

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
August 10, 2021

The Richland County Water Resource Board ("RCWRB") met August 10, 2021 at 8:00 AM at the Richland County Courthouse.

THOSE PRESENT: Managers Clint Arndt, Arv Burvee, Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf, and Jenna Anderson.

THOSE ABSENT: Mark Fahsholz

### **Approval of Agenda**

A motion was made by Mgr. Moffet, seconded by Mgr. Arndt and unanimously carried to approve the agenda as presented.

### **Minutes**

The July 27, 2021 minutes were presented. A motion was made by Mgr. Arndt, and seconded by Mgr. Friskop to approve the July 27, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

### **Financial Matters**

•**July 2021 Financial Reports**- A motion was made by Mgr. Friskop and seconded by Mgr. Moffet to accept the July 2021 financial reports as presented. Upon roll call vote, the motion carried unanimously.

•**Bremer Bank Collateral Report**- 110% of the District's securities totaled \$7,749,587.04; Bremer Bank's Collateral Report in the amount of \$9,177,877.00 adequately covers the District's funds.

### **2022 Budget**

Chr. Burvee and Office Staff reported on the August 3, 2021 meeting with the Richland County Commission regarding the District's mill levy for 2022. The Commission included 2.75 mills for the District in the County's preliminary budget.

The Managers and Office Staff discussed modifications to the District's budget due to the reduction in mills.

### **Mail**

- 1) Richland County Commission- Minutes of the July 2021 meetings.

### **Proj #95 Outlet Cleanout**

Norbert Althoff met with the Board at their request to continue discussion regarding cleaning Proj #95 in the SE1/4 Section 31, Ibsen Township. Mike Bassingthwaite, of Interstate Engineering, was also present.

On March 30, 2021 the Managers met with Mr. Althoff, who farms the SE1/4, and Korey Skovholt, who farms the SW1/4, to gauge their interest in a project to clean and restore the drain to its original design. Portions of the channel have moved over the years and, as a result, the winding channel is causing damage to the adjacent farmland. Mr. Skovholt and his landlords want the channel restored; the Althoff Family has opposed the work. The Managers asked for this meeting with Mr. Althoff to address his concerns and see if a compromise could be reached so the project can move forward.

Mr. Althoff shared concerns and comments with the Board, including:

- Rocks continue to surface many years after work is done.
- A cleanout will not stop the erosion if riprap is not installed appropriately. Over time the existing riprap has settled to the bottom of the drain.

- Trees which grew after the original construction have not been removed despite several requests being made to the District.
- Culverts at the outlet are plugged.
- Spoil cannot be placed on portions of the north side of the channel as it will block his drainage.

Chr. Burvee and Mr. Bassingthwaite assured Mr. Althoff the contractor would be required to remove as many rocks as possible; the trees would be removed and the culverts cleaned out as part of the project.

When asked if Mr. Althoff would reconsider and allow the District to do the proposed work, Mr. Althoff indicated he would allow the channel to be cleaned but his Mother will not sell additional land to the District. Mr. Althoff was agreeable to a temporary construction easement which will allow room for the contractor to work and pile and level spoil on the farmland. A rate will need to be set for the temporary construction easement; Chr. Burvee guaranteed the rate would not be less than \$150 per acre for two years. Mr. Althoff was asked if his Mother would agree to sign a deed to correct the original deed due to a change made in the route of the channel at the time of construction. Correction of the document will involve a small change in the acreage; the District is willing to pay Mrs. Althoff for the additional right-of-way. Mr. Althoff will discuss this with his Mother.

The meeting with Mr. Althoff concluded at this time.

A brief discussion was held with Mr. Bassingthwaite regarding the United States Army Corps of Engineers and State Surface Drain permits. Both documents from the original construction were found; the Board and Engineer questioned Legal Counsel's recommendation for the District to obtain new permits when this is a cleanout to restore the channel to its original design. The Managers requested a follow up meeting with Legal Counsel to discuss his recommendation. (RCWRD #20-030)

Mr. Bassingthwaite left the meeting.

### **Applications**

Drain Tile Notification Appl #21-065 was reviewed at this time. No action was required by the RCWRB as the project involves less than 80 acres of drain tile. No disclosure of information is allowed per NDCC § 61-32-03.1.

