**VANDERBURGH COUNTY**

**DRAINAGE BOARD**

**JUNE 6, 2017**

The Vanderburgh County Drainage Board met in session this 6th day of June, 2017 at 4:00 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

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| **Call to Order** |

President Musgrave: Alright, it being 4:00, I want to call to order the Vanderburgh County Drainage Board of June 6, 2017.

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| **Pledge of Allegiance** |

President Musgrave: If you will all please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

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| **Approval of the May 23, 2017 Drainage Board Meeting Minutes** |

President Musgrave: Is there a motion to approve the minutes of the previous meeting?

Commissioner Shoulders: So moved.

Commissioner Ungethiem: Second.

President Musgrave: All those in favor by saying aye.

All Commissioners: Aye.

President Musgrave: The motion carries.

**(Motion approved 3-0)**

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| **Welcoming of Visiting Elected Officials** |

President Musgrave: I would like to welcome our visitors and give them the opportunity to introduce themselves. What we have here is a meeting of, it’s kind of a Joint Drainage Board, but we haven’t named new members to the Joint Drainage Board. There’s a Gibson-Vanderburgh-Posey Joint Drainage Board[[1]](#footnote-1) that was set up a number of years ago. Does anybody remember how long that was, maybe 2010? Something like that.

Jeff Mueller: It was 2001.

President Musgrave: 2001? Oh, a long time ago.

Joe Harrison, Jr.: I think it was Warrick and Gibson and Vanderburgh representatives.

President Musgrave: Yeah. There’s been a great deal of interest about the Pigeon Creek drainage. Let’s start with introductions. Representative Bacon, do you want to go ahead?

Ron Bacon: Ron Bacon, the State Representative of District 75. It includes most of Warrick County, half of Pike and half of Spencer County.

Marlin Weisheit: Marlin Weisheit, District Two Commissioner in Warrick County and President of the Warrick County Drainage Board.

Dan Saylor: Dan Saylor, Warrick County Commissioner.

Steve Bottoms: Steve Bottoms, Gibson County Commissioner.

Commissioner Shoulders: Ben Shoulders, Vanderburgh County Commissioner.

President Musgrave: We also have Representative Hatfield.

Ryan Hatfield: I am Representative Ryan Hatfield. I represent Evansville in the State Legislature.

Wendy McNamara: I’m Representative Wendy McNamara. I represent Posey County and Vanderburgh County. I don’t normally dress like this, but I get to throw the ball out at the Otters game tonight.

President Musgrave: Is there anyone else? Okay, well, welcome, and we will get to the discussion shortly, but our Surveyor, Jeff Mueller, has prepared an informative presentation, giving the background about the Pigeon Creek watershed, and I’ll turn it over to you.

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| **Moment of Remembrance of 73rd Anniversary of D-Day** |

Jeff Mueller: Okay, first could I just make one remark that it is eleven oh two in France today. Seventy three (73) years ago today they were ending the first day of landing on D-Day. A lot of people died. A lot of people fought for us to be here today, to be able to do this. Unfortunately there was a shooting outside the Cathedral of Notre Dame today. Terrorism still is out there. So, I just wanted to bring that up, and hope for the best for everyone. So, anyway, sorry, but I thought we ought to bring that up.

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| **Discussion on Pigeon Creek** |

Jeff Mueller: Okay, so, we’re going to talk Pigeon Creek now. What I’ve done is I’ve put together a little presentation so that we could talk about Pigeon Creek and clear up a little bit of confusion about Pigeon Creek in Vanderburgh County, so that from there we could open the door for discussion to everyone here. I did give a copy of this presentation, I gave some copies to the Commissioners and to the Representatives. So, I’ve got a few extra copies here. Color printing is not cheap. So, anyway, let’s talk a little bit. The first four slides are just some pictures of Pigeon Creek as it goes through Vanderburgh County. Nothing real exciting. The blue stream is not Pigeon Creek. It is, I believe that’s, I’m not sure what that is right through there. I’m not even sure why that showed up. Anyway, we’ll just move through, oh, that is Crawford Brandeis Extension, I’m sorry. That is a regulated drain, which we’re going to talk about in a minute. There’s Pigeon on the very east side of the Warrick County line. Okay, I want to talk about some terms, which is navigable is not equal to regulated drain, which is not equal to jurisdictional. This will be on the test, this equation, so remember this. Okay, so, we’re going to talk about navigable by State standards, what a regulated drain is and what a jurisdictional stream is. Navigable, Pigeon Creek is listed on the Indiana Waterways Roster as navigable for 5.9 river miles, beginning at its confluence with the Ohio River. This distance would be approximately to the CSX tracks west of U.S. 41. Navigable, under Indiana State Supreme Court test, is a waterway that was available and susceptible for navigation according to the general rules of river transportation at the time (1816) when Indiana was admitted to the Union. So, it was navigable back then, I don’t know that you’ll be putting barges up there now. Navigable refers to the ownership of the riverbed, and that’s important. So, when we’re talking about something being navigable, the riverbed underneath that ownership is considered State ownership. Okay? Next we’re going to talk about a regulated or legal drain. A drain in which a process, under the revised Indiana Code, has been petitioned and accepted for maintenance. So, somebody has to come in, and it’s a very complex process, which we’ll talk about in a minute, and it has to be made a regulated drain. It can’t just be let’s vote on it and do it. Okay? Once regulated, the County Drainage Board, which in our county is the three County Commissioners, maintains a drain. So, we go through and maintain it, and we have assessments on those drains, where all parties which are in the watershed of the drain, that’s important, it’s got to be everybody who’s water goes into that creek, that watershed, they have to pay. You can’t sit there and exclude people. The State law says if your water goes there, you get assessed. Interestingly enough, that not only means taxpayers, for example, I-64 where it crosses our regulated drains, the State Highway actually gives us money to maintain drains. Churches have to pay the assessments, city and county streets that are inside the watershed of a legal drain, pay those assessments. So, the County Highway gives money to some of our drainage funds. The city does the same thing. Okay? When you have a legal drain, you have a right-of-entry of 75’ from the top of the bank of each side of the drain, for purposes of maintaining. I want to point that out, if it’s not a regulated drain, we don’t have the legal authority to go in and do something on that drain, unless someone else says you can. Okay? Okay, on a regulated drain, or a legal drain, those terms are used intermixed, the assessment from a drain can only be used on that drain. You can’t be sitting there and say, well, we’ve got a bunch of money in this one, let’s just put it over here. You’re paying for one drain to be maintained, that’s who the money goes to. The process to become a regulated drain requires a petition process and a hearing. As part of the petition process, everyone who drains into the drain proposed to be regulated must be notified by certified mail. So, if you live at Division, I’m sorry, the Lloyd and Weinbach Avenue, your water goes into a storm drain that ends up in Pigeon Creek. So, everybody in that area has to get a certified mailing. People down at Lincoln and Burkhardt Road, their water eventually ends up in Pigeon Creek. So, when you start seeing all those folks—

President Musgrave: You mean if we turned the Pigeon Creek watershed into a legal drain?

Jeff Mueller: Into a regulated drain.

