

FINAL REPORT
WATERSHED MANAGEMENT AUTHORITY – PHASE 1
FLOYD COUNTY, IOWA – CDBG CONTRACT NUMBER 08-DRIFWP-206
Submitted by Susan Judkins, MSA Professional Services (515-729-6855)
On behalf of Floyd County, Iowa

Floyd County, Iowa received a grant funded by federal Disaster Community Development Block Grant (CDBG-D) dollars to establish a Watershed Management Authority (WMA) by a deadline of 7/2/12 (originally 5/14/12, the deadline was extended to 6/30/12 which was a Saturday, so therefore to 7/2/12.). As outlined in Iowa Code Chapter 466B, Subchapter II, A WMA is formed when two or more political subdivisions within a Hydrologic Unit Code 8 watershed (HUC-8) form an intergovernmental agreement under Iowa Code Chapter 28E to focus on activities that may include:

1. Assess the flood risks in the watershed.
2. Assess the water quality in the watershed.
3. Assess options for reducing flood risk and improving water quality in the watershed.
4. Monitor federal flood risk planning and activities.
5. Educate residents of the watershed area regarding water quality and flood risks.
6. Allocate moneys made available to the authority for purposes of water quality and flood mitigation.
7. Make and enter into contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain.

Eligible applicants included a city or county from within the 85 counties that were declared disaster areas due to storms and flooding in the summer of 2008. If any areas of the proposed WMA were located outside of a declared disaster area, it was necessary to demonstrate that no benefit would extend to that area or that separate funds were used to incorporate that area. Floyd County applied on behalf of the Iowa portion of the Upper Cedar Watershed, leaving out the Minnesota portion of this HUC-8 watershed. Five other areas of the state also received funding to facilitate establishment of WMAs under this grant program including Dallas County (a portion of the South Raccoon), Story County (portion of the South Skunk), Clayton County (a portion of the Turkey), Dubuque County (portion of the Grant-Little Maquoketa), and City of Marion (portion of the Lower Cedar.)

Floyd County was assisted by MSA Professional Services and MSA's subcontractor, the Cedar Valley RC&D, in establishing the WMA. As required by the Iowa Code, all cities, counties and soil and water conservation districts within the proposed watershed were notified of the intent to establish a WMA and invited to participate, including:

- Black Hawk County and the city of Janesville (also in Bremer County)
- Bremer County and the cities of: Denver, Janesville (also in Black Hawk County), Plainfield, Waverly

RIAC Recommendations: Jim Davis, Charles City, Member of Rebuild Iowa
Advisory Commission

Q & A: Mark Kuhn, Floyd County Supervisor
Susan Judkins Josten, MSA Professional Services
Kurt Hoeft, USDA/RC&D

Small Group Discussion

Outline Next Steps

Adjourn

The next meeting was March 8, 2012, with the following agenda:

AGENDA

**Upper Cedar Watershed Management Improvement Authority
3/8/12 Review Session, 6:30 – 8:00 PM
Charles City Library, 106 Milwaukee Mall, Charles City**

Introductions: Mark Kuhn, Floyd County Supervisor – MC

Review of SWCD Purpose
And Activities in the Upper
Cedar Watershed: Kurt Hoeft/SWCD Personnel

Iowa Soybean Association
Watershed Activities: Todd Sutphin, State Watershed Coordinator, ISA

28E Agreement Review: Susan Judkins Josten, MSA Professional Services
Mark Kuhn, Floyd County Supervisor

Outline Next Steps

Adjourn

The Iowa Soybean Association had a presence at each meeting, including their presentation at the 3/8/12 meeting. This proved to be a good way to convey to farmers that the group was very interested in working together with all areas of the watershed, including urban and rural areas, and inviting input from important representatives of each. A small group of attendees was identified to draft and review the 28E Agreement and proposed Bylaws between meetings. A third full group meeting occurred on April 4th, which was noticed as follows:

Invitation to Participate in Upper Cedar Watershed Management Improvement Authority

Important Meeting: Wednesday, April 4, 2012, 6:30 – 8:00 PM

Charles City Library, 106 Milwaukee Mall, Charles City, IA

Floyd County, Iowa invites all cities, counties, and soil and water conservation districts within the Iowa portion of the Upper Cedar Watershed to participate in forming a Watershed Management Authority known as the "Upper Cedar Watershed Management Improvement Authority." Activities of a Watershed Management Authority may include assessing options for reducing risks in the watershed, monitoring flood risk planning and activities, educating residents, allocating funds made available to the authority (which has no taxing authority of its own), and entering into contracts and agreements necessary to perform the authority's chosen duties. During April and May of 2012, an intergovernmental agreement known as a 28E Agreement will be finalized to establish the Upper Cedar Watershed Management Improvement Authority in accordance with Iowa Code Chapter 466B, Subchapter II.

