

The Rush County Drainage Board met in the Commissioner's Room of the Courthouse Sept. 3, 2019 at 10:15 a.m. with the following present: Paul Wilkinson, Bruce W. Levi, members; Leigh Morning, Board Attorney, Marvin L. Rees, Surveyor; Shelle Hendrix, Secretary. Julia Apple, Health Office Environmentalist, and Jerry and Desmond Stevens were also present.

A motion was made by Levi to approve the minutes from the August 5, 2019 meeting with a 2<sup>nd</sup> by Wilkinson. Motion carried and the minutes were approved and signed.

**THOMAS GRAY RECONSTRUCTION**

The Surveyor reported the work has been completed and came in right on budget. Levi made a motion to approve the Scheduled Assessment with a 2<sup>nd</sup> by Wilkinson. Motion carried and the Scheduled Assessment was approved and signed for Rush and Hancock Counties.

**CARR/STANLEY**

The Railroad's Right-of-way issue was discussed. Leigh Morning stated the landowners own the land, with the Railroad only possessing a Right-of-way. The Surveyor stated the need for potential contractors to know about the situation with the Railroad prior to submitting their bids. When Wilkinson asked how the Board should proceed, Leigh Morning stated it's a choice of either paying the exorbitant permit fees or risking the cost of a Federal lawsuit. If we proceed, the Railroad might issue an injunction, causing further costs to landowners. Levi made a motion with a 2<sup>nd</sup> by Wilkinson to table a decision until all three Commissioners are in attendance. Motion carried and the subject was tabled.

**GEISE/STEVENS TILE**

Rees reported he had finally heard from the State Forester. He will be in contact with a Forester from Greensburg to determine the potential loss of trees on the Stevens property. Desmond Stevens spoke about the conflict resulting from the Stevens moving dirt and rock piles on the right-of-way. He stated it was done out of ignorance not malice as they do not know where the two right-of-ways are located. Next, there was a discussion with Julia Apple concerning the Kevin Geise property and the need for a new septic system. It was again stated this is a separate issue and not related to the Drainage Board and should in no way prevent Geise from installing his septic systems.

**JAMES SE HILLIGOSS**

The Surveyor reported we have the INDOT permit.

**DON WRIGHT MUTUAL DRAIN**

The Surveyor reported he had talked to Kevin Peggs, who did the work on this drain for Mr. Wright. He installed a 10" tile and bypassed the blockage. Therefore, the tile is no longer blocked.

**ELI MURRAY TILE**

The Surveyor read a letter from Polly Brown requesting this drain be re-constructed.

**SURVEYOR'S CONTINUING ED**

The Surveyor reported he had attend the yearly Continuing Ed and discussed INDOT, saying it is now required to inform the State about future work to be done. Rees will draft a form letter about informing landowners of future drainage plans.

There being no further business to come before the Board, Levi made a motion to adjourn with a 2<sup>nd</sup> by Wilkinson. Motion carried and the meeting was adjourned.

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Mark Bacon

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Paul Wilkinson

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Bruce W. Levi