President Musgrave: And, I think you mentioned that there were tens of thousands of properties.

Jeff Mueller: Probably, because when you start looking at how many people in Evansville water ends up in Pigeon Creek, they would have to be notified by a registered letter. So, it’s very difficult, and that’s probably one reason why, in Evansville and Vanderburgh County, we don’t have a regulated drain was because of the amount of notification requirements. Jurisdictional, now we’re talking about the Corps of Engineers. This refers to a stream that’s under the jurisdiction of the Army Corps of Engineers. Rules regarding placement of fill within a jurisdictional stream apply. A jurisdictional stream is not, by definition, maintained by the Corps of Engineers. You have little bitty streams that run dry, but if you wind doing something to them, you’ll have to go to the Corps to get a permit. That does not mean that the Corps maintains that stream. So, when we hear all of this stuff about wetlands and all of these permits, now we’re talking jurisdictional, but we’re not necessarily talking about what they maintain. Okay? So, we’ve had three different terms, and we’ve had a whole bunch of other terms that you could do. Everybody’s got different, but those three terms, I think are important for everybody to understand as we carry forth the discussion. Okay? Other important points, Vanderburgh County does not have a general stream maintenance fund. We only maintain streams that are legal drains, and those funds come from the individual funds. You know, we assess somebody, that money goes to it. So, we don’t have, we’re not sitting on some, you know, account ten thousand that’s got a bunch of money that’s out there for maintenance of other drains. Okay? Also, the Indiana Department of Natural Resources, according to people I’ve talked to up there, do not have a general maintenance fund. Now, what happens if something that they maintain needs to be funded, they talk to a Legislator and they request funding for it. So, I was amazed, when I talked to DNR and you mean, like, so you’re going to tell me like if something needs to be done at the White River, we don’t have any money, we have to ask the General Assembly for it. Okay? So, alright. So, as I said, Pigeon Creek is navigable for the first 5.9 miles. So, you might make an argument that’s the responsibility of the State to maintain this portion, but not the remaining portion. I’m going to let the State make, I don’t know how you make that argument, because what they again tell you is when it’s navigable for their terms, it’s navigable as far as the ownership of the riverbed, and they don’t have right-of-entry on the side slopes of Pigeon Creek on that first 5.9 miles. They own the riverbed. Same way like the White River, or anything else, they don’t, they own the stream bed, but they don’t have right-of-entry along those side slopes. Okay? Pigeon Creek is jurisdictional, now remember, now we’re talking about Corps of Engineer funds, or not funds, but Corps of Engineer definition, it is jurisdictional through the entire county. So, by that, it means that if you do anything on Pigeon Creek, outside of a few items, then you would have to get permitting. There are certain items that you’re allowed to do, under general permitting conditions, that don’t require permits. But, when you start touching streambeds, then you start getting into permitting issues with the Corps of Engineers. Okay? So, let’s talk, again, I told you about the approximate State navigable water, ie: what they would own. That takes you to right about there where the CSX crossing is. By the way, that was just something I measured off, so, the exact location I don’t know. I haven’t seen any map, but that’s roughly what it is. So, at one time, somebody in 1816 determined that that was navigable, and so those are State navigable waters. Okay, so, a little bit of quick drainage history. In 1885 Indiana, there was some legislation passed, and a Drainage Act, and at that time, back in 1885, Vanderburgh County was maintaining certain ditches. The next big thing that happened was in 1905, with some changes in 1907, there were major changes to the State drainage law. December 7, 1905, William Deau, as a matter of fact, was appointed to a two year term as the County Ditch Commissioner. In 1906 we have a record of assessments, which is located in our office, so it’s right during this time period, there is no record of any assessments for Pigeon Creek.

President Musgrave: So, what you’re saying is that in 1906 it was not a regulated drain?

Jeff Mueller: Well, or what was equivalent to a regulate drain. That’s correct, Commissioner Musgrave.

President Musgrave: Okay.

