

March 3, 2015
Joint Ditch Authority
Judicial Ditch No. 1 – Cottonwood and Watonwan Counties
Minutes

The Cottonwood-Watonwan Joint Ditch Authority met on Tuesday, March 3, 2015 at 8:30 a.m. at the Cottonwood County Courthouse in Windom, MN. Present in person or via speaker phone for all or portions of the meeting were: ditch authority members Tom Appel, Norm Holmen, Jim Schmidt, Keith Brekken, Kathleen Svalland, Cottonwood Commissioners Kevin Stevens and Donna Gravley, Cottonwood County Coordinator Kelly Thongvong; Cottonwood County Auditor/Treasurer Jan Johnson; Cottonwood County Attorney Nick Anderson, Watonwan County Auditor Don Kuhlman, Watonwan County Attorney Stephen Lindee, Kathy Marsh, Dave Bucklin, Alan Coners, and Neil Bartel.

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Cottonwood County Attorney Nick Anderson gave a brief review of the information that was dispersed to the Joint Ditch Authority members prior to the meeting regarding Judicial Ditch #1. Anderson stated that a date should be set for a public hearing and that the Cottonwood County Auditor/Treasurer, Jan Johnson, should send an Order to Show Cause Notice by certified mail to Duane Franz 10 days prior to the public hearing.

Discussion was held regarding possible meeting dates with the first choice being Tuesday, March 17 at 1:30 p.m. and the second choice being Tuesday, April 7 at 1:30 p.m. with the location to be determined. Norman Holmen will contact Duane Franz to see what date he is available.

Motion by Keith Brekken, second by Jim Schmidt, to issue Order to Show Cause to Duane Franz requiring him to appear before the board to answer the following: (1) if there has been an obstruction; (2) if the obstruction was caused by Duane Franz; (3) whether Duane Franz should be ordered to remove the obstruction; (4) how the obstruction should be removed such that the original water flow is not altered; and (5) how long Duane Franz should have to remove the obstruction. Roll call vote as follows: Aye – Brekken, Svalland, Schmidt, Appel, and Holmen. Nay – none.

Discussion was held regarding Engineering reports on Judicial Ditch #1. Anderson stated that the most recent engineering information is from the 1940's which should show the original flow of water. Questions were raised as to who would pay for the updated Engineering reports. Anderson indicated that perhaps the Cottonwood County Engineer could give testimony at the hearing regarding the general consequences of the work done, but if exact measurements are needed, then continue the hearing and issuance of findings until engineering work is done. The board could also grant an order that before approving any work done that Duane Franz come up with a plan to get the water flow back to what it was engineered for all at Franz's expense.

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There being no further business, the meeting was adjourned at 8:50 a.m.

Jan Johnson, Auditor/Treasurer

Norman Holmen, Board Chairman

Kelly Thongvong, County Coordinator