
9.0 PROJECTS

9.1 PETITIONED PROJECTS

The RLWD will accept petitions from the public for projects to be constructed under Minnesota Statute 103D.705. That petition must meet the requirements of the statute and also be submitted with the required bond. When considering a petitioned project, the Managers will consider not only the statutory requirements, but also will consider whether the proposed project is in keeping with the RLWD's goals, policies and objectives, as well as the Red River Mediation Agreement and other considerations. The Managers may direct staff to develop a decision matrix for use when evaluating petitioned projects.

After reviewing the petition and the Managers approve, the Managers will assign the project a name and number and will further direct their engineer to proceed with surveying, maps, etc. If the Engineer's Report determines that the project is feasible, they prepare a plan. If the report is unfavorable, the Managers must hold a hearing on this report within 35 days. A favorable report is sent to the Director of MnDNR Waters and the BWSR, who file an advisory report. After the filing of the Engineer's Report, the Managers will appoint three landowners as neutral appraisers/viewers. The Viewers' Report is examined by the Managers and can be returned to the viewers if felt inadequate. Once all of the above and advisory reports are completed, the Managers will notice a final hearing. Notice of pendency must be filed with the county recorders where ownership of real estate is acquired. If a positive order comes out of the final hearing, bids are called for and construction begins.

9.2 OTHER PROJECT IDEAS

Individuals will be invited to bring project ideas to the Managers for review and discussion. After preliminary review by the Managers, they may direct the engineer to review further in order to gather additional information and report back. Then the Managers will decide if they wish to establish this proposed project by resolution of the Managers, if they should require a petition for the project or if they should dismiss it altogether. If the Managers do not dismiss the project at this point, and until it is established as a project by resolution or petition, the project will be placed on the list of potential projects (Project Inventory List) for future review and potential establishment. This list will be reviewed annually and updated as necessary. Projects may be removed from the list at this time also.

As an action item to address Sections 9.1 and 9.2, the Managers will develop guiding principles and a procedure for evaluating proposed projects in accordance with all applicable Minnesota Rules, Minnesota Statutes and the mediation agreement.