**WARRICK COUNTY-VANDERBURGH COUNTY**

**JOINT DRAINAGE BOARD**

**JULY 20, 2017**

The Warrick County-Vanderburgh County Joint Drainage Board met in session this 20th day of July, 2017 at 2:10 p.m. in Room 307 of the Civic Center Complex.

# Call to Order

Commissioner Ungethiem: (Inaudible. Microphone not on.) for 2017. My name is Bruce Ungethiem. I am the County Commissioner in Vanderburgh County, President of the County Commission in Vanderburgh County. I’m going to get this thing kicked off, but later on down the agenda we’re going to elect officers, and, hopefully, I’ll get to pass this on to someone else.

# Introductions

Commissioner Ungethiem: The first thing we would like to do is go through a general introduction to make sure everybody knows who everyone is. So, I would like to start with Mr. Bacon down on the end, and just state who you are and why you’re here.

Ron Bacon: State Representative, Ron Bacon, District 75. I’m representing (Inaudible. Microphone not on.) Gotcha.

Madelyn Grayson: You will have to turn the microphones on and off.

Commissioner Weisheit: I’m Marlin Weisheit, the President of the Warrick County Commissioners, and member of the Warrick Drainage Board. Here for the same reason, about the drainage issues in Warrick County.

Phil Baxter: Phil Baxter, Warrick County Surveyor, concerned about the drainage in Pigeon Creek.

Commissioner Ungethiem: Okay, and, again, like I said, I’m Bruce Ungethiem, I’m County Commissioner for Vanderburgh County, and I’m also on the Drainage Board.

Commissioner Douglas: I’m Alan Douglas, President of the Gibson County Commissioners. I’m just here to represent them. I don’t guess we’ve had any representation before on this Board.

Madelyn Grayson: I’m Madelyn Grayson, I’m the Vanderburgh County Commissioners Recording Secretary.

Joe Harrison, Jr.: I’m Joe Harrison, Vanderburgh County Attorney.

# Discussion of Make Up of Joint Drainage Board

Commissioner Ungethiem: Okay, according to the State law, the way I’ve read it here, if we put together a Joint Drainage Board, the land, or the county with the most land, I guess you would say, in that Drainage Board, is supposed to have two people appointed on that Board. I’m thinking that would be Warrick County. Is there a second person, and it says it has to be other than the Surveyor. Is there a second member from Warrick County that’s going to be on this Board?

Commissioner Weisheit: Yeah, Bob Johnson wasn’t able to attend today.

Commissioner Ungethiem: Okay.

Commissioner Weisheit: But, he will serve on this Board.

Commissioner Ungethiem: Alright, and the two Board members on this Board from Vanderburgh County will be myself and Ben Shoulders. Ben Shoulders is not available to be here, he has an illness in the family, and he’s not able to attend.

# Election of Officers for Joint Drainage Board

Commissioner Ungethiem: The next item of business is the election of officers. I would entertain a, how many officers do we have to elect? President and Vice President? Joe Harrison, Jr.: I think that’s probably good enough. Maybe a, yeah, I would say that’s good enough.

Commissioner Ungethiem: Okay. So, I will open it up to the floor for nominations for election of officers.

Commissioner Weisheit: Bruce, since we’re in your house, I would nominate you as President of this Board.

Commissioner Ungethiem: I thought I made that clear.

Commissioner Weisheit: If Ben was here I would have done him the same way today, but since he’s not here.

Commissioner Ungethiem: Well, that’s a good thought. Usually when you don’t show up for a meeting you get to do something extra. So, I don’t have a problem with doing that. What I honestly think is because the majority of the land in the watershed is in Warrick

County, and the majority of the problem is in Warrick County, I would prefer to see Warrick County lead this charge. So, would either you or Bob Johnson be willing to lead the charge and be the President of this Board?

Commissioner Weisheit: Whatever the Board wishes. I mean, I’m open to it.

Commissioner Ungethiem: Can we make Bob the President while he’s not here? Or would you like to do that?

Commissioner Douglas: I would make a motion myself, if it would be alright to…oh, I’m sorry. I’m not used to that, Marlin as our President.

Commissioner Ungethiem: Okay, we’ve got two people nominated for President, anybody else? I guess, the easiest way to do this is—

Madelyn Grayson: You don’t have a second.

Commissioner Ungethiem: Pardon?

Madelyn Grayson: You need a second.

Commissioner Ungethiem: Oh, I second Marlin as the President. Should we take a vote. Okay. All of those in favor of Marlin Weisheit from Warrick County being President of the Board signify by saying aye.

All Commissioners: Aye.

**(Motion approved 3-0)**

Commissioner Ungethiem: I think you got the majority of the votes.