### **Application to Install a Subsurface Water Management System #21-056 for Jeff Erbes in the SW1/4 Section 34, Nansen Township**

On June 29, 2021 the Richland County Water Resource Board approved *Application to Install a Subsurface Water Management System #21-056* for Applicant Jeff Erbes. Under that application, Mr. Erbes showed that he intends to install an 89-acre drain tile system in the SW1/4 Section 34, Nansen Township. The application included one gravity flow outlet located in the SW1/4 SW1/4 and one pump outlet located in the SECR SW1/4, all in Section 34. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of that application.

On July 26, 2021, Ellingson Sales Representative Cynthia Schreiber-Beck notified the Office of an error made on the water flow map. The pump outlet located in the SECR SW1/4 will not flow west to Antelope Creek; it will flow east in the township road ditch.

Given the new information supplied to the District, Mgr. Arndt moved, and Mgr. Friskop seconded the motion, to again approve Appl #21-056 based on the water flow change for SUBSURFACE WATER MANAGEMENT PERMIT #21-056, subject to the following  conditions:

that Applicant install and maintain proper erosion protection at all outlets;

that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;

that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;

that Applicant must turn off any pump outlets and control structures during "critical flood periods," as determined by the Richland County Water Resource District;

that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;

that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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 :

that Applicant obtain easements from the owners of any property not owned by the Applicant but on which the Applicant will install, construct, and maintain Applicant's tile system;

that Applicant obtain a pipeline easement from the owners of property not owned by the Applicant but on which the Applicant will install, construct, and maintain a buried pipeline;

that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and

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.

Notification will again be sent to Jeff Erbes, Dale and Mary Erbes, Southeast Water Users District, the Nansen Township Board of Supervisors, and North Dakota State Engineer's Office. Due to the water flow change, notification will also be sent to downstream landowners Richardson Family Farms LLC and Nancy Wulfekuhle, and to Antelope Township Board of Supervisors. (Antelope Township Board of Supervisors were inadvertently missed in the original notification.)

**Application to Install a Subsurface Water Management System #21-066 for Michael Hoffert in the NE1/4 Section 2, Homestead Township**

The Board reviewed *Application to Install a Subsurface Water Management System #21-066*. Under the application, Michael Hoffert seeks to install a 148-acre drain tile system in the NE1/4 Section 2, Homestead Township. The project will include a single pump outlet located southeast corner of the NE1/4. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Friskop moved, and Mgr. Arndt seconded the motion, to approve Appl #21-066 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-066, subject to the following  conditions:

- that Applicant install and maintain proper erosion protection at all outlets;
- that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;
- that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;
- that Applicant must turn off any pump outlets and control structures during "critical flood periods," as determined by the Richland County Water Resource District;
- that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
- that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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 :

that Applicant obtain written permission from all applicable road authorities to discharge into, or otherwise utilize, any township, county, or state road ditches; to install, operate, and maintain buried pipe in any township, county, or state road ditches; or to bore or cut through any township, county, or state roads and road ditches; and

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.

**Application to Install a Subsurface Water Management System #21-067 for Kevin Kutzer in the E1/2E1/2 Section 6, Fairmount South Township**

The Board reviewed *Application to Install a Subsurface Water Management System #21-067*. Under the application, Kevin Kutzer seeks to install a 127-acre drain tile system in the E1/2E1/2 Section 6, Fairmount South Township. The project will include one gravity outlet located on the north side of Richland County Legal Drain #3 and one gravity outlet located on the south side of Richland County Legal Drain #3; both outlets are located in the E1/2 SE1/4. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Arndt moved, and Mgr. Moffet seconded the motion, to approve Appl #21-067 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-067, subject to the following  conditions:

that Applicant install and maintain proper erosion protection at all outlets;

that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;

that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;

that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;

that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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 :

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.

**Application to Install a Subsurface Water Management System #21-068 for Robert Matejcek/Matejcek Farms in the SW1/4 Section 21, Summit East Township**

The Board reviewed *Application to Install a Subsurface Water Management System #21-068*. Under the application, Robert Matejcek/Matejcek Farms seeks to install a 155-acre drain tile system in the SW1/4 Section 21, Summit East Township. The project will include a single gravity outlet located in the northeast corner of the SE1/4 Section 21. The Board reviewed the application, design plan, water flow map, and all accompanying data submitted as part of the application.

