

BIG CICERO JOINT  
DRAINAGE BOARD  
Wednesday, August 16 , 2017  
First Floor Conference Room

Members Present: Mark Heirbrandt, Byron Loveless, Jim Mullins, Brad Bagwell, Scott Shoemaker and Secretary Heather Terry, Attorney Steven Holt

Surveyors Present: Dan Sheets, Jason Henderson, Kenton Ward, Ken Hedge  
Others present at meeting: Keith Hoover, Danielle Randles, Joe Miller - Banning, Cody Neuschmeder, Rhonda Redman, Carol Cunningham, Vicky Boyd, Siavash Beik, Don Havens, Steve Niblick, Scott Gasho, Michael Terry, Wyatt Johnson

President Heirbrandt called the meeting to order.

**Modifications to Agenda:** None

**Minutes:**

President Heirbrandt presented the minutes from July 19, 2017 meeting and asked for any discussion. Brad Bagwell motioned to approve the July minutes as presented. Jim Mullins 2<sup>nd</sup> the motion. With no further discussion, the motion passed.

**Finances & Claims:**

Brad Bagwell presented the claims totaling \$21,312.15. Jim Mullins made a motion to approve the claims. Byron Loveless 2<sup>nd</sup> the motion. With no further discussion, the motion passed.

**Surveyor's Reports:**

Jason Henderson presented his report for a partial reconstruction of the Big Cicero Creek Open Drainage System. Kenton Ward requested a signed copy of this report.

**BOARD BUSINESS:**

Joe Miller with Banning Engineering presented a short summary / review of the shelving project and the bypass project. He was asked to do this as a third review, independently, to verify previous studies. He said a creek does not get to this point (regarding erosion) in a few years, it happens over decades. Mr. Miller did walk or visit portions of Big Cicero Creek for the shelving project and the area studied for a possible bypass project. Joe talked about six concerns that he had outlined to be mindful of for the shelving project: Golf course hole #6 & 2 T boxes, utility relocates, access agreements, private space, easements, and removal of spoils. Some of these issues have already been discussed, resolved, or planned for. Joe believes the shelving project estimated cost is accurate. While Joe did not start from scratch, he did verify many of the numbers and calculations for both possible projects. Joe noted there will always be unforeseen costs, and that construction costs just continue to go up, evidence of such increases were noted in the difference between the 2006 and the 2013 studies. Banning's estimate for the bypass project would be close to \$34 M. Joe thanked the board for the opportunity and stated it

was an interesting project to review. He had nothing to dispute. President Heirbrandt asked anyone in the audience for questions. Wyatt Johnson asked for a cost comparison in the two possible studies/projects. Joe stated the shelving project is much more cost effective. He noted that once either project is excavated, it is done, there is no going back. Mike Terry asked about the removal of spoils and costs associated with the bypass project. Joe stated there is a very large amount of dirt and trucking which add to about 25 acres. Siavash noted the spoils and costs and costs associated with the removal would be part of the overall project, and be the contractor's responsibility. Scott Gasho asked where any possible sites might be for spoils. Jason Henderson noted that his office gets calls either to take dirt or to get rid of dirt. He further explained that there are certain requirements for removing or replacing dirt in floodplains. Therefore, his office forwards these people's contact information to the engineer to make the decisions of possible locations. Scott also asked about an impact fee in any of these costs for roads. Mark Heirbrandt stated that is something to consider. Ken Hedge noted that he and Dan Sheets interviewed three companies before choosing Banning for the independent review. Ken appreciated Joe Miller and Banning for their quick turn around. President Heirbrandt also thanked Joe for his time and some of the details he brought to mind. Jason Henderson talked about a few of the concerns Joe mentioned, specifically spoils, and that there is not any increased assessment for the shelving project, which is about 13,700 linear feet.

USGS Gauge Agreement: Jason reminded the board of the importance of these gauges. Jason also recommended continuing with this agreement. The cost to the board is \$9,775.00. The USGS helps pay the additional costs. BB made a motion to approve the USGS Stream Gauge agreement. BL 2<sup>nd</sup> the motion. With no further discussion, the motion passed.

Surveyor Henderson thanked board attorney Steven Holt for his position letter concerning the Big Cicero Creek Joint Drainage Board. Jason forwarded that letter to many people. Next Jason publicly thanked Janet Hansen and the other staff from the Hamilton County Surveyor's office for their assistance in preparing the mailings for the public hearing.

Next Jason noted that the board had received two letters from John Janson. He presented both letters to the board, for the record.

#### **OTHER BUSINESS:**

The next Big Cicero Joint Drainage Board meeting will be Wednesday, September 20, 2017 at 9:30 am at the Tipton County Fairgrounds auditorium. This meeting will be a public hearing.

#### **PUBLIC COMMENT:**

Mayor Havens asked if the board will be taking action to formalize their position on the third opinion from Banning. Attorney Holt stated the board could. Brad Bagwell made a motion to formally accept the independent report from Banning and to confirm the

previous plans for a shelving project based on costs. Scott Shoemaker 2<sup>nd</sup> the motion. With no further discussion the motion passed.