Jeff Mueller: 1934 through 1944, we have a Surveyor’s Record Book, again, no record of any activity for Pigeon Creek. In 1957, I love these old books, Dennis Au would be proud of me, wouldn’t he? He used to be our historical fellow. This is a book of allotments on cleaning, and it has every ditch that was cleaned by the county, and interestingly enough, every ditch in here is now a regulated drain. So, and by the way, this was signed by Richard Nussmeier, who was County Surveyor up through 1976. Dick’s been gone for a long time, but he was a neat engineer. So, there is nothing in our records that show any regulation of Pigeon Creek. In 1965 the Drainage Act was created, and it repealed everything that was previously around. So, we have a drainage law now, and there’s been amendments to that, but it’s the 1965 drainage code that we live by today. So, as I said, Pigeon Creek is not a regulated drain. There’s no record, and when I say regulated drain, I’m sorry, regulated drain within Vanderburgh County. There’s no record or evidence that the creek was ever regulated in Vanderburgh County. There is no assessment on the thousands of properties that drain into Pigeon Creek, and most importantly, the county has no right-of-entry along the banks of Pigeon Creek to perform maintenance. The one exception would be where a county road, or a county bridge, and remember all of the bridges in the county are either State or county, would cross Pigeon Creek. Then, at that point, they could like pull out a blockage or something like that, if it’s along the right-of-way. That has been done before. Pigeon Creek is jurisdictional through the entire county. Again, so, depending on what kind of work you want to do, you might be getting into a Corps permit, you might not. DNR permitting might be required, depending on what kind of work you do, and from there you can also get into IDEM, EPA, U.S. Fish & Wildlife and all kinds of things like that. So, you really have to be careful when you’re maintaining these creeks, the work you do, and the activities you do, because there are certain activities that are allowed, under normal circumstances, that you can do, but if you start doing a whole lot of work to them, then you start to get into a permitting nightmare that can take an awful lot of work and an awful lot of money and an awful lot of time. So, what can be done under current law, and on Pigeon Creek? If there was a known obstruction, or create a regulated drain, a Joint Drainage Board, or voluntary removal through grants, etcetera. So, if someone said there’s an obstruction to Pigeon Creek, under State law, you file a petition. The petitioner identifies the obstruction. They have to say, there is a problem and it’s down on Joe Smith’s property. He has to send Joe Smith a letter saying that, you know, you’ve got a problem and I want you to remove the obstruction. At that point, as you can remember from some of our previous obstruction petitions we’ve had, comes before the Board, if it’s deemed that there could be an obstruction the Board says, Jeff, go out and investigate. Because at that point, you give the County Surveyor permission to go on a piece of property to look at an obstruction. Okay? If an obstruction is found, and it’s found to be intentional, Joe Smith threw a bunch of dirt up and dammed up Pigeon Creek, then you can order it to be removed at his expense. If the obstruction is found to be unintentional, then the Board determines who will pay for the removal. They can determine that, hey, everybody upstream needs to pay for it. Or, Joe needs to pay 50 percent, and the petitioner pays 50 percent, but it’s a different ballgame whether it’s intentional or unintentional. The next thing you could do would be to create a regulated drain. Someone in Vanderburgh County could petition to have Pigeon Creek a regulated drain. By law, the petitioner has to send out certified mail to everyone who’s property drains into Pigeon Creek, unless the county would want to do that for them. So, you have to come up with a list, and the petitioner has to send those letters out. That’s why we don’t get a whole lot of petitions for new drains. It’s a lot of work, and it does cost that person money. So, again, as I said, it’s not only to those property owners who are adjacent, but any urban resident, or non-urban resident, who’s water flows into the storm sewers that empty into Pigeon Creek, under the current law, would have to be notified. Okay? The next thing is there’s talk about creating a Joint Drainage Board. Actually, we already have a Joint Drainage Board in place, although I don’t think anybody on this Board is here. Catherine Fanello and Richard Mourdock were the Vanderburgh County members. Don Williams and Jack Pike from Warrick County, and Richard Paul from Gibson County. Karan was the ex officio member, because the way the law works is that when you form a Joint Drainage Board, just like I’m technical advisor to you, to the Joint Drainage Board the County Surveyor of the county that has the most stream footage is the advisor. So, if there were to be a Joint Board between Vanderburgh and Warrick on Pigeon Creek, the Warrick County Surveyor would serve, in my position, to that Joint Board. Okay? There’s also rules about how members from which counties, and it depends on whether there’s two, three or four. The way it was set up before, the Joint Board was only Vanderburgh and Warrick County, and a fifth member had to come from a county that wasn’t affected, that fifth member was from Gibson County. When the Joint Board met before, there was some grant funds available, and so that was one of the reasons the Board met. I think it was to determine how to spend those funds. Karan, I know you can probably explain that more than I could, so, she’s here to answer questions. Sorry, Karan, to put you on the spot. So, you know, if you want to talk about a Joint Board you have the issue of, you know, creating it or re-activating the old Board, and where are you going to get funding to do something like that. The next thing, which is what’s been done most recently on Pigeon Creek is, I think, I was talking to Tim, I think it was 2013 when a logjam, late 2012-early 2013 when a logjam was removed. I think, Representative Bacon, you got some money. You worked with Mark Abell and got some money to remove a logjam that was right along the Warrick-Vanderburgh County line. So, there have been some voluntary things done in the past. We did a large newspaper search. It’s great now that you can type in things and the computer goes through the library system, if you’ve never done it. The WPA was used during the Depression, Evansville, at times, put some money towards it, Vanderburgh County, there were volunteers. About 30 or 40 years ago the Navy Reserve actually had volunteered to do some work. So, there are different things, there’s some grants that have been done in the past. But, that has been, from what I can tell, the most of the way that things have been handled in the past, was just, okay, we’ve got a problem, let’s see if we can get some money or get some volunteers to do something. Okay? So, with that, I’m going to leave you with a couple questions. The first one, I’m going to pretend, I’m going to put my engineer hat on, Rose Hulman, Bruce, we’re the same thing, but before we just start talking about solving problems, the question is, what is the problem with Pigeon Creek? Logjam, capacity of the stream, loss of flood plain, increased development, new roads and construction of associated bridges, others? I can give you an example, the Ohio River, when it’s up high, doesn’t give any place for the Ohio for things to do, and we don’t have any control over the Ohio River. The Corps of Engineers likes to think they do, but I think Mother Nature’s got a little bit to say on that too. But, you know, what they do also affects what happens here. So, if it’s a problem with logjams, there is some, you know, some options to maybe obtain some funding or grants, and that’s why we’ve got our State Representatives here. We always invite you guys when we want money. Or from some other outside sources, but that’s a short term solution. You know, the question is why do we have logjams occurring? What’s the source of the material? If we can solve, maybe if there’s some logjams today, but how can they get addressed in the future? The other issues you get into with the problem with Pigeon Creek is the capacity of the stream, the loss of flood plain, increased development, new major roads, construction of associated bridges, I don’t know the answer. I don’t know the question, I mean, I don’t really know what the problem is, because there’s so many different ideas about what could be there. I’m not saying that any of them aren’t correct or that all of them aren’t. But, without somebody sitting down and doing a pretty nice study and going through it, I don’t know that you’re ever going to get the answer to what Pigeon Creek is the sole problem to. It might just be that Mother Nature under designed it. That’s kind of my show. If there’s any questions on that I would be happy to address them now. Or, if Commissioner Musgrave wants me to wait and hold off.

President Musgrave: No, I think the reason that we approached this meeting was that during a recent extremely heavy rains, there was some flooding in Warrick County, and some discussion, perhaps, perhaps some media stories that there were issues with Pigeon Creek in Vanderburgh County. We began to chit chat about those, and I know that Commissioner Ungethiem pulled out some old studies and looked at them. So, we just began circling around, well, what’s wrong with it, and is it a problem that we can solve, if we can even identify the problem. I would be open to comments from other members.

Jeff Mueller: Also, Commissioner Ungethiem and myself and Mr. Mosbey took a boat ride down Pigeon Creek. When was that, in 2013? 2014, wasn’t it? 2014, after you took office?

Commissioner Ungethiem: It would have to have been ’15.

Jeff Mueller: 2015, yeah, 2015. Channel 14 was with us too, and we took a boat ride down it, and saw parts of the creek that I had never seen before.

Marlin Weisheit: Jeff, how many logjams was in there at that time, do you recall, that you had seen?

Jeff Mueller: We knew of two major ones, that I can think of.

Commissioner Ungethiem: Yeah, it was difficult to tell because the creek was running at about 30’ at that point in time, and we were probably over the top of what appeared to be a, I mean, you could tell on a depth finder that there was something underneath there, but you couldn’t really tell what it was. You’re probably better off to do that when the creek is at about 15’-18’ instead of 30’.

Jeff Mueller: Yeah, because we were actually having to clear the limbs as we were going down in certain places, because we were so high in the water.

Commissioner Ungethiem: When they told me they were coming, because I was sitting in the front of the boat and they would laugh when I got knocked off.

Jeff Mueller: Yeah, Bruce and I got that job.

Madelyn Grayson: President Musgrave?

Jeff Mueller: We’ve got all kinds of stories to tell about that one, which we won’t take time on today.

Madelyn Grayson: Can I just remind our guests, if you make comments on the record would you please turn your microphone on so that I can get them for the record? Thank you.

