

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
December 11, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 11th day of December, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

The minutes of the meetings of September, October and November, 2014, were presented to the Board. Manager Goetzfried moved to approve the minutes and Manager Benz provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Progress Payment No. 1 for the Heart River Levee Drainage Structure Replacement Project in the amount of \$134,086.68 was presented to the Board for payment. Some cleanup work, seeding and gravel placement will be completed in the spring.

Dave Auch, Utility Maintenance Superintendent for the City of Mandan, has some concerns about the flap gate being froze in and provided some pictures. He believes a gate structure may need to be placed on the land side. Engineer Manchester advised the Board that the situation will be observed during the spring run-off to see if it is going to be a problem.

The Survey of Brady's was completed and the building is encroaching onto the Levee right-of-way. Mike Brady's sister has the Power of Attorney for their father's estate and she will be receiving a letter about any encroachment onto the Levee right-of-way.

The Morton County Hazard Mitigation Plan is approvable and is pending adoption by the Cities in the County.

Tom Doering, Director of Emergency Management for Morton County, has a level indicator rod which he would like to place on the railroad abutment at Sunny west of Mandan.

The first review of the Letter of Intent for PL84-99 eligibility was received. Engineer Manchester is making revisions and the document will be sent back to Ryan Buckley for one more review before it is forwarded to Headquarters for their

review and approval. The letter of intent is important because the Levee System has an unacceptable rating. With this rating if spring flooding caused damage the Corps would not assist with repairs. With the letter of intent approved we will be given up to two years to come up with a repair plan. During this two year period and however long it takes to complete the repairs PL84-99 funds will be available to make flood damage repairs.

Kevin Bittner gave the Board an update on the report he is preparing. He is planning to have the report completed for review by the Board at the January meeting. The Board thought that some cost should be provided in the report for the work needed to be done at the Sunny Unit to be in compliance with the three feet freeboard requirement required by FEMA.

Engineer Manchester sent Charles Williamson (owner of the old El Rancho Trailer Park) a copy of the last proposal that was discussed with regard to the encroachment into the Interior Drainage Storage area.

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

The following vouchers were approved for payment:

7908 William Robinson	369.40(Meetings
7909 Gary Benz	277.05(Meetings
7910 Tony Goetzfried	369.40(Meetings
7911 Toman Engineering Company	700.00(Retainer, Dec 2014
7912 Toman Engineering Company	100.00(Office Rent
7913 Toman Engineering Company	8,292.50(Eng Fees
7914 Shirley N. Beechie	538.36(Sal Oct, Nov, Dec
7915 Mariann L. Lang	551.45(Sal Oct, Nov Dec
7916 Gary Benz	3,750.00(Cont Fee Oct,Nov,Dec
7917 Tri-Energy Cooperative	143.73(Fuel
7918 ND Waters Users Assn	300.00(2015 Dues
7919 Mariann L. Lang	7.63(Postage
7920 Mandan Municipal Landfill	38.40(Dispose of Trees
7921 City of Mandan	51.00(Water to Shop
7922 City of Mandan	180.07(Fuel
7923 West River Telecommunications	78.30(Monitor Heart River
CD Dakota Fluid Power	24.23(Hydraulic Fluid
----- Starion Financial	203.68(Payroll taxes
----- Montana-Dakota Utilities	<u>384.99</u> (Utilities
Total:	\$16,360.19

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

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
November 13, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 13th day of November, 2014, 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 and Manager Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

The October minutes were not available for the Boards' review.

Engineer Manchester reported on the following items:

The headwall for the Heart River Levee Drainage Structure Replacement Project is being poured today. It is extremely cold and the contractor has blankets and a heater for the concrete. The pipe is all installed and the Levee is backfilled.

Engineer Manchester sent in the Letter of Intent to Ryan Buckley at the Corps of Engineers who is going to review the document. The Letter of Intent will provide two years to get the Levee System deficiencies repaired. Mr. Ryan will review the Letter of Intent and send it back with his suggestions. It will then be revised and re-submitted to Mr. Ryan for a second review before it is sent to Headquarters. This procedure will make the final document flow through the Headquarters review much smoother.

The survey of Brady's property was being prepared today. Mike Brady's sister has the Power of Attorney for their father. She will be sent a letter with regard to the survey if there is any encroachment onto the Levee System right-of-way.

Kevin Bittner from Bolton-Menk will be at the December meeting with preliminary cost estimates. The DOT did estimate the two bridge replacements at a cost \$7 million each.

Bill Doll called and reported that some concrete was dumped at John Yantzer's property. Engineer Manchester went out to inspect the area and did not see any piles of concrete. He visited with John who told him he was not dumping any fill material on the site.

Engineer Manchester spoke with Charles Williamson about the trailers encroaching onto the Interior Drainage Storage area and Mr. Williamson asked for copies to review the last proposal. Engineer Manchester told him he would get him a copy of the last proposal. Lower Heart wants to get the matter settled.

Manager Goetzfried was asked if the Morton County Water Resource District was going to participate in any of the costs for the stream gaging. In an e-mail sent to Chairman Robinson and Manager Goetzfried from Wade Bachmeier, Chairman of the Morton County Water Resource District, he advised that they want to meet with Mr. Gregg Wiche, Director of the US Geological Survey. A copy of the e-mail is attached to the minutes. Manager Goetzfried also reported that the County may participate in the gaging project.

It was necessary for the District to buy two tires for the rental tractor. Each tire had a cut in it. When a tractor is leased next year we will take the new tires off and put the cut tires on, however, the tractor dealer did say he would try to sell them.

Dean Gerving called and reported that the squatters have returned. The Sheriff's office was notified and a message was left for Sheriff's personnel to go to the area and tell them to leave.

It was reported that Jamie Wetch had a cycling race and they rode on a portion of the Levee System near the Trolley Station. He needs to be contacted and informed that he has to notify the District if they want to continue to ride on a portion of the Levee System.

As part of his maintenance duties, Manager Benz will install a chain link fence off the Levee System crossing in the Legion Park.

Engineer Manchester will talk with Kevin Bittner from Bolton-Menk about getting some preliminary costs together by December 1st. Chairman Robinson is hoping the cost will be around \$50,000,000 without the Sunny Unit.

Engineer Manchester will send Manager Goetzfried the link to the gaging station web site.

Other Business:

Mr. Gartner will have to remove two vehicles that do not have engines from the Pulkrabek property as they are next to the Levee System.

