

**Joint Board of Supervisors Drainage Minutes
JDD 4-118 Appraisers' Report
Of
October 4, 2021 10:00 A.M.**

Present at Franklin County: Supervisors Mike Nolte, Gary McVicker, Chris Vanness, Auditor Katy Flint, Drainage Clerk Colette Bruns, Drainage Engineer Lee Gallentine, Drainage Attorney Art Cady. Interested parties were in attendance: Don Latham, Scott Borcharding, Eldon McAfee, Jon Suntken, Mark & Marci Hensel, Merlyn Hoyer, Jon Rother

Present at Wright County (Zoom): Supervisors Dean Kluss, Rick Rasmussen, Karl Helgevold, Auditor Betty Ellis, Amanda Meyer, Drainage Attorney Dave Johnson, Press Bridget Shileny

The joint boards met to discuss the Appraisers' Report on Damage Claims for Drainage District 118-4. Wright County Supervisor Rasmussen motioned to open the public hearing, seconded by Franklin County Supervisor Vanness. Gallentine presented JDD 4-118 Appraisers' Report for damage claims as a result of the repairs and improvements to Main Tile and Lateral 2 tile.

The Appraisers recommend moving forward that the District Trustees, should take action to accomplish the following:

- Acknowledge receipt of the Appraiser's Report.
- Seek legal counsel's opinion as to the validity and timing of damage claims filed.
- Hold any required hearings.
- Adopt the following recommendations of the Appraisers' Report.
 - Pay the right of way, severance, and devaluation claims in the amounts shown in the following table with any equitable adjustment by the District Trustees.

Wright County Dean Kluss motioned to tentatively acknowledge the receipt of the Appraisers' Report, seconded by Vanness. All eyes for Wright and Franklin County, motion carried.

Franklin County Supervisor Nolte wanted to clarify that in Borcharding's letter that was received October 1, 2021, #2, that Mr. Vanness was not the county supervisor at that time. Borcharding said it may have been McVicker that he spoke with and not Vanness.

Eldon McAfee, attorney representing Scott Borcharding, said the job of the appraisers and the Board is to determine the value of the land before and after using fair market value and this should be done by a certified appraiser. McAfee asked Drainage Engineer Gallentine if the committee consulted a certified appraiser, Gallentine's response, no per the Iowa Code (468.24). McAfee said Borcharding did not receive the report until September 13, 2021 and this is not enough time to have a certified appraisal done. He would like to continue the public meeting at a later time. It is McAfee's opinion to determine true value under emanate domain and to use a certified appraiser even though Iowa Code (468.24) does not require it.

Wright County Dean Kluss said emanate domain is not a factor in this project and Borcharding had the opportunity to disagree with the project at previous meetings. McAfee said it is the same procedure to value the land before or after the project. Borcharding stated he supported the project at the beginning and then did not because his land would have a greater devaluation. He alerted the Board of Supervisors of this. Borcharding then contacted two appraisers and realtors who agreed with Borcharding that his land had devaluation. Borcharding also said he is assessed a larger amount due to the proximity of the project to his land and thought maybe the project should halt and the Boards could have re-evaluated the project. Borcharding said his property is less in value after the project.

Dave Johnson, Wright County Drainage Attorney, conferred with Franklin County Attorney, Art Cady, and both agreed that since Borcharding did not get the report until September 13, 2021, he should be given additional time to get a certified appraisal. The Franklin County Auditor stated the notices were sent out September 7, 2021 to all landowners.

Discussion was had on the damage claim for Don Latham whether or not to delay his payment.

Attorney Johnson asked McAfee if Borcharding disputes the right-of-way? McAfee's response was no he does not object to the right-of-way or to Latham being paid now. Latham stated either decision to pay now or later would be fine with him. Johnson also pointed out that the certified appraiser use the 2020 or earlier years to determine the fair market value.

One of the landowners requested that new notices be sent out again notifying them of the continuance for the public hearing, the drainage clerks will send out updated notices. McAfee will share the certified Appraisers' Report with the Franklin County Auditor's Office when complete.

