

Jackson County Judicial Ditch (JD) 30 Lateral to Branch A-1 Final Acceptance Hearing  
Heron Lake Watershed District (HLWD)  
December 6, 2017

**1. Call to Order**

Managers present: Bruce Leinen, Harvey Kruger, Wayne Rasche, and Jim Buschena

Managers absent: Gary Ewert

Staff: Jan Voit

Others: Chuck Brandel and Kyle Sammons, I+S Group; Mike Tow, Tow Law Firm, Ltd.; Dave Macek and Kevin Nordquist, Jackson County; Armond and Nancy Dorschner, Wade Salzwedel, Larry Salzwedel, Joel Burmeister, Ted Bretzman, Jerry Daberkow, and Geoff Johnson

Bruce Leinen called the meeting to order 9:39 am. Managers present

Jan Voit reported that the Board of Managers of the HLWD approved the public hearing notice for the Final Acceptance Hearing on November 21, 2017. The notice was mailed to affected landowners on November 22, 2017. The notice was published in the *Tri County News* on November 29, 2017.

**2. Presentation of construction report**

Chuck Brandel stated that the estimate for Lateral to Branch A-1 was \$7,100. The bid was \$6,521.20. The final contract amount was \$6,743.20. The amount owed to the contractor is \$337.16. We have one issue that we have to look into and that is to make sure that we have it televised in one section.

Bruce Leinen asked if there were any other public comments regarding the engineer's report. Hearing none, Bruce Leinen made a motion to close discussion on the engineer's report. Harvey Kruger seconded this. Motion carried unanimously.

**3. Findings**

- a. Bruce Leinen moved that the board finds that the notice required by Minn.Stat. § 103E.555, Subd. 1, has been given to the owners of the property affected. Wayne Rasche seconded this. Motion carried unanimously.
- b. Bruce Leinen moved that based upon the evidence, the board finds that the Engineer's Final Report satisfies the requirements of Minnesota Statutes, Chapter 103E.555. Jim Buschena seconded this. Motion carried unanimously.
- c. Bruce Leinen moved that based upon the evidence, the board determines that the contract has been completed in accordance with the plans and specifications. Harvey Kruger seconded this. Motion carried unanimously.
- d. Bruce Leinen moved that based upon the evidence, the board approves the Engineer's Final Construction Report. Wayne Rasche seconded this. Motion carried unanimously.

**4. Order**

- a. Bruce Leinen moved that based upon the findings, the board issues its order: (i) containing the drainage authority's findings; and (ii) adopting and approving the Engineer's Final Construction Report as made at the hearing; and, (iii) directing that

the Contractor be paid the remaining balance due under the contract in accordance with the Engineer's Final Construction Report; and (iv) directing that the Contractor be discharged. Jim Buschena seconded this. Motion carried unanimously.

- b. Bruce Leinen moved that the board's order shall be duly filed with the County Auditor for issuance of a warrant to be served on the County Treasurer for the balance due the contractor on the contract. Harvey Kruger seconded this. Motion carried unanimously.

**5. Motion to close hearing**

Bruce Leinen made a motion to close the hearing at 9:42 a.m. Wayne Rasche seconded this. Motion carried unanimously.

Harvey Kruger  
Secretary