

**STATE OF MINNESOTA
RENVILLE COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
RENVILLE COUNTY DITCH 59**

In the Matter of the Petition to Improve
County Ditch 59 Branch B

**FINDINGS AND ORDER
APPOINTING ENGINEER**

At a duly noticed and public meeting on January 23, 2024, the Renville Board of Commissioners, sitting as the drainage Authority for Renville County Ditch 59, based on the record of proceedings, moved by Commissioner Snow, seconded by Commissioner Erickson to adopt the following Findings and Order:

Findings:

1. The Renville County Board of Commissioners ("Drainage Authority") is the public drainage authority under Minnesota Statutes, chapter 103E with jurisdiction over Renville County Ditch 59 ("CD 59").
2. A petition dated January 15, 2024, attached hereto as **EXHIBIT A** ("Petition"), was received by the Drainage Authority requesting to Improve Branch B of CD 59 by petitioners David & Elizabeth Kadlec, Roger Kingstom, and Karen Steffel.
3. Pursuant to Minnesota Statutes, section 103E.202, subdivision 5, a bond is required to be filed with the Petition. A bond was filed in the form of \$10,000 check payable to Renville County. The bond was approved by counsel for the Drainage Authority.
4. The Drainage Authority finds that it has jurisdiction over these proceedings and pursuant to Minn. Statutes sections 103E.241, subdivision 1 desires to appoint an engineer to make a preliminary survey.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Drainage Authority, the Renville County Board of Commissioners, acting as the drainage authority for Renville County Ditch 59, hereby orders as follows:

- A. The Petition is hereby accepted for the commencement of proceedings under

Minnesota Statutes, sections 103E.215.

- B. Bolton & Menk, Inc. and Shaun Luker, P.E. ("Engineers") are hereby appointed to investigate and prepare a preliminary engineers' report for the improvement of CD 59 Branch B and to file an engineer's report of findings with the Renville County Auditor-Treasurer.
- C. The engineers shall subscribe to an oath to faithfully perform the assigned duties in the best manner possible and file a bond in the amount of at least \$5,000.00 or an amount approved by the Drainage Authority's counsel and the Renville County Auditor-Treasurer. The bond shall be conditioned to pay any person or the Drainage Authority for damages and injuries resulting from negligence of the engineers while the engineers are acting in the proceedings and provide that the engineers will diligently and honestly perform the engineers' duties.
- D. Upon the filing of the preliminary engineers' report, the Renville County Auditor-Treasurer shall promptly notify the Drainage Authority Board of Commissioners which will, in consultation with the Renville County Auditor-Treasurer, set a time by order, not more than 30 days after the date of the order, for a hearing on the engineers' report of findings. The Renville County Auditor-Treasurer shall provide notice of the public hearing on the report of findings in accordance with Minnesota Statutes, sections 103E.261.
- E. The Renville County Auditor-Treasurer shall ensure that the costs incurred before a final order is adopted on the Petition do not exceed the amount of the Petitioners' bond. If the costs incurred are expected to exceed the amount of the Petitioners' bond, the Renville County Auditor-Treasurer shall notify the Drainage Authority Board of Commissioners so that the Board may require an additional bond to cover all costs to be filed by Petitioner within a prescribed time. The proceedings shall stop until the additional bond prescribed by the Board is filed. If the additional bond is not filed within the prescribed time, the proceeding must be dismissed in compliance with Minnesota Statutes, section 103E.202, subd. 6.
- F. Petitioners shall be responsible for all costs, including administrative, engineering, legal, and all other costs incurred by the Drainage Authority to conduct these proceedings, to secure necessary land rights for construction and future maintenance of the rerouted portions of CD 59, and to construct the Project.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings and Order, and there were _____ yeas, _____ nays, _____ absent, and _____ abstentions as follows:

	Yea	Nay	Absent	Abstain
ERICKSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAMRE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAMER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBINSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SNOW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.



 Kramer, Renville County Chair

Dated: January 24, 2024

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I, Lisa Meints , Renville County Auditor-Treasurer, do hereby certify that I have compared the above motion and Findings and Order with the original thereof as the same appears of record and on file with the Renville County Board of Commissioners and find the same to be a true and correct transcript thereof. The above order was filed with me, Renville County Auditor-Treasurer, on January 23, 2024.

IN TESTIMONY WHEREOF, I hereunto set my hand this 24th day of January, 2024.

A handwritten signature in cursive script that reads "Lisa Meints". The signature is written in black ink and is positioned above a solid horizontal line.

Lisa Meints , Auditor-Treasurer
Renville County, Minnesota