

March 17, 2015
Joint Ditch Authority – Cottonwood and Watonwan Counties
Public Hearing
Minutes

The Cottonwood-Watonwan Joint Ditch Authority met for a public hearing on Tuesday, March 17, 2015 at 1:30 p.m. at the Cottonwood County Law Enforcement Center in Windom, MN. Presiding over the meeting was Commissioner Jim Schmidt. Present for all or portions of the hearing were: Cottonwood County Commissioners Tom Appel, Norm Holmen and Jim Schmidt; Watonwan County Commissioners Keith Brekken and Kathleen Svalland; Cottonwood County Auditor/Treasurer Jan Johnson; Cottonwood County Attorney Nick Anderson; Cottonwood County Engineer JinYeene Neumann; Kathy Marsh, David Bucklin, Neil Bartel, Gilbert Penner, Rodney Goertzen, Beverly Carlson, Donna Gravley, Phil Harder, Harlan Franz, Duane Franz, Shella Franz, Kevin Stevens, Dave Klassen, Ryan Klassen, Jim Nickel, Kelly Pfarr, Arthur Carlson, Rahn Larson, Kay Gross, and Dustin Anderson.

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Motion by Kathleen Svalland, second by Tom Appel, unanimous vote to approve the minutes of the March 3, 2015 meeting.

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Cottonwood County Attorney Nick Anderson stated the reason for the public hearing was to give the board the opportunity to hear an explanation of what might have happened regarding excavation work that was done and more specifically to hear from Duane Franz as to his explanation, then determine if there is sufficient evidence to make findings that there has been an obstruction placed or if more information is needed. Finally, the board could hear from the public regarding what to do about the work done.

David Bucklin, SWCD District Technician, was asked to give a review of what his investigation of Judicial Ditch #1 entailed. Bucklin's investigation revealed that the ditch had been widened between 10 to 15 feet along a one mile stretch. Exhibits 1-6 were described.

JinYeene Neumann, Cottonwood County Engineer, was asked to state how the excavation work might affect the ditch. Neumann stated that her concern is flooding in the area surrounding the culvert on the county line.

Commissioner Norm Holmen stated that he recalled a conversation with Duane Franz regarding Franz asking if he could do some maintenance on his land and if there was some sloughing off in the ditch, could he do some clean out. Holmen had stated that he told Franz that that would be okay, but not the excavation work that was completed.

Duane Franz confirmed the conversation with Commissioner Holmen and stated that he had contacted the Cottonwood County Engineer and the Watonwan County Engineer as to the size of the culvert on 610th Avenue and their replies were 194 square feet and 197 square feet respectively. Franz stated that he feels the culvert needs to be expanded.

Members of the public were given the chance to give their opinions on the matter. David Klassen, Rodney Goertzen, Neil Bartel, Harlan Franz, and Phil Harder spoke on behalf of Duane Franz and their own property and agreed with the work that Franz had done.

The members of the public that attended were told that if they wanted to Petition for a Redetermination of Benefits they would have to get 51% of the landowners associated with Judicial Ditch #1 to sign for the petition to pass.

Motion by Tom Appel, second by Kathleen Svalland, unanimous vote for the Cottonwood-Watonwan Ditch Authority to hire an engineer, Bolton & Menk, to survey and assess the volume and flow before and after the excavation on Judicial Ditch #1.

Motion by Norm Holmen, second by Keith Brekken, unanimous vote to continue until the Engineer's report is received.

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The hearing was recorded and the recording is made a part of the record.

Jan Johnson, Auditor/Treasurer

James Schmidt, Acting Chairman

Kathy Marsh, Human Resources Technician