Commissioner Weisheit: I’ll gladly take President.

Commissioner Ungethiem: I will slide that down to you. If Marlin is absent, we need a Vice President. Do I have any nominations from the floor of Vice President?

Commissioner Douglas: I nominate Phil. That’s you, right? I got the wrong one then. I’m sorry.

Commissioner Ungethiem: Bruce.

Commissioner Douglas: Bruce. I’m sorry.

Commissioner Ungethiem: Do we have a second on that?

Commissioner Weisheit: I’ll second Bruce.

Commissioner Ungethiem: Alright, we have a motion and a second. All those in favor of Bruce Ungethiem being the Vice President of the Drainage Board signify by saying aye.

All Commissioners: Aye.

Commissioner Ungethiem: Opposed?

(None opposed)

**(Motion approved 3-0)**

Commissioner Ungethiem: Alright, Bruce will be the Vice President. I will then turn this discussion over to Marlin as the new President, and we’ll go from there. Thank you.

Commissioner Weisheit: Yeah, thank you, and appreciate you having us here today and getting this started.

**Discussion About Pigeon Creek**

Commissioner Weisheit: There’s been a lot of discussion on it in the past, but on the agenda here is discussion about Pigeon Creek, and that’s why we’re here. So, I would just open the floor up for discussion about Pigeon Creek and get some comments started. I think at your last meeting, June 6th, we was at, Jeff done a great job explaining some issues here. You know, we have concerns in Warrick County, of course, about maybe helping you guys figure out a way to clean some logjams and stuff to kind of relieve some of the drainage in Vanderburgh and Evansville, but, I think it was very informative at our last meeting, where Jeff explained to us how you guys are so level. Maybe it don’t impact it as much as we think, but we have a lot of farmers up in Warrick County that really think the, when we flood up there it just takes so long for it to get out. Me and Ron, we’ve seen this many times first hand, and then this last flood was a little overbearing as well. It just took so long for the flooding to go away. So, we’ll just open it up for discussion. Anybody else want to make some statements here? Feel free to do it at this time.

Commissioner Ungethiem: So, one of the issues we’ve got is a drainage issue in Warrick County when we have a heavy rain, that it doesn’t evacuate quickly enough?

Commissioner Weisheit: That’s the feeling we have up there, don’t you agree, Phil?

Phil Baxter: Yes.

Commissioner Weisheit: Phil is our County Surveyor. We also have Morrie Doll here from Warrick County who is our Drainage Board Attorney, and Jason Baxter out of the Surveyor’s Office, and Steve Sherwood, who is actually over our Drainage Board and runs our Drainage Board Department down there, and our Assistant Engineer for Warrick County. I just wanted to make sure that everybody was aware that they was here as well.

Commissioner Ungethiem: I guess, my question would then be for Gibson County, do you have similar concerns in Gibson County? A portion of Pigeon Creek runs into Gibson County and actually drains down, I think most of it drains down through Warrick County and then drains into Vanderburgh County and then into the Ohio River. Are there similar issues in Gibson County with regard to Pigeon Creek?

Commissioner Douglas: We have some similar issues, but we’ve also been…I’m sorry, we have similar issues, but we have been working on our Pigeon Creek area at intervals of cleaning and what have you. Yes, we still have the flooding when we have the massive rains, but then, there again, as you said, it flows down through Warrick and then on to Vanderburgh. So, it’s massive on some of our farm ground, but residential wise I don’t think it’s been too crucial against us yet.

Commissioner Ungethiem: So, is it true in the case of both in Gibson County and in the case of Warrick County, this impact is more on agricultural ground, or residential property?

Commissioner Weisheit: This last flood we might have had three or four residences impacted, where water actually got around the Chandler area there, Stevenson Station, but it is mainly the agricultural ground that is impacted. It was very severe this last time, and very costly to the farmers. A lot of the crops was up, and a lot of replanting had to go on. So, it was very costly to the farmers in that area, around the Stevenson Station area, between Chandler and the Vanderburgh County line.

Commissioner Douglas: So far as Gibson County, of course, when you’re coming down Highway 41, just south of Ft. Branch, you’re crossing Pigeon Creek, so we do have massive flooding to the, you know, that extends on back to what we call the mash ground on west of Ft. Branch. Then on east of 41 towards Mackey, or south of Mackey, Summerville, down through there, but then a lot of that is low land as well, and that’s where we have been doing most of our cleaning and work down in there, trying to keep that opened up.

Commissioner Ungethiem: Okay.

Commissioner Weisheit: And, Bruce, you know, in Warrick County, Pigeon Creek is a regulated drain. Is that right, Phil?

Phil Baxter: Right.