Mgr. Arndt moved, and Mgr. Moffet seconded the motion, to approve Appl #21-068 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-068, subject to the following  conditions:

that Applicant install and maintain proper erosion protection at all outlets;

that Applicant re-establish all disturbed areas to previous conditions, including re-seeding;

that Applicant will not install Applicant's tile system within 20 feet, on either side of any rural water lines under any blanket easements, or otherwise beyond any existing easements the Rural Water District has for Applicant's property being tiled;

that Applicant must apply for an amendment to this SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;

that Applicant remove silt or vegetation, or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to one mile downstream from a project outlet, unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile downstream of the proposed outlet, in which case the Applicant remove silt or vegetation, or repair erosion or scour damage only between the outlet and the discharge into the nearest assessment drain, natural watercourse, slough, or lake.

With regard to this condition, Applicant's obligations to remove silt or vegetation, or repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Upon roll call vote, the motion carried unanimously.

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 :

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.

### **Technician's Report**

●Proj #55: Site #532- SW1/4 Section 19, Summit East Township: Replace 24 inch rusted out culvert. Mr. Johnson reported the minimum sizing for this culvert, per Interstate Engineering's hydraulic study, is a 24 inch culvert. A motion was made by Mgr. Friskop and seconded by Mgr. Moffet to approve installation of a new 24 inch culvert and to assign the project to Comstock Construction. Upon roll call vote, the motion carried unanimously. (RCWRD #21-060)

●Proj #95: Mgr. Friskop previously reported water hemp is growing in Proj #95 in Section 26, Homestead Township. At that time, the Managers directed Mr. Johnson to contact Mike Larson, of Larson Helicopters, to inquire about spraying the channel. Mr. Johnson advised that Larson Helicopters does not do ground spraying. Mr. Johnson will attempt to locate a ground sprayer.

### **Snagging and Clearing**

As reported at the July 27, 2021 meeting, American Enterprises provided bids for snagging and clearing on the Wild Rice and Sheyenne rivers. Bids are as follows:

Wild Rice River- Reach 1	\$ 70,000
Wild Rice River- Reach 2	\$100,000
Sheyenne River	\$100,000

Work on the Sheyenne River is only at bridge sites because of lack of access to the river.

A motion was made by Mgr. Friskop and seconded by Mgr. Arndt to award the Sheyenne and Wild Rice River snagging and clearing projects to American Enterprises as herein reported, contingent upon North Dakota Department of Water Resources cost share assistance. Upon roll call vote, the motion carried unanimously. (Sheyenne River- RCWRD #21-069/Wild Rice River- RCWRD #21-070)

### **Request for Engineering Services (RFQ)**

**RICHLAND COUNTY WATER RESOURCE DISTRICT  
AGENCY SELECTION COMMITTEE - INITIAL REPORT  
August 10, 2021**

In accordance with the North Dakota Department of Water Resources Project Funding Policy, Procedure, and General Requirements (the "DWR Policy"), and in accordance with Chapter 54-44.7 of the North Dakota Century Code, the Richland County Water Resource District (the "District") appointed all five

of its water managers as the “Agency Selection Committee” for purposes of conducting the requisite engineering selection process (as specifically required under Section I(E) of the DWR 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 the 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 DWR Policy and Chapter 54-44.7. Further, the District concluded engaging more than one firm would be more economically advantageous for the District and for the residents and property owners within the District’s geographical boundaries. With that in mind, the District has elected to proceed with the engineering selection process with the objective of selecting more than one qualified firm to act as consultant engineers for the District.

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 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 Daily News* would appropriately, adequately, and sufficiently invite qualification statements.

## **EXHIBIT A**

### **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 Department of Water Resources (the "DWR") regarding various project development, design, and construction activities. In accordance with the DWR'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. The District concluded engaging more than one firm would be more economically advantageous for the District and for the residents and property owners within Richland County. With that in mind, the District has elected to proceed with the engineering selection process with the objective of selecting more than one qualified firm to act as consultant engineers for the District. This RFQ process will satisfy the DWR cost-share requirements.

#### **Scope of Services**

The District is seeking a 'pool' of engineering firms that could provide 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;

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, September 13, 2021, by mail or email, to:

Richland County Water Resource District  
c/o Monica Zentgraf  
418 - 2nd 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. Past performance, including past performance on behalf of the District;
2. Qualifications and ability of professional 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 rank the firms, will select the top-rated firms, and will enter into contract negotiations with at least two firms, and possibly three firms; the District will ultimately enter into contracts with more than one 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.

### **Adjournment**

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 11:30 AM.

Respectfully submitted,

*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Arv Burvee*  
Arv Burvee  
Chairman of the Board