

GISLASON & HUNTER LLP
ATTORNEYS AT LAW

April 9, 2025

Dean M. Zimmerli
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VIA E-MAIL AND US MAIL

Lisa.Meints@renvillecountymn.gov

Ms. Lisa Meints
Renville County Auditor
500 E Depue Ave
Olivia, MN 56277

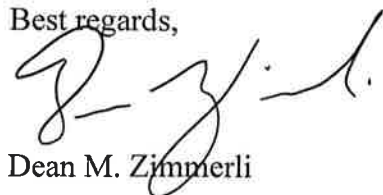
Re: Renville County Ditch 59 Branch B Improvement
Our File No. 35240-1

Dear Ms. Meints:

In consultation with Bolton & Menk, the project engineer appointed for the CD 59 Branch B improvement petition, the petitioners desire to amend their petition to accomplish a more cost-effective and efficient project. Accordingly, enclosed herein please find an Amended Petition for Improvement of Renville County Ditch 59, which the petitioners desire to supersede the petition they previously filed. The amended petition is signed by a majority of the petitioners who subscribed to the original petition, who also represent more than 26% of the land passed over by the proposed amended project.

I would ask that the drainage authority's attorney review the petition to determine it is sufficient and present the petition to the drainage authority for consideration at the soonest available opportunity.

Best regards,



Dean M. Zimmerli

DMZ:JH

cc: Kale Van Bruggen (via e-mail)
Seth Sparks (via e-mail)
Dave Kadlec (via e-mail)
Roger Kingstrom (via e-mail)

4926-5614-4948

**AMENDED PETITION FOR
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59**

TO: THE RENVILLE COUNTY BOARD OF COMMISSIONERS, ACTING AS THE
DRAINAGE AUTHORITY FOR RENVILLE COUNTY DITCH NO. 59

Petitioners respectfully represent, state and request the following:

1. Designation of Drainage System.

This Petition requests the completion of a drainage project consisting of improvements to the drainage system designated as County Ditch No. 59 ("CD 59") located in Renville County, Minnesota. This Petition amends that Petition for Improvement of County Ditch 59 Branch B filed with the Renville County Auditor on or about January 15, 2024.

2. Necessity for Drainage Project.

The existing drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet. Minn. Stat. § 103E.215, Subd. 4(c)(2). The proposed improvements are necessary to prevent flooding, erosion, and adverse effects on agricultural land.

The drainage system is out of repair and the drainage project petitioned for herein is for a separable portion of the drainage system. Therefore, a portion of the cost may be assessed as a repair. Minn. Stat. § 103E.215, Subd. 6.

3. Description of Proposed Improvement.

The proposed drainage project would consist of improving CD 59 Branch B along its entire length, together with lateral branches thereof; CD 59 Branch 203 along its entire length, together with lateral branch thereof; CD 59 Branch from its outlet to a point immediately east of 330th Street, together with lateral branches thereof. This proposed project would involve enlarging some tile lines and rerouting other lines to create a more efficient and effective drainage system, as well as installing storage ponds to provide for additional capacity and water quality benefits.

The location of the proposed improvements, subject to any alterations deemed prudent or necessary by the project engineer, are depicted on the map attached hereto as **Exhibit A** and are located in Troy and Winfield Townships in Renville County. Portions of the drainage system proposed to be improved are highlighted in White on Exhibit A, and proposed pond sizes and locations are depicted on Exhibit A.

The Branch B Tile Line, Branch 203 Tile Line, and Branch 194 Tile Line all consist of buried tile. The Branch B Tile Line, Branch 203 Tile Line, and Branch 194 Tile Line would all be enlarged and their capacity increased to meet the NRCS recommended standard ½ inch per day drainage coefficient. The improvement to the Branch B Tile Line, Branch 203 Tile Line, and

Branch 194 Tile Line would be improved along where necessary to meet a ½ inch per day drainage coefficient.

If deemed prudent and practical by the Engineer, additional or different water storage ponds or other features may be included in the project design to improve water quality, reduce erosion, or increase capacity.

4. **Jurisdiction.**

The undersigned Petitioners constitute: (1) at least 26% of the owners of the property affected by the proposed improvements; (2) at least 26% of the owners of property that the proposed improvements pass over; (3) the owners of at least 26% of the property area affected by the proposed improvements; or (4) the owners of at least 26% of the property area that the proposed improvements pass over. Minn. Stat. § 103E.215, Subd. 4(a).