President Musgrave: Do you want to discuss the slope of the—

Commissioner Ungethiem: Well, I had an opportunity to look at a couple of things, and I’m trying, you know, I put my engineer’s hat on and trying to figure out, okay, what’s the issue here? The first thing I looked at is the slope of Pigeon Creek from the mouth to the county line, trying to understand how far it drops during that period of time. I estimated that distance to be around 13 miles, as the creek flows, 13 miles of travel. Based on our Topo maps, on our GIS system, it drops roughly 20’ in 13 miles. So, if you do the calculations on that, that’s about a 220’ travel to drop an inch. Now, if you’re calculating or you’re putting together a drainage plan, you want an inch in 10’, not an inch in 220’. So, essentially, what we’re saying is, Pigeon Creek, from Vanderburgh County’s line down to the mouth, is essentially flat. It gets even more flat when the Ohio River elevates from pool stage up to say 30’. Pool stage is a 14’, so if the Ohio River elevates to 34’, it’s essentially at the same level, at the mouth, than it is at the entrance when it comes into Vanderburgh County. So, it’s not going to flow. I also went a little further and I contacted a guy who I had met a year or so ago when we were having this problem, he works for Dredge Resources. Dredge Resources does some of the dredging in the Ohio River when it gets clogged up here, for sand, around the horseshoe. I called him up and I said, would you be willing to come down and take a look at Pigeon Creek and give me a recommendation? He said, certainly. So, he came down a couple of weeks ago, and we went down and looked at the creek, and at the time the creek, the river was at 22’ rising to 29’ the next day, and as we walked down to the creek bed and took a look, the flow was actually going backwards, because the creek, the river was rising. There wasn’t a whole lot of water in the creek because we hadn’t had any rain in a while, and the creek was actually going backwards as the river rose. So, he took a look at it, we looked at a number of different spots where we could get to the creek, the launching site for the canoes, and various places like that. He sent back a letter, it’s dated June the 1st, and he said, thank you for the opportunity blah, blah, blah, blah, blah, he says, “I can’t determine exactly the debris that’s in the creek, but my estimation, if I were to clean the entire creek,” and he’s saying that he would go in at the mouth and clean the entire creek from the mouth all the way to the county line, he estimated that that would probably take $300,000 to do. Now, he’s got equipment to do that. He’s got barges, he’s got cranes, he’s got buckets and various things to do that. In his second paragraph he said, “It’s our company’s policy to always be straightforward with all of our customers. The amount of debris in the creek is not the cause of your flooding. Your main problem is the amount of water that is directed at you from the upstream watershed. It is my opinion that flooding is caused by the excessive amount of curves and bends where the creek passes through your county”. He said, “As you both know, it would be costly to straighten the ditch out to increase flow and speed. It would be my recommendation to find an alternative course for the flow, before it enters your county, and direct that flow around the city to the Ohio River.” He says, “ I hope you don’t feel that we don’t want this job, quite the contrary, we would be very excited about cleaning the debris from the creek, we just want to take an honest approach and looking at the alternatives.”

Marlin Weisheit: Well said, Marlin Weisheit, Warrick County Commissioner. I mean, I’ve said for years, I mean, we’ve got several farmers here, you know, this is a big concern of them, and, of course, we’re always going to have flooding and we understand that, but what you just said there makes perfect sense to me. I’m glad we’ve got three State Reps here today, but we all know how hard it is to get INDOT, IDEM, Army Corps of Engineers on the same page, but as we’re talking about a new bridge across the Ohio River with I-69, wouldn’t it be practical, I don’t know if Jeff’s still here or not, yeah, Jeff, to do a study, get them to do a study to put a spillway along the side of I-69 to relieve this flooding in Warrick County, the City of Evansville and Vanderburgh County? I don’t know if it’s ever even been thought of, but we’ve thought about it for years. I mean, because we’ve got a lot of restrictions up there in holding back water, and if cleaning Pigeon Creek’s not going to help, we’ve got to find a solution. That’s one study that I think needs to be done. I don’t know if we could get IDEM or INDOT to do that study for us while they’re studying this bridge, and even if it’s practical. We thought about it, our attorney’s here with our Solid Waste and Steve Sherwood, our Storm Water Engineer, it would be so costly for us to find an alternative route to get that water. We’ve talked about moving drainage in our county to get it to the river quicker, because, I mean, we’re spending, or that water has to travel maybe 27 to 30 miles to get to the river, and we’re two mile away from the river in some area, you know. But, when they’re doing this study on the bridge and I-69, if they could figure out a way to get a spillway along the side of there, that would drain, I mean, I know there’s a lot of engineering studies that have to be done, but I just think that’s worth studying. Is that possible, Ron?

Ron Bacon: I’m writing. Am I on? Okay. The one’s at the Statehouse light up a lot better, by the way. We know when we’re on.

Commissioner Ungethiem: The State’s got more money than we do.

Ron Bacon: Yeah.

(Laughter)

Ron Bacon: So, well, since I’m here, Ron Bacon, State Representative, District 75, as I said earlier. You’re right, Bruce, and I’ve talked to, a number of conversations with Homeland Security, who have had another conversation with Corps of Engineers, you know, just basically confirming everything that you’ve said, and what’s been said by Jeff and that. We’ve also been in contact with a group that works with Homeland Security out of Indiana University, IUPUI, who has a research scientist, and, basically, they are saying the same thing, the creek isn’t, even if you cleaned the creek, we’re still not going to take care of the problem. So, that’s the basics. Now, there’s some debate on that, because there’s too much water coming from the other counties. It involves all of us; Gibson, Warrick and Vanderburgh, because there’s, on those occasions where we have those heavy rains, there’s too much water at one time, even if the creek was straightened out, it still wouldn’t do it. As you said, because of the river, at times being up and it’s going to flow backwards, and due to the elevation and so forth. So, he said, that’s not going to alleviate the problem. Cleaning the ditch will not alleviate it, but will make it work a little bit faster is all. That’s all it’s going to do, but he said, there needs to be a discussion. He mentioned, and I wasn’t even aware there was a Joint Drainage Board, that was one of his recommendations. His name is Bob Barr, by the way, for the record, and he is with IUPUI, he wanted to come today, but he didn’t get enough notice to get here on time, but he will be happy to come down if we go farther into these discussions and work with us. You know, he’s studied this whole issue through the University. So, with the amount of water that’s now flowing, I mean, we can go back into history, which Jeff has done a great job of, but things have changed since then. We’ve diverted water, we’ve changed water, storm water drainage plans have done all of that. We’re talking now, we’ve got all of these storm water systems that are going into the creek that weren’t going into it a hundred years ago, it was going differently. So, we have all of this, different problems that we need to look at now. I had talked to Commissioner Williams, many years ago, I say many, probably three or four about that same issue of trying to get the study done, and we were working on that, but I had not asked them to do that yet, but I definitely will do that, to see if they will consider doing that. I think it would be a great idea to do it and see if we can move it, but I think it’s going to take more than that. The recommendation from Homeland Security and from them is to create the Joint Drainage Board. What can be done with the Joint Drainage Board, I don’t know. I’ve just heard of this, you know, in the last couple of weeks. So, on a State-wide level I’m not aware of it. Jeff knows, it probably gets us available for more grants, more money and so forth and still how we can finance the projects that would need to be done, and then look for a long term solution of, if we get the creek cleaned, how do we continue to keep it that way, even if we do find another way to get the water moved. We’re still going to have a problem if we don’t, and this is not just Warrick County, it’s Vanderburgh County farmers that are flooding also. The issue is not the flooding, as he said, the flooding is going to happen, no matter what we do, the flooding will happen, but it’s how fast do we get it out once it stops. That’s been our big issue, and with the way things are now it’s not flowing, it does not go quickly, as quickly as it should. There’s things that can be done, he mentioned retention ponds, keeping the creek clean on a regular basis so that it does move out and so forth, and getting everybody involved. So, happy to work on all of that.

Jeff Mueller: Just for the record too, I’m sorry, July 23, 2001 was when the Joint Drainage Board met. That’s the only minutes that we have. So, 2001.