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

The following vouchers were approved for payment:

7900 Toman Engineering Company	700.00	(Retainer, Nov 2014
7901 Toman Engineering Company	100.00	(Office Rent
7902 Toman Engineering Company	10,246.25	(Eng Fees, Dike Maint.
7903 City of Mandan	136.76	(Fuel
7904 City of Mandan	51.00	(Water to Shop
7905 West River Telecommunications	78.30	(Monitor Heart River
7906 Voided	-----	
7907 Northern Plains Equipment	4,172.77	(Purchase tires
----- Montana-Dakota Utilities Co	144.99	(Utilities
----- Starion Financial	160.00	(Payroll taxes
Total:	15,790.07	

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 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
October 9, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 9th day of October, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

The September minutes were not available for the Board to review.

Engineer Manchester reported on the following items:

Chairman Robinson, Kevin Bittner from Bolton-Menk, and Engineer Ron Manchester met with City, County Officials, State Senators and State Representatives and Staff from the ND State Water Commission. Engineer Manchester and Mr. Bittner gave a presentation to the group regarding the Mandan Levee Recertification Project that has been requested by FEMA. The following points were discussed:

1. The Levee does not meet the 3 feet freeboard requirement;
2. A flow for the 100-year event of approximately 45,000 cfs was used to determine the water surface elevation. The highest recorded flow is only 30,000 cfs;
3. FEMA is requiring all three units: Sunny Unit, Mandan Unit and the Lower Unit to meet the 3 feet freeboard requirement;
4. The Sunny Unit was never designed by the Corps of Engineers to provide 100- year protection. There are 24 to 36 properties and it would not be cost effective to do this area;
5. Laura Horner from the State Water Commission explained to the group about the current status of the Study. The Study is not completed and has been closed out. This means the current maps are still in effect and the Levee has not been officially decertified. To complete the Study, FEMA must begin the process to conduct a study from the beginning. Laura has no idea as to when that may happen.

Engineer Manchester and Mr. Bittner completed the power point presentation explaining what solutions to the freeboard problems are being considered.

Our State Legislators thought that it was very important to argue the 45,000 cfs number with FEMA. We did say that we tried that and we were not successful.

The State legislators also said the existing dams at Heart Butte, Sweet Briar and Crown Butte should be looked at to increase storage or operated to better accommodate the spring run-off. In other words drop the water levels lower in the fall.

Mr. Kevin Bittner from Bolton and Menk, Inc., presented the power point presentation to Board since Managers Benz and Goetzfried were not present at the first presentation. Kevin will put an estimate together for the present plan being considered.

A meeting with our US Senators and Representatives was discussed to inform them of the situation we have with FEMA requiring all 3 units of the Levee System to meet the 100-year Base Flood Elevation Requirement for 3 feet of freeboard. Chairman Robinson will see what he can arrange.

Engineer Manchester will visit with Laura Horner at the State Water Commission to get a copy of Houston Engineerings' report on the Heart River west of the Sunny Bridge so we can see what flows they are using in the Heart River at Sunny Bridge to determine the 100-year water surface profile.

The annual Corps of Engineers Inspection was made on September 15 and 16, 2014. Don Moses and the inspection team met with Engineer Manchester and Managers Benz and Goetzfried. They should complete the inspection tomorrow. They also reviewed some of the things they saw that District needs correct.

Engineer Manchester and Manager Benz looked at the sandbar that has developed in front of the Fort Lincoln Park/Campground. There is still open water and a good flow along the channel that has cut into the north of the Heart River confluence.

Engineer Manchester and Manager Benz also went to Brock-White in Bismarck and looked at some erosion control blanket material. They are four inch concrete squares connected to a Geofabric. We are considering using this material where dirt bikes and 4 wheelers are crossing the Levee System. Ron Steininger installs a lot of this material for the ND Game and Fish Department. Manger Benz will check with Mr. Steininger on the cost to install the material for the District.

The US Geological Survey submitted the invoice for the gaging stations. Manager Goetzfried ask why the Morton County Water Resource District doesn't participate in this as they do get a benefit from the results of this gaging. It was explained that they did before the Harmon Lake Project. Chairman Andy Mork advised that Lower Heart should be putting money in the Harmon Lake Project and when we explained we have to deal with the flood protection for Mandan and cannot participate, they stopped their share the gaging station expenses. Manager Goetzfried said that he would talk to the Morton County Water

Resource District Board about again splitting the expense because they do receive a benefit.

Other Business:

Manager Benz was informed that the tractor we returned had some tire cuts and he is working with them to see if we will be responsible for the damages to the tires.

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

The following vouchers were approved for payment:

----- Montana Dakota Utilities Co	108.34(Utilities
----- Starion Financial	160.00(Dep Payroll Taxes
----- Quality Service & Repair	147.32(Rep Starter on Truck
7890 Toman Engineering Company	700.00(Retainer, Oct 2014
7891 Toman Engineering Company	100.00(Office Rent
7892 Toman Engineering Company	6,496.25(Eng Fees
7893 West River Telecommunications	78.30(Monitor Heart River
7894 Dakota Fire Station, Inc	6.00(Equip & Repair
7895 State Tax Commissioner	35.00(State Taxes
7896 City of Mandan	230.07(Fuel
7897 City of Mandan	51.00(Water to Shop
7898 US Geological Survey	17,300.00(Joint Funding Agreement
7899 US Geological Survey	70.00(Final Payment Jt Fd Agr.
Total:	<u>25,482.28</u>

With no further business to come before the Board, upon a motion duly made by Manager Benz, a second provided by Manager Goetzfried, and all present voting "aye", the Board 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
September 11, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 11th day of September, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson, Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Benz moved to approve the minutes of the meeting of the August 14, 2014, Manager Goetzfried provided a second and all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

The Budget Meeting for the 2015 Budget was held before the Morton County Commissioners on Monday, September 8, 2014. They asked few questions with regard to the Budget, but they were very interested in the work Lower Heart is doing to meet the Freeboard Requirements that FEMA is proposing. The Lower Heart Budget was approved and the District will receive the Maximum Mills.

Mr. Kevin Bittner from Bolton and Menk, Inc., gave the Board an update on the review of the Atkin's model. It appears that a flow optimization switch was turned off for the area that floods across the Gerving property. When turned on it made a noticeable difference in the water surface elevation. They are looking at possibly replacing the Highway #6 and Highway 1806 bridges with structure which will provide more conveyance of water under them. Mr. Bittner will continue to work on the model.

Engineer Manchester reviewed the deficiencies the Corps pointed out in their last inspection. He informed the Board that the Corps of Engineers will be making this year's inspection on September 15th and 16th.

We still have the rental tractor and we have been informed that next year we would have to pay for the tractor.

Engineer Manchester will call the individuals who purchased the El Rancho Trailer Park with regard to the encroachment of trailers into the District's Interior Drainage Area.

The Board informed Engineer Manchester that they would like to look at Doll's property from the last two MPO photos.