Commissioner Weisheit: Totally regulated, and, you know, we have it cleaned out. We’ve kept it clean, and, you know, periodically we do have to clean out some logjams. We feel like we’ve got all of our logjams removed, and really, it just takes a long time for it to get out of there. I don’t know if that’s something that this Board could help Evansville with and Vanderburgh, getting your creek into a regulated system where you had access to it. I know right now that is a problem for you, or I feel it is a problem for you. With Ron being here, maybe some ideas from the State on getting some assistance on doing that.

Commissioner Ungethiem: (Inaudible. Microphone not on.) cleaned out without property owners, I guess, approval?

Commissioner Douglas: To my knowledge we are regulated in there, and we do have it set up in our budget. Our Commissioners serve as our Drainage Board, and, of course, our Surveyor is on it.

Commissioner Ungethiem: Okay.

Commissioner Douglas: But, yes, I believe it is, now that’s something I’ll need to double check about, but I’m pretty confident that we are.

Commissioner Ungethiem: Okay.

Ron Bacon: If I may interject here. Ron Bacon, State Representative, I actually live in the area that we’re talking about in Warrick County that’s flooding quite a bit. The farm fields, that’s correct, that’s what’s been immediately hit with the flooding itself. The residents who live out there are also being hit. It’s not their land that’s the problem, it’s the ability to get to their property. It’s causing, at different times, the flooding that we’ve had this past spring and summer, there were times that we actually had no access, except for going north through Elberfeld. Millersburg Road was under water, Stevenson Station was under, Heim Road was under everything, all access on both sides, from the south, from the west and from the east were completely blocked with the flooding. The only way we could get out was going north, and we had to go up as far as Elberfeld to get out. So, it is causing a hampering situation with that to get in and out of there. Actually, for three days, three or four days, the school bus, we did have a school bus trying to get in there for extra work for some of the kids that we have this summer, that was going on within the Chandler School District, and they had to shut down. They couldn’t get in at all, in or out in either direction. So, they couldn’t do that. So, it does have an impact on the residents also. You just didn’t hear as much complaining about it. They just happened to find another way in and out, which is good, because the ground is higher with the flooding. Also, I was contacted by a gentleman from IUPUI, Bob Barr, who’s a research scientist there, who should send all of a you a copy of the paper. He was going to try and get down here, but wasn’t able to do that. He’s done a number of, a lot of research here. He’s stating two things; we can (1) it will help if we clean the logjams out of the Vanderburgh County section. He said it will help. It will not totally alleviate the problem, because of a couple of things. Number one was the drop in, which is only approximately 20’ from the Warrick County line to the river. So, it’s not going to make it that much faster to get it out of there. What has happened that makes the water come faster, as he is stating, which was an interesting observation from reading his report, was that the work that has been done to alleviate the flooding in Gibson and Vanderburgh County has actually caused more flooding, because now it’s able to move faster. I’m not an engineer in any respect at all. As I always say, I’m not an attorney either, so I have no knowledge of either one of them, but it made perfect sense to say if the water moved faster, it got down to us quicker. So, it was pooling. It was staying there because it wasn’t able to get through Vanderburgh County, through the logjams, any faster than it was. The past time, when we had all of the water standing there, the river was 14’ below flood stage. So, it was, the problem was not flooding at the river level, it was flooding, not being able to get to it. So, he made that, they’ve done that scientific research on that. So, that was the problem. He said what he would suggest looking into would either be retention ponds, as I said, I’m not an engineer and don’t know enough to know about what to do with that and how to do that. Or, trying to take other, after cleaning the creek, take other avenues to the river. That was discussed also, you know, trying to get it there another way. We know it’s going to flood, but we just need to try and get it to the river sooner and quicker. So, that was the information we got from there. So, basically, we would sort of, part of our problem was being doing too good a job on what we’ve been doing, but that needed to be done also. So, that’s the information I have from the State on that part of it. So, I’ve got some others on other things, but I just wanted to get you updated on what I knew from the State level on that.

Commissioner Ungethiem: Just to be clear, (Inaudible. Microphone not on.) Just to be clear, is the issue, does the issue occur when we have a significant rain? Or, does the issue occur when the river backs up? Or, does it happen, do both things have to occur at the same time?

Ron Bacon: It depends on where the flooding is. I mean, because like this past year with the Wabash, it got out of its banks, and the Ohio was not, even with the amount of rain that we had. So, it depends on where the rain is. The issue is always going to be if you get one of the large downpours, you’re going to have flooding. As the farmers, and I’ve talked to numerous farmers in my area, because they are all around me, you know, they understand that part, flooding is going to happen. If the crops are in the field, flooding is okay for two days, if they can get the water to recede. Then they don’t have to go back and replant it. If it stays longer than two days under water, then they’re going to have to go back and replant it, and that’s going to cost them. So, if the rains comes, you know, and it lasts a day, as we have had, he said then that’s the problem, but if the water floods, then it’s going to back up. So, that’s a little different issue. I don’t think we’ve had as much of that.

