

The Rush County Drainage Board met in the Commissioner's Room of the Rush County courthouse on June 13, 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. Warren Norris, county councilman, was also present. Paul Wilkinson, member, was absent.

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

JOHN WIDAU TILE

Interested parties present were Verlin Custer, Frank Marlatt and David Hiner. Mr. Custer is requesting that the old tile not be destroyed as part of the reconstruction project. He presented letters from Archer Farm Corporation (Joe Archer), Borton Cattle Co. (Frank Marlatt), and David Schultz who also support not destroying the old tile. These letters can be found in the file in the Surveyor's office. Custer showed a video of water discharging from the old tile after a recent rain event to support his argument that the old tile is still functioning and should not be destroyed. He has also agreed to maintain the old tile once it is vacated. David Hiner would like the old tile destroyed.

The Surveyor agreed that the old tile is still functioning but undersized for the watershed. That is why the new tile is being installed. Whether the old tile is destroyed or not, the Surveyor insisted that the old tile will be connected to the new tile at the Verlin Custer/Nancy Custer property line. Mark Bacon stated, in his opinion, that a working tile should not be destroyed. After much discussion, Bruce Levi asked David Hiner if the old tile affected his drainage and he responded that it did not. So when asked why he wanted the old tile destroyed he stated that it was an ethical issue and would infringe on his property rights.

A motion was then made by Levi, with a 2nd by Bacon, to not destroy the old tile as part of the reconstruction project. Motion carried. The Surveyor stated that a hearing will eventually need to be held in order to vacate the old tile.

MUTUAL DRAIN – PETITION

Max Angle has filed a petition for removal of an obstruction in a mutual drain. The Surveyor will investigate and try to talk with the landowner before a hearing would need to be set.

VILLAGE AT FLATROCK POND

A motion was made by Levi, with a 2nd by Bacon, to sign the certificate of maintenance assessments. Motion carried.

PETER MAUZY TILE

The Surveyor presented his Final Report which can be found in the file in his office. He also showed the Board aerial photos that had been taken by Brian McMinn of the project site. A motion was made by Levi, with a 2nd by Bacon, to accept the Surveyor's Final Report. Motion carried. A second motion was made by Levi, with a 2nd by Bacon, to sign the certificate of reconstruction assessments. Motion carried.

IRA BROOKBANK TILE

The Surveyor presented his estimate of \$15.20 per acre to repair the outlet. A motion was made by Levi, with a 2nd by Bacon, to set a hearing for July 25, 2016 at 10:30 a.m. to discuss the maintenance project and raising the maintenance assessments. Motion carried.

NELSON PLUMMER OPEN

The Surveyor reported that he had been notified of a spill and was in contact with IDEM. There were no fish killed.

WAITS/WRIGHT TILE

Howard Lower has reported drainage problems on his property which he feels is being caused by a tile that was not connected to the new tile when it was constructed. A motion was made by Levi, with a 2nd by Bacon, to table this issue until the Surveyor has a chance to investigate. Motion carried.

RUSH COUNTY STORM DRAINAGE PLAN

The Surveyor is recommending a waiver to the drainage plan for the Jacobs Dominon, Jim Stewart and Miles Montgomery properties. A motion was made by Levi, with a 2nd by Bacon, to approve and sign the drainage plan waivers. Motion carried.

LONG RANGE PLAN

A motion was made by Levi, with a 2nd by Bacon, to approve the Long Range Plan. Motion carried.

JAMES V HILLIGOSS TILE

Alan Hurst was present and informed the Board of drainage problems he is having in his field. He feels the problem stems from the fact that an old tile was abandoned, not destroyed. Who does the old tile belong to? Was it a county tile that was officially abandoned or was it a private tile? The Surveyor will research the history of this tile and bring his findings to the Board at their next meeting.

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