Ron Bacon: So, they only met once then?

Jeff Mueller: That’s the only record that we had. Madelyn’s our record keeper.

Ron Bacon: Yeah.

Jeff Mueller: I don’t think you found any others, did you? So, anyway, 2001. So, it’s been 16 years.

Madelyn Grayson: There was an additional discussion, but it wasn’t a meeting of the Joint Board.

Jeff Mueller: Yes, that’s correct, and I think that was just a discussion inside our county.

President Musgrave: So, does anyone else have any observations or comments to contribute? Would you like to come forth?

Karan Barnhill: I believe that is correct. I’m Karan Barnhill. Karan Hargrave-Barnhill. I was the County Surveyor in Warrick County in 2001. There was just the one Drainage Board meeting, I believe, the Joint Drainage Board meeting, at that time. Discussion was there was some Riverboat grant money, I think, Riverboat money that was available, and that we were going to use that money to do the part in Warrick County, I think is what it was. But, we were not going to dig, we were just going to remove the jams, I think, that’s the way I remember it. Is that right? Okay. There was also a study done, just for your information, when I was County Surveyor, I think Bernardin Lochmueller did it, which is Lochmueller Group now, they did a study to reverse the flow of Williams Ditch to get it to go to I-164, which would be 69 now. Checking with Steve, apparently that was only part of the problem, so we’re looking at an area that’s more upstream too. So, there was a study done by the County Surveyor’s Office at that time, I think you’ve got a file of it on file in their office. So, the whole study probably wouldn’t have to be done, it might just be a smaller study, if you combine them together, just information.

Commissioner Ungethiem: I seem to recall somebody telling me, and I don’t remember who it was, that at one point in time there was a study to see if they couldn’t take the water from the Warrick County area and take it to the Ohio River. Was there anything ever done in terms of giving an estimate of what that would cost?

Karan Barnhill: I think in the study it gave an estimate of what it would cost to do it. At that time we didn’t have the funding, and we were kind of wanting to get the logjams removed first, so we were concentrating on that first, and then were going to revisit it and see if we could get the money to go back and do more work in reversing the flow, but we didn’t get that far, and then I left office.

Marlin Weisheit: Bruce, at that time the cost, and that was years ago, it was around $8 million, as I recall. It was well before I was on the Board, and this is my seventh year, during the time of that study, but now it would probably be twice that to do it. I mean, it was very costly, that’s why I think, and if we need to form this Joint Board to make a recommendation to the State to at least do a study to see, while they’re doing this bridge project, and while it’s being engineered, I mean, I think that’s the answer. The City of Evansville and Vanderburgh County does have some flooding in that area, as well as Gibson and Warrick, and this could benefit all four municipalities and the counties.

Jeff Mueller: Yeah, and I also want to point out that when we talk about redoing Pigeon Creek, the old days of the Corps of Engineers building this beautiful stream with a 50’ bottom and 3:1 side slopes, that don’t happen anymore. With the Corps, they want the flood plain recreated, they want the sinuosity of the stream bed recreated, they want the riparian habitat recreated. So, you’re talking about, instead of a nice stream like this, you’re talking about a meandering channel, with a flood plain. So, the cost of doing these streams is a lot more expensive than it used to be. Almost, I don’t want to say impossible, but it’s just an environmental hoops that you have to jump through are unreal on these. I say this from my experience in the mining industry, and we relocated streams that were only two and three miles long, and you wouldn’t believe the things we had to do, you know, putting islands out for turtles to nest on. Steve, you worked in the mine, you know some of the crazy things we had to do. Steve and I were both ex coal miners, and it’s only gotten worse. So, I don’t know what that number would be.

President Musgrave: So, what I’m hearing is that if we were to restaff our Joint Drainage Board, and consider a recommendation to the State for a study, that Representative Bacon, that you would be willing to take that and to look for funding?

Ron Bacon: Absolutely.

President Musgrave: And appropriate legislation?

Ron Bacon: Uh-huh.

President Musgrave: I don’t think it’s been mentioned here today that to create a regulated drain, not only would we have to do the certified letters, but then the existing statute requires us to charge five dollars per parcel per year. You can’t go up and you can’t go down. It’s five dollars. Along with the tens of thousands of properties in, is it three counties, I think, that it would touch? That would probably generate way more money than we would ever need, no doubt, upsetting tens of thousands of voters all along the way.

Ron Bacon: You know, in the other two counties it’s already a regulated drain.

President Musgrave: Is it?

Ron Bacon: Yes, so, that’s already in the process.

Jeff Mueller: In the other two counties it’s in a rural area.

Ron Bacon: Yeah.

Jeff Mueller: So, it was much easier to establish.

Ron Bacon: Absolutely.

Jeff Mueller: Back then, and it’s been established probably years ago before they even had some of the build up. So, a lot different scenario than running through, you know, Pigeon Creek the only thing it runs close to is Chandler, as far as—

Ron Bacon: Yes, right, well, and the Campbell Township area, that’s the main section of it through that.

Jeff Mueller: It’s mainly rural.

Ron Bacon: It’s mainly rural farming community. That is growing up, but, still, I mean, it’s been that way for years. It’s been regulated, I’m sure, in Gibson I know it’s been regulated, because I did talk to the Surveyor years ago on that too.

Jeff Mueller: Yeah, the Gibson County Surveyor, the previous Surveyor, Michael Stevenson, is here, so, anyway if that’s the case, but, like I said, a whole different scenario because it’s not running through an urban area.

President Musgrave: So, just to make sure I have the right picture in my mind, when you talk about the spillway, would the spillway connect Pigeon Creek to the Ohio River on the Warrick County side, basically, running alongside the east side of I-69?

Ron Bacon: That was the original intent, but not all of that, I mean, really probably less of that is in Warrick County than is in Vanderburgh County.

President Musgrave: You mean I-69’s route?

Ron Bacon: Yes, the I-64, even on the east side, the majority of the highway is in Vanderburgh County, not Warrick County.

President Musgrave: But, the water that would be being drained would be water that would be entering Vanderburgh from Warrick?

Ron Bacon: Coming from Warrick County, yeah, instead of Warrick, Vanderburgh yeah. The drain would be draining that area yes. That was what was discussed, and we could get a study on that and see what could possibly be done. That would alleviate the pressure of the water coming down into Vanderburgh County.

President Musgrave: Not that we’re getting any complaints in Vanderburgh County.

Ron Bacon: Yeah.

President Musgrave: That’s the—

Jeff Mueller: I don’t think we’re getting a lot of complaints. I don’t know.

President Musgrave: I haven’t heard any, but that’s, I understand that that’s an issue.

Marlin Weisheit: Cheryl, we’ve collected drainage fees in Warrick County for probably close to ten years now. It wasn’t real popular at first, but I don’t know what we would do without those funds. I mean, it used to be $60 a year, now it’s $27 every six months. So, $54 a year per parcel, and we collect over a million a year in Warrick County, and that’s how we fund our Drainage Board, and take care of many drainage projects over the years. So, with subdivisions and problems and drainage, I don’t know what we would without that resource. It’s been very beneficial in Warrick County.

