

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
October 10, 2017

The Richland County Water Resource Board (RCWRB) met October 10, 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 September 26, 2017 minutes were presented. A motion was made by Mgr. Rostad and seconded by Mgr. Haugen to approve the September 26, 2017 minutes as presented. The motion carried unanimously.

### **Financial Matters**

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

### **Mail**

- 1.) *Big Stone South to Ellendale* newsletter.
- 2.) Richland County Commission- September 2017 meeting minutes.
- 3.) Bank of New York Mellon- Pledged securities totaled \$6,016,967.99 on September 29, 2017.

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

## **RICHLAND COUNTY WATER RESOURCE DISTRICT**

### **Agency Selection Committee - Initial Report**

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") discussed appointing 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 District reasoned that all five of its members must ultimately approve a final contract with any firm selected; the District's members are best-equipped to measure and judge the qualifications of engineering firms regarding the District's business; and the District's members can mobilize relatively quickly and easily as necessary for purposes of conducting interviews, meeting to evaluate engineering firms, and otherwise performing the requisite tasks required to meet the requirements of the SWC Policy and Chapter 54-44.7. At this time a motion was made by Mgr. Moffet and seconded by Mgr. Rostad to appoint all five of its members to the Agency Selection Committee. The motion carried unanimously.

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.

The Committee developed "a formal invitation to firms for submission of information" as required under Section 54-44.7-03(2)(c); see the RFQ attached as **Exhibit A**.

As required under Section 54-44.7-03(2)(c), the Committee made the following conclusions:

1. The manner in which this [invitation/RFQ] must be published:
  - a. The Committee concluded a single publication in the *Richland Daily News* would appropriately, adequately, and sufficiently invite qualification statements.
2. The content of the publication:
  - a. The Committee approved the attached RFQ.
3. The frequency of the publication:
  - a. The Committee concluded a single publication in the *Richland County Daily News* would appropriately and sufficiently invite qualification statements.

## **EXHIBIT A**

### **Request for Qualifications**

#### **RICHLAND COUNTY WATER RESOURCE DISTRICT REQUEST FOR QUALIFICATIONS REGARDING ENGINEERING SERVICES**

The Richland County Water Resource District (the "District") is a political subdivision in Richland County, North Dakota. The District owns, operates, maintains, develops, and constructs drainage, flood protection, and other water infrastructure projects in accordance with its statutory authorities. The District occasionally requests cost-share participation from the North Dakota State Water Commission (the "SWC") regarding various project development, design, and construction activities. In accordance with the SWC's cost-share policies, the District must conduct an engineering services selection process at least every three years to qualify for cost-share regarding project engineering and development. This RFQ process will satisfy the SWC cost-share requirements.

#### **Scope of Services**

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.

### **Submission Requirements**

The Qualification Statements must include:

1. Name of Respondent and general information regarding Respondent's entity structure;
2. Name, title, address, telephone number, and email address of contact person authorized to contractually obligate Respondent;
3. General introduction and brief history of Respondent's firm;
4. Description of Respondent's specialized or relevant experience or knowledge;
5. Confirmation that Respondent meets the appropriate North Dakota licensing requirements;
6. Description of noteworthy water infrastructure projects the firm has developed, designed, administered, and managed in the area, specifically including legal assessment drains and retention projects;
7. Description of any other characteristics that would be uniquely relevant in evaluating Respondent's experience of Respondent;
8. Identification of key management, field, and staff members Respondent would assign to provide District's services;
9. Information regarding Respondent's management, field, and staff members designated above, including name, position, telephone number, email address, education, and experience, including information regarding relevant project experience; and
10. General description of Respondent's ability to meet Respondent's time and budget requirements.

Respondents must submit one Qualification Statement to the District by 4:30 p.m. on Monday, November 6, 2017, by mail or email, to:

Richland County Water Resource District  
c/o Monica Zentgraf  
418 2<sup>nd</sup> Avenue North  
Wahpeton, ND 58075  
mzentgraf@co.richland.nd.us  
701-642-7773

### **Selection Criteria**

The District will evaluate each Respondent 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.

The District will evaluate all Qualification Statements and will rank firms based on the above criteria. The District will conduct interviews with the top three firms. Following interviews, the District will select the top-rated firm and will enter into contract negotiations with that firm. The District will provide written notice of its decision to all Respondents.

The District reserves the right, in its discretion, to waive any deficiencies in any submissions, and to accept or reject any and all Qualification Statements submitted. The District is not responsible for the costs of proposal or interview preparation.

### **Red River Joint Water Resource District Meeting**

Mgrs. Rostad, Haugen, and Burvee attended the September 27, 2017 Red River River Joint Water Resource District (RRJWRD) meeting. They reported that the RRJWRD approved funding the Red River Basin lidar website. It was also noted that the RRJWRD feels the North Dakota State Water Commission should create a separate fund for drainage projects rather than drainage projects being included with flood control/diversion projects (i.e. Minot and Fargo).

### **Applications**

Appl No. 17-083, Carter Gylland: SW1/4 Section 23, South Eagle Township

Applicant seeks to install a subsurface water management system ("drain tile") in the SW1/4 Section 23, South Eagle Township, Richland County, North Dakota. The project will include one gravity flow outlet located in the SECR SW1/4 Section 23. The outlet will discharge water directly into Richland County Drain No. 2. The Richland County Water Resource District owns and operates Drain No. 2.