Commissioner Ungethiem: I guess that was my question. Have we ever had a situation where it was due 100 percent to the river being flooded— Ron Bacon: Flooded, yeah.

Commissioner Ungethiem: -- and not having rain?

Ron Bacon: No, I don’t think it’s….not that I’m aware of that that’s happened.

Commissioner Ungethiem: So, we have to have a significant rain for this even to occur?

Ron Bacon: Correct, so it doesn’t—

Commissioner Ungethiem: And if we have flood and a significant rain, it’s obviously worse?

Ron Bacon: Right.

Commissioner Ungethiem: Okay.

Commissioner Douglas: If I can address though too, Gibson County, just thinking about the distance through Warrick and Vanderburgh, Gibson County is probably the second longest flow that there is of the Pigeon Creek, I would venture to say. It would be awful close compared to Warrick. We had issues this spring when we had the flooding rain, because it goes there at Highway 41, just south of Ft. Branch, that we had to close 41. I believe it was in the southbound lane, because it flooded over. But, it was the significant rainfall, from the big, flat area that it was coming from on to the west, that caused us to have to close 41, and it was just for basically one evening. But, it stands on a lot of our fields that lays from there on down, and like I say, over more towards the Buckskin area off into the bottoms there, that’s a flood prone area for us to start with.

Commissioner Ungethiem: Right.

Commissioner Douglas: So, I’ve got a question, when I’ve been watching on the news, and just, I don’t know, I’m going to say maybe a month ago or so, there was a big cleaning project that went on, I think here in Vanderburgh County, where they took a lot of shopping carts and stuff out. Was that out of the lateral of Pigeon Creek, or was that out of the Pigeon Creek? Do you know? Well, I just seen it on the news, and I—

Jeff Mueller: (Inaudible. Not at microphone.) city up off First Avenue by (Inaudible).

Commissioner Douglas: Okay.

Jeff Mueller: Up in that area.

Commissioner Douglas: Okay, I wasn’t sure exactly, like I say—

Jeff Mueller: (Inaudible. Not at microphone.) up in that area. (Inaudible) farther south.

Commissioner Ungethiem: The First Avenue area?

Jeff Mueller: Yeah.

Commissioner Douglas: Okay.

Commissioner Ungethiem: Okay.

Commissioner Douglas: I was just kind of curious as to…because, seeing that on the news, I was just curious as to whether that was any of some of the problems too that was taking place.

Commissioner Ungethiem: To help identify this problem further, how often does this occur in a year? Is it specific to a season that it occurs? Does it always occur in the spring? Is it more, what I’m trying to do is define the problem here. So, is this an event that happens only in the springtime? Or, does it also happen in summer rains or fall rains?

Phil Baxter: Both.

Commissioner Ungethiem: So, it can happen— Phil Baxter: Spring or fall both.

Commissioner Ungethiem: --spring or fall? Obviously it’s not happening today, we’re not getting in much water.

Phil Baxter: It has happened in the winter also. In Gibson County— Madelyn Grayson: Phil, will you turn your microphone on?

Phil Baxter: Excuse me, if Gibson County gets a torrential rain, it takes less than 24 hours for it to reach north of Chandler, and that’s, when it comes it comes. That’s when the flooding starts.

Commissioner Ungethiem: Do we have an idea, during the last two or three years, how many times we’ve had a substantial flood that has impacted the fields and the farmers? Is it once a year? Is it, I know we had one this spring, in ’17, when we got nine inches of rain in northern Vanderburgh County, it’s under Gibson County.

Phil Baxter: Yeah.

Commissioner Ungethiem: But, do we know, have we quantified how many times it occurs?

Ron Bacon: Not really. This past spring it actually happened twice. There was two different times that the rains came. It wasn’t just once. So, then we were affected by the rains that were up north of us, that actually we didn’t get, but as I said, they were north of the interstate and impacted us, but impacted the Wabash even more than it did us. So, it happens in the spring. We didn’t quite, I would say Warrick County, at least in the area that I’m in, did not get as much, as many as a lot of spring ones before in the past, but it’s usually once or twice a year. Then the farmers could probably tell us a little bit more about that. If there’s anybody in the room that knows that, but from the ten years that I’ve been out there, it’s been once or twice a year, and that’s in the spring that it’s impacted like that. Normally, if it’s in the winter, or in the other times when we get that type of rain, the creek is down, and the river is down, so it doesn’t take that long to get rid of it.

Commissioner Ungethiem: It doesn’t stay around that long?

