

Big Cicero Creek Joint Drainage Board  
April 24, 2019  
Tipton County Courthouse

Members Present: Mark Heirbrandt, Scott Shoemaker, Jim Mullins, Brad Bagwell, Donnie Lawson, Kristi Hinkle

Surveyors Present: Jason Henderson, Ken Hedge

Others Present: Bob Edinger, Vicky Boyd, Brent Snow, Scot Vanhorn, Allen Baird, Greg Schmitt, Ed Stewart, Stan Jones, Nathan Tebbe, Lenny Tebbe, Robert Tebbe, Rich Baird, Gene Watson, Ava Ogden, Jerry Ogden, Scott Campbell, Wyatt Johnson, Ralph Kauffman, Emily Wilson, Kala Nicholson-Cline, Todd Hoover, Matt Cline, Dennis Henderson, John Kwiatt, Tammy Brown, April Overdorf, Phil Overdorf, George Tebbe, Debbie Tragesser, Jane Harper, Michael Terry, Jeff Redman, Scot Gasho, Wyatt Johnson, George Tebbe, Dennis Henderson, Mike Cline.

Brad Bagwell called the meeting to order.

Modifications to the Agenda: None

Election of Secretary-Treasurer: Jason Henderson introduced Kristi Hinkle and referred her for consideration to be the secretary-treasurer.

Scott Shoemaker made a motion to approve Kristi Hinkle as the new BCC secretary-treasurer. Jim Mullins 2<sup>nd</sup> the motion. With no further discussion, the motion passed.

Minutes: Jim Mullins asked if there were any changes to the minutes since emailed to the board. Jason replied, "No". Brad Bagwell asked if it was approval of both sets of minutes. Jason Henderson responded, "Yes." Jim Mullins made a motion to approve the minutes as presented. Scott Shoemaker 2<sup>nd</sup> the motion. With no further discussion, the motion passed.

Claims: Surveyor Jason Henderson presented claims in the amount of \$10,986.25. Scott Shoemaker made a motion to approve the claims as presented. Donnie Lawson 2<sup>nd</sup> the motion. With no further discussion, the motion passed.

Surveyors Report: Jason: Surveyors did get an opportunity to meet and discuss overall procedures. Siavash was there along with all of the surveyors. Jason presented an overall checklist that needs to be submitted for approval. They also discussed requirements of the petitioner being responsible for the payment. Everyone agreed that the fees are due and if not paid, the board can take action to make their approval null & void. Jim motions to approve the process as presented. Scott Shoemaker 2<sup>nd</sup> the motion. The motion was approved.

Discussion of Clearing/Access on the entire creek. The key would be communication with the landowners. Surveyors had discussion on this topic.

Board Engineers Report: Siavash has nothing to report at this time.

Attorney Holt: Still waiting for a decision from Judge Dudley on the judicial review.

Beck's Seasonal Hybrid Housing: Presented was a letter of review completed by the board's engineer recommending the approval of the project. Sonny Beck stated that they are building a second structure as part of their seasonal housing. The detention/retention pond is oversized right now for future potential growth. Matt Owen with Silver Creek Engineering introduced himself, and gave a presentation of the project and requested drainage approval. Parking area is going to be concrete and the driveway gravel. Mark motions to approve. Scott seconds that motion. With no further discussion, the motion passed.

Emergency Action on safety concerns in the park: Jason presented some photos of erosion issues. The concern is that since the board has been notified of the possible danger, action should be taken to prevent injury. The park manger has / will place caution / hazard flagging to keep individuals away from the area. Jason walked the creek with Scot Vanhorn, identifying he areas which appear to present the highest risk of injury. A quote from Vanhorn was submitted. Jason asked the board for some leeway on the quote. Jason stated that they will be working with the city on trucking (if needed). Mark asked if Jason has prioritized what is considered to be the worst and needs the most attention. Jason responded "yes" that the ones marked red on the photos need to be addressed immediately. Jason also stressed that Vanhorn's quote is only \$9,633. Ken believes that something should be done soon. Scott Shoemaker motions to approve, but also asks about the leeway on cost. It was suggested that the leeway be 10 percent of the \$9,633. Mark seconds that motion. The motion was approved.

Board Business/Comments (Old/New): Jim Mullins thanked everyone for coming. Jim challenges whoever sent an anonymous card to come talk to him. He doesn't appreciate anonymous cards being sent out. The card had some false statements on it.

Public Comment: Mike Cline. Mike thanked everyone on this board for their work, understanding the challenges they face, as he once served on it himself. He noted that historically, the board has always worked together for solutions, while prioritizing issues. They worked well with CBE and the board attorney, Steve Holt. This board represents each county that is part of the watershed. He wants to thank and encourage the board to stay together and resist any negativity.

