

**Joint Board of Supervisors Drainage Minutes  
JDD 4-118 Continuance of Appraiser's Report  
Of  
January 24, 2022**

**Present at Franklin County: Supervisors Gary McVicker, Mike Nolte, Chris Vanness, Drainage Attorney Art Cady, Drainage Engineer Lee Gallentine, Auditor Katy Flint, Drainage Clerk Colette Bruns. Interested parties in attendance: Attorney Eldon McAfee, Rally Appraisal James Herink, Merlyn Hoyer, Paul Sandersfeld, Roy Arends, Ryan Meyers, Scott Borcharding, Don Latham, Jon Rother.**

**Present for Wright County: Supervisors Dean Kluss, Rick Rasmussen, Karl Helgevold, Auditor Betty Ellis, Drainage Attorney David Johnson.**

Motioned by Franklin County Supervisor Chris Vanness, seconded by Franklin County Supervisor Mike Nolte to open and continue the public hearing from December 6, 2021.

The joint boards met to continue the public hearing for Joint Drainage District 4-118 from December 6, 2021 at the request of Attorney Eldon McAfee representing Scott Borcharding, to allow Rally Appraisal, LLC to complete their appraisal report.

Drainage Engineer Lee Gallentine gave comments on the Appraisal Report from Rally Appraisal, LLC, pointing out items to take into consideration and providing his list of points to consider.

Wright County Supervisor Kluss stated he is inclined to go with the original Appraisal Report provided by CGA at the August 23, 2021 Joint Public Meeting.

James Herink of Rally Appraisal clarified some of the points raised by Gallentine. Supervisor Kluss commented that Rally Appraisal did not consider the cost if the ditch was not there. Franklin County Drainage Attorney Art Cady also questioned if the following was considered in the report, the adjustment in value in the past 4 years and if the drainage ditch had not been extended, Herink said yes, this was accounted for. Wright County Drainage Attorney David Johnson questioned if any studies were considered in the report with or without drainage ditches. Herink said no.

Borcharding stated the tile was partially functioning before the project and he harvested a crop every year. He agreed to the project and exposed his property for the project and has lost land value on 149.93 acres, stating he was told he would be compensated for this. McVicker wanted to make it clear that any landowner would be compensated for damages if a claim was submitted and approved. Borcharding said he has talked to other appraisers and they have agreed with the amount in Rally Appraisal Report. Attorney Johnson objects to stating opinions of any other appraiser since Borcharding hired Rally Appraisal.

Wright County Supervisor Kluss, stated the purpose of CGA's appraisal is to consider the 4.9 acres of Right of Way not land devaluation. Borcharding stated he was never given the opportunity at the beginning of the project, but Gallentine pointed out that was the purpose of the Engineer's Report at the public hearing held earlier.

Wright County Attorney Johnson advised Wright County Supervisors not to proceed with Rally Appraisal's damages of the easement compensation for \$160,000.00. Johnson stated Herink did not study ground usefulness before and after the project or compared other properties that were not included in the drainage district.

Don Latham stated he had farmed the area longer than Borcharding and has not lost acres in the last 10 years, but prior to that, has not had a harvest in some years due to flooding. Latham could not ask for compensations out of his good conscience and assess the landowners more money than was necessary. Latham believes he will benefit more now from the completed project than before. The open ditch option was less expensive and a better choice and now has an outlet for both him and Borcharding.

Jon Rother stated he wants to make sure the cattle will be kept out the open ditch to prevent damage and erosion and further expenses.

Franklin County Supervisor Mike Nolte stated land devaluation was not brought up at the beginning of the project by Borcharding.

Attorney Eldon McAfee, representing Borcharding, asked if Franklin County Supervisor Chris Vanness was abstaining from voting. Vanness replied yes, he will abstain.

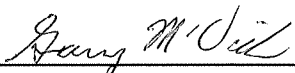
Motioned by Franklin County Supervisor Mike Nolte, seconded by Wright County Supervisor Rick Rasmussen to close the public hearing. All ayes, motion carried.

Motioned by Wright County Supervisor Dean Kluss, seconded by Franklin County Supervisor Mike Nolte, to go with CGA's Appraisal Report damages and award Borcharding \$39,178.42 plus interest starting at January 1, 2020 through December 31, 2021, making it the same interest dates that were awarded to Don Latham at the Public Hearing on December 6, 2021. Franklin County, 2 ayes - Chris Vanness abstained from vote. Wright County, 2 ayes, 1 oppose. Motion carried.

**DD 30 Lat 10 WO #98**

Lee Gallentine presented Change Order No. 3 with an increase of \$3086.00 and a revision of the contract price increasing to \$1,157,657.50. Per the contractor, during construction, some quantities varied from the contract. Additional replacement tile was required along with additional tile removal and locating, more support was needed for the replacement tile, deeper excavation was needed for the open cut tile replacement along with additional seeding and seeding warranty, additional 12' HDPE dual wall tile was required for reconnection of existing intakes, additional lengths and type of pipe were required for reconnection at the Diesel Shop and Dudley's, deeper excavation was needed for the open cut tile removals along with removal of concrete pipe instead of clay tile.

Motioned by Nolte, seconded by Vanness to approve Change Order No. 3. All ayes, motion carried.

  
\_\_\_\_\_  
Gary McVicker, Chairman

ATTEST:   
\_\_\_\_\_  
Colette Bruns, Drainage Clerk