There is a hearing coming up on the Gardner vehicles that are stored on Pulkrabek property.

Other Business:

Chairman Robinson presented the financial report for the period August 1, 2014 to August 31, 2014, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Benz moved to approve the financial report and all present voted "aye", and the motion passed.

The following vouchers were approved for payment:

----- Runnings	37.47(Grease fittings, etc
7875 William Robinson	369.40(Meetings
7876 Gary Benz	277.05(Meetings
7877 Tony Goetzfried	92.35(Meetings
7878 Shirley N. Beechie	538.36(Sal July, Aug, Sept
7879 Mariann L. Lang	551.45(Sal July, Aug, Sept
7880 Gary Benz	3,750.00(Cont Fee July, Aug, Sept
7881 Toman Engineering Company	700.00(Retainer, Sept 2014
7882 Toman Engineering Company	100.00(Office Rent
7883 Toman Engineering Company	9,485.00(Eng Fees
7884 Mandan Park District	25,613.53(Project #8794
7885 City of Mandan	385.86(Fuel
7886 City of Mandan	55.40(Water to Shop
7887 West River Telecommunications	78.22(Monitor Heart River
7888 Mandan Municipal Landfill	39.15(Disp of inert material
7889 Morrell's Welding, Inc	85.00(Repair mower
----- Starion Financial	160.00(Payroll taxes
----- Northern Great Plains	128.00(Equip & Repair
----- Montana-Dakota Utilities	93.19(Utilities
Total:	42,539.43

With no further business to come before the Board, upon a motion made, seconded and with all present voting "aye", the Board 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
August 14, 2014**

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 August, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Manager Gary Benz. Manager Tony Goetzfried was absent. Also present was Engineer Ronald W. Manchester.

Manager Benz moved to approve the minutes of the meeting of the July 17, 2014, Chairman Robinson provided a second and all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Mr. Kevin Bittner from Bolton and Menk, Inc., reported that a detention dam to handle the 100 year run-off event would have to be the size of Heart Butte Dam and Lake Tschida and hold 200,000 acre feet of water. It would be difficult to find an area along the Heart River to construct a single dam, but maybe we could construct smaller dams on the tributaries to the Heart River.

All of the contract documents with regard to the Heart River Levee Drainage Structure except for the Notice to Proceed have been received. The contractor would like to have a pre-construction meeting next week. He is tentatively looking at starting work on the project the week of August 25th.

The Sheriff's Department Officers have removed the squatters and their tents on the south side of the Heart River on City property.

A hearing will be held with regard to all the vehicles Mr. Gartner has stored on the property that he is renting from Mr. Pulkrebeck. Mr. Benz will attend the hearing and report the results of the hearing to the Board.

Manager Benz received a seed blend from Engineer Manchester. The grass blend is one which is often specified for levee repairs.

BNSF Railroad had a Boom Deployment Exercise on August 6, 2014. Manager Benz and Engineer Manchester were in attendance. It was raining and took considerable amount of time to be placed. An alternate

site for next year will be at the drainage channel from the Master Lift Station.

Dawn Rhone, County Auditor, called with regard to the 2015 Budget to set up a time for the Budget meeting for Lower Heart River Water Resource District with the County Commissioners. She was considering September 4th but, then decided it could be done at the September 8, 2014 County Commission meeting. She advised that she would like our budget numbers prior to that meeting.

Engineer Manchester is working on the Letter of Intent for a (SWIF) plan or System Wide Improvement Framework plan. A separate plan must be prepared for each unit.

The Corps of Engineers inspection of the Levee System will be held on September 14 and 15, 2014.

Mr. Don Moses from the Corps of Engineers Omaha Office called Engineer Manchester and asked if the closure on the strip was needed any longer. Engineer Manchester advised that it has always been considered a second line of defense for flood control.

Steiningers of Midwest Dragline have completed their second contract for tree removal at a cost of \$20,000.

Other Business:

Chairman Robinson presented the financial report for the period July 1, 2014 to July 31, 2014, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Benz moved to approve the financial report and all present vote "aye", and the motion passed.

The following vouchers were approved for payment:

----- Montana Dakota Utilities Co	82.51(Utilities
----- Starion Financial	160.00(Dep Payroll Taxes
----- Quality Service Repair	189.79(Rep Starter on Truck
----- Butler Machinery	274.59(Parts for Tractor
7863 Toman Engineering Company	700.00(Retainer, Aug 2014
7864 Toman Engineering Company	100.00(Office Rent
7865 Toman Engineering Company	1,556.25(Eng Fees
7866 Midwest Dragline	20,000.00(Remove Trees-Levee
7867 Mdn Municipal Landfill	67.00(Disp of Int Mtrl-Trees

7868 Bismarck Tribune	155.52(Ad for Bids
7869 Shirley Beechie	23.98(Printer Cartridge
7870 Northern Plains Equip Co	100.00(Deductible-Ins Claim
7871 Tri-Energy Cooperative	135.60(Fuel
7872 City of Mandan	97.85(Fuel
7873 West River Telecommunications	78.22(Monitor Heart River
7874 City of Mandan	51.00(Water to Shop
----- Chesak Seed	168.36(Grass Seed for Levee
----- Time Rental	<u>280.00</u> (Rent Tractor & Seeder
 Total:	 24,220.67

With no further business to come before the Board, upon a motion duly made 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
July 17, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in special session at 2:00 o'clock p.m., on Thursday the 17th day of July, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Manager Gary Benz. Manager Tony Goetzfried was absent. Also present was Engineer Ronald W. Manchester.

Manager Benz moved to approve the minutes of the meeting of the June 12, 2014, Chairman Robinson provided a second and all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Bids for the Heart River Drainage Structure Replacement Project on Third Street will be opened at 2:30 p.m. today. Left over materials from the Corps of will be used in the Project.

Ron Steininger of Midwest Dragline finished the work of removing trees and limbs from the Levee System as requested by the Corps of Engineers in 2013. After discussion, it was moved by Manager Benz, Chairman Robinson provided a second and with all members present voted "aye", motion passed, and the Board decided to spend another \$20,000.00 for tree removal on the Levee System this year.

Jim Neubauer of the City of Mandan received a call from a Mr Sease with regard to the debris left from the removal of the trees from the levee. Gary Benz spoke with Mr. Sease and advised him that personnel from the District will do the cleanup.

According to the Morton County Sheriff, the squatters that were camping on the south side of the Heart River on City property have moved. Manager Benz said that he would take a look and see if the tents are gone.