Ron Bacon: It doesn’t stay around as long.

Commissioner Ungethiem: But it still (Inaudible)? Ron Bacon: It still comes down, yeah. Especially when, we just cringe when it’s the north. As I said, when our friends up north, because we know it’s coming. It doesn’t matter where, I mean, it depends on which county is getting it.

Commissioner Ungethiem: So, you cleaned out all of your creeks, and the water gets down there quicker?

Ron Bacon: Right, he’s done a great job of that. But, that’s what does happen. We know it’s going to happen, and we’re prepared for that. But, if we can get it to continue on to the river, then it’s fine. That’s the issue.

Commissioner Ungethiem: Has Warrick County or Gibson County tried to quantify the dollar impact to the farmers and to the fields? How many dollars are we talking about in loss, when something like this occurs? Like this spring it probably was out of its banks for four, five, six days. Is there anybody working in your county to try to quantify what that loss is?

Ron Bacon: I would say probably the best place to go for that would be to Farm Bureau, and to the crop insurance folks, because they’re the ones that pay out the, that would give us most of it. Most of the farmers that I’m aware of, not all of them, have crop insurance. So, that will replace their seed, and so forth, not their labor and that, but they could probably quantify that.

Commissioner Ungethiem: I would suggest that might be something that we would want to do—

Ron Bacon: Uh-huh.

Commissioner Ungethiem: -- as we go forward, is to try to identify how many dollars we’re talking about here. What are we losing?

Ron Bacon: Right.

Commissioner Ungethiem: On an annual basis.

Morrie Doll: The County Extension, Purdue (Inaudible. Not at microphone.)

Commissioner Ungethiem: Would they track that? Would they have a dollar number?

Morrie Doll: (Inaudible. Not at microphone.) acreage involved, and (Inaudible) crop acreage involved, and by that they could say, in Indiana we grow 60 percent corn, or 40 percent (Inaudible)—

Madelyn Grayson: Morrie, can you come to the podium so we can get this on the record?

Morrie Doll: I was trying not to do that.

Madelyn Grayson: I’m not going to let you get away with that.

Commissioner Ungethiem: And you have to state your name too.

Morrie Doll: Where do I turn this on?

Madelyn Grayson: There’s too many mics on up here. So somebody has to turn theirs off.

Commissioner Ungethiem: Oh.

Madelyn Grayson: Now it will work.

Morrie Doll: Morrie Doll, Warrick County Drainage Board Counsel. I’ve done a lot of work with the County Extension Office through Purdue University, and they track flood acres and lost acres to floodage, flooding, and they then know what the percentages within the various counties of typical crops being planted are. From that, they could tell you what, we lost so many acres of corn, so many acres of soybeans, what have you. They may not know until the fall what the average yield is, what the price may be, but all of the components to get you the calculation you’re asking for, Commissioner, are there.

Commissioner Ungethiem: Okay.

Commissioner Weisheit: And, Bruce, if I might add, I mean, most farmers say it cost about $500 an acre to put out a crop, you know. So, I know when they replant, they probably don’t have to use quite as much fertilizer and that, but, you know, you’re still probably talking $300-$400 on replanting. There was several hundred acres that had to be replanted this spring.

Commissioner Douglas: If I could, another thing, our EMA Director, when we had the flooding problem, as a general rule, that much flooding that we have residentials on other ditches that we have that are involved, and then they do an evaluation. Well, along with that, he’s also evaluated the problems with the Pigeon Creek forest. So, I could go back and ask Terry Hedges as to an evaluation that he had in that a way. But, as Mr. Bacon addressed, probably through crop insurance, the Extension Office, I have no idea, but the largest volume of ours, as far as Pigeon Creek, would be in the crops.

Commissioner Ungethiem: Well, it would be an interesting number to have, just to understand from a financial standpoint how big that, how big the problem is.

Commissioner Douglas: And, it does affect us about twice a year, primarily in the spring, as opposed to the fall. Now, I have seen, where along into July and August, that we would get flooding rains. The reason I’m more aware is because I’m a retired farmer, and my son farms in the bottoms, and we have went down the latter part of July to run a pump in order to just go, not towards Pigeon, but it’s towards the Blair and that towards the Wabash. But, there again, as you have addressed, if we get a great big rain, which we can get in Gibson County, and Warrick really not get it, or Vanderburgh. Now it would have to be pretty sizable, but it’s going to end up at Warrick, by all means.

Commissioner Ungethiem: It depends on where it falls in Gibson.

Commissioner Douglas: Absolutely, that’s right. This is the thing. It’s the same fashion so far as up in the northern part of the State of Indiana. If you get big rains up in Indianapolis, it comes down the White. White can come down and it floods our bottoms to the north in Gibson County, and then into the southern part of Knox, coming off of the White, and we may not have a drop of rain though.