Ron Bacon: And it does include all parcels also. It’s non-profits, you know, churches, it’s everyone pays. If you’re a parcel, then you’re paying that fee, which we all have paid for years, you know, even though we don’t drain into…I do the same thing and I don’t drain into anybody, but it keeps the ditches cleaned, and no one really complains about doing it at this point.

President Musgrave: You do have a number of regulated drains, but Pigeon Creek isn’t one of them?

Ron Bacon: Right.

Marlin Weisheit: Yeah.

President Musgrave: Well, could we all just talk about what we see as the next steps. Any opinions?

Dan Saylor: I have a question. Dan Saylor, Warrick County Commissioner. If we were to, if the designer or engineers could come up with a design and have a spillway, would that spillway have enough fall on it, if the river’s flooded, to drain?

Commissioner Ungethiem: It’s going to have that same 20’ of fall if you connect it where Pigeon Creek meets the county lines. That fall to the Ohio River is going to be 20’. Now, if you take Pigeon Creek, it takes 13 miles to get there.

Dan Saylor: Right.

Ron Bacon: Right, there a little difference—

Commissioner Ungethiem: If it’s a straight shot, it would only be four miles.

Dan Saylor: Okay, so, but if the river’s up to flood stage—

Commissioner Ungethiem: Not going to help you.

Ron Bacon: Well, that’s not, that’s not really our problem. Everybody knows when the river is out. Such as the Wabash was and the White was with this last flooding, but the Ohio was not. The Ohio was still below flood stage, but we were still….we got the flooding, everyone got the flooding all at one time, but the drainage is what the problem is after the flooding.

Marlin Weisheit: So, a spillway would—

Ron Bacon: The spillway—

Marlin Weisheit: -- get rid of it quicker.

Ron Bacon: -- would get rid of it quicker, if the water, if the river’s down below flood stage. Now, if we’ve got the large rain and the river’s are all flooded, no one is gonna, no matter what you do, it’s not going to matter at that point. We all understand that and we realize that. That’s just going to be the issue.

Commissioner Ungethiem: And, the reverse is true, if we make a direct connection between that point and the Ohio River, and the Ohio River goes to 45’, that water gets to you a lot quicker than it does back to Pigeon Creek.

Ron Bacon: Yeah.

President Musgrave: Well, would we all like to…how would we make appointments to the Drainage Board? Would each Commission—

Joe Harrison, Jr.: No, each Drainage Board would, Warrick County would appoint two, Vanderburgh County would appoint two, and Gibson County Drainage Board would appoint one. The board is already established, it’s just there’s no members right now, because—

Commissioner Ungethiem: They are all gone.

Joe Harrison, Jr.: At your next Drainage Board meeting, or they could do it tonight, but whenever you guys meet the next time as a Drainage Board in Warrick County, appoint two, and the same in Gibson, I suppose. Morrie, you might agree with that.

Jeff Mueller: If it’s just a Joint Board between two counties, each county appoints two, and then a third just comes from a different county, which is why Gibson. But, if you wanted to make a Joint Board with Gibson, Warrick and Vanderburgh, the set up is different. I was just trying to put that out there.

Joe Harrison, Jr.: No, I understand, but, I mean, if you want to go back to what was done in 2001—

Jeff Mueller: Yeah, and there doesn’t even have to be anybody from Gibson. It can be anybody, but it has to be from a different county, other than Warrick or Vanderburgh.

Joe Harrison, Jr.: Right, I understand. Well, he’s here.

Jeff Mueller: Yeah, Steve knows the area. I’m giving you a little bit of—

Ron Bacon: Well, that is the suggestion from Homeland Security and from the IUPUI, because, you know, they weren’t aware that the Board was already formed. Their suggestion was to form a Joint Drainage Board, and then that will give us, you know, you already have the entity, then we can do and say we have one, we have a Drainage Board, now what can we do? So, I can get LSA involved in that and they can tell us, now with this Board here’s what you can or cannot do. This is what we can—

Joe Harrison, Jr.: What you need to do is, I think, again, as a county, Vanderburgh would appoint two, Warrick two—

Ron Bacon: Right.

Joe Harrison, Jr.: --and if Gibson wants to be in, appoints one. Then you guys set a meeting, whatever it is, and then you ask for the study and go from there.

Ron Bacon: Right, and then we can, by then we could also get IUPUI down and give us more information of the study they’ve already done on the flow of the water and how much it’s coming down and what’s happening, and what their suggestion is, and what we do besides…there’s some other suggestions, because they mentioned retention ponds, and there’s other things that possibly could be done to help, at that time, to slow it down, the amount of water that’s coming from the other two counties to Vanderburgh, and then help ease that drain, at the time it’s needed to be done. So, there’s other things that they’ve gotten processed that we haven’t, you know, talked about yet.

Commissioner Ungethiem: Ron, do we know, let’s say we get this Joint Board put together, who would we talk to at the Statehouse? I sincerely doubt that INDOT’s going to be a player in this, even though they’re a player in I-69. They’re not going to be concerned about ditches.

Ron Bacon: Well, I think with the flooding issue, it was Homeland Security that I was directed to. That’s who I’ve been talking to. They’ve been extremely helpful, talked to me, you know, two or three times. They were also the ones that have the good relationship, at the time, you know, with the Corps of Engineers, which they’ve said they did, and they’re the ones who contacted the IUPUI. So, I think it’s through Homeland Security, is actually where we would be dealing with this at this point. Unless, we’ll find out otherwise through the State, if it’s different than that.

Commissioner Ungethiem: What role does DNR play on this?

Ron Bacon: Strictly, from my understanding, is if the flooding or anything is concerned on DNR property. Because I have the same issue up in the, it’s just a little bit, it’s Selvin and Jockey, it’s a little bit in that area. I’ve got another issue, the same thing when we had the flooding, but that’s DNR property, so that’s when they come in, and we have their property that was causing the flooding. So, they’re in there. We’re in the process right now of finding out what they can do to that property to stop, they had a logjam also. It was coming, the water from Heilman was what I was thinking of, between Dale and Heilman. So, that’s where DNR came in, otherwise, I really don’t think DNR has anything unless something comes up with, not their jurisdiction, but what is their property and they’re in control of.

Commissioner Ungethiem: If you go onto their website—

Ron Bacon: Uh-huh.

Commissioner Ungethiem: -- and pull up their DNR/water area, I mean, they will give you flood plain data of everything in the State.

Ron Bacon: Yeah.

Commissioner Ungethiem: I mean, if they’re doing this kind of work, and calculating insurance rates, this is an insurance booklet on Vanderburgh County of where you’re at, and if you’re in the flood plain how much your insurance would be, I would think they would have—

Ron Bacon: They might have some jurisdiction, yeah.

Commissioner Ungethiem: -- I mean, this is, I pulled this up basically because this is how Pigeon Creek runs once it gets across the Warrick County line.

Ron Bacon: Uh-huh.

Commissioner Ungethiem: And that squiggly area means that you don’t have any fall.

Ron Bacon: Right.