At 2:30 p.m. the bids for the Heart River Levee Drainage Structure Replacement Project were opened and read aloud. Weisz & Sons bid was \$270,405.00 and Swanberg Constructions bid was \$205,568.00. The Engineer's Estimate was \$170,610.00. Manager Benz made a motion to accept the bid of Swanberg Construction, a second was provided by Chairman Robinson, all presented voted "aye" and the motion passed.

Manchester still needs to visit with the new owners of the former El Rancho Park regarding the encroachment issue.

The Corps of Engineers has established an interim policy for levees in the Public Law (PL) 84-99 program for making Rehabilitation Program eligibility decisions while the Corps completes the final policy. The eligibility will be determined on 18 items selected by the Corps. Any unacceptable rating on any of the 18 items will place an inactive status on the levee and it will be ineligible for rehabilitation assistance.

At the June meeting, Engineer Manchester was authorized to act as the Board's representative and prepare the System Wide Improvement Framework (SWIF). Mr. Manchester is working on the Letter of Intent and has been in contact with the Corps of Engineers.

Mr. Ryan Buckley from the Corps of Engineers Omaha District advised Engineer Manchester what is needed for attachments to the Letter of Intent (LOI). He offered to review the LOI unofficially before it is formally submitted for review. He said he can then possibly suggest changes to assure the SWIF is accepted during the formal review process. Engineer Manchester will continue working on the SWIF.

Engineer Manchester has taken some elevations of the pavement in front of the Shop and he will prepare a grading plan to improve the drainage and have the area repaved.

There was discussion about the grant project that has been put off while the City makes provisions to pay for the relocation of the Lift Station to the North side of Third Street. Chairman Robinson would like to proceed with the project since Jim Neubauer told him not to wait for the City. Engineer Manchester will discuss the situation with Jeff Wright who would like to get the lift station installed on the North side of Third Street.

Mr. Kevin Bittner from Bolton & Menk, Inc. updated the Board on their progress with working with the FEMA model prepared by Atkins. They have been working with the open water model with some scenarios to see how effective they would be in lowering the 100 year water surface. Presently the changes made to the model do not make significant drops in the water elevation. They will begin looking at the Ice Jam model.

There was also some discussion of a possible Detention Dam constructed in the Heart River. Mr. Bittner pointed out that there were high water events in the system due to ice jams when the flow was less than the 100 year event. This questions the effectiveness of a detention dam. By restricting the flow we may not get enough water to move the ice and breakup the ice jam.

It could be that a combination of some levee raising, some stream alignment changes and some water detention may be the solution to the problem.

No items have been removed from the Pulkrebeck property. Manager Benz will visit with Officer Mills at the Mandan Police Department again.

Some of the deficiencies with the Levee were discussed. The tress in the Levee or within 15 feet of the Levee are being removed. The work entails \$15,000 to \$20,000 worth of tree removal each year. Our culverts going through the Levee need to be televised to check for any problems and the varmint holes need filling. Manager Benz spoke about possiby using bags of bentonite, locate the holes with GPS and plug all the holes found. He advised that attempting to find a contractor to do the work is not working.

Engineer Manchester has not heard anything from the BNSF Railroad on the cost of having an estimate done for raising bridges and work in the Yard. He will contact BNSF personnel.

Other Business:

Manager Benz advised that he replaced the mower blades on the Bat Wing mower. He also had a rear wheel come off the rented tractor and luckily he was not hurt. The wheel is back on the tractor. He contacted our insurance company and it will cover all costs except for the \$100 deductible. He reported that he will also be replacing the rear stabilizer on the small tractor.

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

The following vouchers were approved for payment:

7839 Toman Engineering Company	700.00(Retainer, July 2014
7840 Toman Engineering Company	100.00(Office Rent
7841 Toman Engineering Company	676.22(Eng Fees
7842 Office of State Auditor	75.00(Review 2013 Audit
7843 City of Mandan	398.39(Fuel
7844 St Tax Commissioner	35.00(Dep State Taxes
7845 Wells Fargo	45.00(Safe Dep Box Remt
7846 Workforce Safety & Insurance	335.68(Employee Insur
7847 Tri Energy Coop	91.68(Energy Fees
7848 City of Mandan	64.20(Water to Shop
7849 West River Telecommunications	78.22(Monitor HR

7850 Voided Check	-----
7851 Toman Engineering Company	5,361.25(Eng Fees
7852 Toman Engineering Company	877.50(Eng Fees
7853 Toman Engineering Company	365.50(Eng Fees
7854 Tri Energy Coop	93.06(Energy Fees
----- Starion Financial	160.00(491 Tax Deposit
----- Montana-Dakota Utilities Co	95.94(Utilities
7855 Midwest Dragline	22,000.00(Remove trees from Levee
7856 Midwest Dragline	<u>3,300.00</u> (Remove trees from Levee
 Total:	 34,852.67

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

Chairman

Secretary

Handwritten signature: Tony G

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
June 12, 2014**

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., Thursday the 12th day of June, 2014, at the office of Toman Engineering Company, 501 1st Street, NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Goetzfried moved to approve the minutes of the meeting of the May 8, 2014, Manager Benz provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Bids will be opened at our July meeting with regard to the pipe replacement project on Third Street. We will be using the left over materials not used by the Corps of Engineer on a previous project.

Engineer Manchester and Chairman Robinson met with representatives for BNSF railroad with regard to raising its bridge structures. They informed the Board that they would have to hire a consultant to advise them as to how much it will cost to raise the structures and what it will cost to do the work in the Railroad Station Yard.

Engineer Manchester submitted revised figures for funding from the North Dakota State Water Commission from \$200,000 in 2015 and \$200,000 in 2016.

Representatives from the Corps of Engineers advised that the Levee is now in an unacceptable status and that in the event of flood damage, they would not provide any funds for repairs. The new interim policy proposed by the Corps of Engineers was discussed at the May meeting.

Engineer Manchester reported that the Corps of Engineers has established an interim policy for levees in the Public Law (PL) 84-99 Program for making Rehabilitation Program eligibility decisions while the Corps completes the final policy. The eligibility will be determined on 18 items selected by the Corps. Any unacceptable rating on any of the 18 items will place an inactive status on the levee and it will be ineligible for rehabilitation assistance.

If the levee should become ineligible for rehabilitation assistance, the Corps has a System Wide Improvement Framework (SWIF) Policy. After being notified of being ineligible, we have 60 days to send a letter explaining how we will correct the deficiencies. Since we have now received notification we must file a Letter of Intent. Manager Benz moved to authorize Engineer Manchester to act as the Boards' representative to prepare the Letter of Intent, Manager Goetzfried provided a second, and all present voted "aye", and the motion was approved.

