

STATE OF MINNESOTA  
REDWOOD AND BROWN JOINT COUNTIES JOINT DRAINAGE AUTHORITY  
PUBLIC DRAINAGE AUTHORITY FOR THE IMPROVEMENT OF REDWOOD AND BROWN COUNTIES  
JUDICIAL DITCH 5

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The matter of the Petition for the improvement of Redwood and Brown Counties Judicial Ditch 5

**Preliminary Findings and Order**

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The Joint Drainage Authority of Redwood and Brown Counties Judicial Ditch 5, at a special meeting on September 6, 2022, considered the petition for the improvement of Judicial Ditch 5. Upon review of the petition for improvement and the accompanying bond, Commissioner Cordeiro moved, seconded by Commissioner Furber, for adoption of the following:

**Findings:**

1. The petition for the improvement of Redwood and Brown Counties Judicial Ditch 5 (JD 5) has been filed with the Redwood and Brown County Auditor-Treasurers pursuant to statutes section 103E.215.
2. The Joint 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 proposed improvement.
3. The petition properly designated the drainage system proposed to be improved by number or another description that identifies the drainage system.
4. The petition alleges that the drainage system has insufficient capacity or needs enlarging to furnish sufficient capacity.
5. The petition describes the improvement, including the names and addresses of owners of the 40-acre tracts or government lots and property that the improvement passes over.
6. The petition alleges that the proposed improvement is necessary and will be of public utility and promote the public health.
7. The petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.

8. The petition alleges that the existing drainage system needs repair and further petitions the Board to consider separable maintenance when determining the allocation of costs of the improvement. Should the portion of the petition seeking improvement be withdrawn by the petitioners, the Board may still consider the petition as one for repair pursuant to statutes section 103E.715.
9. The petition was accompanied by a bond from the petitioners of \$50,000 in the form of a commercial bond payable to the Joint Drainage Authority. 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.
10. 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.
11. The Joint 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 Joint Drainage Authority Board adopts the following:

**Order:**

- a. The Board appoints the engineering firm of ISG, Inc., and Chuck Brandel, 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 his bond and oath, the engineer shall proceed promptly with the preparation of a preliminary survey report.
- e. The engineer shall include in his preliminary survey and report an investigation of the scope of improvement to include consideration of alternative improvement

configurations and the impact of regulatory permitting requirements related to wetlands or other environmental factors on the possible alternatives.

- f. The engineer shall include in his preliminary survey and report an investigation of the current condition of the portion of the drainage system proposed to be improved and provide a recommendation on the propriety of a separable maintenance allocation of project costs.
- g. 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.015.

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"/>
Veerkamp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Simonsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Rail Wakefield*  
Chairperson

Dated: September 6, 2022

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I, Scott Wold, 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 6th day of September 2022.

*Scott Wold*  
Scott Wold, Environmental Director

10/10/10