Wyatt Johnson stated the Love's project has started at 28 and 31 and Scott Campbell has plans for a project at 28 and 31. Wyatt Johnson asked if this board intends to enforce their technical standards on Love's. He also noted that Mr. Campbell has a shelf project planned for Dixon Creek, which includes using spoils removed from the shelf to compensate in the floodplain. Wyatt says the BCC standards specifically state against that. Jason Henderson reminded the board that it has been stated publicly that any plan that deviates from the previously approved plans would need Board action. Ken Hedge suggested that this information be put in letter form, noting review from our attorney, and sent to Cripe and Scott Campbell. Jason then reviewed the past steps taken at 28 and 31 for Love's and Scott Campbell. There was discussion about the standards and requirements, and Big Cicero Creek Watershed versus Tipton County Drainage Board. Kenton Ward asked about the RAM project. RAM is in the BCC watershed, but in Tipton Industrial Park. Hopefully they should be ready for presentation at the September meeting. Kenton then asked Wyatt about storm water regulations for the City of Tipton. Wyatt stated the city does not have storm water standards but would always refer to the Cicero Creek standards. Jason also noted that the planning office would not release any permits until a letter for the file showing that drainage, on some level, had been approved. Jim Mullins asked for clarification about drainage standards and boards. Attorney Holt clarified that drainage standards are stand-alone and driven by state statute and do not require any other boards acceptance or approval.

Vicky Boyd asked compensatory storage and why Encompass and Tipton Hospital did not have any. Jason explained that compensatory storage and drainage storage are different. Both sites were covered by structures (hard surface) in the past. Tipton Hospital did bring plans to the BCC board, and did receive approval. Encompass did not meet the requirements to do so. The same would be true for any expansion at the current jail site. Scott Gasho asked Kenton if he agreed with Jason's explanation. Kenton said Hamilton County does pretty much the same process. Ken Hedge, Scott Shoemaker, and Brad Bagwell all said their counties do the same.

Wyatt Johnson then mentioned that surveyors are required to create statutes in cooperation with Purdue and LTAP. Wyatt also stated that as City Engineer for Tipton that he is concerned about the impact of Love's. There was discussion about approvals and standards and future development. Jason will provide a history timeline to the board for 28/31 projects and standards. Jim Mullins thinks it would be unfair to require Love's to change routes now. Mr. Hedge thinks it is sad that Tipton takes almost all the blunt from any issues and that a developer or builder would want to do that intentionally. Jason mentioned this watershed, in Tipton County, has not had any new development since 2008.

Mayor Havens would like to see the Big Cicero Board be assertive and make a statement claiming the authority of the Big Cicero Creek Joint Drainage Board and the Big Cicero Creek watershed. President Heirbrandt and Brad Bagwell agreed. There was discussion

about the Big Cicero Creek Board and their existence and their standards, and what should have been or has been done in the past, or what should be done in the future. There is obviously confusion between boards and offices, and developer vs. current owner. Brad Bagwell believes the developer did no favors to Love's. Love's is moving forward based on bad developer decisions. Attorney Holt believes at this time the issue is Love's. Love's will have to make all decisions from now forward. They need to be told they were lead in a bad direction. Jim Mullins and Jason Henderson will meet with Love's to explain what has come about to this point and what options may be available. Scott Shoemaker stated that Clinton County will agree with Brad and the mayor. He will be supportive of the BCC board and listen to all options. He also added that these issues do not arise in Clinton County and Clinton County typically defer to the surveyor. Scott does not understand why he is getting threatening / demanding letters from John Janson. Jim Mullins made it public that he is not a "Janson guy", he is for Tipton County Development the right way. Jim believes John has acted wrongly, and there needs to be distinction between Love's and Janson. Mark Heirbrandt mentioned how disrespectful Mr. Janson has been. Byron will not give John Janson anything. Jim Mullins and Jason Henderson will meet with Love's to explain what has come about to this point and what options may be available. Brad and Mark think a letter needs to sent in advance of that meeting. Mayor Havens believes that Love's wants to do what is right. By extension of that, others may have to pay the cost.

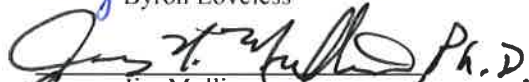
**ADJOURNMENT:**

Byron Loveless made the motion to adjourn. Brad Bagwell 2<sup>nd</sup> the motion. With no further discussion, the meeting adjourned.

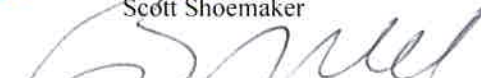
**BIG CICERO CREEK BOARD:**

  
Mark Heirbrandt

  
Byron Loveless

  
Jim Mullins

  
Scott Shoemaker

  
Brad Bagwell

ATTEST:   
Heather Terry