Pursuant to Minn. Stat. § 103E.215, Subd. 4(c)(4), set forth below is a list of the 40-acre tracts or government lots that the proposed improvements would pass over, together with the names and addresses of the owners of those tracts; to-wit:

	Owner	Address	PID	Description	Sec	Twp	Rge	County
1	Lee & Katherine Potzler Trust	2017 Northshore Dr. Bellingham, WA 98226	27-01651-00	NE ¼ SW ¼	25	116N	35W	Renville
2	Lee & Katherine Potzler Trust	2017 Northshore Dr. Bellingham, WA 98226	27-01651-00	SE ¼ SW ¼	25	116N	35W	Renville
3	Mahlum Family Trust	805 Main St. S. Chatfield, MN 55923	27-01640-00	NW ¼ SE ¼	25	116N	35W	Renville
4	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01790-00	NE ¼ NE ¼	35	116N	35W	Renville
5	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01791-00	SE ¼ NE ¼	35	116N	35W	Renville
6	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01791-00	NE ¼ SE ¼	35	116N	35W	Renville
7	David & Elizabeth Kadlec Trust	88111 330 th Street Olivia, MN 56277	27-01870-00	NW ¼ SW ¼	36	116N	35W	Renville
8	Hartung Partnership	c/o Don Hartung 14941 State Hwy 4 Cosmos, MN 56228	27-01850-00	NW ¼ NW ¼	36	116 N	35W	Renville
9	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01860-00	NE ¼ NW ¼	36	116N	35W	Renville
10	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01840-00	NW ¼ NE ¼	36	116N	35W	Renville

	Owner	Address	PID	Description	Sec	Twp	Rge	County
11	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01840-00	NE ¼ NE ¼	36	116 N	35W	Renville
12	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-18040-00	SE ¼ NE ¼	36	116N	35W	Renville
13	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01711-00	SW ¼ SE ¼	26	116N	35W	Renville
14	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01711-00	SE ¼ SE ¼	26	116N	35W	Renville
15	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01712-00	NW ¼ SE ¼	26	116N	35W	Renville
16	Roger Kingstrom	33493 850 th Ave Olivia, MN 56277	27-01712-00	NE ¼ SE ¼	26	116N	35W	Renville
17	James & Dianne Zenk	501 10 th St N Olivia, MN 56277	27-01800-00	SE ¼ NW ¼	35	116 N	35W	Renville
18	James & Dianne Zenk	501 10 th Street North Olivia, MN 56277	27-01800-00	NW ¼ NW ¼	35	116N	35W	Renville
19	James & Dianne Zenk	501 10 th Street North Olivia, MN 56277	27-01800-00	SW ¼ NW ¼	35	116N	35W	Renville
20	Kenneth Tellers Family Trust	504 Adams Circle Cologne, MN 55322	27-01801-00	SW ¼ NE ¼	35	116N	35W	Renville
21	Kenneth Tellers Family Trust	504 Adams Circle Cologne, MN 55322	27-01801-00	NW ¼ NE ¼	35	116N	35W	Renville
22	Robb & Megan Zenk	84691 US Hwy 71 Danube, MN 56230	27-01770-00	NE ¼ SE ¼	34	116N	35W	Renville
23	Karen Steffel	34636 880 th Ave Olivia, MN 56277	27-01820-00	NW ¼ SW ¼	35	116N	35W	Renville
24	Karen Steffel	34636 880 th Ave Olivia, MN 56277	27-01820-00	NE ¼ SW ¼	35	116N	35W	Renville
25	Paul Erickson	82698 330 th Street Olivia, MN 56277	27-01810-00	NW ¼ SE ¼	35	116N	35W	Renville
26	Randall & June Mertz	32118 850 th Ave Olivia, MN 56277	27-01700-00	SW ¼ SW ¼	26	116N	35W	Renville
27	MCCM Properties LLC	44291 Kandi-Renville Line SE Hector, MN 55342	27-01702-00	SW ¼ SW ¼	26	116N	35W	Renville
28	MCCM Properties LLC	44291 Kandi-Renville Line SE Hector, MN 55342	27-01702-00	SE ¼ SW ¼	26	116N	35W	Renville
29	Kadlec Farms, LLP	88111 330 th Street Olivia, MN 56277	27-01671-00	SW ¼ NE ¼	26	116N	35W	Renville

	Owner	Address	PID	Description	Sec	Twp	Rge	County
30	Jamie L. Kubesh Living Trust	35104 County Rd. 11 Olivia, MN 56277	27-01650-00	NW ¼ SW ¼	25	116N	35W	Renville

5. Public Utility and Health.

The proposed improvements will be of public benefit and utility because they will (1) protect property and roads from overflow and flooding and (2) render property suitable for cultivation. Minn. Stat. § 103E.215, Subd. 4(c)(5); Minn. Stat. § 103E.005, Subd. 27. Further, the proposed improvements will promote the public health because they will (1) improve the general sanitary condition of property by drainage and (2) prevent overflow that produces or tends to produce unhealthful conditions on agricultural land. Minn. Stat. § 103E.215, Subd. 4(c)(5); Minn. Stat. § 103E.005, Subd. 25.

