

**Big Cicero Creek Joint Drainage Board**  
**March 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, Michael Waldron, Matt Lambert, Price, Scott Wood, Carol, Vicky Boyd

**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:** Jordan motioned to approve the minutes from February 24, 2021 meeting as presented. Austin 2<sup>nd</sup> the motion. Donnie=Yes, Austin=Yes, Jordan=Yes. The motion was approved.

**BOARD TO CONSIDER CLAIMS:** Kristi presented the claims. Jordan made a motion to approve the claims as presented. Dan Sheets stated that he was in attendance. Mark Heirbrandt stated that he was in attendance. Mark 2<sup>nd</sup> the motion. Mark=Yes, Donnie=Yes, Austin=yes, and Jordan=Yes. The motion was approved.

**SURVEYOR REPORT:**

- A. Report on clearing at the golf course:** Brad had asked about the clearing of the golf course being part of the Vanhorn Excavating claim. Jason replied yes and that it is moving along very well. Jason presented a video of Vanhorn on the clearing of the golf course. Mark had asked about how the golf course felt about the clearing. Jason replied that Mr. Bontrager (the pro) was pleased with the project.
- B. Discussion on funding:** Jason stated that he and Mr. Holt put together a document and submitted it to First Farmers Bank and Trust, Star Financial, and Encompass Credit Union. Jason stated that they received two letters back. Jason said that Star Financial were unable to get something to the board but Encompass Credit Union and FFBT did. Brad asked Steve if he had any comments. Steve replied that he did not and that it is

about who has the best rate. Steve stated that the terms appeared to be the same which was what was asked for. Jordan had asked about that First Farmers showed a “no prepayment penalty” but Encompass did not. Mr. Lambert responded that Encompass has a “no prepayment penalty” as well. Mark had stated that the board take them under advisement, confirm the requirements and bring it to the next meeting for a decision. Mark had asked if there was a timeline on it. Jason replied that the first draw would be sometime in August. Brad had asked about the interest rate staying the same in a month. Mr. Lambert replied that their rate offer will stay. Brad stated that they will assume that First Farmers will stay as well. Brad had asked Mark if that was a motion. Mark replied yes. Steve had stated that if it is tabled that pushes it to May to actually vote on the agreement. Mark had asked what Steve’s thoughts were. Brad stated that they have the same except that one is a half percent lower on the interest rate. Brad also stated that the one that has a half percent lower could get started on their document in which that could be signed at the next meeting to move forward. Mark replied that he was in agreement with that. Brad stated that the motion to table had died because a lack of a 2<sup>nd</sup>. Brad stated that there were two proposals one from First Farmers and one from Encompass. Brad also stated that First Farmers’ interest rate was listed as 3.0 percent and Encompass’s was listed as 2.5 percent. Brad had asked if there was a motion to accept one of those proposals. Mark stated that he would make a recommendation to move forward with the Encompass proposal. Jordan 2<sup>nd</sup> the motion. Mark=Yes, Donnie=Yes, Austin=Yes. Brad had asked about Jordan. Jordan did not respond. Brad stated that something went wrong with connection with Jordan. Brad had also stated that there were three positive votes to move forward. Brad had asked Steve about if he would proceed with getting with Encompass and obtaining the line of credit documents so the board can review those at the next meeting. Steve replied yes that he and Jason will work on that. Mark had asked attorney Holt about the chance of the board dissolving, how would this get paid and what would happen. Steve replied that there was nothing in the statute that provides for the dissolution of a joint drainage board. Steve also stated that he does not see it as a possibility. Mark stated that he wanted to make sure that it was on the record. Dan Sheets stated that Jordan had lost his internet connection and that he is trying to rejoin. Jordan stated that he is back in. Brad stated that the vote was to pursue Encompass at 2.5 percent. Brad had asked if Jordan agreed with that. Jordan replied yes. Ken Hedge stated that Kenton Ward was in attendance now. Brad had asked if there was anything else from the surveyors. The surveyors replied that they did not.

## **BOARD ENGINEER REPORT:**

- A. Shelving project:** Jenny stated that there was some progress since the last meeting. Jenny also stated that they were able to reschedule the SEA meeting for April 13. Jenny also stated that they had been focused on the bridge and the bridge designer had completed that design. Jenny said that as soon as the SEA meeting is complete they will submit the 401 and 404 permits. Jenny stated that they still have some work to do with the shuffleboard court. Jenny said that the bidding was pushed backed because of the

delay of the SEA meeting. Jenny stated that permits could be back by July. Jenny also stated that they are on track for this year. Jenny said that they have worked things through with the trail designer. Jenny stated that she needed input from Jason on the structures in the mobile home area. Jenny had asked if all the structures in the easements are to be removed or only those within the construction limits. Jenny had asked Jason if he could let her know of those. Jason replied yes. Brad has asked when the bids should go out on this project. Jenny replied that if they do not go out for bids before the permitting it will be hard to meet the construction schedule. Jenny suggested that the bidding process could go on as they are finalizing the permits and issue an addenda. Brad stated that they should get documents ready to go out for quotes. Mark agreed with Brad. Brad stated that the bid documents should go out at the meeting in April. Jason agreed with Brad.