Engineer Manchester visited with the new owners of the El Rancho Mobile Park. He advised that they do not want to be responsible for the removal of the mobile homes and disconnecting them from the service lines (water, sewer, gas and electrical). Engineer Manchester will approach them on paying \$1,200.00 per year per home for 5 years and then the Lower Heart River Water Resource District will remove the trailers.

Engineer Manchester introduced Mr. Kevin Bittner of Bolton-Menk. Mr. Bittner advised the Board regarding the type of water resource work their company has done and his qualifications to do the computer model changes to the river model developed by Atkins who was the FEMA contractor. We want to look at making some changes in the river to possibly lower the 100-year water surface elevation. This will in turn lower the amount the levee would have to be raised to meet FEMA freeboard requirements. We will also be looking at the feasibility of constructing detention ponds out in the Water Shed area to reduce the runoff flows into the Heart River lowering the 100 year water surface elevation. After discussion, Manager Goetzfried moved that we hire Bolton-Menk through Toman Engineering to work on the Heart River modeling, Manager Benz provided a second and the motion was approved.

Manager Benz reported that not much has changed with the situation at the Pulkrebeck property. Manager Benz will talk to Officer Mills at the Mandan Police Department.

Other Business:

The Board of Managers accepted the 2013 Audit Report prepared by Mahlum and Goodhart, PC.

Manager Benz reported that the Bat Wing mower is in need of new mower blades and they are estimated to cost \$600.

Chairman Robinson presented the financial report for the period May 1, 2014, to May 31, 2014, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was

ordered to be filed with the secretary and a copy filed with the County Auditor. Manager Benz moved to approve the financial report and Manager Goetzfried provided a second, all members presented voted "aye" and the motion was approved.

The following vouchers were approved for payment:

7822 William Robinson	277.05(Meetings
7823 Gary Benz	369.40(Meetings
7824 Tony Goetzfried	369.40(Meetings
7825 Toman Engineering Company	700.00(Retainer, Jun 2014
7826 Toman Engineering Company	100.00(Office Rent
7827 Toman Engineering Company	1,728.75(Eng Fees
7828 Shirley N. Beechie	538.36(Sal Apr May Jun 2014
7829 Mariann L. Lang	551.45(Sal Apr May Jun 2014
7830 Gary Benz	3,750.00(Con Fee Apr May Jun
7831 Mike Ulmen	4,500.00(Remove Trees, Levee
7832 City of Mandan	51.00(Water to Shop
7833 Gary Benz	750.00(Weed Spray-Reimburse
7834 Malhum Goodhart, PC	3,525.00(2013 Audit
7835 Hub Int'l Mtn States Ltd	1,945.00(Gen Liab,Auto,Equip
7836 Mandan Municipal Landfill	759.85(Dispose of trees
7837 City of Mandan	40.42(Fuel
7838 West River Telecommunications	76.10(Monitor Heart River
---- Montana-Dakota Utilities Co	129.61(Utilities
---- Northern Plains Equipment	329.55(Blades for Mower
---- Starion Financial	<u>203.68(491 Tax Deposit</u>
Total:	20,694.62

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 4:30 p.m.

Chairman

Secretary

Goetzfried

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
May 8, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 8th day of May, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Goetzfried moved to approve the minutes of the meeting of April 10, 2014, Manager Benz provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Engineer Manchester wrote a letter to the new owners of El Rancho Trailer Park and attached a drawing showing the encroachments into the Interior Drainage System.

Engineer Manchester visited with representatives of BNSF Railroad with regard to the raising of their railroad bridges. An onsite meeting is scheduled for June 3, 2014. The Corps of Engineers was contacted about attending the meeting. The Engineer that would attend, Don Moses, is not available for this meeting so they would like to do a conference call after we have met with the officials of the railroad.

The North Dakota State Water Commission called and had some questions about the scheduling projects for the 2015 - 2017 biennium. Engineer Manchester informed them that Plans and Specifications would begin in 2015 with construction in 2016 -2017. He advised that members of the District would have to examine alternatives to the FEMA plan. Channel changes and detention dams were going to be explored as ways of lowering the 100 year water surface determined by FEMA. He visited with Pat with the ND State Water Commission and advised him that the engineering cost to explore these options are not part of the \$100,000,000.00 estimated project costs. Chairman Robinson advised that we must look at other alternatives even if the cost is \$150,000.00 to complete the project.

The Lease of Real Property with the District was signed by Jerry Kist and Chairman Robinson. Mr. Kist will be farming Lower Heart property located between the Levee and the Heart River south of Prairie West Golf Course.

Engineer Manchester informed the Board that he was contacted by County Engineer, Mike Aubol, with regard to the possibility of combining the two Water Resource Districts. Engineer Manchester told Mr. Aubol that this has been discussed before and informed him that the two Boards have different functions. Lower Heart deals only with the flood protection and the levee around the City of Mandan.

The Corps of Engineers has established an interim policy for levees in the Public Law (PL) 84-99 Program for making Rehabilitation Program eligibility decisions while the Corps completes the final policy. The eligibility will be determined on 18 items selected by the Corps and any unacceptable rating on any of the 18 items will be placed on an inactive status on the levee and it will be ineligible for rehabilitation assistance.

If the levee should become ineligible for rehabilitation assistance, the Corps has a System Wide Improvement Framework (SWIF) Policy. After being notified of being ineligible we have sixty (60) days to send a letter explaining how we will correct the deficiencies. At this time the Managers of the Lower Heart Water Resource District have not received a copy of the 2013 Inspection and we do not yet know the eligibility status.

The followed projects that need to be done this year are as follows: trees to be removed from the levee system, varmint holes need to be plugged and the gravity sewer lines going under the levee need to be televised. The pipe replacement under the cut off levee should also be completed this year.

A survey crew will look at the paving in front of the shop door as water runs back toward the building after a heavy rain or snow melt.

The boundary survey of the Levee System has been put on hold because raising the Levee is going to require obtaining more easements on the land side.

Engineer Manchester has contacted the State Water Commission to ask if they would provide funds for the engineering study being done to look at channel changes and detention dams to lower the 100 year water surface determined by FEMA. This will reduce the amount of levee raising required.

The third street lift station project is on hold for two reasons: 1) The City has put in for funding, however, the Morton County Comprehensive Plan being done by Emergency Management is not yet complete; and 2) The levee raising is going to be done on the land side and it is unknown at this time how many easements for the Levee System will be required.

Trails 4 Transplants will be horseback riding from Fort Lincoln to Harden, Montana. They will be talking to the North Dakota Youth Correctional Center about riding along the levee on that side of the Heart River as they cannot get across the BNSF railroad yard on the East Levee.

Other Business:

Managers Goetzfried and Benz attended a FEMA meeting involving Houston Engineering with regard to a map revision on the Heart River.

