% design by HDR.

Design amendment of the FRRP was presented to the board. Additional design work is required for added work on the North Unit in the Municipal GC area that entails height increase and stability berm work. Also, the redundant levee near the Trolley area. And lift station in the same area. The discussion

involved a design cost increase and possibly amending the Phase 2 cost task order. Discussion provided consensus to proceed with presenting a formal change request to the board.

Discussed the dates with the ND Department of Water Resources schedule coming up to accommodate a request for the cost changes discussed. Consensus discussion indicated to present the cost estimate update to the DWR for their 2024 summer meeting schedule.

The FEMA Flood Mitigation Grant application is still under final review with HDR providing clarity and update responses to FEMA. The application was for a grant in the amount of \$13,804,610 to support direct cost savings to the assessment area.

A Right-of-Way update was provided by Dan Vander Vorste. The appraisal requested by LHRWRD is in the final report stage. It is expected to be received in May 2024. The City of Mandan is working with legal counsel on the Biver property process.

Other Business: Bill Robinson discussed the HUB insurance renewal and the possibility of adding officer's and director's liability insurance. The Board reviewed the item and Bill will reach out to the insurance agent to obtain further information and present to the board in May.

Alan Kemmet presented some discussion on the planned Lakewood dredging project. LHRWRD has some easements in the area that may require signoff by the President. Bill Robinson reported similar requests occurred in the past when this type of project is occurring.

Reep and Robinson reported that LHRWRD has received a request to sign-off on a ditch cleaning project near Shady Lane. After some discussion, the Chair will sign of "As Received" to acknowledge our knowledge of the project with no involvement.

The Board adjourned at 3:50 p.m. Next regular meeting is May 28, 2024, at 2 p.m.

Chairman

Secretary/Treasurer