

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
November 21, 2017

The Richland County Water Resource Board (RCWRB) met November 21, 2017 at 9:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Arv Burvee, Gary Friskop, James Haugen, Don Moffet, and Robert Rostad, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: None

Minutes

The November 7, 2017 minutes were presented. A motion was made by Mgr. Rostad and seconded by Mgr. Burvee to approve the November 7, 2017 minutes as presented. The motion carried unanimously.

Financial Matters

Vouchers for the month of November 2017 were presented for the Board's review and approval. A motion was made by Mgr. Burvee and seconded by Mgr. Moffet to approve Vouchers #17643 through #17661 and the electronic funds transfer for the IRS payment. The motion carried unanimously.

Mail

- 1.) Bank of New York Mellon- Pledged securities totaled \$5,605,882.26 on October 31, 2017.
- 2.) Richland County Commission- Minutes of the October 2017 meetings.

Request for Proposals (RFQ) for Engineering Services – Agency Selection Committee

Prior to interviewing the engineering firms, the Managers discussed the interview process and questions to present to the firms. Consideration was also given to what the engineering needs of the District are.

RICHLAND COUNTY WATER RESOURCE DISTRICT AGENCY SELECTION COMMITTEE - THIRD REPORT November 21, 2017

In accordance with the NORTH DAKOTA STATE WATER COMMISSION'S COST-SHARE POLICY, PROCEDURE, AND GENERAL REQUIREMENTS (the "SWC Policy"), and in accordance with Chapter 54-44.7 of the North Dakota Century Code, the Richland County Water Resource District (the "District") previously prepared and approved an INITIAL REPORT dated October 10, 2017, and a SECOND REPORT dated November 7, 2017. In the INITIAL REPORT, the District appointed all five of its members as the "Agency Selection Committee" for purposes of conducting the requisite engineering selection process (as specifically required under Section I(C) of the SWC Policy and under N.D. Cent. Code § 54-44.7-03(1)). The Committee developed the following "description for the proposed project" as required under Section 54-44.7-03(2)(a):

The Richland County Water Resource District (the "District") is seeking general engineering services and consulting to assist, advise, and act on behalf of the District regarding all proceedings and projects of the District, including regular attendance at meetings of the District; surveys; inspection and maintenance of existing projects, including assessment projects, drains, and retention projects; development, study, survey, design, bidding, contract administration, and right of way acquisition regarding new projects, improvements to the

District's existing projects, and snagging and clearing projects; administration and negotiation of land and right of way acquisition on behalf of the District; assistance regarding permit administration, including surface drainage, subsurface drainage, dam, and dike permitting; investigation and assistance regarding administration of dike, dam, drainage, and obstruction complaints; assessment district development; negotiation with road authorities, railroads, and other entities on the District's behalf; regular cooperation and interaction with the District's staff, legal counsel, and other consultants; and otherwise performing all other tasks as necessary to act on the District's behalf.

In accordance with the Committee's INITIAL REPORT and SECOND REPORT, and as required under the SWC Policy and Chapter § 54-44.7 of the North Dakota Century Code, the Committee performed the following tasks:

1. the Committee developed and approved "a formal invitation to firms for submission of information" (a Request for Qualifications) as required under Section 54-44.7-03(2)(c);
2. the Committee concluded a single publication in the *Richland County Daily News* appropriately, adequately, and sufficiently invited Qualification Statements;
3. the Committee procured publication of its invitation/RFQ in the *Richland County Daily News* on October 13, 2017;
4. the Committee's invitation/RFQ set the deadline for submitting Qualification Statements as 4:30 p.m. on November 6, 2017 (more than twenty-one days following publication of the invitation/RFQ);
5. the Committee accepted timely-submitted Qualification Statements from the following firms:
 - a. Houston Engineering, Inc
 - b. Moore Engineering, Inc
 - c. Interstate Engineering, Inc;
6. the Committee concluded that Houston Engineering, Moore Engineering, and Interstate Engineering were entitled to interviews;
7. the Committee set November 21, 2017, at the office of the Richland County Water Resource District as the date and place of the firms interviews with the Committee; and
8. the Committee authorized an invitation to interview, and the District's staff subsequently mailed interview invitations to Houston Engineering, Moore Engineering, and Interstate Engineering.

Interviews:

The Committee conducted separate interviews with representatives from Houston Engineering, Inc and Moore Engineering, Inc at the office of the Richland County Water Resource District, on November 21, 2017.

