

Big Cicero Creek Joint Drainage Board  
August 24, 2022  
Tipton County Courthouse

Members Present: President Brad Bagwell, Mark Heirbrandt, Jordan Brewer, Austin Henderson

Surveyors Present: Dan Sheets, Kenton Ward, Ken Hedge

Secretary: Kristi Hinkle                      Attorney: Steve Holt

Others Present: Michael Waldron, Vicky Boyd, Carol Cunningham, Tom Dolezal, Jenny Miller

**CALL MEETING TO ORDER:** President, Brad Bagwell, called the meeting to order.

**ESTABLISHMENT OF QUORUM:** President Bagwell stated that there was a quorum.

**MODIFICATIONS TO THE AGENDA:** None.

**APPROVAL OF MINUTES:** Member Brewer motioned to approve the minutes from July 27, 2022. Member Austin Henderson 2<sup>nd</sup> the motion. The motion was approved.

**SURVEYOR'S REPORT:** President Bagwell stated that an issue has come about on encroachments and that Surveyor Ward had brought Hamilton County's procedure. President Bagwell also stated that Cicero Board needs to come up with a policy on encroachments. President Bagwell had asked how Clinton County handles encroachments. Surveyor Sheets responded that they follow state statute. Surveyor Sheets also stated that with fences they just move them when they must do maintenance. Surveyor Sheets said that the way they find out about a structure is through 811 and have stopped work before. President Bagwell had asked Surveyor Ward about Hamilton County. Surveyor Ward responded that they go through the drainage board. President Bagwell had asked Surveyor Hedge the same question. Surveyor Hedge responded that they go through the drainage board also and do not allow fences in the easement in subdivisions but are allowed in farmland (ag) area (subject on removal to do maintenance). President Bagwell stated that the Cicero Board needs to decide on a policy regarding encroachments. President Bagwell also stated that there is a trail that will be going into the easement also which will be paved. President Bagwell had asked if the trail was considered a permanent structure. Surveyor Ward responded yes that it's considered a permanent. Surveyor Ward stated that on trails (Hamilton County) requires for the trail to be fifteen feet off the top of the bank. Surveyor Ward also stated that when maintenance work must be done that whatever structure is in the easement will be moved to do the work which is on the property owner's expense. Member Heirbrandt stated that the property owner acknowledges the issue on public record as well. Attorney Holt had asked if the non-enforcements are recorded. Surveyor Ward responded that they are recorded. Attorney Holt asked if there were fees. Surveyor Ward replied yes. Surveyor Ward stated that the resident fee is seventy-five dollars and one hundred dollars for commercial. Discussion ensued on the policy for Cicero Board.

Attorney Holt stated that he and Jason would put together drafts to review. Member Heirbrandt motioned to require a property owner requesting for encroachment to come to the board until the policy is approved. Member Brewer 2<sup>nd</sup> the motion. The motion was approved. Surveyor Ward had nothing else to report. Surveyor Sheets had nothing to report. Surveyor Hedge had nothing to report.

#### **SHELVING PROJECT UPDATE/REPORT:**

- A. Jenny Miller (CBE) stated that the project continues to move forward in which that they are up to the bypass road. Ms. Miller also stated that there is about one-half mile of bank work left to do in which they will be completed in about a couple of weeks. President Bagwell had asked about a sycamore tree removal at 410 Fairgrounds Rd and if it was part of the project or the trail project. Ms. Miller responded that the tree was not part of the project. President Bagwell requested Ms. Miller to check on verification of the tree. Member Heirbrandt had asked about what percent completion is the project. Ms. Miller responded that the project is about eighty-five percent complete. Attorney Holt had asked about retainage. Ms. Miller replied that it would be the next two meetings. Member had asked Mayor Dolezal about the response to the project. Mayor Dolezal responded that the response was still positive. President Bagwell stated that the situation on maintenance had been brought to attention and the something needs to set in place on maintenance. Ms. Miller stated that mowing would be like every two months because of the type of seed that was used. Member Heirbrandt has asked about the spraying at state road 19 and 300 N and that someone needs to look at that. Discussion ensued on the preventative maintenance on the shelving. Surveyor Hedge recommended that the first season to not touch it at all until next spring. Ms. Miller stated that there was a warranty on the project in which reseeding could occur next spring. President Bagwell recommended that the board have a policy for maintenance by next spring. Surveyor Ward stated that Hamilton County has a mowing program.

**BOARD ENGINEER REPORT:** Michael Waldron (BFS) stated that Mark Chmeliwskyj was not able to attend due to family matters out of state. Mr. Waldron stated that Mr. Chmeliwskyj reached out to Schmidt Associates on Tipton High School project in which there is a certificate of approval (work cannot be started before September 9<sup>th</sup>). Mr. Waldron also stated that there was a requirement from the board in the May 2022 minutes on providing post construction as built drawings completed improvements as well as submitting a variance request.

#### **BOARD BUSINESS/Comments (Old or New):**

- A. **Fence location at 410 Fairgrounds Road:** President Bagwell stated that the issue is that the location of the fence on the permit is not the same location of actual placement in which affects the future trail project. President Bagwell stated that Steve Raber provided a copy of the trails. President Bagwell also stated that if the trail goes in that A B C and Me would move the fence. Steve

Raber stated that the trail might go in the fall or next spring depending on the bids. Ms. Miller made it aware that there is still an active construction site in which waiting until the spring would be better. Attorney Holt had asked about the trails and the Cicero Creek Board. Mr. Raber responded that he came to the board on February 26<sup>th</sup>, 2020, with the recent set of trail plans in which received approval. Attorney Holt had asked if the Cicero Creek Board approved the future construction plans in a final draft. Ms. Miller responded that there have been changes since then. Attorney Holt stated that there is going to have to be an approval by the Cicero Creek Board. Attorney Holt advised that the trails delay their approval until they get final approval from Cicero Creek Board. President Bagwell stated that the trail plans to go for bids must be presented to the Cicero Creek Board for approval before bidding.

- B. **F& K Payment Application:** Member Brewer motioned to approve F&K payment application to the grant. Member Heirbrandt 2<sup>nd</sup> the motion. The motion was approved.

**Attorney Report/Comments: None**

**Board to Consider Claims:** Secretary Hinkle presented the claims. Member Heirbrandt motioned to approve claims as presented. Member Brewer 2<sup>nd</sup> the motion. The motion was approved.

**PUBLIC COMMENT:** Mayor Dolezal praised the shelving project and requested a copy of the non-enforcement agreement. Surveyor Ward responded that there are extras right there for him. Mayor Dolezal had asked about the easement after the shelving project. President Bagwell responded that the easement is 75 feet from the top of the original bank. Mayor Dolezal had asked Surveyor Hedge on Boone County and subdivisions. Surveyor Hedge responded that the easement is 30 feet for new subdivisions.

**Next Meeting September 28, 2022 at 9:30 am.**

**ADJOURNMENT:** Member Heirbrandt motioned to adjourn the meeting. Member Brewer 2<sup>nd</sup> the motion. Meeting adjourned.

**BIG CICERO CREEK BOARD:**

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Brad Bagwell, President

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Mark Heirbrandt

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Donnie Lawson

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Jordan Brewer

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Austin Henderson

**ATTEST:**

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Kristi Hinkle, Secretary