

RICHLAND COUNTY WATER RESOURCE DISTRICT
Richland County Courthouse, Wahpeton, ND
November 7, 2017

The Richland County Water Resource Board (RCWRB) met November 7, 2017 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

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

THOSE ABSENT: Gary Friskop

Minutes

The October 24, 2017 minutes were presented. A motion was made by Mgr. Rostad and seconded by Mgr. Moffet to approve the October 24, 2017 minutes as presented. The motion carried unanimously.

Financial Matters

A motion was made by Mgr. Haugen and seconded by Mgr. Moffet to accept the October 2017 financial reports as presented. The motion carried unanimously.

Mail

- 1.) North Dakota State Water Commission- "*The Current*" newsletter
- 2.) North Dakota State Engineer's Office- Temporary Water Permit #ND2017-18409 issued to Minn-Dak Farmers Cooperative. Point of diversion is the NE1/4 Section 20, Dwight East.

Proj #31

Mr. Johnson reported repairs assigned to JBX, LLC for Site #248 (NECR SE1/4 Section 7, Lamars Township), on Proj #31, had a completion deadline of October 15, 2017. The repairs have not been made. Consensus of the Managers was to table the work until spring due to cold weather conditions. Mr. Johnson will set a new completion deadline for JBX in the spring. (RCWRD #17-032)

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

RICHLAND COUNTY WATER RESOURCE DISTRICT AGENCY SELECTION COMMITTEE - SECOND REPORT November 7, 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. 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 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* would appropriately, adequately, and sufficiently invite Qualification Statements;
3. the Committee procured publication of its invitation/RFQ in the *Richland County Daily News* on October 13, 2017; and
4. the Committee's invitation/RFQ indicated the deadline for submitting Qualification Statements to the Richland County Water Resource District was 4:30 p.m. on November 6, 2017.

Qualification Statements Submitted:

The following timely submitted Qualification Statements to the District:

Houston Engineering, Inc
Moore Engineering, Inc
Interstate Engineering, Inc

In accordance with the SWC Policy and Section 54-44.7-03(4), the Committee must conduct interviews with at least three firms the Committee deems most qualified based on the information contained in the firms' Qualification Statements. If less than three firms submit Qualification Statements, the Committee may either re-advertise or conduct interviews with firms that submitted Qualification Statements.

The Committee reviewed and evaluated all Qualification Statements and ranked the submissions based on 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.

The Committee has concluded the following firms are the three most qualified based on the above criteria:

Houston Engineering, Inc
Moore Engineering, Inc
Interstate Engineering, Inc

The Committee will extend invitations to the firms to notify them of the date, time, and place of the interviews.

Interviews:

The Committee will conduct interviews at the offices of the Richland County Water Resource District on November 21, 2017. The Committee will again evaluate each firm 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.

Following interviews, the Committee will prepare a written report in which the Committee will rank the 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 the following updates:

- Diversion Authority meeting- Report on the October 26, 2017 Diversion Authority meeting.
- Proj #31- Mr. Johnson informed the Managers that Mike Bassingthwaite, of Interstate Engineering, recommended tabling the culvert replacement project in the NECR SE1/4 Section 32, Devillo Township, until spring due to the cold weather. Consensus of the Managers was to proceed with the work now, as they felt the frost was not deep enough to adversely affect the work. (RCWRD #17-032)
- Proj #2 Reconstruction- Mr. Johnson was notified by Mr. Bassingthwaite that repairs made on the road in the NECR Section 27, Colfax East, were not satisfactory. Additional work is necessary but it will need to wait until spring. Mr. Johnson will have signs placed on the road for the winter months. (RCWRD #10-079)

Richland County Commissioner Nathan Berseth met briefly with the Board at this time. (Mr. Johnson's report to be continued later in the meeting.)

Task Force for Regional Flood Protection

Com. Berseth updated the Managers on the recent Task Force meetings. He is optimistic issues relative to the Fargo-Moorhead Flood Diversion Project will be worked out.

Technician's Report- Continued

●Proj #7- JAV Construction has not done the culvert project in the NE1/4 Section 25, Freeman Township; this was a 2016 assignment. Consensus of the Managers was to reassign the project to Comstock Construction or Ehlert Excavating, dependent upon which contractor is available the soonest. (Braaten #16-087)

Applications

Appl No. 17-092, Blaine & Megan Kummer: W1/2 Section 1, Nansen Township
Applicants seek to install a subsurface water management system ("drain tile") in the W1/2 Section 1, Nansen Township, Richland County, North Dakota. The original project, completed in the Fall of 2016, involved installation of 69 acres of drain tile in the SW1/4 Section 1, Nansen Township, with one gravity flow outlet discharging directly into Richland County Drain No. 72. The project was not permitted at that time because it involved less than 80 acres and did not require a state permit. Notice of the original project was filed with the RCWRD under Kummer Appl #16-079 and was acknowledged by the RCWRB. The Applicants now seek to install an additional 177 acres of tile in the W1/2 Section 1. Under N. D. Century Code § 61-32-03.1, the entire (original and current) project requires a permit because it involves a total of 246 acres.

The original 69 acre project included a gravity flow outlet. The current project will involve converting the original gravity flow outlet to a single pump outlet installed at the same location as the original gravity flow outlet. The outlet is located on the south side of the SW1/4 Section 1 adjacent to Richland County Drain No. 72; it will continue to outlet directly into Drain No. 72. The Richland County Water Resource District owns and operates Drain No. 72.

Because the project will discharge directly into a legal assessment drain, no THIRTY DAY NOTICE was necessary to downstream landowners under Section 61-32-03.1. Under the tile law passed during the 2017 Legislative Session, the Board can attach conditions to protect its drain.

According to records on file with the Richland County Recorder's Office, Blaine and Megan Kummer own the W1/2 Section 1. The Board's understanding is the Applicants will construct the project only on property owned by the Applicants.

A motion was made by Mgr. Rostad, seconded by Mgr. Moffet, and unanimously carried to approve *Application to Install a Subsurface Water Management System* No. 17-092 subject to the following conditions:

- 1) That Applicants notify the Richland County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) That Applicants provide, install, and maintain adequate erosion protection at any and all outlets into Richland County Drain No. 72;
- 3) That Applicants set drain tile pumps back a minimum of 25 feet from the top of the back slope of Drain No. 72 with a pipe buried from the drain tile pump to Drain No. 72 with erosion protection installed at the point of discharge into Drain No. 72;
- 4) That Applicants reseed any of the District's right of way disturbed by Applicants activities, and maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.
- 5) That Applicants turn off any pump outlets and otherwise close all outlets during "critical flood periods", as determined by the District;
- 6) That Applicants will not install Applicants tile system within 20 feet, on either side, of Southeast Rural Water

Users rural water line on the W1/2 Section 1, Nansen Township; and

7) That all work to be done in a neat and professional manner;

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

- 1) That Applicants 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 Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 3) That Applicants 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.

Appl #17-093, J & C Olson Farm: W1/2 Section 9, Nansen Township A motion was made by Mgr. Moffet and seconded by Mgr. Haugen to approve the field ditching and refer the work in the county road ditch to the Richland County Highway Department, as the work in the road ditch is under the jurisdiction of the Highway Department. Work at no cost to the drain. The motion carried unanimously.

Adjournment

There being no further business to come before the Board, Vice Chr. Burvee adjourned the meeting at 10:45 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Arv Burvee
Arv Burvee
Vice Chairman of the Board