Lower Heart has leased a tractor for the summer.

Trees on the north side of the First Street ditch needs cutting and the ditch needs to be cleaned.

Manager Benz received an e-mail from Officer David Mills informing him that Mr. Gartner is in violation of ordinance 17-02-10. The ordinance states that only operating vehicles can be parked on the lot.

Manager Benz indicated spraying would begin the end of March.

Today the Board of Managers received the Audit Report from Mahlum and Goodhart, PC. The members of the Board will review the report and take formal action at their June meeting.

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

The following vouchers and debit card payments were approved by the Board for payment:

7811 Toman Engineering Company	700.00(Retainer-May 2014
7812 Toman Engineering Company	100.00(Ofc Rent
7813 Toman Engineering Company	6,131.25(Eng Fees
7814 Mike Ulmen	375.00(Work on dike
7815 Mariann L. Lang	49.00(Postage for District
7816 Hub Int'l Mtn States Ltd	70.00(Equip Floater Ins.
7817 Crowley/Fleck	750.00(Atty Fees
7818 City of Mandan	55.40(Water to Shop
7819 Mandan Municipal Landfill	27.70(Dispose of Trees

7820 West River Telecommunications	76.10(Monitor HR
7821 City of Mandan	278.10(Fuel
---- Starion Financial	160.00(Payroll Taxes
---- Battery Doctors LLC	108.92(Battery for Tractor
---- Montana-Dakota Utilities	<u>209.29</u> (Utilities

TOTAL: 9,090.76

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 4:30 p.m.

Chairman

Secretary

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
April 10, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met regular session at 2:00 o'clock p.m., on Thursday the 10th day of April, 2014, at the office of Toman Engineering Company, 501 1st Street, NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Goetzfried moved to approve the minutes of the meeting of the March 13, 2014, Manager Benz provided a seconded, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Eckroths' failed to respond to our last offer to settle the encroachment issue. Attorney Malcolm Brown did find out that the property (El Rancho Park) was sold on March 24, 2014, to the Williamson Development II, Inc., 13001 2nd St. NW, Minot, ND 58703 for \$1,230,000.00.

The Corps of Engineers sent a form to apply for Flood Rehabilitation to the Levee. The Levee System did not have flood damage. Engineer Manchester asked about bank erosion and was told that would be under a different program. He also told the Corps that the Heart River was still experiencing a substantial amount of runoff.

Engineer Manchester also discussed the New Interim Policy the Corps that the Engineers is now utilizing to determine eligibility status of Flood Risk Management Projects for the Rehabilitation Program.

The submittal letter to the North Dakota State Water Commission is in the process of being completed. Manchester has not received any information from the DOT on the bridge replacements and officials of BNSF Railroad have not met with Engineer Manchester.

The Ray Pulkrabeck's property was again discussed. Manager Benz will visit with Jim Neubauer about the property being a junk yard located within the limits of the City of Mandan.

Manager Benz was able to purchase some clear plastic pipe to replace the broken pipe on the Gate Structure at the interior drainage discharge in Meadow Park Mobile Home Park. He also mentioned that weed spraying will begin at the end of May.

A survey of the asphalt in front of the Lower Heart Shop needs to be repaired as rain water runs back in front of the overhead door and into the shop.

Other Business:

Secretary, Mariann Lang, wanted to know for her when Manager Gary Benz was appointed as Manager of the District. This information must be kept up to date so the Morton County Commissioners can reappoint Manager Benz at the proper three year appointment period. Manchester advised that he would check on the date of his appointment.

Manager Benz reported that we should be receiving our rental tractor about June 1st. The dump truck hoist has a seal leaking that must be replaced. Manager Benz will take care of getting the truck repaired.

Chairman Robinson presented the financial report for the period March 1, 2014, to March 31, 2014, as presented by Treasurer 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 and Manager Goetzfried provided a seconded, all present vote "aye" and the Treasurer's Reports were approved.

The following vouchers and debit card payments were approved for payment:

7800 Toman Engineering Co	700.00(Retainer for April
7801 Toman Engineering Co	100.00(Ofc Rental
7802 Toman Engineering Co	6,967.05(Engineering Fees
7803 Hub International of ND	16.00(Insur on Bobcat
7804 Cenex	135.60(LP Gas
7805 Mandan Municipal Landfill	52.20(Dispose of trees
7806 Gary Benz (reimbursed)	2,199.99(Purchase Grapple Fork
7807 Brown & Saenger	33.90(Minute paper
7808 State Tax Commissioner	35.00(Deposit St Taxes
7809 City of Mandan	51.00(Water to shop
7810 West River Telecommunications	76.00(Monitor Heart River
----- Starion Financial	160.00(Payroll Taxes
----- Montana-Dakota Utilities	341.89(Utilities
----- US Plastic Corp	83.91(Rigid PVC Pipe
----- Quality Service & Repair	124.59(Repr seal on Truck
----- Runnings	20.49(2 Gall Hydraulic Fuel
----- Mandan Tire Service	576.40(4 new tires on truck

TOTAL:

11,674.12

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

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**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
March 13, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 13th day of March, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Benz moved to approve the minutes of the meeting of February 13, 2014, Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Upon motion by Manager Goetzfried and a second provided by Chairman Robinson and all present voting "aye", the Board approved the purchase a 1999 Model 773 Bobcat, Serial Number 509648603 with 273 hours on the machine for a price of \$18,900.

The Eckroth encroachment onto the interior drainage was discussed with the Board and it was agreed that some kind of monetary incentive must be put in the Agreement to get the trailer houses off the property. Upon motion made by Manager Benz, a second provided by Manager Goetzfried and with all members voting "aye", it was decided to place \$1000 per trailer per year in the Agreement for a 10 year period and give them a two year grace period before the District begins collecting any money.

Engineer Manager advised that Meadow Park has new owners. Manager Benz will contact them with regard to cleaning up the area where they have pushed snow into the Interior Drainage System.

Engineer Manchester advised that BNSF will be sent correspondence concerning the need to raise two railroad bridges. The correspondence to the Department of Transportation is nearly completed informing them that they have two and possibly three bridges to raise. Engineer Manchester will be talking with the State Water Commission next week about funds in the next biennium to cost-share the expense of raising the Levee.

Engineer Manchester advised the Board that it is very difficult to stop people who own four-wheelers from riding or crossing over the Levee System on Lower Heart property between the Levee and the Heart River.



The Police Department does not want to police the Levee, therefore, it a problem in supervising the Levee and protecting them from destroying the Levee with their four-wheelers. This has been a constant problem for the District.

Engineer Manchester advised the Board that nothing has been done on Pulkrabek's property and it starting to look like a junk yard in an area that is not allowed according to the flood protection laws.

