

**TRANSCRIPT AND REPORT OF PROCEEDINGS
CASS COUNTY BOARD OF COMMISSIONERS
COUNTY OF CASS
September 26, 2013**

1A. Acting Chairman Dowson convened a special meeting of the Cass County Board of Commissioners, acting in their capacity as drainage authority, at 6:30 p.m. on Thursday, September 26, 2013, with the flag pledge, in the meeting room at the Land Department Building, Backus, MN. Commissioners present: Dowson, Gaalswyk, and Peterson. Commissioners absent: Downham and Kangas.

Others present during portions of the meeting included:

<u>NAME</u>	<u>REPRESENTING</u>	<u>NAME</u>	<u>REPRESENTING</u>
Sharon Anderson	Auditor-Treasurer	David Enblom	Highway Engineer
Kurt Deter	Consulting Attorney	Kelly R. Condiff	ESD
John Stranne	Self	Allen & Mary Harrison	Self
James Harrison	Self	James M. Rice	Self
Raymond Schrupp	Self	Mart Tulenchik	Self
Bill Bradish	Self	Ron Meyer	Self
Bruce Ohland	Upper Hay Lake Association	Steve Scarborough	Upper Hay Lake Association
Greg Witt	Self	Mary Jane Peterson	Self
Stephen J. Peterson	Self	Marlin Torkelson	Self
Richard & Floydine Archer	Self	Kevin & Melody Broyles	Self

1B. Chairman Dowson opened the public hearing held for the purpose of considering a \$30,000 levy for repairs to Cass County Drainage System No. 9, proposal including an interest rate of 2% for installment payments over three years commencing in 2014.

Auditor-Treasurer Anderson reviewed the background and history of Drainage System No. 9 noting that a landowner repair petition received on May 9, 2013 had been tabled with the agreement of the landowners in lieu of considering repairs under Minnesota Statutes 103E.705 as an alternative with a lower cost. Highway Engineer Enblom explained the proposed plan of work noting that a phased approach would be used to first trap beavers, identify the location and number of beaver dams and systematic removal of dams allowing for controlled flow release. No channel dredging or removal of dams with dynamite is being considered at this time. Consulting attorney Deter and Wetlands Specialist Condiff answered questions, and Deter provided information about Minnesota drainage laws throughout the hearing.

Public comment and questions were heard by the board. Concerns included impacts downstream, particularly as to what the effect on Upper Hay Lake may be as water is released, and whether the proposed work would have the desired outcome for the level of expenditure. The proposed plan of work would be phased and monitored to minimize or eliminate downstream impacts. The proposed budget for the current work plan estimated not to exceed \$25,000 would leave a balance in the fund for on-going maintenance until such time as the project outcome can be evaluated and an on-going drainage levy considered in the future if appropriate.

Consulting attorney Deter also explained a process for a landowner to petition to have their parcel(s) removed from the acres originally identified as benefitted if it can be shown that the drainage system no longer benefits the property. He also answered questions regarding the duty of the drainage authority to maintain the system and what options exist under state law to abandon drainage systems.

M/S/P Gaalswyk, Peterson – Table action on proposed levy for Drainage System No. 9 until the regular board meeting of October 1, 2013. Unanimous.

1C. Acting Chairman Dowson adjourned the meeting at 7:45.p.m.

SIGNED: _____
Jim Dowson, Acting Chairman
Cass County Board of Commissioners

ATTEST: _____
Sharon K. Anderson, Acting Clerk
Cass County Auditor-Treasurer