

Watershed managers approve updating draft ordinance of funding mechanism for local share of flood projects

As the Wild Rice Watershed District moves toward possible flood damage reduction project construction, there have been a lot of discussions with county commissioners about the development of a Watershed Management District (WMD) as a charging mechanism to collect funds for the local share of project costs. Managers approved moving forward with a draft ordinance for a district-wide WMD at their December meeting.

The District has been discussing state funding assistance with legislators for the proposed flood damage reduction projects (CD #18 and Becker Dam enhancements) being considered as part of Project #42 on the South Branch of the Wild Rice River. If the projects are ultimately approved, local funding for the cost-share portion of an approved project will have to be secured.

The District has been discussing the creation of a Water Management District over the entire watershed with commissioners in each of the six counties as a way to raise funds for the local share of flood damage reduction projects. While managers agreed there is no true consensus of support among commissioners for a WMD, there is general agreement of conditions to allow the Board to update a draft ordinance. Those points included: implement and maintain infrastructure that support the water quality, water quality, and natural resource goals listed in the WRWD Management Plan; to provide funding for construction and maintenance of only new projects; limiting the annual levy for a new project to \$1 million annually; funds collected will cover construction, land acquisition, and all other costs after a project is established; include the entire District in the WMD; fees will be determined on runoff contributions on both agricultural and in municipalities; funds collected through a WMD will be no more than 50% of the project cost; a WMD will sunset after 10 years (at which time the WRWD would be required to follow procedures in state statutes to extend the effective time; up to 100% of the local share of project funding could be paid using WMD funding; establish an advisory board consisting of one representative from each of the six counties in the District; create an appeals panel to hear recommendations on appeals related to charging practices; land use will be reviewed every five years or land owners can request that land use be reviewed each year by supplying the required supporting data.

The Board approved having their legal counsel and engineering work on an updated draft of a WMD ordinance, and also approved planning a meeting with the Board of Water and Soil Resources to keep them informed, and county assessors in the District.

In other business, managers approved hiring a consultant to assist with the organization of the watershed district office and operation.

Manager Dave Vipond noted that hiring the consultant was the recommendation of the personnel committee, and he believes his neutral perspective will assist the District in identifying strengths and weaknesses in the operation. The consultant is Bruce Watkins, who is a former Superintendent of the St. Cloud School District, who is now consulting with a focus on advice to public employers in the area of management strategies and employee performance. His letter of introduction notes that he offers a special perspective to public employers, because he has performed management service in the context of public employment constraints, such as collective bargaining agreements, data practices, open meeting laws, PELRA, and the special need to engage in transparency and public accountability.

As a first step, Watkins will interview managers and staff and will likely provide preliminary recommendations at the Board's February meeting. Motion to hire was approved with one no vote from Manager Diane Ista, who said she questioned the value and cost of hiring the consultant for \$5,000, but said she would work with the consultant. It was noted that he would be ready to start immediately and should have a report and recommendation for the board to review at their February meeting.

In the Project #42 update, Engineer Jerry Bents reported that recent meetings with the DNR related to permitting. One area was related to dam safety, with both the Upper Becker modifications and the dam would likely fall into category #2, and not in the category of a high hazard dam. A meeting was also held to discuss natural resource enhancements that could be incorporated into the Upper Becker Dam project, as well as opportunities for upstream buffer strips to help control erosion. It was noted the biggest permitting hurdle at both sites will be wetland issues. Bents said engineering reports on both proposed projects should be completed and ready for the Board's January meeting.

Administrator Steve Dalen updated the board on meetings with land owners in the project sites, and also reported that a meeting was scheduled with townships in the Becker Dam enhancement project to discuss roads.

Randy Pallum, Borup mayor, noted at the meeting the continued opposition to Project #42 as envisioned by the Watershed District Board, and asked why the Board continues to pursue the project.

Engineer Bents did note that the Corps of Engineer's evaluation of a possible flood protection project in Borup resulted in no federal interest in a ring dike project, but the Corps did recommend that the proposed project #42 provided opportunity for protecting the community from flooding.

Pallum said he didn't agree with the Corps of Engineers assessment, and said they would not support a plan that includes creating a swamp one-quarter mile from town.

The Board met with Kim Durbin of Drees, Risky and Vallager of Grand Forks who conducted the 2007 audit of the District. The Board held a lengthy discussion related to the District's request for a state audit. However, it was noted that the requests to the state auditor are on a priority basis, and it is not known if they would be available to conduct the District's 2008 audit. Durbin said her firm has to know by January 31 if they will be conducting the District's 2008 audit for planning purposes. Managers passed a motion to leave the District on the list for a state audit, but will continue with Drees, Risky and Vallager to conduct the 2008 audit.

The Board determined that a levy constructed by Eugene Vik in Mary Township is in violation of the District's rules, and ordered that the levy be removed back to ground level by April 1. The Board agreed that the April 1 deadline provides the land owner time to make a permit request to the District for consideration before spring. Neighbors in the area are working with Norman County SWCD on developing a protection project in the Heitman Coulee, but Engineer Bents noted that the problem facing the development of a private project will be the same as when the District worked on a petitioned project at the site a few years back, and that will be downstream impacts created by a project to stop water from backing up the coulee. The Board did approve supplying the group with the evaluation data created from the petitioned project.

In other business the Board:

*Went into closed session to discuss litigation related to the proposed CD #18 water retention site.

*Heard that the drain tile has been installed as part of the flood protection project on the west side of Mahnomen with the berm construction to be completed next spring.

*Heard that approval was received from DNR, Army Corps of Engineers, U.S. Fish and Wildlife for cleaning 4,900 feet of County Ditch #18 in Goose Prairie Township, with work scheduled to be completed in December.

*Approved scheduling a Ring Dike Committee meeting to update the project priority list if additional funding is approved by the state legislature.

*Approved payment for work completed on the JD 56 outlet repairs.

*Approved payment on Project 16 ditch clean out work in Sections 19 and 30 of Anthony Township.