Commissioner Ungethiem: It doesn’t drop. It’s just hunting for a place to go. So, I just pulled up some of these DNR things, and I’m looking at them and I’m going, you know, there’s a wealth of information on this DNR site, why aren’t they more involved in alleviating the flooding in the State?

Ron Bacon: Uh-huh. We can ask. We’ll definitely do that.

President Musgrave: Well, I have a question for the Warrick County Commissioners, and I know you can’t make any decisions here, but if we entertained a motion to staff the Board tonight, is this something that you might put on your agenda for your next meeting?

Marlin Weisheit: I would be in favor of it. I’m sure Dan would too. Our attorney is here and our Storm Water Director, so, I mean, we’re looking for answers too, we’re here just to try to solve a problem. I do want to thank all of the farmers that’s came tonight too. I mean, they come off the fields to be here. I mean, this is something very serious to them. If any of them’s got anything to say, I would like to give them the opportunity to speak, if they want to, but I think everything’s been said. I hope they’re pleased with at least getting something going here, and hopefully try to resolve a problem. Thank you. I thank you for asking us tonight. I really do.

President Musgrave: Well, I appreciate you coming very much. Commissioners do you care to staff the Board, and do I have any volunteers?

Commissioner Ungethiem: Is this the motion to re-appoint to the existing—

Joe Harrison, Jr.: Yeah, just appoint two new members. I mean, the other two are gone.

Commissioner Ungethiem: The Board is actually there, we don’t have to create the Board.

Joe Harrison, Jr.: The Board is established, they just haven’t met since ’01.

Marlin Weisheit: That’s been a long time.

Dave Rector: Ben, would you like to be on it?

Commissioner Shoulders: I would be honored to, Commissioner Musgrave.

President Musgrave: Would someone make a motion?

Commissioner Shoulders: I will make a motion that Commissioner Ungethiem and myself will be the two representatives for Vanderburgh County.

Commissioner Ungethiem: I will second that. Like I need another meeting, but I’ll second that.

Commissioner Shoulders: Likewise.

Marlin Weisheit: It never ends, does it?

President Musgrave: Well, we have a motion and a second. Is there any further discussion? Hearing none, I will call for the vote. All those in favor signify by saying aye.

All Vanderburgh County Commissioners: Aye.

**(Motion approved 3-0)**

President Musgrave: Congratulations, you are duly appointed to the, what is it called? The Joint Drainage Board?

Joe Harrison, Jr.: I guess it’s the Joint Warrick-Vanderburgh County Drainage Board.

President Musgrave: Commissioner Bottoms, I should have asked you, if you were willing to take it.

Steve Bottoms: Steve Bottoms, Gibson County Commissioner. I would have to talk to my other Commissioners, of course.

Commissioner Shoulders: So, those are the five?

Joe Harrison, Jr.: Yes, there were five on there before, and, I believe, the Surveyor from Warrick County served as the technical advisor?

Jeff Mueller: That’s correct.

Ron Bacon: According to the statute, apparently that’s who has to, from the largest county.

Marlin Weisheit: And, we’ll gladly throw him under the bus tonight too, when the appropriate time comes.

Jeff Mueller: I’ll gladly help you out.

President Musgrave: Alright, so, we have a volunteer, Jeff Mueller is—

Jeff Mueller: No, they’re—

President Musgrave: But, you’re willing to help?

Jeff Mueller: I can help, but he has to take, they have to take the lead, by law.

Marlin Weisheit: Yeah.

President Musgrave: Yeah, I know, but you would come and help out, right?

Jeff Mueller: And, I would point out that DNR, too, one of the things they do under their jurisdiction is a Construction in Floodway Permits, which any activity that has an area of one square mile or more, if you’re doing certain activities you have to do a Construction in Floodway Permit. Sometimes that permit includes hydraulic studies and that, which they review. Sometimes it doesn’t. If you’ll recall, we submit one every year on Pond Flat for the work we do there, because of that drain. Although, also it’s a ten mile length drain, if it’s done under a Drainage Board issue, there’s a little bit more (Inaudible), but, either way, it’s still going to, a Construction in Floodway Permits would be reviewed by the Division of Natural Resources.

Steve Bottoms: I do have a question, Madam Chairman. It may be for the attorneys, and I would like for our, we have our past Surveyor here, Michael Stevenson, and our current Gibson County Surveyor, Scott Martin, how will that, we, in Gibson County, we believe in Home Rule. We take care of Pigeon Creek, and we have for years. So, how will this affect, this Board, affect us in how we take care of our part of the creek? Are you saying none?

Joe Harrison, Jr.: To be honest with you, I don’t think it will. I think you’re just looking for some possible solutions to a bigger problem that might affect everyone.

Ron Bacon: Right, my understanding, from talking with this, this would not change anything that’s directly for each county. It’s just that the three counties getting, two counties on the Board, plus with the help of Gibson County—

Steve Bottoms: Okay.

Ron Bacon: --to try and find a solution.

Steve Bottoms: Well, I want to make sure, because I don’t want to—

Ron Bacon: But yours would, you know, what you’re doing locally is still the same.

Steve Bottoms: I don’t want to go along—

Ron Bacon: This doesn’t change anything at all.

Steve Bottoms: Maybe Mr. Stevenson would be able to talk.

Michael Stevenson: Michael Stevenson, SJCA, I was the former Gibson County Surveyor. I just wanted to let you know, Gibson County did have a study done of Pigeon Creek, basically from just about a mile south of the county line into Warrick County, up an entire watershed up into Gibson. So, that was a pretty extreme watershed study that we did back in, I believe, in 2014, I believe, that may be of some benefit to you going forward. Obviously reduce the need for the study that you would be looking at.

Jeff Mueller: Michael, before you run off too, one other thing, would you tell them how much that study cost?

Michael Stevenson: Yeah it was six figures. It was $122,000. I will say we did some extra stuff with that. We requested that they determine flood plain, so that it could be input into the FEMA **Firm Panel** Maps. So, there was some additional stuff that we added and made the study more expensive than what it would have for probably for what you guys are looking for, but it was a pretty substantial cost.

Steve Bottoms: Where did that money come from, Michael? I was there, but I don’t recall.

Michael Stevenson: Sure, it came from the ditch assessment.

Steve Bottoms: Yes, yes, I wanted to make that point.

Michael Stevenson: We had a coal mine that was mining through one of our major ditches, and it had to be put back under the Corps of Engineers and IDEM’s requirements, which required sinuosity, repairing corridors, and things that were going to make it more difficult to maintain going forward. So, we requested that they give us some money, and then we used that money to then pay for this study.

Ron Bacon: Michael, was this study public? It’s public information? That may be where part of the IUPUI information came from, because they were already stating what’s, information from Gibson and Warrick county.

Michael Stevenson: It’s possible. Chistopher Burke did it. I know Bob Barr does a lot of work with Chris Burke.

Ron Bacon: Right.

Michael Stevenson: So, yeah, that’s very possible.

Ron Bacon: That’s probably some of the information he already has for it.

Michael Stevenson: I believe Candy, from the Surveyor’s Office, brought a copy of it, if you all would like to see it. I don’t know if they’ve got a copy or the original. No, she brought the original.