Commissioner Ungethiem: Uh-huh.

Commissioner Weisheit: And, you know, I might add too, because I helped figure the highway damage that day and was in when they come in to figure, you know, they was going to declare it an emergency, but our Highway Department was out about $125,000 repairing road damage. We had one washout that was pretty severe. So, we was out a considerable amount there too. So, it was a major flooding impact on Warrick County.

Commissioner Ungethiem: I think that might be worthwhile to collect that information.

Commissioner Weisheit: Yeah.

Commissioner Ungethiem: And have it available, so that we can quantify what the issue is from a financial standpoint.

Commissioner Weisheit: Bruce, this is something that just didn’t start in the last ten years. I mean, the Surveyor’s Office has seen stuff, we was dealing with this probably 50, 60, 70 years ago. It’s been a constant problem, you know, trying to figure out and keep drainage open. Unfortunately, us, as Commissioners, you know, we’re in and out, you know. Like, this is my second term, I probably won’t run again, you know, I’ve got one more year. You know, I’m really into this, I want to see it fixed, but I’ll move on and somebody else will come on and it might take them six years to really get involved with this. That’s what happens. That’s why it’s so important for this Board to get active and get something done, because I remember past Commissioners in Vanderburgh County being on the news and going in canoes. Some of our farmers went with them. You might remember that. So, this has been an ongoing problem in Evansville and Vanderburgh County for many years, that everybody’s been fussing about, but nothing never happens, you know. Then, unfortunately, we move on, someone else comes in, and then the problem continues. It’s never going to go away. I mentioned at the last Drainage Board meeting, it would be great if IDEM and INDOT would play well together, but they don’t. I mean, when they get this new bridge in to cross the Ohio River for I-69, wouldn’t it be good if they just made a drainage way through there that would help? Because that is one of the options, clean out and make this a better drainage than we have, or an alternate route. Unfortunately, we’ve researched that in the past in Warrick County, and it would be very costly for us to do an alternate drain, because we would either have to bore to get it through a hill down there, I mean, the last time we talked it was probably nine to ten million dollars, wasn’t it? That was years ago. Now it would probably be twice that. So, it’s not really an option for Warrick County, because we couldn’t afford to do that. We’ve had studies in the past, and we could do many more studies, but this is something that’s not going to go away. We’ve just got to come up with a solution to try to do the best we can with what we’ve got. I do think if we could figure a way to clean out, the last study that I remember in Vanderburgh County, there might have been like 25 logjams in Evansville and Vanderburgh County together. Does that sound right to you? I mean, do you remember that? That was before your time, Bruce.

Commissioner Ungethiem: That was before my time.

Commissioner Weisheit: But, I remember one of our farmers riding with a past Commissioner down here, and I think they counted, on the canoe ride through the Ohio

River, on a peaceful day, about 25 logjams. I’m sure they’re still there. Some of them come and go, but if they could be cleared to keep the flow moving, it might help. It won’t hurt. I mean, that’s just my thought. So, I’m just opening it up, there might be someone else out here, from the public that would like to make a comment. I would encourage them to come up at this time and do that. I was hoping a few more farmers might be here today. I thought a few of them would be, because they are continually talking to me and Ron and the other Commissioners in Warrick County, and Phil as our Surveyor. So, does anybody out there have anything they would like to say from the public? Any farmers here that would want to make a comment? Come up and state your name. We would like to hear from you. If you took the time to come today, please come up and state your name and concern.

Eldon Maasberg: My name is Eldon Maasberg. I’m President of our Big Creek Ditch Association. But, I did work for Hartman, who has ground that dumps in Big Creek, below deadman curve on 41. So, I was kind of interested in knowing what was going to happen. You guys are talking about your floodplains, I can remember back when I was in high school when the Stahl boys up there along the line, they went skiing out in their cornfields.

Commissioner Weisheit: That’s going on today.

Eldon Maasberg: So, that was back in about ’61-’62. So, and I can also remember when

John Kissel was County Commissioner up there in Gibson County, he promised the

Hartman’s that he was going to come down to do some digging in his ground to get the water down to them. It ain’t happened yet to this day. That’s how many years since John Kissel has been off the Board? To talk about Pond Flat, which my dad bought a farm on Buente Ditch back in ’59. When my dad bought it, it only flooded once in three years. With all of these homes and ground getting cleared, water runs off faster, farmers are putting levees up. This is all causing water to get down here faster to you guys. I probably shouldn’t be saying anything, because really my water don’t go into here, but you asked

for me to talk, so I come up. Hartman also farms a farm in Elberfeld, so that’s two places that he had water going down through Pigeon Creek. Now, what I started to say about my dad when it used to only flood one time in three years, now it floods three times a year. So, you just don’t have the problem on Pigeon Creek, you’ve got it at all of your ditches. So, and, I don’t know whether, we were talking a minute ago, because Big Creek is ten miles long, you ain’t got, and that’s what’s scaring me, if you start putting this Pigeon Creek into a ten mile long, what kind of hoops you guys are going to have to jump through yet. Do you got anymore questions for me?

