

**Board of Supervisors Drainage Minutes
Drainage District 48 Continuance of Appraiser's Report
Of
February 7, 2022**

Present at Franklin County: Supervisors Mike Nolte, Gary McVicker, Chris Vanness, Drainage Attorney Art Cady, Drainage Engineer Lee Gallentine, Auditor Katy Flint, Drainage Clerk Colette Bruns. Interested parties were in attendance: Delores Blackford, Jay Howie, Trish Hanson, Randy Walton, Lu Rodemeyer, Matt Abbas.

Motion by Vanness, seconded by McVicker to open and continue the public hearing from December 6, 2021. All ayes, motion carried.

The board met to continue the public hearing for Drainage District 48 from December 6, 2021 at the request of Goodwin Law Office, P.C. Goodwin Law Office was to engage Ted Frandson with Frandson and Associates, to make appraisals of damages in response to the Appraiser's Report on Damage Claims for Drainage District 48 Franklin County, Iowa.

A letter was received in the Auditor's Office on February 4, 2022 from Goodwin Law Office, stating the Lemkes, Hackbarths, and Blackfords have retained Donald D Etler, P.E., Bolton & Menk, Consulting Engineers, Inc. to review and recommend resolution to the issue of the crossings. Mr. Etler reports the crossings will continue to not be stable to handle the large increase in peak flows as a result of the 2017 ditch construction project upstream and need to be reconstructed with 84" culverts. Etler's estimated cost for the crossings are \$46,200 for Lemke/Hackbarth and \$48,200 for Blackford. Etler also reported additional cost for long travel ingress/egress for field operations and grain harvest since June 2018 which totals \$8000 for each. The total claims being reported by Etler are Lemke/Hackbarth \$54,200 and Blackford \$56,200.

Drainage Engineer Lee Gallentine gave comments on the letter sent by Goodwin Law Office, pointing out items of clarification and providing points to consider.

The meeting was then open to public comments.

Matt Abbas spoke, asking when the original ROW was established and why they had been paying taxes if there was a ROW. Gallentine stated the ROW was established between 1909-1916, and said the ROW taxes goes back to the Supreme Court ruling. Abbas also said landowners had CRP property which is now the ROW, and was split causing the contracts to be modified with less acres, saying this is not fair.

There were no other comments.

Motion by Nolte, seconded by Vanness to close the public hearing. All ayes, motion carried.

Motion by Nolte, seconded by Vanness to accept the recommendations of the Appraisers' Report submitted from CGA, to pay the ROW and severance claims in the amounts shown:

1. Patricia F Hanson, Patricia Hanson, and Ten-K Farms, ROW \$13,072.79 plus interest since 1-1-17
2. Matthew Abbas, Marabelle Abbas Life Estate, Marabelle Ann Abbas Revocable Trust, and Harlan Duane Abbas Revocable Trust, ROW \$13,846.64 plus interest since 1-1-17
3. Bruce D Reid and Lynette Meyer, ROW \$11,302.30 plus interest since 1-1-17
4. Bruce D Reid and Lynette Meyer, Land Severance Damage Claims \$36,915.26 plus interest since 1-1-17.

Note: after the public meeting was complete, Matt Abbas submitted a list of concerns.

Gary McVicker, Chairman

ATTEST: _____
Colette Bruns, Drainage Clerk

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Lee Gallentine from Clapsaddle-Garber Associates Inc, presented bid specifications for DD 13 Partial Main Tile Replacement. The proposed work is located in Section 19, Township 90 North, Range West and Section 24, Township 90 North, Range 21 West in Franklin County, Iowa and is shown more particularly on the project plans. This project involves replacing portions of the existing Main tile starting east of Mallard Ave in Section 19. Then moving upstream to the west into Section 24. No replacement under the paved surfaces of Mallard Ave is anticipated.

The Board of Supervisors acting as the Board of Trustees for Drainage District 13 acknowledged the Specifications and Plans for the partial main tile replacement.

Motioned by Nolte, seconded by Vanness to set the bid letting for February 28, 2022 at 10:15 AM at the Franklin County Courthouse.

Gary McVicker, Chairman

ATTEST: _____
Colette Bruns, Drainage Clerk