Post-Interview Evaluations

In accordance with the SWC Policy and Chapter § 54-44.7 of the North Dakota Century Code, the Committee evaluated and analyzed the firms interviewed on the basis of the following criteria:

1. Professional qualifications necessary for satisfactory performance of requested services, including past performance on behalf of the District and on similar projects;
2. Qualifications of personnel;
3. Ability and willingness to meet time and budget requirements;
4. Location, with higher priority given to firms headquartered in North Dakota;
5. Recent, current, and projected workloads;
6. Related experience on similar projects; and
7. Recent and current work for the District.

Rescheduled Interview:

The Secretary-Treasurer for the Richland County Water Resource District reported to the Committee that she received a telephone call on November 16, 2017, from Mike Bassingthwaite, of Interstate Engineering, that he would not be available to interview on November 21, 2017. Mr. Bassingthwaite further indicated he was required to attend a court hearing in Cass County, North Dakota, on this date. The Committee concluded Interstate Engineering is entitled to an interview with the Committee. The Committee will extend a second invitation to Interstate Engineering. The Committee will conduct the interview with Interstate Engineering at the offices of the Richland County Water Resource District on November 28, 2017.

Following the interview with Interstate Engineering, the Committee will prepare a written report in which the Committee will rank all firms interviewed in priority order. The District will ultimately approve the “final” report; the District will provide written notice of its decision, including the priority order of the firms, to all firms that submitted Qualification Statements; and the District will provide a copy of the final report to the North Dakota State Engineer. The District will then enter into negotiations with the top-ranked firm and may ultimately enter into an agreement with the firm if the parties can agree on a compensation that is reasonable and fair to the District.

Technician’s Report

Mr. Johnson provided a report on the November 16, 2017 Diversion Authority meeting.

Applications

Appl #17-094, Stephen B. Anderson: Part of the E1/2NW1/4 and the NE1/4 Section 28, Walcott West

Applicant seeks to install a subsurface water management system (“drain tile”) in part of the E1/2NW1/4 and part of the NE1/4 Section 28, West Walcott Township, Richland County, North Dakota. A solid pipe will be installed through the township road (via open cut) and along the north side of the NW1/4 and part of the NE1/4 Section 27 west of the railroad track, to the point of the outlet. The project will include a single gravity flow outlet, placed on Red River Valley & Western Railroad right-of-way, located in the NWCR NE1/4 Section 27, which will discharge water through the culvert under the railroad track and into Drain No. 5(64). The Richland County Water Resource District owns and operates Drain No. 5(64).

Along with the application, the Applicant submitted a “signed and notarized letter of approval” from Red River Valley & Western Railroad, who is the downstream landowner within one mile of the outlet. Red River Valley & Western Railroad agreed to waive their right to A THIRTY-DAY NOTICE and to waive their right to

submit technical evidence, as that phrase is defined under Section 61-32-03.1, to demonstrate Applicants project will result in adverse impacts to their properties. The "signed and notarized letter of approval" included stipulations pertaining to proper erosion control measures.

According to records on file with the Richland County Recorder's Office, Stephen B. Anderson owns the NW1/4 and NE1/4 Section 28 where Applicant intends to install the tile system. Further, Keith B. and Cheryl P. Anderson own the NW1/4 Section 27 and Stephen B. Anderson and Keith B. Anderson own the NE1/4 Section 27, lying west of the railroad right-of-way, all in West Walcott Township. The Board's understanding is the Applicant will construct the project on property owned by the Applicant and with a solid pipe installed on property owned by Keith B. and Cheryl P. Anderson (NW1/4 Section 27) and Stephen B. and Keith B. Anderson (NE1/4 Section 27).

A motion was made by Mgr. Haugen, seconded by Mgr. Rostad, and unanimously carried to approve *Application to Install a Subsurface Water Management System #17-094* subject to the following conditions:

- 1) That Applicant notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) That all work be done in a neat and professional manner.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District recommends Applicant consider complying with the following:

- 1) That Applicant notify the Richland County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submit an additional permit application;
- 2) That Applicant obtain written permission from the Walcott Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches; to install, operate, and maintain buried pipe in any of its township road ditches; or to cut or bore through its township road;
- 3) That Applicant obtain and record with the Richland County Deeds Office, an easement from Keith B. and Cheryl P. Anderson, owners of the land where the Applicant will also construct the tile system (installation of solid pipe); and
- 4) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Adjournment

There being no further business to come before the Board, Chr. Friskop adjourned the meeting at 12:50 P.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Gary Friskop
Gary Friskop
Chairman of the Board