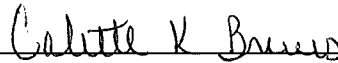
Wright County Supervisor Kluss motioned to grant the request of Scott Borcharding to continue the hearing on December 6, 2021 at 10:00 A.M., seconded by Franklin County Supervisors Vanness. All ayes for Wright and Franklin County, motion carried.

Franklin County Supervisor Vanness motioned to close the public hearing, seconded by McVicker. All ayes for Wright and Franklin County, motion carried.



Michael Nolte, Chairman

ATTEST:



Colette Bruns, Drainage Clerk

**DD 48 Appraisers' Report
Of
October 4, 2021 11:00 A.M.**

Present at Franklin County: Supervisors Mike Nolte, Gary McVicker, Chris Vanness, Auditor Katy Flint, Drainage Clerk Colette Bruns, Drainage Engineer Lee Gallentine, Drainage Attorney Art Cady

JDD 48 Public Meeting Appraisers' Report 11:00 A.M.

The board met to discuss the Appraiser's Report on damage claims for Drainage District 48. McVicker motioned to open the public hearing, seconded by Vanness. Gallentine presented DD 48 Appraiser's Report for damage claims as a result of the main open ditch reconstruction.

The Appraisers recommended moving forward that the District Trustees, should take action to accomplish the following:

- Acknowledge receipt of the Appraisers' Report
- Seek legal counsel's opinion as to the validity and timing of damage claims filed
- Hold any required hearing
- Adopt the following recommendations of the Appraisers' Report
 - Pay the right of way and severance claims in the amounts shown in the following table with any equitable adjustment by the District Trustees.

A letter was received in the Auditor's Office on September 23, 2021 and October 4, 2021 from Goodwin Law Office, P.C. on behalf of his clients, Patricia F. Hanson, Patricia Hanson, and Ten-K Farms; Matthew Abbas, Marabelle Abbas Life Estate, Marabelle Abbas Revocable Trust, and Harlan Duane Abbas Revocable Trust; Bruce D. Reid and Lynette Meyer; Dean W. and Peggy G. Lemke Joint Revocable Trust, Dean W. & Peggy G. Lemke Trustees, Harlan Lawrence Lemke Revocable Living Trust, Harlan Lawrence Lemke, Co-Trustee and Francine Emily Lemke, Co-Trustee; Francine Emily Lemke Revocable Living Trust, Francine Emily Lemke, Co-Trustee and Harlan Lawrence Lemke, Co-Trustee; Delores J. Blackford, Trustee of the Delores J. Blackford Revocable Trust.

The landowners are requesting to postpone the hearing on the Appraiser's Report on Damage Claims for Drainage District 48 to a later date. Goodwin's clients' have engaged a certified appraiser and would require more time to prepare an appraisal and engineer report to present to the Board of Trustees. Mr. Goodwin stated his clients' petitions and objections were filed October 23, 2020 and took over ten months for the Franklin County Appraisal Report to be prepared and therefore, they would need more time to prepare their own appraisal.

Motion by McVicker, seconded by Vanness to continue the Public Hearing on Monday, December 6, 2021 at 1:00 P.M. at the Franklin County Law Enforcement Center in Hampton, IA.

DD 30 Lat 10 WO # 98

Gallentine reported new pricing was received from Nettleton for shortening the lengths of the bores per IDOT's request, replacing the ACC driveway at the truck repair shop, and full rock backfill for the removed tile trench at Finch Ave.

\$1,623 increase in IDOT cost

\$9,000 increase in Secondary Road Cost

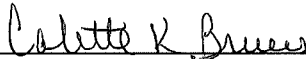
\$7,500 increase in District cost

The total increase would be \$18,123 more to the contract cost and an extension of the completion date to April 30, 2022.

The Board of Trustees agreed to have Lee draft a new change order that would include these increases and will present it to the Board for signatures at a later date.



Michael Nolte, Chairman

ATTEST: 

Colette Bruns, Drainage Clerk