

The Rush County Drainage Board met in the Commissioner's Room of the Rush County courthouse on May 16, 2016 at 10:20 a.m. with the following present: Mark Bacon, Bruce W. Levi, members; Leigh Morning, Board attorney; Marvin L. Rees, Surveyor; Michele Gordon, secretary. Paul Wilkinson, member, was absent.

Minutes of the previous meeting were approved and signed by motion of Levi, with a 2nd by Bacon.

PETER MAUZY TILE

Work continues on this project.

JOHN WIDAU TILE

Surveyor informed the Board that James Ramsey planned on starting this project today.

IRA BROOKBANK TILE

The outlet of this tile is in very bad shape and the landowners in the watershed wanted to bypass the structure and just put in a rock chute, at their expense. When the Surveyor investigated he discovered there are more problems that need to be addressed. Portions of the tile will need to be replaced. He will work on an estimate and present this at the next meeting so a hearing can be set in order to determine maintenance assessments to pay for the project.

WM CROSS WEST TILE

There is some concern about the installation of this tile during the recent reconstruction project. The Surveyor recommends waiting until this fall to have an independent contractor come in to investigate.

SAMUEL COHEE OPEN

The Surveyor notified Vectren of an exposed gas pipe along this drain. Vectren will determine if this is an active pipe or abandoned and will notify the Surveyor so he can proceed accordingly with any maintenance on this drain.

VILLAGE AT FLATROCK POND – HEARING

Bacon called the hearing to order and turned the meeting over to the Surveyor. The Surveyor then gave his report which can be found in the file in his office. He also stated that he had received two remonstrance letters which he read and then gave his response to. His responses can also be found in the file in his office. The meeting was then opened to anyone present who wished to speak. The following spoke to the Board:

Valerie McGowan, representative of the homeowner's association for Blue Ribbon Estates and Mark McNeely, attorney for the association – they questioned how the Surveyor determined the watershed and the assessments – they also felt that since their water did not drain into the pond they should not be assessed. The Surveyor stated they were being assessed because the pond was stopping water from flooding their property. They were handed the Surveyor's report and the proposed assessments to look at.

Gayle Angle – homeowner within Blue Ribbon Estates stated she felt she was being unfairly assessed.

Nancy Boteler – homeowner within Blue Ribbon Estates stated she had been flooded constantly.

Steve Riedman – owner of car wash stated he had never been flooded since 1999 when he built in the area and had two drains that took his water directly into the City storm sewer so he felt he should not be assessed on the pond.

Jerry Cox – homeowner on Foster Heights Road – questioned how the watershed was determined and the Surveyor stated that during a rain event he observed surface water draining toward the pond.

Both Julie Newhouse, attorney for the City, and Mayor Mike Pavey were present to answer any questions. None were asked of them.

Bacon informed those present that the pond was built in order to eliminate flooding and that there was no exact science to determine the watershed other than knowing where the surface water ends up after a rain event. Levi felt Riedman should be eliminated from the assessments since he had his own drainage plan in place. After discussion a motion was made by Levi, with a 2nd by Bacon to:

1. Cut the assessments for parcels in Blue Ribbon Estates in half
2. Cut the assessments for parcels along Foster Heights Road in half
3. Entirely remove Steve Riedman from the assessments

Motion carried.

Another motion was then made by Levi, with a 2nd by Bacon to sign the Finding of Facts statement. Motion carried and the findings were signed. These can be found in the file in the Surveyor's office. The Final Order then needed to be signed so a motion was made by Levi, with a 2nd by Bacon, to sign the Final Order with the corrections that were made. Motion carried and the order was signed. This can also be found in the file in the Surveyor's office. The hearing was then closed by motion of Levi, with a 2nd by Bacon.

There being no further business to come before the Board a motion to adjourn was made by Levi, with a 2nd by Bacon.

Mark Bacon

Bruce W. Levi