Please ensure representation at the next meeting scheduled for Wednesday, April 4, 2012, beginning at 6:30 PM at the Charles City Library, 106 Milwaukee Mall, Charles City, IA. We will hear from Bev Nordby of the Cedar River Watershed District based in Austin, MN, regarding the positive outcomes and challenges that have been overcome since the implementation of their watershed group. A proposed 28E agreement will be reviewed, with appropriate information generated to assist your city, county, or SWCD in agreeing to participate

Previous meetings were held on February 24 and March 8, 2012. Minutes of those meetings are included, and handouts provided at those meetings may be viewed online at http://www.floydcoia.org/departments/boardofsupervisors/watershed_management_authority.asp.

Your RSVP will be appreciated to help us plan accordingly. Come and learn about this important opportunity for our region and your community!

For additional information, and to RSVP, contact:
Susan Judkins Josten
sjudkins@msa-ps.com
515-729-6855

Sincerely,



Mark Kuhn, Supervisor

The 28E Agreement and draft Bylaws were distributed to all potential participants on May 4, 2012, with the following invitation:

May 4, 2012

28E Intergovernmental Agreement to establish the Upper Cedar Watershed Management Improvement Authority (a Watershed Management Authority)

Floyd County, Iowa, was recently selected to receive federal disaster grant funding to facilitate establishing a Watershed Management Authority in the Upper Cedar Watershed, with the intent that the area will serve as a model for the rest of the state in undertaking activities that may include

assessing options for reducing risks in the watershed, monitoring flood risk planning and activities, educating residents, allocating funds made available to the authority (which has no taxing authority of its own), and entering into agreements necessary to perform the authority's chosen duties.

Since February of 2012, cities, counties and soil and water conservation districts (SWCDs) from throughout the Upper Cedar Watershed have learned and worked together to understand needs in the watershed and to formulate documents outlining the governance of the proposed Upper Cedar Watershed Management Improvement Authority. Those documents are enclosed.

Floyd County, Iowa now invites cities, counties, and SWCDs within the Iowa portion of the Upper Cedar Watershed to pass a resolution and sign an intergovernmental agreement known as a 28E agreement to form the Upper Cedar Watershed Management Improvement Authority in accordance with Iowa Code Chapter 466B, Subchapter II. The proposed bylaws are included for information purposes only and will be considered by the board of the Upper Cedar Watershed Management Improvement Authority. Please consider whom you wish to appoint to this board also.

The enclosed map details the area of the watershed. Also included is a listing of eligible cities, counties and SWCDs. While none are required to participate, we welcome and encourage all to do so. The 28E agreement must be filed with the Iowa Secretary of State's Office no later than June 30, 2012, for us to be eligible to apply for additional funding for our watershed management authority later this year.

Please participate in this important opportunity for our region and your jurisdiction! We are glad to attend an upcoming meeting to answer questions. Please feel free to contact me or our consultant:

Mark Kuhn
mdkuhn@floydcoia.org
641-257-6129

Susan Judkins
sjudkins@msa-ps.com
515-729-6855

Sincerely,



Mark Kuhn
Supervisor

As needed, leaders of the Floyd County effort met with the governing bodies of potential participants including Floyd County Supervisor Mark Kuhn, Susan Judkins of MSA Professional Services, and Kurt Hoeft of the Cedar Valley RC&D. The primary focus was on obtaining signatures for the 28E Agreement, but the Bylaws were also reviewed to give the entities an idea of how the governance structure would likely work. The process worked smoothly with the exception of concerns that were raised by attorney Carlton Salmons of Des Moines, who represented a risk pool in which several counties participated including Chickasaw and Mitchell Counties. Chickasaw County ultimately decided to join the 28E Agreement, but Mitchell County decided to wait pending receipt of additional answers to questions about any liability issues that might stem from signing the 28E Agreement. The City of Osage also decided to wait.

