

BIG CICERO JOINT
DRAINAGE BOARD
Wednesday, September 20, 2017
Tipton County Fairgrounds Auditorium

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: Public Hearing. Joe Miller – Banning, Jeff Fox – CBE, Bob Barr - IUPUI

President Heirbrandt called the meeting to order.

Minutes:

President Heirbrandt presented the minutes from August 16, 2017 meeting and asked for any discussion. Brad Bagwell made a motion to accept the August 16, 2017 meeting minutes as presented. Byron Loveless 2nd the motion. With no further discussion, the motion passed.

President Heirbrandt welcomed Bob Barr to speak to the public. Bob is a hydrologist & river scientist, and he works for the Center of Urban Environmental Science at IUPUI. He spoke about the history and evaluation of the Big Cicero Creek watershed, and the processes that have brought the board to this point. Bob presented a lot of detail through information, pictures, graphs, measurements, and maps for the Big Cicero Creek watershed through the years. Bob was adamant that the creek was in the condition it is due to a collaborative of issues and persons. He also stated that flooding could not be stopped.

Next Jeff Fox with Christopher B Burke Engineering presented the board and the public the proposed improvements, project specifics, and the benefits of the shelving project. Jeff also touched on concerns that were brought to the board in the past about the project. Jeff had maps showing specific begin and end locations of the project, single side work areas, double side work areas, the walk path, and a bridge. His highlights were erosion reduction by flattening slopes, reducing scour, reducing stresses on banks, which would reduce sediment downstream and lower maintenance costs. This project will aid in flood reduction in minor events. CBE also presented pre and post project details.

Third, Joe Miller from Banning Engineering explained that Banning was asked to do an independent review of the previous watershed engineering projects and the proposed plan, and to do a cost analysis or evaluation of the shelving project. Joe thanked the public for being present to hear the challenges of the board and to the holistic plan and solution. Joe also reviewed the bypass option. In his review of data, he did site visits of some areas of the watershed. He touched on the improvements of GIS, typography, data collection and construction over time. Joe also reminded the board and the public that

costs are only rising, and the creek is only getting worse as time goes on. Joe's report stated that the proposed shelving project is beneficial, the cost is appropriate, and the shelving project would be suggested over the bypass, for several reasons.

Finally, board attorney, Steve Holt spoke to the board about some of the recurring concerns brought to the board and the formation of the board. Steve stated that statute does not have an option for ceasing of a joint board. Attorney Holt explained assessments, maintenance, reconstruction, accumulative funds, and their differences. Finally, Steve explained the USDA Rural Development funding and loan process, and the cooperation with the City of Tipton.

President Heirbrant thanked the presenters and let the public know that this meeting was being recorded and live-streamed. He also spoke about a helpful meeting that was held in August with Jerry Rulon, George Tebbe, Scott Gasho, Jane Harper, Mark Manier, Jeff Hoover, Kenton Ward and himself. Mark stated that some of the presentation was given based on questions raised from that meeting.

Board Secretary Heather Terry gave affirmation of mailings and proof of public publication.

Tipton County Surveyor Jason Henderson reported that:

The watershed has 8,338 parcels, 85,341.18 acres, and 3,811 lots.

Fifty-nine signatures were received representing 238 parcels (0.003% of the lots and 11.31% of total acres). This is two from Hamilton County, seven from inside Corporation limits of City of Tipton, none within the project footprint, and the remaining from rural portions of Tipton County.

Public speakers included:

Mayor Don Havens: Thanked the board for their efforts. He feels it is too late for some of these new ideas, as this has been in the works for many years. Mayor Havens and his administration are supportive of this project. The Mayor charged the board with several points of thought.

Vicky Boyd: Asked about the repayment options of the USDA Loan and any remaining funds for general maintenance.

Jim Ashley: Thanked the presenters for their research and for being there. He thinks a quick payback would be best. Jim believes this is really an erosion project and he understands. However, he is affected more by flooding than erosion.

Jim Leffler: Questioned if this is the best program, and the best size of project.

Brent Snow: Presented a packet of information to the board for the record. He questions if this is a maintenance project or reconstruction. He also believes the amounts were overstated in 2014, to be used for a reconstruction.

Scott Campbell: He wants the flooding problem fixed and stated this current plan does not fix it.

Allen Baird: He is concerned about the bridge size in the park. He also presented pictures of other area bridges and asked about their durability with this project.

George Tebbe: He suggests finding the restrictions and fixing them. He thinks the shelf project is a good idea but in the wrong location. Use the funds to benefit all.

Jane Harper: Stated this is not a maintenance project, it is a reconstruction. She added the GDI fund is from interest on maintenance money. Jane does not agree with attorney Holt's explanation of fund use. She stated the benefit from this project is not a guarantee.

Denny Smith: We have had 2 floods in recent years. Every time it rains he wonders how much we can take. He is looking for long term help and also help with flood insurance. He believes the bypass calculations are too high and it is being engineered too big.

Ralph Taylor: Asked what will happen south of Tipton if they get all the Tipton water.

Phil Ley: Questioned the bypass and the real differences in the 2 proposed projects.

Michael Terry: Spoke on behalf of the city of Tipton. He stated the banks of Cicero Creek are dangerous. His staff maintains them through the park and he is concerned about the current status for his staff and the patrons. He is in favor of this project.

