

Big Cicero Creek Joint Drainage Board
February 24, 2021
Tipton County Courthouse

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

Surveyors Present: Jason Henderson, Kenton Ward, Dan Sheets, Ken Hedge

Secretary: Kristi Hinkle Attorney: Steve Holt

Others Present: Jenny Leshney, Siavash, Waldron, Chmeliwskyj

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

ESTABLISHMENT OF QUORUM: Quorum established.

MODIFICATIONS TO THE AGENDA: None

APPROVAL OF MINUTES: Mark Hierbrandt motioned to approve the minutes from January 27, 2021 meeting as presented. Austin 2nd the motion. Donnie=Yes, Jordan=yes, Austin=Yes, Mark=yes. The motion was approved.

BOARD TO CONSIDER CLAIMS: Kristi presented the claims. Brad had asked about the four hundred thousand that is usually on the report. Kristi replied that the four hundred thousand was a representation of a CD and that is no longer in place. Attorney Holt had asked about what settlements that are left. Kristi replied that Boone County settlement is left. Holt also asked about the on call claim. Kristi replied that the CBE on call claim was for on call services back to August of 2020. Donnie checked the claim. Siavash stated that that was correct. Mark Hierbrandt made a motion to approve the claims as presented. Jordan 2nd the motion. Donnie=Yes, Jordan=yes, Mark=yes, and Austin=Yes. The motion was approved.

SURVEYOR REPORT:

- A. Maintenance near golf course:** Jason stated that the board had previously approved work along the golf course to remove dead trees. Jason said that it was started at the front nine and then Covid happened. Jason also said that Vanhorn was doing the back nine now.
- B. RFQ for On-call services:** Jason stated that the board had received five proposals which include Christopher Burke Engineering, BLS, BLN, Clark Dietz, and Banning. Jason also stated that they brought their proposals on time.

C. Financing update for local lenders: Jason stated that him and Steve generated a letter after receiving info from CBE. Jason also stated that they are ready to send the letter to local lenders. Jason said that there would have to be a contract at a later date. Jason stated that Steve was going to talk about the limits. Jason stated that the SEA meeting has been pushed back again and that he sent an email requesting that the expedite rescheduling of the SEA meeting as soon as possible. Jason also stated that he offered to wear a camera and do it via zoom in order to get the permitting done. Jason stated that direct lending would save money and save some cost to the project.

D. Discussion regarding performance bonding-shelving: Jason stated that there is bonding with constructing a road or if infrastructure is involved as well as subdivisions. Jason said that the shelving project does not contain installing a large amount of tile but would be excavating, removing material, sloping the banks. Jason also stated that maybe a cashier's check could be submitted. Jason advised that the surveyors meet sometime and discuss this with Holt and the other board members. Jenny stated that with bonding that if a contractor is not performing good that they can be kicked off the project. Jenny also stated that then it would take a substantial amount of money to get a new contractor which would be more than what was budgeted. Jenny stated that they could see how much a bond would be and if it would be cost effective. Kenton stated that he is totally against that especially a project this size. Kenton stated that he requires performance bonds on every project from his office. Kenton thinks that it's mandated by the statue and asked Holt if he recalled. Holt stated that he didn't know that they were going to have this discussion. Jason replied that he apologizes. Jason stated that this was just for discussion. Kenton stated that it is required under statue to have a bid bond. Brad agreed with Kenton on the bid bond.

BOARD ENGINEER REPORT: Siavash stated that Jenny will be giving an update on the shelving project. Siavash stated that he does appreciate the board for allowing them to put in their response again. Jenny stated that the progress in the past month would be trying to get the SEA meeting scheduled. Jenny stated once that the SEA meeting is scheduled then they are ready for the 401/404 permits. Jenny said that they are refining the plan details along with the trail designer. Jenny also said that there is a new location desired for the shuffleboard court. Jenny stated that they are 90% done on the new bridge design in which they are having a structural meeting. Jenny stated that they have currently expended \$195,131.66 of the total \$352,900 contract value and that there are no outstanding invoices. Jenny also stated that she has the bidding between March and April. Jenny said that they did push back the permits a month due to the SEA meeting issue. Jenny also said that they should have the award and start construction by June or July. Jenny stated that they should still be able to have it built by October. Jenny also stated that they will be distributing the latest set of plans with the new trail alignment. Jenny said that she will be meeting with the golf course and park staff to get that area worked out. Jenny also said that she kept the amendment items on the update. Kenton asked about the utilities, power, communications, water and sewer being updated. Jenny replied that they have not and that she would make sure to send out a set of plans to them.

BOARD BUSINESS/COMMENTS (Old or New):

- A. RFQ:** President Brad Bagwell stated that there were five RFQ's received. Brad also stated that it would be easier to compare if there was a spreadsheet of the information. Jason stated that he had put the price sheets together of each company and emailed it out. Jason also stated that he would have Kenton and Kenny to help with a spreadsheet. Brad had said that the spreadsheet would make it a lot easier to evaluate each one. Mark had encouraged every board member to read each one of the proposals. Brad had advised to take the RFQ's under advisement. Mark made a motion to take the proposals under advisement and have the surveyors put a spreadsheet together for comparison. Jordan 2nd the motion. Mark=yes, Jordan=yes, Donnie=yes, and Austin=yes.
- B. Length of Financing:** Brad stated that Jason and Steve Holt had been discussing about the length of financing. Brad had asked about what the best length of time would be based on interest rates, payback, and our projected income from assessments. Steve replied that a loan cannot exceed five years and a bond cannot be acquired if the project can be paid for out of cash flow within five years. Steve stated that based on the cash flow now and what the high end of the cost of the project is there is no alternative but to borrow the money to do it. Brad had asked what the optimal time period for that loan. Jason replied that there is a good enough revenue stream that it would come under the five years. Jason also stated that the spring assessment draws are coming in soon. Jason said that he liked the flexibility of the direct loan. Brad had asked if that they only get money out as needed for the loan like a draw. Holt replied that it would be a line of credit effectively and would agree to pay it back within sixty months, forty-eight months, or 36 months which would be a board decision. Holt also stated that cash flow wise that they could do 36 months. Holt said that the shorter the pay back period the better the interest rate. Holt also said that 60 months gives the board more flexibility. Attorney Holt stated that the spring draw is typically larger than the fall draw which would have the account above the two and a half million mark before anything happens. Jason agreed with Holt. Brad had asked if Jason and Steve are going to pursue that. Jason stated that they are in need of an official action. Jordan Brewer made a motion for Jason and Steve Holt to request information for financing for this project and for up to five years. Mark Hierbrandt 2nd the motion. Jordan=yes, Mark=yes, Donnie=yes, and Austin=yes. The motion was approved.

Attorney Report: Steve had nothing to report.

PUBLIC COMMENT: None. Kenton stated that section 78 under the drainage code under subsection E requires the performance bond to be at least the amount of the contract or more.

Next Meeting March 24, 2021 at 9:30 am.

ADJOURNMENT: Mark motioned to adjourn meeting. Austin 2nd the motion. Meeting adjourned.

BIG CICERO CREEK BOARD:

Brad Bagwell, President

Mark Heirbrandt

Donnie Lawson

Jordan Brewer

Austin Henderson

ATTEST: _____
Kristi Hinkle, Secretary