Just before filing the final 28E Agreement, participants attended a 6/27/12 presentation at the Charles City Library by the Iowa Flood Center regarding the watershed's selection as one of four areas identified for a hydrology study and potential implementation of pilot flood mitigation projects. The group is very pleased to have the opportunity to work with the Iowa Flood Center on this project.

Floyd County's initiative to establish a WMA succeeded when a 28E agreement was filed with the Iowa Secretary of State establishing the Upper Cedar Watershed Management Improvement Authority on 7/2/12. It is noteworthy that the group distributed the document on 5/4/12, but did not receive the final signatures until just prior to filing on 7/2/12. At the time of filing, there were 23 governments participating in the agreement including cities, counties and soil and water conservation districts from throughout the Iowa portion of the Upper Cedar Watershed. Each has appointed one board member and up to two alternates who may serve in the member's absence.

The organizational meeting of the Upper Cedar Watershed Management Improvement Authority occurred on 8/7/12, with an agenda as follows:

AGENDA

**Upper Cedar Watershed Management Improvement Authority
8/7/12 Organizational Meeting, 6:00 – 8:00 PM
Charles City Library, 106 Milwaukee Mall, Charles City**

Call to Order, Introductions,
Election of Temporary Chair
and Temporary Secretary: Mark Kuhn, Floyd County Supervisor – MC

Approve Agenda:

Report on 28E Agreement Susan Judkins Josten, MSA Professional Services

- Filed 7/2/12, 23 participants
- Mitchell County and Osage concerns
- Status of reports to IEDA for WMA Phase I Grant Agreement

Review
and Adoption of Bylaws: Susan Judkins Josten, MSA Professional Services
Temporary Chair

Election of Officers: Temporary Chair

- Chair, Vice Chair and Treasurer elected from the Board
- Secretary may be elected from the board, but is not required to be a board member
- Chair assumes leadership, Secretary assumes duties

Determination of
Staggered Terms: Chair and Secretary/Determined by lot

Budget: To be adopted at annual meeting

- Discuss potential budget needs
- May be referred to executive committee

Report on WMA Phase II: Susan Judkins Josten, MSA Professional Services

- Due 8/24/12
- Identify lead government entity

Next Steps Potential 28E Revisions

Public Comments

Set Next Meeting and Adjourn

The following directors and their respective term limits were established:

Upper Cedar Watershed Management Improvement Authority Board of Directors

1. **Black Hawk County** - John Miller, 316 E 5th Street, Waterloo, IA 50703, jmiller@co.black-hawk.ia.us, 319-833-3074 **(term expires May 2015)**
2. **Bremer County** - Kip Ladage, kladage@co.bremer.ia.us, 319-352-0133, 111 4th St NE, Waverly, Iowa 50677 **(term expires May 2015)**
3. **Butler County** – Tom Heidenwirth, thjtski@netscape.net 708 N Bluff St, Greene, IA 50636, 641-816-4221 **(term expires May 2016)**
4. **Chickasaw County** - Tim Zoll, timzoll1169@gmail.com, 641-228-0124; alternate is Rick Holthaus, Rick.holthaus@yahoo.com, 641-330-9045 **(term expires May 2013)**
5. **Floyd County** – Mark Kuhn, mkuhn@floydcoia.org, 641-330-4910 **(term expires May 2013)**
6. **Worth County** – Ken Abrams, kennyabr@wctatel.net, 641-390-1224, 984 Hwy. 105, Northwood, IA 50459 **(term expires May 2015)**
7. **Charles City** – Mayor James Erb, mayor@cityofcharlescivity.org; alternate Tom Brownlow, tom@cityofcharlescivity.org, 641-257-6300, 106 Milwaukee Mall, Charles City, IA 50616 **(term expires May 2014)**
8. **Colwell** – Mayor Deb Johnson, deb.johnson@fbfs.com **(term expires May 2014)**
9. **Denver** - Joel Wikner, 110 E. Hoover Street, Denver, Iowa 50622 319-415-2228 (cell)319-984-5737 (home) **(term expires May 2013)**
10. **Floyd** – Charlie Newman, cnewman@1stsecuritybank.com. **(term expires May 2014)**
11. **Nashua** – Roger Gigler, 641-420-3445 **(term expires May 2016)**
12. **Northwood** – Roger Rustad, address is 97 13th Street South, Northwood, Iowa 50459. home phone is 641-324-1343. **(term expires May 2013)**
13. **Plainfield** - Mayor Tom Geise, 638 3rd Street, Plainfield 50666, tgeise@carisls.com, 641-220-5576. (Alternate Doug Berger) **(term expires May 2014)**
14. **St. Ansgar** – Gerald Beaver, bbgbsta@omnitel.com, 641-420-5957, 611 E. 2nd Street, St. Ansgar, IA 50472 **(term expires May 2016)**

