

**JACKSON/NOBLES COUNTY COMMISSIONERS
ACTING AS DRAINAGE AUTHORITY
FOR JUDICIAL DITCH 13**

**Findings and Order Accepting Contract
Pursuant to Minnesota Statute 103E.555**

WHEREAS, the Jackson/Nobles Joint County Board of Commissioners, acting as Drainage Authority for the Improvement to the Jackson/Nobles County Joint Judicial Ditch 13, having received the Engineer's Closeout Reports for Bid Package #1, #2 and #3 of the Improvement to Joint County Judicial Ditch 13 as substantially complete, pursuant to MN Statutes 103E.555, made the following Finding and Order:

Findings of Fact

1. That pursuant to Minnesota Statutes 103E.555, Chuck Brandel of ISG Engineering, the engineer appointed submitted an Engineer's Report that the Contract for Bid Packages #1, #2 and #3 for the construction of the Improvement of Joint Jackson/Nobles Judicial Ditch 13 have been substantially completed.
2. That pursuant to proper notice, a closeout hearing was held on November 17, 2022, at 10:00 a.m. in the Farmer's Room of the Nobles County Courthouse.
3. Chuck Brandel and Jacob Rischmiller of ISG gave a report that summarized the attached Exhibit A, B and C indicating the contracts have been substantially complete.
4. That following the hearing, Chuck Brandel of ISG submitted Exhibit A, B and C, which summarizes the work completed and the damages to be paid and the tile to be abandoned and returned to private responsibility.
5. That Chuck Brandel of ISG recommended payment of retainage held be made to the Contractors:
 - a. Bid Package #1 to Noomen Excavating LLC in the amount of \$180,967.17
 - b. Bid Package #2 to Reker Construction Aggregate, LLC in the amount of \$54,094.30
 - c. Bid Package #3 to Loo Con Inc. in the amount of \$50,643.00
6. That the hearing was opened for public comment and there was discussion.
 - a. Bid Package #1 - Dale Ackermann concerned about being landlocked with the deepening of the ditch to the plan's depth. The previous crossing was installed at a shallower depth than the plans called for. Commissioners acknowledge the situation, no promises were made to the landowner, and directed staff to review the situation and bring the situation with possible solutions back to the authority.
 - b. Bid Package #2 - Question of warranty time was addressed as well as a concern with the depth of a culvert
 - c. Bid Package #3 - Information about the payment of damages and the process were shared

NOW, THEREFORE, based on the evidence presented and the Findings of Fact, the Joint Jackson/Nobles County Board of Commissioners, acting as Drainage Authority for Joint Jackson/Nobles Judicial Ditch 13, makes the following order:

Order

1. The Drainage Authority finds that the notice requirements under Minnesota Statutes 103E.555 Subd. 1, have been complied with.
2. That the Engineer's Report recommending acceptance of the Contracts, complies with the requirements of Minnesota Statutes 103E.555
3. That the contract hearing is accepted as completed.
4. That the portions of Joint Jackson/Nobles Judicial Ditch 13 listed in the Engineer's Report as Exhibit C are hereby abandoned and shall no longer be the responsibility of the Drainage Authority.
5. That the retainage amounts listed be paid to the appropriate contractors:
 - a. Bid Package #1 to Noomen Excavating LLC in the amount of \$180,967.17
 - b. Bid Package #2 to Reker Construction Aggregate, LLC in the amount of \$54,094.30
 - c. Bid Package #3 to Loo Con Inc. in the amount of \$50,643.00

Dated this 30 day of November, 2022

**Nobles and Jackson County Commissioners
Acting as Drainage Authority for
Jackson/Nobles Judicial Ditch 13**

By Pip. a. My
Its Chairperson