

RICHLAND COUNTY WATER RESOURCE DISTRICT  
Richland County Courthouse, Wahpeton, ND  
September 28, 2021

The Richland County Water Resource Board ("RCWRB") met September 28, 2021 at 8:00 AM at the Richland County Courthouse.

THOSE PRESENT: Managers Arv Burvee, Mark Fahsholz, Gary Friskop, Don Moffet, Engineering Technician Justin Johnson, and Secretary-Treasurer Monica Zentgraf.

THOSE ABSENT: Clint Arndt

### **Approval of Agenda**

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

### **Minutes**

The September 14, 2021 minutes were presented. A motion was made by Mgr. Friskop and seconded by Mgr. Fahsholz to approve the September 14, 2021 minutes as presented. Upon roll call vote, the motion carried unanimously.

### **Financial Matters**

•**September 2021 Vouchers**- Vouchers for the month of September 2021 were presented for the Board's review and approval. A motion was made by Mgr. Moffet and seconded by Mgr. Fahsholz to approve Vouchers #18694 through #18719 and the electronic funds transfers for the IRS and Job Service payments. Upon roll call vote, the motion carried unanimously.

### **Mail**

- 1) Bolton & Menk- Solicitation of Views for the City of Hankinson's 6<sup>th</sup> Street Sewer Expansion Project. The Managers had no comments.

### **Applications**

#### **Application to Install a Subsurface Water Management System #21-0179 for M & H Farm LLP in the NW1/4 Section 13, Ibsen Township**

The Board reviewed *Application to Install a Subsurface Water Management System #21-079*. Under the application, M & H Farm LLP seeks to install a 142-acre drain tile system in the NW1/4 Section 13, Ibsen Township. The project will include a single pump outlet that will discharge directly into Richland County Legal Drain #4(33) in the NW1/4 NW1/4. 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. Moffet seconded the motion, to approve Appl #21-079 and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT #21-079, subject to the following  conditions:

- that Applicant set and install any drain tile pump at least 25 feet from the top of the back slope of Richland County Drain #4(33), with a pipe buried from the pump to Drain #4(33);
- 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 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**

•Complaint for Water-Related Issues filed by Todd Woodbury against Loren Hegseth- Unauthorized Dam, Dike, or Other Device and Obstruction to a Drain/Watercourse- The Board reviewed the report and photographs submitted by Gabe Bladow, of Houston Engineering, relative to the removal of the dam/obstruction between the SE1/4 and SW1/4 Section 16, Garborg Township. A motion was made by Mgr. Fahsholz, seconded by Mgr. Moffet, and unanimously carried to concur with Mr. Bladow’s findings that the contractor had, in fact, removed the dam/obstruction in accordance with NDCC Sections 61-16.1-15 and 61-16.1-53. (Woodbury #21-033)

### **Secretary-Treasurer Position**

Office Staff provided an update on applications for the Secretary-Treasurer position.

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

## **RICHLAND COUNTY WATER RESOURCE DISTRICT AGENCY SELECTION COMMITTEE - FINAL REPORT September 28, 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”) previously prepared and approved an INITIAL REPORT dated August 10, 2021, and approved a SECOND REPORT dated September 14, 2021. 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(E) of the DWR Policy and under N.D. Cent. Code § 54-44.7-03(1)). 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 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 then 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 DWR 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 Daily News*, along with email invitations to the firms that submitted qualification statements when the District last conducted the selection process, would appropriately, adequately, and sufficiently invite Qualification Statements;
3. the Committee procured publication of its invitation/RFQ in *The Daily News* on August 22, 2021;
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 September 13, 2021 (at least 21 days following publication);
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. In light of the firms' qualifications and the District's familiarity with the quality of the firms' work, the Committee concluded re-advertising was unnecessary and that all three of the firms were entitled to interviews;
  7. The Committee set September 28, 2021, as the date for 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:**

1. The Committee conducted separate interviews with representatives from Houston Engineering, Moore Engineering, and Interstate Engineering on September 28, 2021.

#### **Post-Interview Evaluations**

In accordance with the DWR 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. 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.

Under Section 54-44.7-03(5), the Committee members all ranked the firms based on the above criteria, with a score of 10 as the highest and 1 as the lowest. The Committee then compiled the total scores from each member and arrived at an average score for each firm and used those averages to rank the firms in priority order. The Committee provides the rankings and related data below to support the rankings.

#### **Houston Engineering, Inc.**

Final Ranking: 65/70

Additional data and rationale to support rankings:

The District has been impressed with Houston's work over the past three years. Houston's staff is competent at all levels and they provide effective services. Houston has unique technological capabilities that have been advantageous to the District in several instances. Houston's in-house environmental permitting expertise is an attractive feature as the District pursues projects. Houston has a large and qualified staff and is equipped to handle multiple projects for the District simultaneously if necessary.

#### **Moore Engineering, Inc.**

Final Ranking: 55/70

Additional data and rationale to support rankings:

Moore provided an impressive presentation and the District is familiar and comfortable with their staff, particularly Chad Engels. Moore has provided some engineering services to the District in the past. Several water managers have worked with Chad regarding Red River Joint Water Resource District matters and the District has been impressed with his work. Moore has demonstrated their ability to successfully develop and complete projects for water entities.

**Interstate Engineering, Inc.**

Final Ranking: 47/70

Additional data and rationale to support rankings:

Interstate served as the District's engineering firm for several years prior to the engineering selection process, and they have substantial institutional knowledge of the District's projects and the area. The District was concerned with Interstate's workload and their ability to timely complete projects. The District has appreciated their relationship with Interstate over the years and plans to continue to work with them on various projects.

**CONCLUSIONS:**

Based on the rankings above, the Committee recommended, and the District concurred, with the following rankings:

1. Houston Engineering, Inc.
2. Moore Engineering, Inc.
3. Interstate Engineering, Inc.

**Report Approval and Notice of Decision**

The Committee and the District both approve this FINAL REPORT, including the final recommendation regarding the firm rankings. The District's objective was to identify firms to provide a "pool" of consulting engineering services, to meet the District's substantial workload in a timely and cost-efficient manner, for the benefit of the District and for the residents and property owners within the District's geographical boundaries. While the District ranked the firms in priority order, the District is ultimately comfortable with all three of the firms. With that in mind, the District elected to engage all three of the firms in contract negotiations. The District will provide written notice of its decision, including the priority order of the firms, all three of the firms that submitted Qualification Statements. In addition, the District will provide a copy of this FINAL REPORT to the Director of the Department of Water Resources.

The District will commence negotiations with all three of the firms and will ultimately enter into written agreements with all three of the firms, if the parties can agree on compensation that is reasonable and fair to the District. If the District cannot negotiate a satisfactory agreement with one of the firms, the District will terminate negotiations with that firm and will continue negotiations with the other firms. If the District cannot negotiate satisfactory agreements with any of the firms, the District will otherwise continue its selection process as required under Section 54-44.7-03(7).

**Adjournment**

There being no further business to come before the Board, Chr. Burvee adjourned the meeting at 11:50 A.M.

Respectfully submitted,

*Monica Zentgraf*  
Monica Zentgraf  
Secretary

*Arv Burvee*  
Arv Burvee  
Chairman of the Board