15. **Stacyville** – Amanda Skjeie, amanda.skjeie@wellsfargo.com (term expires May 2013)
16. **Waverly** – Stephen Main, Stephen.main@wartburg.edu – 506 10th Ave NW, Waverly, IA 50677, 319-830-4496 (cell) 319-352-1629 (home) (term expires May 2014)
17. **Black Hawk County SWCD** - Sherman Lundy, sherml@bmcaggregates.com – 1103 Ellen St, Cedar Falls, IA 50613, 319-759-5803 (term expires May 2016)
18. **Bremer County SWCD** – Ron Lenth, rlenth@iastate.edu, 720 7th Ave SW, Tripoli, IA 50676, 319-240-0156 (term expires May 2015)
19. **Butler County SWCD** – Rick Juchems, rick.juchems@butler-bremer.com, 319-240-9190 (term expires May 2013)
20. **Chickasaw County SWCD** - Randy Miller, 1855 Cheyenne Avenue, Ionia, Iowa 50645, 641-394-3789 (no email address available) (term expires May 2016)
21. **Floyd County SWCD** – Dennis Carney, dcarney@omnitel.com (term expires May 2014)
22. **Mitchell County SWCD** - Eric Jellum, 1669 325th St, Osage, IA 50461 – 641-732-5140 H, 641-220-4233 C jellumfm@osage.net (Alternate Karen Damjanovic, 2929 320th St, Orchard, IA 50460 – 641-982-4939 H, 641-220-0109 C) (term expires May 2015)
23. **Worth County SWCD** – Erik Butler, erik.butler@ia.nacdnet.net, 641-324-1819, Worth County SWCD, 1004 10th Street South Suite B, Northwood, IA 50459 (term expires May 2015)

The officers and executive committee members for the current term were elected and include:

Chair: Mark Kuhn, Floyd County Board of Supervisors
 Vice Chair: Sherman Lundy, Black Hawk County SWCD
 Treasurer: Charlie Newman, City of Floyd
 Secretary: Karen Damjanovic, Mitchell SWCD alternate
 At Large: Tom Heidenwirth, Butler County Board of Supervisors
 At Large: Jim Erb, Mayor of Charles City
 At Large: Erik Butler, Worth County SWCD

A follow-up meeting was held on 8/21/12 with the following agenda:

AGENDA

**Upper Cedar Watershed Management Improvement Authority Executive Committee
 8/21/12 Meeting, 6:00 – 7:30 PM
 Charles City Library, 106 Milwaukee Mall, Charles City**

Call to Order, Introductions: Mark Kuhn, Floyd County Supervisor – Chair

Approve Agenda

Minutes Review: Approval will occur at 9/11/12 Board Meeting

Bylaws Review: Revisions must be submitted to members by 8/28/12 for potential adoption at 9/11/12 board meeting

28E Agreement: Review of letter from Carl Salmons regarding wording.
Concerns impact Mitchell County, Chickasaw County and the City of Osage.

- Filed 7/2/12, 23 participants
- Mitchell County and Osage concerns
- Status of reports to IEDA for WMA Phase I Grant Agreement

Budget: Discuss potential budget needs

Report on WMA Phases I & II: Susan Judkins Josten, MSA Professional Services

- Due 8/30/12 and 9/24/12 respectively

Other Business

Set Next Meeting and Adjourn

The next meeting is scheduled September 11, 2012, at 4:30 PM. Prior to that meeting, the Mitchell County Board of Supervisors will consider joining in the 28E Agreement.

It is expected that areas that successfully establish a WMA will be well positioned to receive future state and federal watershed funding, which is already being proven in the Upper Cedar Watershed. Success in establishing the Upper Cedar Watershed Management Improvement Authority makes the group eligible to apply for Phase II funding to establish a watershed plan, and a proposal being jointly prepared by MSA Professional Services and the Iowa Soybean Association will be submitted by 9/24/12. As noted above, the Upper Cedar WMA area has also been selected by the Iowa Flood Center as a study location for potential implementation of pilot flood mitigation projects.