

STATE OF MINNESOTA
RENNVILLE COUNTY BOARD OF COMMISSIONERS
ACTING AS THE DRAINAGE AUTHORITY UNDER MINNESOTA STATUTES CHAPTER 103E
FOR RENNVILLE COUNTY DITCH 59

In the matter of the Petition for Renville County Ditch 59 Improvement (Kingstrom et al.)	FINDINGS AND ORDER ACCEPTING AMENDED PETITION, CONFIRMING APPOINTMENT OF ENGINEERS, & DIRECTING FURTHER PROCEEDINGS
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At a duly noticed and public meeting on May 27, 2025, the Renville County Board of Commissioners, acting as the drainage authority for Renville County Ditch 59, pursuant to Minnesota Statutes, section 103E.215, based on the entire record of proceedings, Commissioner Snow moved, seconded by Commissioner Mertens to adopt the following Findings and Order:

Findings:

1. The Renville County Board of Commissioners is the public drainage authority under Minnesota Statutes, chapter 103E ("Drainage Authority") for Renville County Ditch 59 ("CD 59").
2. The Drainage Authority received a petition dated January 15, 2024, requesting to improve CD 59 Branch B by petitioners David & Elizabeth Kadlec, Roger Kingstrom, and Karen Steffel.
3. The Drainage Authority's attorneys reviewed the petition and bond and by letter dated January 19, 2024, confirmed that the petition and bond met the requirements for an improvement proceeding. The petition was referred to the Drainage Authority for review and appointment of an engineer.
4. At a duly noticed and public meeting on January 23, 2024, the Drainage Authority reviewed the January 15, 2024, petition and appointed Bolton & Menk, Inc. and Shaun Luker, P.E. ("Engineers") as engineers for the improvement proceedings. The Drainage Authority directed the Engineers to make a preliminary survey and to file an oath and bond with the Drainage Authority.
5. By letter dated April 9, 2025, the Drainage Authority received correspondence from Attorney Dean Zimmerli, representing the improvement petitioners, and an amended petition for improvement of CD 59 signed by Petitioners Roger Kingstrom and David & Elizabeth Kadlec ("Amended Petition").

6. The April 9, 2025, correspondence from Attorney Zimmerli stated that after consultation with the Drainage Authority's appointed Engineers, the petitioners desire to supersede the petition previously filed for improvement of CD 59 Branch B with the Amended Petition to accomplish a more cost-effective and efficient project.
7. The original petition for improvement of CD 59 Branch B described the improvement as "improving and enlarging CD 59 Branch B along its entire length, together with lateral branches Branch B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, and B11." Further, the original petition stated that "If deemed prudent and practical by the Engineer, a water storage pond or other features may be included in the project design to improve water quality, reduce erosion, or increase capacity."
8. The Amended Petition expands the scope of the proposed improvement of CD 69 and describes the improvement as follows: "[I]mproving 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 [194] 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."
9. Attached to the Amended Petition as Exhibit A is a map showing the location of the proposed improvements highlighted in white color, as well as the depiction of proposed pond sizes and locations.
10. Roger Kingstrom and David & Elizabeth Kadlec signed the Amended Petition. Karen Steffel, a petitioner on the original petition for Improvement of CD 59 Branch B, did not sign the Amended Petition.
11. The Drainage Authority's attorneys reviewed the petition and bond and by letter dated May 9, 2025, confirmed that the Amended Petition meets the requirements for an improvement proceeding. The Amended Petition was referred to the Drainage Authority for review, to confirm appointment of the Engineers, and to direct further proceedings.
12. Minnesota Statutes, section 103E.202, subdivision 3 states that "[a]fter a petition has been filed, a petitioner may not withdraw from the petition except with the written consent of all other petitioners on the field petition." Petitioner Karen Steffel has not signed the Amended Petition. The Drainage Authority finds that since the remaining petitioners (i.e. Roger Kingstrom and David & Elizabeth Kadlec) have signed the Amended Petition, the petitioners have consented to the withdrawal of Karen Steffel.
13. The Amended Petition expands the scope of the originally described improvement to include improvements to Branch 203 and Branch 194. By accepting the Amended Petition, the Drainage Authority is authorizing the Engineers to expand the preliminary survey to

include the new drainage areas described in the petition. Minnesota Statutes, section 103E.245, subdivision 2 would have otherwise required notice to the petitioners and persons liable on the bond, and a hearing to obtain the consent of persons liable on the petitioners' bond. In this matter, the Amended Petition petitioners, who are liable on the petitioners' bond, are requesting the Drainage Authority expand the scope of the improvement to include Branches 203 and 194.

14. Pursuant to Minnesota Statutes, section 103E.202, subdivision 5, a bond in the form of a check payable to Renville County in the amount of \$10,000 was filed with the original petition. The costs incurred to date on the proposed improvement to CD 59 Branch B have not exceeded the cash bond filed with the original petition.
15. The Drainage Authority finds that it has jurisdiction over these proceedings and that the Amended Petition meets the requirements of Minnesota Statutes, chapter 103E.

Order:

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

- A. That the Amended Petition shall be accepted for the initiation and continuation of improvement proceedings to Renville CD 59 under Minnesota Statutes, section 103E.215, and shall supersede the original petition filed for the improvement of Renville CD 59 Branch B.
- B. That the appointment of Bolton & Menk, Inc. and Shaun Luker, P.E. ("Engineers") as project engineers for the improvement proceedings shall be reaffirmed and confirmed by this Order; further, that the Engineers shall investigate and prepare a preliminary engineers' report for the improvement of CD 59 as described in the Amended Petition, and shall file an engineers' report of findings with the Drainage Authority.
- C. That the Engineers shall be reminded of their oath to faithfully perform the assigned duties for the improvement of CD 59 in the best manner possible, and that the Engineers obligations under said oath on file with the Drainage Authority shall be ongoing for these improvement proceedings.
- D. That the Engineers shall file a new bond to be prepared by Drainage Authority's counsel, conditioned to pay any person or the Drainage Authority for damages and injuries resulting from negligence of the engineers while the engineers are acting the proceedings for the expanded scope of improvement, and provide that the engineers will diligently and honestly perform the engineers' duties.

- E. That upon the filing of the preliminary engineers' report, the Drainage Systems Manager shall promptly notify the Drainage Authority Board of Commissioners which will, in consultation with the Manager, 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 Manager shall provide notice of the public hearing on the report of findings in accordance with Minnesota Statutes, section 103E.261.
- F. That the Drainage Systems Manager shall ensure that the costs incurred before a final order is adopted on the Amended 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 Manager 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 Petitioners 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, subdivision 6.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 5 yeas, 0 nays, 0 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
CARLSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAMRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MERTENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBINSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SNOW	<input checked="" 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.


 David Hamre, Chairperson
 Renville County Board of Commissioners

Dated: 5-27-25

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I, Seth Sparks, Renville County Drainage Systems Manager, do hereby certify that I have compared the above motion and Findings and Order Accepting Amended Petition, Confirming Appointment of Engineers, & Directing Further Proceedings with the original thereof as the same appears of record and on file with the Renville County Drainage Authority and find the same to be a true and correct transcript thereof. The above order was filed with me, Renville County Drainage Systems Manager, on May 27, 2025.

IN TESTIMONY WHEREOF, I hereunto set my hand this 27th day of May, 2025.

A handwritten signature in black ink that reads "Seth Sparks". The signature is written in a cursive, slightly stylized font. The first name "Seth" is written in a larger, more prominent script than the last name "Sparks".

Seth Sparks, Drainage Systems Manager
Renville County, Minnesota