6. Agreement by Petitioners.

The undersigned Petitioners have been informed and understand that they may not withdraw as a petitioner at any time after this Petition is accepted by the drainage authority, except with the written consent of all other Petitioners on the filed Petition. Also, the undersigned Petitioners acknowledge and agree that they will pay all costs and expenses that may be incurred if the proceedings for this drainage project are dismissed. Minn. Stat. § 103E.215, Subd. 4(c)(6).

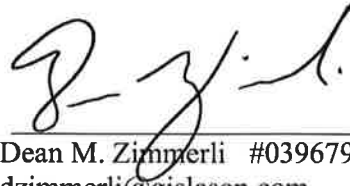
7. Cost Bond.

One or more petitioners shall cause a bond to be filed or a check to be delivered in the amount of at least \$10,000.00 payable to the drainage authority. Minn. Stat. § 103E.202, Subd. 5. The bond or payment will be conditioned to pay the costs incurred if the proceedings are dismissed or if a contract is not awarded to construct the proposed improvements described in the petition. *Id.*

WHEREFORE, the Petitioners respectfully request the following:

- a. That the drainage authority accepts this Petition, review it and determine that it is legally adequate;
- b. That the drainage authority directs the engineer previously appointed for the prior Petition for Improvement of County Ditch 59 Branch B amended hereinto evaluate the proposed drainage project and direct the engineer to update and prepare an engineer's preliminary report for the proposed drainage project as amended, including allowing the engineer to analyze other potential routes for the proposed improvements and whether separable maintenance may be employed. Petitioners request Shaun Luker and Bolton & Menk be appointed as project engineer; and
- c. That the proposed improvements be established and constructed as part of the CD 59 drainage system.

Dated: April 9th, 2025



Dean M. Zimmerli #0396791
dzimmerli@gislason.com
GISLASON & HUNTER LLP
Attorneys for Petitioners
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P. O. Box 458
New Ulm, MN 56073-0458
Phone: 507-354-3111

[Signature pages to follow]

SIGNATURE PAGES FOR
AMENDED PETITION FOR NEW DRAINAGE PROJECT:
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59

Name of Petitioner(s) (please print or type):

Roger D. Kingstrom

Ownership (check one):

- ☒ Individual
☐ Co-Owners (# of co-owners: _____)
☐ Partner (name of partnership: _____)
☐ Corporation or limited liability company (name of corporation or LLC: _____)
☐ Trust (complete name of trust: _____)
☐ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range	County
<u>SW 1/4 SE 1/4</u>	<u>26</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>SE 1/4 SE 1/4</u>	<u>26</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>NW 1/4 SE 1/4</u>	<u>26</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>NE 1/4 SE 1/4</u>	<u>26</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>

Dated:

4-7-25

Roger D. Kingstrom
(signature)

Dated: _____

(signature)

Dated: _____

(signature)

SIGNATURE PAGES FOR
AMENDED PETITION FOR NEW DRAINAGE PROJECT:
IMPROVEMENT OF DRAINAGE SYSTEM
RENVILLE COUNTY DITCH NO. 59

Name of Petitioner(s) (please print or type):

Roger D. Kings from

Ownership (check one):

☒ Individual
☐ Co-Owners (# of co-owners: _____)
☐ Partner (name of partnership: _____)
☐ Corporation or limited liability company (name of corporation or LLC: _____)
☐ Trust (complete name of trust: _____)
☐ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Tract Description	Section	Township	Range	County
<u>NE 1/4 NW 1/4</u>	<u>36</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>NW 1/4 NE 1/4</u>	<u>36</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>NE 1/4 NE 1/4</u>	<u>36</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>
<u>SE 1/4 NE 1/4</u>	<u>36</u>	<u>116N</u>	<u>35W</u>	<u>Renville</u>

Dated:

4-7-25

(signature)

Roger D. Kings from

Dated: _____

(signature)

Dated: _____

(signature)

4918-5001-8864.v1