Commissioner Weisheit: No. Thanks for being here. Anybody else out there have anything to say before we move on?

Zach Tischendorf: Good afternoon. Zach Tischendorf, I’m here on behalf of Warrick County Soil and Water Conservation District. Our Executive Director, Whitney McGrew, and we’ve had some discussions, our board is very interested, there are a lot of farmers on our board, actually all farmers on our board. A couple of them that were affected by the flooding, and they kind of voiced their concern to us, and of that we’re kind of trying to start an initiative among the districts that are in the watershed, which I think are Posey, Gibson, Pike, Vanderburgh and Warrick. Then also trying to bring some other stakeholders on board, the Nature Conservancy, Ducks Unlimited, because there’s been studies done in the past, from IDEM, the TMDL, which is more related to pollution, and then also Watershed Management Plan that gets redone every ten or 15 years, and storage has been one of the big issues with this watershed. There’s just not enough storage, and so you have these flooding events where the water comes out from the banks, and it doesn’t go anywhere. Where as in the past, there have been areas where that water has gone and stayed, more of like a wetland. I just wanted to notify you guys about that, if you’re interested. We would like to talk about it. That’s all I’ve got to say.

Commissioner Weisheit: Thank you.

Commissioner Ungethiem: Before you leave, you were talking about retention areas that were there, have they been cleaned out? Is that the—

Zach Tischendorf: A lot of it was cleared historically, and farmed. You can see some of that, the remnants, there are actually two, smaller DNR wetlands, obviously, Bluegrass is the big one, but then there’s two smaller ones that I don’t think are open to recreation, but they’re in the northern part of Warrick County, then just across the line in Gibson. We’ve had some discussions about possibly working with DNR and some of those other groups to maybe try to expand that and improve it as a possible overflow area, to kind of store some of that.

Commissioner Ungethiem: So, when Ron talked about retention ponds, these essentially serve the purpose as retention ponds, retaining that water so it doesn’t come down as quickly, and by having those cleared out and pushed away, that water comes to Warrick County much faster than it used to?

Zach Tischendorf: Uh-huh. Well, the wetlands would serve as more of a permanent storage, like an overflow storage, and basically it wouldn’t catch all of it, but it would catch a lot of it. It would just basically take it out of the creek, or the overflow from the creek, yeah. It wouldn’t necessarily slow it, it would be more of a permanent storage.

Commissioner Ungethiem: Okay.

Zach Tischendorf: Thank you.

Commissioner Douglas: Going along with some of what, I believe it was Mr. Maasberg, and then he’s addressing on some lateral ditches, coming off the south end of Princeton, and then going southeast, we’ve got a fork that we call the Little Pigeon, which feeds into the main Pigeon Creek, when you get on further to the southeast. That’s just, I mean, all of the water that’s coming off of Princeton is also flooding towards that thing. So, that’s probably insult to injury as well coming down through there. But, then he was addressing the wetlands, that’s primarily what we’ve got over in, around the 57, and probably now I69 with a lot of wetlands where the road was built coming down through there. So, that’s pretty well wet all of the time, which if that’s the case, when we have the flood and rains it’s already there, so to speak.

Ron Bacon: I think what they, what this gentleman meant, and what the professor from IUPUI stated, if we had the retention ponds, or a wetland, that the overflow would go in there. They’re going to stay wet, but they will dry out during the summer, to a certain extent, because, and get lower. That they would have capacity available in the spring to take that and wait till then, so that would be on that. So, and that’s one of the things that he was talking about. Now, how to go about doing that, we would have to talk with the Soil and Water and the watershed district to see what the possibility and how to do it. So, I think that would be an extremely good thing to do and start working on anyway. In that respect, to give you an idea of what the State, I’ve been doing a lot of research and bugging my staff quite a bit up in Indy, but that’s what they’re for in the summertime anyway, but IDEM has told us, with their funding matrix and that, the only things that they have available is what we’ve already used in the past. The Lake and River Enhancement Fund, you know, that’s available to clear logjams and that, and we can ask for that, you know, and go through Soil and Water and get those folks to get that. Now would be the time to get it done, if we could, when the water is down, and get at least that part of it completed, and get that finished. So, we would have that done. They would come in through those funds, if they’re available, and we meet all of the requirements, they’ll have those logjams cleared. Because we did that once, I forget, it was three years ago, with the huge one at the beginning of Warrick County and Vanderburgh County, over by Wagner’s farm.