George Tebbe. George thanked the board, for the work on the park, but needs to do more for an overall solution. George question what is the scope on the Moore's reservoir drainage project is. Mark replied that Kenton Ward would know the information on it, unfortunately he is not at the meeting, but that Mark would make some calls and contact George.

Ken Summers. He stated that he had brought up issues in past board meetings and there was no action taken to alleviate the problem behind McDonalds and other areas on Cicero Creek. Ken believes that is why the park is in this emergency situation.

Jane Harper. Jane noted that all of the commercial entities asked for variances and wanted encroachment onto the 75 ft right of way. The boards at that time had agreed. All the entities

(Dan Young, First Farmers, McDonalds, CVS, Millers Merry Manor, the hospital) came before the BCC board and asked to construct in those locations. The board granted the requests with some provisions. As an example, it was made clear to CVS that the risk was on them. Second, they must install rip rap to strengthen the bank. Third, if they did not protect the structural integrity of the north bank of BCC, we will do it for them and they will be invoiced to pay to have that done. McDonalds has taken care of their part. She presented a copy of the agreement.

Don Havens. As the Mayor of Tipton he stated that this board is the only entity who could manage any long-term process without the turbulence of political decision making. That this board can look at the true benefit of these projects and follow through with them, even when litigation is used to delay. Twenty-five years ago this county (Tipton County) decided there was a need for a regional board because it was for the best interest of the county. There is still a regional problem which needs this regional board to solve. We appreciate the fact that you are here.

Scot Gasho. Why haven't the standards been accepted? Brad questioned what standards were that has been placed in front of us. Our last acceptance was about a year and half to two years ago.

Wyatt Johnson: We have a development review committee that reviews all commercial buildings, applying the big Cicero creek standards.

Rick Chandler: I am a city councilman (Tipton). The voters that I represent support the board and all five members and the job that they do on this board. We would like for them to continue because it is important that we all (The people in this watershed) work together. The folks that I represent stand to lose the most, as evident in the 2013 flood. The dissolution of this board and pulling Tipton from this board would be unwanted. I appreciate the work that you do and hope that it will continue.

Allen Baird. I really appreciate the board and their time and effort. I have always stood behind your projects. I support the engineer's findings. I support this board.

Mike Terry. I stand before you, a taxpayer of Tipton County. There is a piece of paper of the expenditures that someone from the audience has handed out. I would like to hear an explanation of these expenditures at the next meeting as they do not note in detail what has been spent. It (detailed ledger) would show the public what has been done, value in their money, as compared to just totals. Mike then questioned Jim Mullin's ability to sit on the board while the Tipton County commissioners are involved in legal action with the board. He doesn't know how Jim could be productive, positive, and unbiased with any actions taken while he is involved with legal action. He feels that Jim should step down until those legal actions are settled. Jim responds that at the last meeting he requested the board to recuse him from all executive sessions and discussions on the litigation, but beyond that there is no reason that he can't continue to act and do his job on the board.

Phil Overdorf . He appreciates everyone's service and time served. Twenty-five years ago he and a portion of his family were in favor of this board's beginnings. It was a maintenance board until somewhere along the line this board took a turn to regulation. It stopped worrying about

problems that arise and started worrying more about regulating and governing development. Costs have gone up and I strongly support Commissioner Mullins and wanting to make a change. Board needs to reevaluate what its job is or Tipton county needs to get out. Tipton County is about 76% of the tax dollars. We have a small percent when it comes to having a say. All of you guys are good guys, but you do not have Tipton County's or the city of Tipton's best interest in mind. We need to make a change. The shelf project he is against, we don't need to hold the water, we need to make it flow. (That's what will help flooding).

Jane Harper: The legal action is just a judicial review. It's a review of the action that took place in September 2017. (To make sure that the action was made properly). Steve Holt agreed.

Ken Summers: Everything that we do here affects downstream. There is an extreme amount of water to drain. The solution is to slow the water down.

Brad Bagwell: Regulating...does put the best interest for Tipton County and the watershed in the forefront of the decision making process. As development comes in, you need to maintain the same amount of flow into the creek. Regulations keep water from getting into the drain quicker. The board is looking for ways to improve the existing ditch where water can be stored. (Tipton, Hamilton, West Tipton) (Anywhere along the path that we can find to create a retention pond.)

Scott Shoemaker: Stated that he does not get calls from his constituents about the BCC. He feels that he is here for Tipton and the BCC. He will still be here.

Mark Heirbrandt: He has spent a lot of time walking the creek and listening to people's concerns. He is here to help. He noted that any citizen can call him on his cell phone.

Brad stated the same.

Jason would like to thank the people for attending and keeping it civil.

Brad stated that the next meeting is May 22, 2019 at 9:30am in the courthouse.

Scott motioned to adjourn. Jim Seconded.

Meeting adjourned.

**BIG CICERO CREEK BOARD:**

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Brad Bagwell, President

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Mark Heirbrandt

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Donnie Lawson

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Jim Mullins

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Scott Shoemaker

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