

**FINDINGS AND ORDER FOR ACCEPTANCE OF CONTRACT  
BY THE BOARD OF MANAGERS OF THE HERON LAKE WATERSHED DISTRICT  
IN THE MATTER OF THE IMPROVEMENT PROJECT FOR  
JUDICIAL DITCH, NO. 30, JACKSON COUNTY, MINNESOTA**

-----

The above-entitled matter came before the Board of Managers of the Heron Lake Watershed District (HLWD), on December 6, 2017, for a final hearing upon the Acceptance of the Contract for the Improvement Project for Judicial Ditch No. 30, pursuant to Minnesota Statutes Section 103E.555. The following persons were present at said hearing: the Board of Managers of the HLWD, consisting of Bruce Leinen, President; James Buschena, Vice President; Harvey Kruger, Secretary; and Wayne Rasche, Manager; sitting as a drainage authority respecting Judicial Ditch No. 30, Jackson County, Minnesota; also present were the Jackson County Auditor, Kevin Nordquist; Jackson County Drainage Inspector, Dave Macek; the HLWD's administrator, Jan Voit; the HLWD's legal counsel, Mike Tow; the Project Engineers, Chuck Brandel and Kyle Sammons, I+S Group; and numerous individual petitioners and other interested parties.

President of the Board of Managers, Bruce Leinen, convened the meeting at 9:00 a.m., and after brief comments explaining the present status of the proceedings, the HLWD President called upon the Project Engineer to present and explain the Engineer's Final Construction Report. The HLWD President then invited any interested party or person to make comment respecting the improvement and the Engineer's Final Report. A discussion period ensued wherein all interested parties were heard and their testimony considered by the board.

Based upon the unsworn statements of persons present at the hearing and at prior hearings, and based upon the Engineer's report, and upon the other reports, documents, and other matters contained within the file, the Board of Managers of the HLWD, acting as the drainage authority for the improvement of Jackson County Judicial Ditch No. 30, make the following:

**FINDINGS OF FACT:**

1. That the notice required by Minn.Stat. § 103E.555, Subd. 1, has been given to the owners of the property affected.

2. That the Engineer's Final Report satisfies the requirements of Minnesota Statutes, Chapter 103E.555.
3. That the contract has been completed in accordance with the plans and specifications.
4. That the board approves the Engineer's Final Construction Report.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings, and based upon all the documents, records, and other evidence contained within the file, the Board of Managers of the HLWD, acting as a drainage authority, issues its order:

1. (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 of \$26,309.49 in accordance with the Engineer's Final Construction Report; and (iv) directing that the Contractor be discharged.
2. 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.

Dated: This 6<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
Bruce Leinen  
President of the Board of Managers  
Heron Lake Watershed District  
Drainage Authority for Improvement to JD 30

ATTEST:

  
\_\_\_\_\_  
Jan Voit  
District Administrator  
Heron Lake Watershed District