Because the project will discharge directly into a legal assessment drain, no THIRTY DAY NOTICE was necessary to downstream landowners under N. D. Century Code § 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, Carter Gylland and Phyllis Gylland own the SW1/4 Section 23, where Applicant intends to install the tile system.

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. 17-083, 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;
- 2) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Richland County Drain No. 2;
- 3) That Applicant set drain tile pumps back a minimum of 25 feet from the top of the back slope of Drain No. 2 with a pipe buried from the drain tile pump to Drain No. 2 with erosion protection installed at the point of discharge into Drain No. 2;
- 4) That Applicant reseed any of the District's right of way disturbed by Applicant's 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 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 Applicant's permit. However, for Applicant's protection, and to

ensure protection of Applicant's tile system, the District recommends that 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 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 #17-084, Richard Score: NE1/4 Section 24, Homestead Township

Applicant seeks to install a subsurface water management system ("drain tile") in the NE1/4 Section 24, Homestead Township, Richland County, North Dakota. The project will include a single pump outlet located in the NECR NE1/4 Section 24, which will discharge water directly into the county road ditch.

Along with the application, the Applicant submitted signed and notarized letters of approval from Paulette Nagy, Steven Haberman, and D.D.A.H. Klosterman Limited Partnership, who are the downstream landowners within one mile of the outlet. All of the aforementioned downstream landowners 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 Applicant's project will result in adverse impacts to their properties.

According to records on file with the Richland County Recorder's Office, Richard Score owns the NE1/4 Section 24 where Applicant intends to install the tile system. The Board's understanding is the Applicant will construct the project on property owned by the Applicant but not on property owned by Nagy, Haberman, or the Klosterman Limited Partnership.

A motion was made by Mgr. Rostad, seconded by Mgr. Moffet, and unanimously carried to approve *Application to Install a Subsurface Water Management System #17-084*, 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;
- 2) That Applicant provide, install, and maintain adequate erosion protection satisfactory to Richland County at any and all outlets into Richland County's road right of way;
- 3) That Applicant install no more than 4 drain tile outlets per 1/2 mile into county road ditches;
- 4) That Applicant not install drain tile outlets in the shoulder or inslope of the county roadway;
- 5) That Applicant reseed any of the County's right of way disturbed by Applicant's 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;
- 6) That Applicant turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District;
- 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 Applicant's permit. However, for Applicant's protection, and to

ensure protection of Applicant's tile system, the District recommends that 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 set drain tile pumps back a minimum of 25 feet from the top of the back slope of a county road ditch with a pipe buried from the drain tile pump to the county road ditch with erosion control protection installed at the point of discharge into the county road ditch;
- 3) That Applicant obtain written permission from Richland County to discharge into, or otherwise utilize, any of its County highway ditches; to install, operate, and maintain buried pipe in any of its County highway ditches; or to bore through its County highway ditches;
- 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.

#### **Helendale Private Drain, LLC**

Cam Leedah, of Helendale Private Drain, LLC, met with the Managers at their request. Purpose of the meeting was to present Mrs. Leedah with a bill for the RCWRD's legal and engineering expenses associated with the complaints filed by downstream landowners and processing the State surface drain permit. Mrs. Leedah indicated she will meet with the Helendale Private Drain, LLC, stakeholders and get back to the District.

Mrs. Leedah was also apprised of the RCWRD's approval of the State surface drain permit for Helendale Private Drain, LLC. The applicants should receive the Notice of Decision from Legal Counsel in the near future. (Jacob & Grp #11-415; Plankers #13-208; Helendale Private Dr #13-088)

#### **Applications**

Appl #17-085, Dan Dotzenrod: NW1/4 Section 14, Freeman Township A motion was made by Mgr. Moffet and seconded by Mgr. Rostad to defer the application pending submission of the signature of approval from Jim Dotzenrod for installation of a screw gate. The motion carried unanimously. (The application will be further considered upon receipt of the signature of approval filed in the RCWRD Office.)

#### **Technician's Report**

Mr. Johnson reported on the following:

- Spoil spreading and debris removal from a cleanout several years ago on Proj #72 needs to be done. The location is the SW1/4 Section 8, Abercrombie West. A motion was made by Mgr. Haugen and seconded by Mgr. Rostad to assign the work to Ehlert Excavating with a completion date of December 1, 2017. The motion carried unanimously. (RCWRD #17-041)

- MDI's cost estimate for manufacturing a slide gate for the 49 inch x 33 inch arch culvert which was installed in the SE1/4 Section 18, Fairmount North (on Proj #26) would be approximately \$5,000 to \$6,000. Mgr. Burvee will contact Krump Welding to see if they could make a gate and what the approximate cost would be. (Boll/Miller #17-004)

- Trees in the Legal Drains- The Office was contacted by Lois Wirtz regarding large trees along the Proj #65 lateral in Section 26, Waldo Township. Additional, Mr. Johnson reported trees on the slopes of several other drains throughout the County. Discussion was held relative to doing a project this winter to remove the trees. Bids will be solicited after Mr. Johnson locates all the sites.

●Sheyenne River Debris- American Enterprises notified the Office of several debris sites on the Sheyenne River scattered across Sections 5, 6, 7, 18, Walcott West and Sections 12, 13, Barrie Township. The Managers directed Mr. Johnson to secure a bid from American Enterprises for the sites which are of concern.

**Adjournment**

There being no further business to come before the Board, Vice Chr. Burvee adjourned the meeting at 10:15 A.M.

Respectfully submitted,

*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Arv Burvee*  
Arv Burvee  
Vice Chairman of the Board