#### **BOARD BUSINESS/COMMENTS (OLD or NEW):**

- A. RFQ:** Jason stated that RFQs for on-call services for Big Cicero Creek. Jason also stated that he put together a spreadsheet that the board requested. Jason stated that he and the other surveyors had reviewed all the documents. Jason said that he and the other surveyors would like to give some comments before the board makes their decision. Jason stated that all five proposals are extremely qualified. Jason also stated that CBE has experience as well as Banning. Jason said that CBE and Banning are the top two. Kenton Ward had asked if this is just on-call services and would Burke still be doing the shelving project. Brad replied that CBE was already on contract for the shelving project. Kenton stated that the board is not dissatisfied with Burke but some people in the watershed are. Kenton also stated that he would hate to see the relationship end with the current board engineer. Kenton said that his top ones are Burke, Clark Dietz, and Banning. Dan Sheets was in agreement with Kenton and stated that his top ones are Butler, Fairman & Seufert (BF&S) and Banning. Ken Hedge stated that he would continue with Christopher Burke but if the board wants different that he would go with Banning as his second choice. Ken also stated that Christopher Burke had done a good job for the board and does not see a need to switch from them "at this point in time". Mark stated that there had been a lot of discussion on this topic amongst the board, the surveyors, and the public. Mark stated that Christopher Burke has done a great job and had been a great partner. Mark suggested that he believes they could use a new set of eyes on it. Mark stated that he would be fine with Banning, BF&S, or Clark Dietz. Donnie agreed with what Ken had said in which he has no problem with who they have now and is willing to stay where they are at. Austin agreed with what Mark had said which was to have a fresh set of eyes to look at it more objectively. Jordan agreed with Austin and had said that Clinton County had gotten along with BF&S. Jordan stated that BF&S, Banning, or Clark Dietz would be good options. Brad stated that from experience that Howard County used BF&S. Brad had said that Banning had done work for BCC before. Brad suggested that with a fresh set of eyes to go with BF&S in which they have not done work in this watershed nor had Clark Dietz. Brad stated that Christopher Burke had done an excellent job. Brad also stated that BF&S would be the choice for a fresh set of eyes not Banning. Brad had asked if there was a motion for a choice for the on-call services for BCC from this discussion. Mark had

asked Kenton about him having an issue with BF&S. Kenton replied that BF&S had done a good job for them (Hamilton County) as far as inspection. Kenton stated that the only issue he had with BF&S was the time it took on the Duck Creek project. Brad stated that BF&S had done design work for Howard County and did a good job. Brad also stated that Christopher Burke had done an excellent job, too. Brad had asked if there was a motion. Mark motioned for BF&S as BCC's on-call board engineer. Jordan 2<sup>nd</sup> the motion. Mark=yes, Donnie=yes, Austin=yes, and Jordan=yes. The motion was passed. Brad stated to take the next steps for BF&S and Christopher Burke would continue on the shelving project. Brad stated that the next time the board needs to specify what BCC services needs.

**Attorney Report:** Steve had nothing to report. Steve had a question about the bill that went through the legislature on the wetlands. Steve had asked Kenton about it and asked about what the surveyors thought of this bill and how do you respond to it. Kenton replied that IDEM brought this onto themselves. Kenton replied that he does not think that it is going to be that detrimental. Brad had asked Steve if he had a synopsis of that bill. Steve replied that he did not. Kenton stated that it is the bill 389. Brad stated that he will call Jim Buck and get his opinion on it. Kenton stated that the Senate passed it and it is now over in the House.

**PUBLIC COMMENT:** None.

**Next Meeting April 28, 2021 at 9:30 am.** Brad stated that the next meeting will be in person.

**ADJOURNMENT:** Jordan motioned to adjourn meeting. Donnie 2<sup>nd</sup> the motion. Meeting adjourned.

BIG CICERO CREEK BOARD:

\_\_\_\_\_  
Brad Bagwell, President

\_\_\_\_\_  
Mark Heirbrandt

\_\_\_\_\_  
Donnie Lawson

\_\_\_\_\_  
Jordan Brewer

\_\_\_\_\_  
Austin Henderson

ATTEST: \_\_\_\_\_  
Kristi Hinkle, Secretary