Manager Benz has visited with Mike Ulmen with regarding to removing more trees out of the Levee System, however, there is some concern that Mr. Ulmen's health may not allow him to do this task. Engineer Manchester spoke with Ron Steininger about removing the trees on the Levee System and Manager Benz has visited with Mr. Bullinger about taking some of the trees down that are close to structures.

Manager Benz did pick up 8 crates of Rapid Deplorable Flood Wall from the North Dakota Department of Emergency Services. The crates are 4'x4'x4' and contain 100 Lf of 4' high plastic cells that can be filled with clay.

Other Business:

Manager Benz advised that the plastic protective tube on one of the gate structures was broken, but he found a Fontain 517L number and was able to order a new tube.

Chairman Robinson presented the financial report for the period February 1, 2014, to February 28, 2014, as presented by Treasurer 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.

Upon motion made, seconded and passed, the following vouchers were approved for payment:

7785 William Robinson	277.05(Meetings
7786 Tony Goetzfried	184.70(Meetings
7787 Gary Benz	277.05(Meetings
7788 Toman Engineering Company	700.00(Retainer, Mar 2014
7789 Toman Engineering Company	100.00(Ofc Rent
7790 Toman Engineering Company	3,866.00(Eng Fees
7791 Shirley N. Beechie	538.36(Sal Jan Feb Mar 14
7792 Mariann L. Lang	551.44(Sal Jan Feb Mar 14

7793 Gary Benz	3,750.00(Cont Fee Jan Feb Mar
7794 BOB CAT of Mandan	18,900.00(Purchase Bob Cat
7795 Crowley & Fleck	250.00(Atty Fees
7796 City of Mandan	51.00(Water to shop
7797 West River Telecommunications	76.06(Monitor Heart River
7798 US Postal Service	84.00(PO Box Rent
7799 Voided Check	-----
----- Montana-Dakota Util Co	438.21(Utilities-Auto Pay
----- Bob Cat of Mandan	87.65(2 Couplers
----- Starion Financial	<u>190.26</u> (Payroll Taxes

TOTAL: 30,321.79

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 4:30 p.m.

Chairman

Secretary

County Council

**MINUTES OF MEETING
OF THE BOARD OF MANAGERS
OF THE LOWER HEART RIVER WATER RESOURCE DISTRICT
February 13, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 13th day of February, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Managers Gary Benz and Tony Goetzfried. Also present was Engineer Ronald W. Manchester.

Manager Benz moved to approve the minutes of the meeting of January 9, 2014, Manager Goetzfried provided a second, all present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

Today the Board welcomed Manager Tony Goetzfried to his first meeting as a member of the Lower Heart River Water Resource District.

Bids for the Lower Heart Land Lease are to be opened at 2:00 p.m. The Board received only one bid. The bid was dropped off at that the office of Toman Engineer Company by Mr. Jerry Kist in the amount of \$28.50 per acre. Mr. Kist left a check in the amount of \$4,346.25 for the first year's rent. After discussion Manager Benz made a motion to accept the bid of Mr. Kist, a second was provided by Manager Goetzfried, all members present voted "aye" and the motion was approved. The Chairman directed Engineer Manachester to prepare the Contract for Jerry Kist's signature.

The Eckroths' encroachment onto the Interior Drainage System was discussed to familiarize Manager Goetzfried with regard to the situation. Attorney Malcolm Brown has responded to the Eckroths' Attorney David Tschider. Attorney Brown suggested that the Board should begin a quiet title action to clear up this situation. Engineer Manchester will visit with Attorney Brown with regard to a quiet title action.

Trails 4 Transplants would like permission to ride along the levee again this year. They will be making an approximate 800 mile ride from Mandan, North Daskota to Hardin, Montana. Members of the organization asked if they may ride along the Youth Correctional Facility Levee because it will be easier than trying to cross the Railroad Yard as the Railroad staff may not give them permission to ride on its property. Engineer Manchester will talk to Trails 4 Transplants members about the Boards concerns of using the Railroad Yard. Members of this organization must get permission from representatives of the Youth Correctional Facility to ride on its land.

At 3:00 p.m., Jim Neubauer, of the City of Mandan, joined the meeting to get an update from the Board of Managers regarding the Levee Re-Certification.

Mr. Allen Schlag from the National Weather Service visited with Engineer Manchester about the flood forecast. Mr. Allen advised that there is 48 to 56 inches of frost in the ground due to the wet fall and the lack of snow cover. He has concerns about the amount of water stored in the ground along the stream banks and the deep frost could mean total runoff from any precipitation event whether it be rain or snow.

The North Dakota DOT and BNSF Railroad were contacted by telephone and given a heads up that to meet the FEMA required freeboard, it was going to be necessary to raise some highway and railroad bridges. Engineer Manchester advised both parties they would receive correspondence with some elevation information concerning the bridges. The railroad would also be looking at raising the tracks on each side of the bridge.

The Third Street pipe replacement project was discussed with the Board and it will be completed this year.

The Third Street Storm Water lift station was discussed. Engineer Manchester asked Mr. Neubauer if the City was considering a storm water assessment to pay to move the Lift Station to the North side of Third Street to solve a city drainage problem. Mr. Neubauer advised that he would visit with Jeff and the Board of City Commissioners with regard to this drainage problem. Mr. Neubauer left the meeting at about 4:00p.m.

Engineer Manchester informed the Board that he has spoken with representatives of the Corps of Engineers about funds to assist in the cost of the Levee Re-Certification. The Corps has no funds for assisting in Levee Re-Certification. He also spoke with representatives of NRCS about funds and they also said they do not participate in Levee Re-Certification projects.

Mr. Curt Kadrmas from the North Dakota Department of Emergency Services (NDDDES) called about the PVC flood wall. There is about 100 feet of flood wall per crate. The Board of Managers decided to take three crates. The crates are 4'x4'x4' in size.

Engineer Manchester asked Manager Benz about tractors for pumping flood water. Mr. Benz advised that he and Dave Auch from the City of Mandan have already set something up with Northern Plains Equipment Company of Mandan, ND.

Engineer Manchester informed the Board that he had been asked by Tom Doering of the Morton County Emergency Management Office to be on the Steering Committee for the development of the Morton County Multi-hazard Mitigation Plan Update. The Board approved Engineer Manchester's appointment to the committee to represent the Lower Heart River Water Resource District.

Manager Benz noticed that very few vehicles have been moved at the Pulkrabeck property.

