

**CASS COUNTY DRAINAGE BOARD
SPECIAL MEETING
October 1, 2012**

The Cass County Drainage Board held a special meeting for Continuance of Obstruction of Flow on October 1, 2012 at 2:30 P.M. in room 203 of the Cass County Government Building. Those in attendance were members: Dave Arnold, Jim Sailors, Gene Powlen, Attorney John Hillis, Surveyor Jenny Clark and Secretary Cindy Howard.

Dave Arnold called the meeting to order.

SURVEYOR'S REPORT

The last report dated August 28, 2012 was submitted for the record, as were pictures taken by the Surveyor Jenny Clark.

PETITIONER COMMENTS

Attorney Jim Brugh responded for the Petitioner's Edward "Butch" and Rose Clem and Gary Landis. Mr. Brugh recapped everything since June, 2011. Mr. Brugh reminded the Board that the decision upheld by Judge Perrone was to remove the obstruction. The obstruction per the Petitioners was removed as of the week before the meeting. Mr. Brugh for the Petitioners asks for the Board to find that the obstruction is to stay removed and never replaced with any material.

RESPONDENT COMMENTS

Attorney Jay Hirschauer responded for the Respondent Carl Ruble. Mr. Hirschauer reported that the fish screen has been removed and is asking that all of this harassment stop and that the board decline to do anything further.

PUBLIC COMMENTS

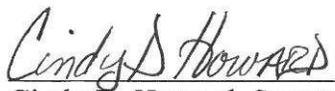
Mr. Ruble was asked by Commissioner Gene Powlen if the screen was removed. Mr. Ruble did reply yes and added a few more comments as to the obstruction and the affect on his fish.

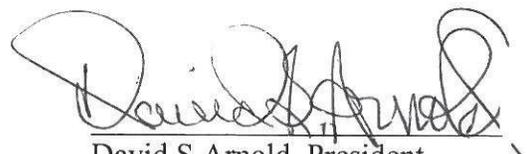
BOARD FINDINGS

Gene Powlen made a motion that there is no obstruction at this time based on the evidence given. Jim Sailors 2nd; Motion passed. Gene Powlen also made a motion that nothing is to be put back in between the concrete walls. Jim Sailors 2nd; Motion passed.

ADJOURNMENT

Jim Sailors made a motion to adjourn; Gene Powlen seconded; motion passed.


Cindy D. Howard, Secretary


David S Arnold, President