

**STATE OF MINNESOTA**  
*Before the*  
**RENVILLE COUNTY BOARD OF COMMISSIONERS**  
**SITTING AS THE DRAINAGE AUTHORITY FOR**  
**RENVILLE COUNTY DITCH NO. 59**

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**In the Matter of:**

**the Petition for Improvement of  
Renville County Ditch No. 59**

**PRELIMINARY FINDINGS AND ORDER  
APPOINTING PROJECT ENGINEER**

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The Renville County Board of Commissioners, sitting as the drainage authority for Renville County Ditch No. 59, convened on January 10, 2017 at the Commissioners Room, Suite 313 of the Renville County Government Services Center, 105 South 5th Street, Olivia, Minnesota. Based on the record and proceedings, Commissioner Randy Kramer moved, seconded by Commissioner Doug Erickson to adopt the following Findings and Order:

**Findings:**

1. A petition dated December 14, 2016 was received by the Renville County Auditor requesting to improve a portion of Renville County Ditch No. 59 pursuant to Minn. Stat. § 103E.215.
2. A cash bond in the amount of \$48,750 was filed by the petitioners concurrent with the petition.
3. Renville County Attorney, David Torgelson, and special legal counsel for the drainage authority, Kale R. Van Bruggen, reviewed the petition and bond filed with the county and determined that the petition and bond met the requirement of the proceedings for an improvement to Renville County Ditch No. 59.
4. The drainage authority finds that it has jurisdiction over these proceedings and pursuant to Minn. Stat. § 103E.241, subd. 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 Board, the Board, acting as the drainage authority for Renville County Ditch No. 59, hereby orders as follows:

- A. That Bill Helget of Bolton + Menk is hereby appointed as the project engineer for these proceedings and shall make a preliminary survey and proceed in conformance with Minn. Stat. ch. 103E.
- B. Prior to commencing any work, the engineer must 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 with the Renville County Auditor within ten days after being appointed.
- C. The engineer may appoint assistant engineers and hire help necessary to complete the engineer's duties. The engineer shall be responsible for the assistant engineers and may remove them.
- D. The engineer shall make an expense report every two weeks after the beginning of the engineer's work until the construction of the contract is awarded. The report must show costs incurred by the engineer and expenses incurred under the engineer's direction relating to the proceeding, and include the names of the engineer, engineer assistants, and employees and the time each was employed, and every item of expense incurred by the engineer. The engineer must file this report with the Renville County Auditor as soon as possible and may not incur expenses for the proceeding greater than the petitioner's bond.

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, \_\_\_\_\_ nays, \_\_\_\_\_ absent, and \_\_\_\_\_ abstentions as follows:

	Yea	Nay	Absent	Abstain
KRAMER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FOX	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ERICKSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STAHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT	<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.

Bob Fox  
Bob Fox, Chairperson

Dated: 1-10-17

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I, Marc Iverson, Renville County Auditor/Treasurer, do hereby certify that I have compared the above motion; findings and order with the original thereof as the same appears of record and on file with the Renville County Board of Commissioners, the drainage authority for Renville County Ditch No. 59, and find the same to be a true and correct transcript thereof. The above order was filed with me, the Renville County Auditor/Treasurer, on 12-16-2016

IN TESTIMONY WHEREOF, I hereunto set my hand this  
16<sup>th</sup> day of December, 2016.



A handwritten signature in black ink, appearing to read "Marc Iverson", written over a horizontal line.

Marc Iverson, Auditor/Treasurer  
Renville County, Minnesota

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**In the Matter of:**

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**ENGINEER'S OATH**

Bill L. Helget (Engineer), having been appointed by the Renville County Board of Commissioners, drainage authority for Renville County Ditch No. 59, as the Drainage Engineer for the Petition for Improvement of Renville County Ditch No. 59, pursuant to Minnesota Statutes Chapter 103E, does hereby swear or affirm to faithfully perform the assigned duties in the best manner possible and to diligently and honestly perform the Engineer's duties as set forth in Chapter 103E and according to the professional standards required of professional engineers.

Signed this 19 day of January, 2017.

Bolton + Menk, Inc. (Name of Engineering Firm)

By Bill L. Helget

Its P.E.

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**ENGINEER'S BOND**

KNOW BY ALL THESE PRESENTS, that Bill L. Helget (Engineer), as principal and surety, is held and firmly bound to the Renville County Board of Commissioners, sitting as the drainage authority for Renville County Ditch No. 59, (Drainage Authority) in an amount equal to \$5,000 for which the Engineer will maintain commercial general liability and professional liability coverage limits, per occurrence and per claim respectively, of not less than that amount during the entire term of the Engineer's appointment, to pay on any proven claim by any person or the Drainage Authority for damages and injuries resulting from negligence of the Engineer while the Engineer is acting in the proceedings or construction for the improvement to Renville County Ditch No. 59.

The condition of the above obligation is such: Engineer was appointed by the Drainage Authority as the Drainage Engineer for the petition to improve Renville County Ditch No. 59. Minnesota Statutes Section 103E.241, subd. 2 requires the Engineer to file a bond of at least \$5,000 with the District upon appointment. The bond must be conditioned to pay any person or the Drainage Authority for damages and injuries resulting from negligence of the Engineer while the Engineer is acting in the proceedings or construction and provide that the Engineer will diligently and honestly perform the Engineer's duties. The aggregate liability of the Engineer for all proven claims shall not exceed the amount of the Engineer's bond, for which the Engineer acknowledges being held and firmly bound in the amount of \$100,000 to be underwritten by the Engineer's obligation to provide commercial general liability and professional liability insurance during the term of the Engineer's appointment.

Signed this 19 day of January, 2017.

Bolton & Menck, Inc. (Name of Engineering Firm)

By Bill L. Helget

Its P.E.