

**CASS COUNTY DRAINAGE BOARD PUBLIC HEARING
LYBROOK KITCHELL OPEN & TILE #93
August 6, 2012**

The Cass County Drainage Board held a Public Hearing August 6, 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 Acting Secretary Vicky Conrad.

PUBLIC HEARING CALLED TO ORDER

Dave Arnold called the hearing to order.

SURVEYOR'S REPORT

The purpose of this hearing is to increase the maintenance assessment to pay back the amount borrowed to pay for previous maintenance projects and begin to collect for future maintenance needs. The proposed assessment for this maintenance is \$21.00 per acre with a minimum assessment of \$5.00. The Lybrook Kitchell Open & Tile watershed contains 1335.461 acres. However, a change was made in the Schedule of Assessments: K-West Farms, LLC, has retiled their land to the #114 Ginsberry Ansberry Bird removing 34 acres from the watershed total. The new amended total acreage is 1301.461 acres. Total length of drain is 15,470 feet. This watershed will collect \$28,048.82 annually; however, with the removal of K-West Farms, LLC, the amended total is \$27,334.82. Gene Powlen made a motion to approve the report. Jim Sailors 2nd; Motion passed.

WRITTEN OBJECTIONS OR COMMENTS FILED

Written objections were filed by Kathryn Caldwell, Dwight Stephen & Patricia Ann Plank, and Albert Dwight Plank.

PUBLIC COMMENTS

John Hardy, 8112 S. 200 E., Walton, asked several questions about how much of an increase this will be and about the past and future work to be done. The current rate is \$2 and the proposed assessment is \$21. The fund has a negative balance of \$26,431. Jenny Clark explained that the \$21 per acre is the total amount required to pay back what has been spent so far and begin collecting at a rate that will generate income for future work. She explained that the \$21 per acre can be split in different ways....3 years at \$7 per acre, etc. Mr. Hardy believed that increasing the rate from \$2 to \$21 is too much to raise in one year, especially with this year's crops.

ACTIONS OF THE BOARD

Jim Sailors made a motion to adopt the rate at \$10.50 per acre with a \$5.00 per acre minimum and no term. Gene Powlen 2nd; Motion passed.

Jim Sailors made a motion to set May 2013 as the first installment of the new assessment. Dave Arnold 2nd; Motion passed.

FINDINGS AND ORDER OF THE BOARD

Jenny Clark read the legal notice of Findings and Order of the Board. Gene Powlen made a motion to adopt the Findings and Order of the Board. Jim Sailors 2nd; Motion passed.

ADJOURNMENT

Jim Sailors made a motion to adjourn. Gene Powlen 2nd; Motion passed.

A handwritten signature in dark ink, appearing to read "David S. Arnold", written over a horizontal line.

David S. Arnold, President

A handwritten signature in dark ink, appearing to read "Victoria L. Conrad", written over a horizontal line.

Victoria L. Conrad, Acting Secretary