

Jackson County Judicial Ditch (JD) 30 Branch A-1 of Ditch 2 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 9:33 am. He introduced the managers.

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 he had covered all three projects during the JD 30 hearing. The original construction estimate for Branch A-1 was \$127,500. The bid was \$72,274.80. The final contract amount is \$72,123.80. We previously looked at a portion of the as-built for the project. We recommend accepting the contract for that. The final pay request was \$3,606.19.

Bruce Leinen asked if there were any other comments. 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. Jim Buschena 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. Harvey Kruger 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. Wayne Rasche seconded this. Motion carried unanimously.
- d. Bruce Leinen moved that based upon the evidence, the board approves the Engineer's Final Construction Report. Jim Buschena 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. Harvey Kruger 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. Wayne Rasche seconded this. Motion carried unanimously.

5. Motion to close hearing

Bruce Leinen made a motion to close the hearing at 9:39 a.m. Jim Buschena seconded this. Motion carried unanimously.

Harvey Kruger
Secretary