

Big Cicero Creek Joint Drainage Board
August 16, 2023
Tipton County Courthouse

Members Present: President Brad Bagwell, Mark Heirbrandt, Jordan Brewer-via zoom

Surveyors Present: Kenton Ward, Dan Sheets

Secretary: Kristi Hinkle **Attorney:** Steve Holt

Others Present: Michael Waldren, Mark Chmeliwskyj

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

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

MODIFICATIONS TO THE AGENDA: None.

APPROVAL OF MINUTES: President Bagwell stated that the word “wooden” in wooden fence should not be in the minutes and that it should only have the word “fence”. Member Mark Heirbrandt motioned to approve the July 26, 2023 minutes with the correction. Member Jordan Brewer 2nd the motion. Jordan Brewer=yes, Mark Heirbrandt=yes, and Brad Bagwell=yes. Motion was approved.

SURVEYOR’S REPORT:

- A. **Spraying:** President Brad Bagwell presented Jason Henderson’s letter stating that the kill rate of the spray was achieved. Surveyor Ward stated that according to Gavin’s photos the kill rate was not achieved. Jeff Redman stated that the area that Gavin inspected was in Hamilton County alone. Mr. Redman also stated that the kill rate in Tipton County was achieved, and Gasho was awarded the Hamilton County spray. Member Heirbrandt suggested that Gavin talk to Gasho. President Bagwell advised that once the Hamilton County part was reviewed that they take care of that spray part. Member Mark Heirbrandt motioned to approve the Tipton spray for 2023 contract with Redman. Member Jordan Brewer 2nd the motion. Jordan Brewer=yes, Mark Heirbrandt=yes, and Brad Bagwell=yes. Motion was approved.

BOARD ENGINEER REPORT:

- A. **McDonald’s survey update:** Mark Chmeliwskyj stated that the field work was done and was being processed.
- B. **Tipton High School:** Mr. Chmeliwskyj had reviewed the as builds and had the designer assess the total volume differences.
- C. **Walk through shelving:** Mr. Chmeliwskyj requested that the board give some dates that would work to do the walk of the shelving.

BOARD BUSINESS:

- A. USGS Agreement:** President Brad Bagwell presented the USGS agreement and stated that the cost went up a little. Surveyor Kenton Ward recommended approval of the USGS agreement. Member Mark Heirbrandt motioned to approve the USGS agreement. Member Jordan Brewer 2nd the motion. Jordan Brewer=yes, Mark Heirbrandt=yes, and Brad Bagwell=yes. Motion was approved.
- B. TMU Force Main Approval:** Jim Ankrum stated that they are requesting approval of the force main project which will run under the Cicero Creek at one point. Mr. Ankrum also stated that the plans had been submitted to the board and the board engineer. Jim Ankrum requested approval of the plans contingent on the board engineer approval. President Brad Bagwell has asked about the approved depth under the creek. Mr. Ankrum stated that the Tipton County standard for depth was five foot for utilities and ten foot for high pressure transmission. Mr. Ankrum said that they prefer the five foot, DNR requires three foot, and Core of Engineers require six foot. Discussion ensued on the depth under the creek. Member Mark Heirbrandt motioned to approve the force main project contingent upon the board engineer's recommendation and approval. Jordan Brewer 2nd the motion. Mark Heirbrandt=yes, Jordan Brewer=yes, and Brad Bagwell=yes.
- C. State Board of Accounts:** Attorney Steve Holt stated that Lopez held a meeting with himself, Surveyor Henderson, Tipton County Treasurer, Tipton County Auditor, State Board of Accounts Attorney, some staffers. Attorney Holt also stated that an agenda was presented which basically told what they (Big Cicero Board) were going to do. Attorney Holt gave concern on the agenda items. Attorney Holt said that it would cost the board money and that the board would be on its own without the help of the Tipton County Auditor and Treasurer. Attorney Holt stated that joint drainage board statute states that the surveyor with the majority of the watershed has all powers and responsibility which that surveyor's auditor and treasurer would do the services. Attorney Holt also stated that the State Board of Accounts would recognize the joint drainage board to be its own special district. Attorney Holt proceeded to state that it is not in the statute that a joint drainage board is its own special district. Attorney Holt suggested that some legislation should clear up this clearly. Member Mark Heirbrandt stated that he has had Jake German to email Attorney Holt. President Brad Bagwell had spoken to Senator Buck in which Buck considered that this could be done administratively instead of legislatively. Attorney Holt specified that State Board of Accounts had never audited a joint drainage board until now and that SBOA had no idea how many joint drainage boards there are in Indiana. Attorney Holt said that since the State Board of Accounts decided this then they are going to start auditing all the other Joint Drainage Boards and require them all to get an EIN number. Attorney Holt stated Beth Kelly (Deputy State Examiner) and Kendra Leatherman (General Council SBOA) had both determined that this was how it was to be handled.

BOARD TO CONSIDER CLAIMS: Secretary Hinkle presented the claims. Secretary Hinkle stated that the TrustIndiana only has the two hundred fifty thousand because the assessments were deposited into the wrong bank account in which the Tipton County Treasurer was correcting the deposit and will have the total of five hundred thousand in the TrustIndiana soon. Attorney Holt brought attention to the board that the interest accrued at the other bank should move with Big cicero's money into the correct bank account. Tipton County Treasurer (Gregg Townsend) appeared and responded to the

board that he would correct the error. President Brad Bagwell requested that the Tipton County Treasurer to calculate the interest accrued and move it with the money into Big Cicero's bank account. Mr. Townsend (Tipton County Treasurer) responded that he would calculate the interest accrued and move that into the correct bank account. Member Mark Heirbrandt motioned to approve the financial report as presented. Member Jordan Brewer 2nd the motion. Mark Heirbrandt=yes, Jordan Brewer=yes, and Brad Bagwell=yes. Motion was approved.

ATTORNEY REPORT: Nothing to report.

PUBLIC COMMENT: None.

Next Meeting September 20, 2023 at 9:30 am.

ADJOURNMENT: Member Mark Heirbrandt motioned to adjourn the meeting. Member Jordan Brewer 2nd the motion. Mark Heirbrandt=yes, Jordan Brewer=yes, and Brad Bagwell=yes. Meeting adjourned.

BIG CICERO CREEK BOARD:

Brad Bagwell

Mark Heirbrandt

Donnie Lawson

Jordan Brewer

Austin Henderson

ATTEST:

Kristi Hinkle, Secretary