

Final Acceptance Hearing
Jackson County Judicial Ditch #31
January 21, 2015

1. Call to Order

Mike McCarvel called the meeting to order at 9:02 a.m.

Managers present: Mike McCarvel, Dale Bartosh, Jim Buschena, Roger Hartman, and Gary Ewert

Staff: Amanda Schultz and Jan Voit

Others: Kurt Deter, Rinke-Noonan; Duane Hansel, Bolton and Menk; Jim Milbrath, Kevin Nordquist, Dave Macek, and Dave Henkels, Jackson County; and Allen Jensen

2. Presentation of Construction Report

Duane Hansel presented the Final Construction Report for Jackson County Judicial Ditch (JD) #31. The total project cost of the improvement at this time is about 0.6% above the estimate for the project cost as contained in the Amended Final Engineer's Report.

The contractor needs to take the following steps during the next several months:

- Close the Minnesota Pollution Control Agency (MPCA) stormwater permit for the project by filing paperwork with the MPCA. This form has been forwarded to the Contractor for signatures.
- Remove wire cages for erosion control around inlets.
- Remove straw biorolls in road ditches.

Discussion was held regarding the three items that need to be completed and the possibility of withholding a portion of the final payment.

Kevin Nordquist asked to have discussion about the timeframe for adding assessments on the tax rolls. Kurt Deter stated that he was present to make sure there is good coordination with the county.

Discussion was held regarding prepaying assessments, paying the contractor in full, the dollar value of the three remaining items to be completed, withholding funds, and the timeframe for completion.

Gary Ewert made a motion that based upon the evidence, the board finds that the Engineer's Final Report satisfies the requirements of Minnesota Statutes, Chapter 103E.555; based upon the evidence, the board approves the Engineer's Final Construction Report; the board authorizes final payment to Mathiowetz Construction in the amount of \$88,263.19, but will withhold \$2,000 from the final payment until the three remaining items have been completed, and the board authorizes Jan Voit to issue final payment to the contractor after Duane Hansel certifies the project is complete. Jim Buschena seconded this. Motion carried unanimously.

Kurt Deter stated that the Heron Lake Watershed District (HLWD) is the drainage authority for the improvement. Jackson County is the drainage authority for the portion that was not improved. The Drainage Work Group is working on how to deal with situations where there

are two drainage authorities for one ditch system. Discussion was held regarding future inspections, best use of landowner funds, and the work the county has done in the past. Additional discussion was held regarding delegating authority to Jackson County for future inspections and repairs, assessments, reporting, and Jackson County's intention to relieve the HLWD as a drainage authority.

Discussion was held regarding certifying the expenses to Kevin Nordquist, the statutory requirements, and landowner wishes for assessments being applied to taxes in 2015. Discussion was held regarding payment of damages. HLWD legal counsel has stated that subtracting the damages from the benefits would be acceptable.

Jim Buschena made a motion to authorize the Jackson County Ditch Inspection Department to conduct inspections and maintenance and provide an annual report to the HLWD for the improvement portion of ditches in Jackson County. Dale Bartosh seconded this. Motion carried unanimously.

Roger Hartman made a motion to set the Interest rate 4.25%, the term at 20 years, and to start assessments with 2015 taxes. Jim Buschena seconded this. Discussion was held regarding prepayment and interest rate. Motion carried unanimously.

Duane Hansel said there is old tile in place that should be abandoned. Kurt Deter explained that Jackson County will have to go through the abandonment process for the old tile.

Discussion was held regarding what was included in damages, payment of damages, and reporting for 1099s. Jan Voit and Kevin Nordquist will work together to figure out how to distribute damage payments.

3. Adjourn

Dale Bartosh made a motion to close the hearing at 9:45 a.m. Jim Buschena seconded this. Motion carried unanimously.

Dale Bartosh
Secretary