Other Business:

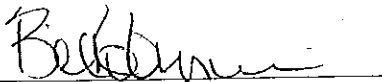
Manager Benz provided cost quotes for a 2005 Bobcat -\$17,500, 2007 Cat- \$17,500 and a 2009 Bobcat - \$21,900. He explained the differences with regard to each loader. Manager Geotzfried made a motion to proceed with the purchase of the 2009 loader for \$21,900, Chairman Robinson provided a second and all present voted "aye" and the motion was approved.

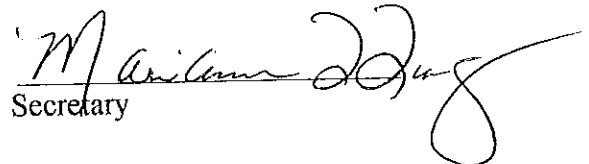
Chairman Robinson presented the financial report for the period January 1, 2014, to January 31, 2014, as presented by Treasurer Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the secretary and a copy filed with the County Auditor.

The following vouchers were approved for payment:

7774 Toman Engineering Company	700.00(Retainer-February
7775 Toman Engineering Company	100.00(Ofc Rental
7776 Toman Engineering Company	3,775.00(Eng Fees
7777 The Bismarck Tribune	654.48(Ad for Bids published
7778 The Finder	249.48(Ad for Bids published
7779 Morton County Treasurer	863.05(Special Assessments
7780 Mariann L. Lang	23.31(Ink Cartridge
7781 City of Mandan	78.66(Fuel
7782 City of Mandan	51.00(Water to Shop
7783 West River Telecommunications	78.06(Monitor Heart River
7784 Montana-Dakota Utilities	336.06(Uilities
---- Starion Financial	150.00(Payroll Taxes
TOTAL:	6,057.10

With no further business to come before the Board, upon a motion duly made by Manager Benz and seconded, 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
January 9, 2014**

The Board of Managers of the Lower Heart River Water Resource District of Morton County, met in regular session at 2:00 o'clock p.m., on Thursday the 9th day of January, 2014, at the office of Toman Engineering Company, 501 1st Street NW, Mandan, North Dakota. The following members were present: Chairman William Robinson and Manager Gary Benz. Also present was Engineer Ronald W. Manchester.

Manager Benz moved to approve the minutes of the meeting of December 12, 2013, Chairman Robinson provided a second, all members present voted "aye" and the motion passed.

Engineer Manchester reported on the following items:

The Lease on the Lower Heart Properties that was leased to Mr. Jerry Kist has expired and it is time once again to advertise the property for a new tenant. The Advertisement for Bids to be placed in the Legal Notice section of the newspapers in Mandan and Bismarck was reviewed by the Board of Managers. Engineer Manchester will make the changes that were discussed and will see that it is placed in the Mandan News. Chairman Robinson suggested we get a price to advertise in the Bismarck Tribune and Finder as well. All bids received will be opened at the February 2014 meeting. The Lease was also reviewed by the Board of Managers. The taxes on the Lease property were \$672.27 in 2013.

Engineer Manchester went over the drawing with the Board that he will send to Ray Pulkrabek showing the Lower Heart easement around the ramp onto the Levee. The renter of this property must keep vehicles 15 feet from the toe of the Levee.

Engineer Manchester informed the Board of Managers regarding his discussion with Attorney Malcolm Brown with regard to Eckroths' encroachment on to the Interior Drainage System. Mr. Brown believes that District should enter into agreements with the current property owner/occupant for the terms that need to be negotiated. The Board accepted Mr. Brown's approach to the situation and instructed Engineer Manchester to advise Mr. Brown to proceed with resolving the situation.

Engineer Manchester reviewed drainage areas that flow into the Heart River and advised that there are some areas that a detention pond could be placed to reduce the flows into the Heart River during the spring runoff.

Engineer Manchester is working on the completion of the plans for the culvert replacement using left over materials from the Corps of Engineer's project on 3rd Street.

Secretary, Mariann Lang, received the 2013 Tax Statements and presented the statements to Engineer Manchester to review the statement before she pays the taxes to be sure the District is not being charged taxes on something the it does not own.

Engineer Manchester advised that Tom Doering from Morton County Emergency Management can get 3 boxes of Rapid Deployment Flood Wall. They are a geo-web material that can be opened and filled with clay material. After a flood event they can be emptied and stored for reuse. Manager Benz advised there was room in the shop to store the 3 - 4'x4'x4' crates. Engineer Manchester will call Tom Doering and tell him Lower Heart will take the three boxes.

Chairman Robinson directed Engineer Manchester to Contact the BNSF Railroad and the North Dakota Department of Transportation regarding the need for them to raise their Bridge Structures in areas where the Levee must be raised.

Engineer Manchester advised that Jack Fried was given permission to dump snow on the Bill Doll property. It is to be dumped along the highway and away from the river, no large piles are to be made and snow is to be leveled and spread out. He only has two other areas where he has to haul snow away, but it is not a large amount of snow.

Other Business:

Mr. Tony Goetzfried's name has been submitted to the Morton County Commission for approval as a Manager of the Lower Heart River Water Resource District.

The quarterly Pledge of Securities from Wells Fargo Bank and Starion Financial were submitted to the Board for review.


The Board of Managers discussed purchasing a Bobcat Loader. Manager Benz will see what is available on the market for a cost for a Bobcat Loader between \$17,500 and \$20,000.

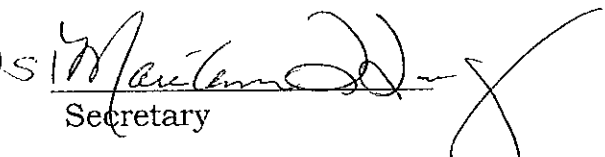
Chairman Robinson presented the financial report for the period December 1, 2013, to December 31, 2013, as presented by Shirley Beechie for the Board of Managers. The Chairman verified the financial reports and as so verified, the reports were reviewed and approved by the Board and the original was ordered to be filed with the Secretary and a copy filed with the County Auditor.

Upon a motion made by Manager Helm, duly seconded and passed the following vouchers were approved for payment:

7765 Toman Engineering Company	700.00(Retainer Jan 2014
7766 Toman Engineering Company	100.00(Office Rent
7767 Toman Engineering Company	270.00(Eng Fees
7768 State Tax Commissioner	35.00(State Taxes
7769 ND Water Resources Dists	475.00(2014 Dues
7770 City of Mandan	44.00(Water to Shop
7771 West River Telecommunications	76.06(Monitor Heart River
7772 Midwest Doors	253.30(Repair Shop Door
---- Starion Financial	150.00(491 Tax Deposit
CC Mandan Plumbing & Heating	162.66(Flush Valve
7773 Montana-Dakota Utilities Co	<u>444.38(Utilities</u>
Total:	2,710.40

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

1st 
Chairman

1st 
Secretary