

The Rush County Drainage Board met in the Commissioner’s Room of the Courthouse on Monday March 6, 2017 at 12:40 p.m. with the following present: Mark Bacon, Paul Wilkinson, Bruce W. Levi, members; Marvin L. Rees, Surveyor; Leigh Morning, Board attorney. Michele Gordon, secretary, was absent. Ralph Adams, Donald Coon, and Jim Wainwright were also present.

Minutes of the February 21, 2017 special meeting were presented. Levi stated he would not sign them until the issue of open ended contracts were settled. Rees explained that the issue was not discussed at the meeting and wasn’t in the minutes. Ralph Adams then read from the pre-pay letter he received which stated that he would be required to pay his portion of any overrun costs within thirty days. He said that was an open end contract. He also stated that the contractor should allow for any unforeseen cost that could be associated with the project. Coon stated that he was not paid for additional cost on an open drain his company cleaned several years ago and felt the contractor should not be allowed to add cost to a contract. Rees reminded Coon that a larger perimeter drain was used on a structure they constructed and this cost was taken care of by the watershed not the contractor. Board attorney Morning explained to Levi that the bids were opened and accepted at the last meeting but a contract was not signed at that meeting. Wilkinson made a motion to sign the minutes, 2nd by Levi. Motion carried.

Minutes of the regular meeting held February 21, 2017 were approved and signed on motion by Wilkinson, 2nd by Levi. Motion carried.

JAMES ALEXANDER TILE

More discussion was held about requiring the landowner to sign an open ended contract requiring them to pay for any cost overruns. Wilkinson read paragraph five in the contract which states that both parties will review any issue that is found to be beyond reasonable limits of the contract. This wording was fine. It was suggested that since there is a typographical error on the pre-pay letter that it be resent correcting the typo and adding wording that any cost overrun will be approved by the Drainage Board.

ELLEN MCILVAINE TILE AND OPEN

This tile was installed in the late 1940’s and the tile it replaced was not destroyed and is now causing problems by creating holes in the field. The Board asked for more research to be done before a decision could be made on how to handle this issue.

There being no further business to come before the Board, the meeting was then closed at 1:10 p.m. A motion to adjourn was made by Wilkinson, 2nd by Levi. Motion carried.

Mark Bacon

Paul Wilkinson

Bruce W. Levi