Sandra Tolley: She wants her section of the ditch fixed. It is eroding.

Robert Off: He is concerned about the traffic and why there is only shelving proposed for some of the ditch. He believes if you slow down the water then there will be less sediment. He likes the bypass option better.

Phil Overdorf: This is a waste of money and the wrong answer. He sees no positive impact. Thinks any project should start at the reservoir. He thinks the board can be undone and that it is only in place by the people.

T.A. Young: The creek is 34' wide at his property and the banks are very unstable. The sediment is sealing off the tiles.

Jim (last name unknown): The reservoir is the problem. Citizens Water needs to fix their issue. The 75' easement should be upheld for farmers to aid in maintaining.

Emily Wilson: This is a reconstruction project so do it as such. She thinks the project should start at the outlet and only charge those in the project area. Believes the board would be disbanded if the drain were vacated.

Stan Jones: Asked about the differences in shelving on both sides in some areas and only 1 side in other areas. He stated out of county board members are making decisions for Tipton. He thinks the bypass would drain the city.

Brad Bagwell made a motion to close the public hearing. Byron Loveless 2nd the motion. With no further discussion, the hearing closed.

Bob Barr addressed the public's questions first, each time coming back to natural floodplains, flood levels, and scientific data. Most of the banks outside of Tipton are in good shape. Kenton Ward addressed the public about the reservoir. There is a current project within the reservoir at the Hinkle Creek outlet. Citizen's Water has another dredging project planned for 2019 at Big Cicero Creek, west of the SR 19 Bridge. He stated the east side of the SR 19 Bridge could not be touched.

Next Kenton spoke about how the bypass option would add a very large amount of water to Hamilton County in any flooding event. Kenton stated he sees this initial project as a first step to other projects that would add additional aid to the watershed.

Brad Bagwell spoke about retention and detention. This board will continue to regulate this compensation in the Big Cicero Creek watershed as new construction takes place, which will regulate the amount of water that flows into the creek.

Jim Mullins spoke to the public stating that nearly all the people he speaks to agree that we need flood control. But how? He believes this project is more about erosion than flooding. Jim thinks IC codes and the laws are clear and that this board may be marginalizing those. He agrees with the need and the project, but not the process. He cannot support this project in this manor.

President Heirbrant explained his time on this board and some initial frustration. He stated none of the past projects could have been done without the 2014 maintenance increase. He also stated that he, and the board as a whole, relies on the professionals of their area for all leadership in any project. The engineers, surveyors, scientists and attorneys are all taken very seriously. Mark also asked those that have concerns to please speak up. This board cannot read minds, so it needs to hear all concerns, issues, and support. He urged all board members and surveyors to help address any public concerns.

President Heirbrant asked for a motion to deny objections unless a board member feels any have merit, please note which one(s).

Attorney Holt explained that the board needs to rule on the objections; approve or deny. If the board denies the objections, then there needs to be a vote on the project itself.

Jim Mullins spoke that most of the objections are very similar to another. He believes the objections do have merit.

Jim Mullins made a motion to accept the objections. The motion failed due to no support.

Brad Bagwell made a motion to deny the objections. Scott Shoemaker 2nd the motion. The motion passed 4:1, Mr. Mullins objected.

Brad Bagwell made a motion to approve zero assessment. Scott Shoemaker 2nd the motion. The motion passed 4:1, Mr. Mullins objected.

Surveyor Henderson presented the Written Findings. They will be publicized. Scott Shoemaker made a motion to approve the Written Findings. Brad Bagwell 2nd the motion. The motion passed 4:1, Mr. Mullins objected.

Brad Bagwell made a motion to approve the Certificate of Assessments. Scott Shoemaker 2nd the motion. The motion passed 4:1, Mr. Mullins objected.

NEW BUSINESS: David Kuehnen with Cripe Engineering presented a proposal to the board for a benching project in Phase II at 28/31. The goal is achieve fill material for this site and the Love's site. DNR has approved this plan for Dixon Creek. USI reviewed the plan and stated the presented plan for storage is adequate. Cripe and Mr. Campbell are asking for board approval to count this storage location as the required compensatory volume. There will still be a retention basin on site, which was previously approved by BCC board. Ken Hedge was concerned with the amount of water coming back into the creek. Dave stated there is no difference in the retention or flow from the original plan, SR 28 is still the control. Kenton Ward verified that this plan meets the 1:1 requirement for the BCC drainage standards. Drainage for Phases I and III has already been approved. Kenton also asked for asbuilts once the project is complete, and for verification of a drainage easement. The board surveyors all recommended this project. Scott Shoemaker made a motion to approve the bench project. Brad Bagwell 2nd the motion. With no further discussion, the motion passed. Scott Campbell thanked the board for their time.

APPROVAL OF CLAIMS:

Brad Bagwell presented the claims totaling \$39,283.94. Scott Shoemaker made a motion to accept the claims as presented. Brad Bagwell 2nd the motion. With no further discussion, the motion passed.

NEXT MEETING DATE: The next Big Cicero Creek Joint Drainage Board meeting will be November 22, 2017 at 9:30am in the Tipton County Courthouse 1st floor meeting room.

ADJOURNMENT:

Byron Loveless made the motion to adjourn. Brad Bagwell 2nd 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