

**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. 31, JACKSON COUNTY, MINNESOTA**

The above-entitled matter came before the Board of Managers of the Heron Lake Watershed District (HLWD), on January 21, 2015, for a final hearing upon the Acceptance of the Contract for the Improvement Project for Judicial Ditch No. 31, pursuant to Minnesota Statutes Section 103E.555. The following persons were present at said hearing: the entire Board of Managers of the HLWD, consisting of Michael McCarvel, President; James Buschena, Vice President; Dale Bartosh, Secretary; Gary Ewert, Treasurer; and Roger Hartman, Manager; sitting as a drainage authority respecting Judicial Ditch No. 31, Jackson County, Minnesota; also present were the Jackson County Auditor, Kevin Nordquist; the HLWD's administrator, Jan Voit; the Project Engineer, Duane W. Hansel of Bolton & Menk, Inc.; and numerous individual petitioners and other interested parties.

President of the Board of Managers, Michael McCarvel, convened the meeting at 9:02 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. 31, make the following:

FINDINGS OF FACT:

1. That the Engineer's final report satisfies the requirements of Minnesota Statutes, Section 103E.555.
2. That the Engineer's final report is complete and correct.
3. That the board authorizes final payment to the Project Contractor, but will withhold \$2,000 from the final payment until the Minnesota Pollution Control Agency (MPCA) stormwater permit, is closed, wire cages for erosion control around inlets have been removed, and the straw biorolls have been removed from the road ditches.

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, orders:

1. That upon satisfactory completion certified by the Project Engineer of the closure of the MPCA stormwater permit, removal of wire cages for erosion control around inlets, and removal of straw biorolls in road ditches, the HLWD Administrator is authorized to issue final payment to the Project Contractor; and the Project Engineer and Contractor and their bonds shall be discharged.

Dated: This 21st day of January 2015.



Michael McCarvel
President of the Board of Managers
Heron Lake Watershed District
Drainage Authority for Improvement to JD 31

ATTEST:



Jan Voit
District Administrator
Heron Lake Watershed District