

STATE OF MINNESOTA
REDWOOD COUNTY BOARD OF COMMISSIONERS
PUBLIC DRAINAGE AUTHORITY
TO IMPOUND, REROUTE, AND DIVERT OF REDWOOD COUNTY DITCH 93

The matter of the Petition to Impound, Reroute, and Divert Redwood County Ditch 93	Preliminary Findings and Order
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The Drainage Authority of Redwood County Ditch 93, at a meeting held on December 3, 2024, considered the petition to Impound, Reroute, and Divert County Ditch 93. Upon review of the petition to Impound, Reroute, and Divert and the accompanying bond, Commissioner Groebner moved, seconded by Commissioner Forkrud, for adoption of the following:

Findings:

1. The petition to Impound, Reroute, and Divert Redwood County Ditch 93 (CD 93) has been filed with the Redwood County Auditor-Treasurer pursuant to statutes section 103E.2120.
2. The Drainage Authority, by its attorney, verified the signatures and ownership interests of the petitioners and finds that the petitioners are at least 26 percent of the owners of the property area affected by the proposal to Impound, Reroute, and Divert.
3. The petition properly designated the drainage system proposed to be modified by number or another description that identifies the drainage system.
4. The petition alleges that the impounding, rerouting and diverting of the drainage system will be for beneficial use and will be of public and private benefit.
5. The petition describes the Impoundment, Reroute, and Diversion, including the names and addresses of owners of the 40-acre tracts or government lots and property that the Impound, Reroute, and Divert passes over.
6. The petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the Impound, Reroute, and Divert proceedings are dismissed.
7. The petition was accompanied by a bond from the petitioners of \$10,000 in the form a cash deposit and signed escrow agreement. The bond is adequate surety and has been reviewed and approved by Board's attorney. The bond is conditioned to pay the costs

incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition.

8. The costs incurred before the proposed drainage project is established may not exceed the amount of the petitioners' bond. A claim for expenses greater than the amount of the bond may not be paid unless an additional bond is filed. If the Drainage Authority determines that the cost of the proceeding will be greater than the petitioners' bond before the proposed drainage project is established, the Drainage Authority shall require an additional bond to cover all costs to be filed within a prescribed time. The proceeding will be stopped until the additional bond prescribed by the Drainage Authority is filed. If the additional bond is not filed within the time prescribed, the proceeding will be dismissed.
9. The Drainage Authority's attorney has reviewed the petition and bond and has determined they meet the requirement of these proceedings.

Based on the foregoing findings, the Drainage Authority Board adopts the following:

Order:

- a. The Board appoints the engineering firm of ISG, Inc., and Jacob Rischmiller, P.E., to make a preliminary survey and file a report.
- b. The engineer shall serve as the engineer for the drainage project throughout the proceedings and construction unless otherwise ordered.
- c. The engineer shall file an oath to faithfully perform the assigned duties in the best manner possible and file a bond with the Board. The Board's attorney is directed to prepare a draft of the bond and oath upon execution of this order and deliver the same, along with a copy of this order, to the engineer for execution.
- d. Upon execution and return of the engineer's bond and oath, the engineer shall proceed promptly with the preparation of a preliminary survey report.
- e. The engineer is directed to initial early coordination with the Department of Natural Resources and other regulatory and funding agencies as contemplated by statutes section 103E.0120.

After discussion, the Chairperson 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
Wakefield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groebner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forkrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Salfer
Van Hee



Commissioner Rick Wakefield, Chairperson

Dated: December 3, 2024

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I, Nick Brozek, Environmental Director of Redwood County, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the County and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 3rd day of December 2024.



Nick Brozek, Environmental Director