Ron Bacon: Okay, okay, thank you.

Michael Stevenson: Thank you.

Steve Bottoms: Thank you, Michael.

President Musgrave: Commissioners, we were chitchatting here on the side thinking that we ought to think about when the first meeting of the Joint Drainage Board would be. We were wondering if at your meeting, when you entertain the thought of appointing members to it, if you could come up with a date in mid-July? Representative Bacon, I was thinking that if you were readying some sort of legislation or request, perhaps you would give us some sort of target date of when we would need to be done, or at least at a position to submit something?

Ron Bacon: I think what we need to do is get the Board together first, and get with IUPUI and decide what we can possibly do. You know, we can further, as far as legislation, I think we’re not there yet. We’re not anywhere near what we need to be doing to see, talking about legislation. Let’s first find out what’s available to us and what we can or can’t do.

President Musgrave: Okay.

Ron Bacon: And then move from that point on. Still, the legislation, we wouldn’t have to do legislation to have INDOT or IDEM entertain a study. We’ll have to ask them first, and if they say no, well, then we may. Then we may go that route, but we would have to do that first.

President Musgrave: Okay.

Ron Bacon: I would say let’s go the easier route first, if we can. But, to do it, we can do legislation, entertain it right up to the first of the year. I mean, we don’t like to do it that way all of the time, but there’s a lot of stuff that we do. So, this will be a short session next year, and, so, we’ll be limited on what we can do and the numbers. So, I would say, you know, the best availability would be 60 to 90 days before session start would be best, in that area.

President Musgrave: A couple of other questions. I know that the Warrick County Surveyor will provide technical support, who provides the legal support? And, are there any other costs associated with running the Board that we should contemplate? And, how would we split those up? Maybe both attorneys would want to be involved? Maybe not?

Morrie Doll: Whatever the consensus is.

Joe Harrison, Jr.: Whatever you all want to do. I don’t have a problem showing up, or Morrie, maybe we can split it, trade off.

President Musgrave: Maybe both of you could come to the first Joint Drainage Board meeting—

Joe Harrison, Jr.: Yeah.

President Musgrave: --and you could work that out at the meeting.

Ron Bacon: Any questions that come up that we can help with, I mean, we have LSA available to us at all times, and definitely we will, if I ask them a question, they will give me an answer.

President Musgrave: Alright.

Ron Bacon: So, we’ll look at that. It’s not necessarily a legal opinion, but it’s close. Instead of law, but as much as we can get.

President Musgrave: If you wanted to meet here, you could. If you did, I’m just going to volunteer Madelyn, she could take the minutes for you. If you want to meet somewhere else, just decide and let us know. But, at the first meeting consider what kind of costs there would be, if any, and we’ll go from there. So, we’re talking about checking with Homeland Security and the other related State boards. There may be a study. There may be construction and maintenance of something, a spillway, or cleaning out a ditch. We might require some new statutes, who knows, but clearly the next step is to get appointments from Warrick County, and to restaff and to hold the first meeting. We would probably want to surface every study that’s been done from the Gibson County study to the Lochmueller Group study, and you have a study, and everybody would want to look at those. Targeting mid-July for the first meeting. I think we’ve covered it all.

Ron Bacon: If you set your date, as soon as you do that, if you would let me know, then I’ll get a hold of Mr. Barr and see, he said let him know, he would be happy to come down and discuss it.

President Musgrave: Okay.

Ron Bacon: From IUPUI. So, I think that would be a—

President Musgrave: Okay.

Ron Bacon: --he’s going to have a lot more knowledge of what really is happening than all of us together, I think.

President Musgrave: Maybe you could give him a heads up that mid-July is what we’re looking at.

Ron Bacon: Okay.

Commissioner Ungethiem: He is from Homeland?

Ron Bacon: No, Homeland Security contacted him.

Commissioner Ungethiem: Okay.

Ron Bacon: He’s from IUPUI.

Commissioner Ungethiem: Could you contact the DNR and see if they would be willing to—

Ron Bacon: Absolutely.

Commissioner Ungethiem: --participate, as well.

Ron Bacon: Sure.

Commissioner Ungethiem: Because if they’ve got all of the flood water data, which it looks like they do on the website, maybe they could be very helpful in going through some of this.

Ron Bacon: I’ll definitely do that.

President Musgrave: Okay. Well, this is exciting, taking important steps. Thank you, Representative Bacon for your willingness to step forward.

Ron Bacon: And, thank my colleagues for coming and listening.

Commissioner Ungethiem: If any of the State Representatives want to also be on the Board, we could probably work that deal out too.

President Musgrave: Does anybody actually want to try to set a date while we’re all here with calendars?

Marlin Weisheit: Yeah, if Bruce and Ben would throw a date at us, we’ll try to work around it. Yeah, we’ll take that back to our meeting. Any time that works for you in mid-July.

President Musgrave: We’ll take a minute while everybody pulls out their mobile computers.

Joe Harrison, Jr.: Paper.

President Musgrave: Paper.

Joe Harrison, Jr.: The 19th or the 20th?

President Musgrave: What time?

Joe Harrison, Jr.: Do you guys typically meet in the afternoon? When do you guys meet?

Dan Saylor: 2:00.

Marlin Weisheit: Yeah, 2:00 on Mondays.

Dan Saylor: The second—

Marlin Weisheit: The second and fourth Mondays.

Joe Harrison, Jr.: So, you guys are used to meeting at 2:00 or 3:00?

Dan Saylor: It doesn’t matter.

Joe Harrison, Jr.: Down here at 2:00? Can you do 2:00?

President Musgrave: What day of the week is that?

Marlin Weisheit: Thursday.

Joe Harrison, Jr.: Thursday the 20th.

Marlin Weisheit: We can do that.

Joe Harrison, Jr.: At 2:00? We’ve got to make sure the room is available, but I bet it probably is. Otherwise, we can meet in 307.

President Musgrave: We’ll figure it out.

Commissioner Ungethiem: Yeah.

President Musgrave: Okay, so, everybody target 2:00 p.m., Thursday, July 20th in this room.

Joe Harrison, Jr.: If not here, 307.

President Musgrave: Alright, that’s assuming everything else happens. Good to go? Alright. Thank you very much. Don’t adjourn because we have—

Commissioner Shoulders: No, I know.

Commissioner Ungethiem: We have other items to do. I just pulled up, out of this study, this is a map of the shed water of Pigeon Creek.

President Musgrave: Watershed.

Commissioner Ungethiem: 240,000 square acres.

Commissioner Shoulders: Wow!

Ron Bacon: It’s a problem.

President Musgrave: Okay, well, thank you very, very much.

Ron Bacon: Thank you.

President Musgrave: Look forward to many great things coming out of the Joint Drainage Board.

Commissioner Shoulders: Absolutely.

Marlin Weisheit: Look forward to working with you. Thanks for asking us today.

Commissioner Shoulders: Thank you all. Thank you to the State Reps and everyone else who attended today. Appreciate it.

Marlin Weisheit: Thank you.

1. July 23, 2001 the Joint Warrick-Vanderburgh County Drainage Board was formed. [↑](#footnote-ref-1)