Commissioner Ungethiem: Now is that something that they would do, or they would give us the funds and we would have to go out and get a contractor?

Ron Bacon: I think they would do. We have to, I’m pretty sure they did that. Of course, it’s through Soil and Water, Mr. Abell was the one that did it through here in Vanderburgh County. So, we would need to talk to him of exactly how, he was the one that had to facilitate all of that. So, they worked on it, I think that they actually did the contract and the money was available, and then they had it done, through Soil and Water. I don’t think the county did, I’m pretty sure about that. But, I think it was Soil and Water that actually did it.

Commissioner Ungethiem: Well, we actually got an estimate from an independent contractor who does dredging, what it would take to go from the mouth to the property line. It was, I think it was almost $300,000, something like that, $280,000, or something like that. So, I’m wondering if that kind of estimate matches the amount of funding that they may have available?

Ron Bacon: They didn’t give me a number of funding at the time, so, I don’t know who else has used it, you know, and how much money is available for it. They just said that’s the only thing that they have available to give to us, you know, that fund, if there’s money available and we meet the requirements for them to do it, and have it done. So, it’s a possibility to have Soil and Water, the two counties together, to look into it and see anyway.

Commissioner Ungethiem: Can you check on that and see what kind of funding might be available?

Ron Bacon: Sure.

Commissioner Weisheit: To me that sounds like a very accomplished estimate there, I mean, you know, $300,000 to clear all of those logjams. I mean, that’s very reasonable in my mind. Because I know what we’ve spent up there clearing logjams, and had a lot of funding resources there, but that sounds very reasonable.

Ron Bacon: I think originally though, the big one they cleared there was like $75,000, but that was just one spot. They were right there and just cleared it out when they got the grant before. That was done a few years ago, so, and that was just that one area, but to go all the way up and go through it would do that, and that would, definitely that would be a help, and it would help make the water flow. But, still it’s a matter of we’re still going to have to make sure it continues.

Commissioner Ungethiem: Jeff, you may be able to speak to a little bit of this, about whether his plan was to come out of the Ohio River and go up the mouth of Pigeon Creek and just keep driving up Pigeon Creek and putting this debris on to barges and floating them back down the creek and getting them out, so he wouldn’t have to go onto property owners property to do that. Is that, if that’s not a regulated drain, is that even legal to do?

Jeff Mueller: I don’t know about the legality, but you would have to have a permit to do it. As we talked before, it’s a jurisdictional stream. We would have to have a Corps permit to do that, in order to do that. You know, so, as far as the legality, I mean, the ownership— Commissioner Ungethiem: And that takes what, two years to get a Corps permit? Jeff Mueller: It depends on what kind of Corps permit you’re talking about. The last permit I worked on for the Corps was five years. The legality is that, you know, the stream is owned by individual property owners. Now there is some, and I don’t know, Mr. Harrison, that’s one of those things too, I do know even though it’s owned by it, you still can do, you still have certain rights to recreational use of Pigeon Creek. When you get into clearing, I don’t know what your rights are or aren’t, you know, regarding that.

Joe Harrison, Jr.: Yeah, that’s where you run into issues.

Commissioner Ungethiem: Who would be able to answer that question?

Joe Harrison, Jr.: It’s just a property question.

Morrie Doll: I don’t think (Inaudible. Not at microphone.) Joe Harrison, Jr.: Yeah.

Morrie Doll: It’s private property.

Jeff Mueller: Uh-huh, yeah.

Morrie Doll: Now, the answer might be different in the very southern part of it, because that is a navigable stream.

Joe Harrison, Jr.: Yeah, that’s different.

Jeff Mueller: Well, you still don’t have rights on the side of the creek.

Morrie Doll: No, but (Inaudible. Not at microphone.) on the side of the stream. (Inaudible. Not at microphone.) you might be able to do it in the navigable stream part. Joe (Inaudible. Not at microphone.) that would be my initial opinion of the legality. But, once you hit 41, I think you’ve got a problem.

Jeff Mueller: Actually, it’s not even 41.

Morrie Doll: It’s not quite.

Joe Harrison, Jr.: It’s Diamond, isn’t it?

Morrie Doll: Not quite.

Jeff Mueller: It’s probably over more towards the CSX line, or somewhere in there, the way I’ve measured it, at 5.7 or 5.9 miles, whatever that is.

Morrie Doll: You might be (Inaudible. Not at microphone.) location north to the Vanderburgh County line a regulated drain.

Jeff Mueller: Probably that’s where you get into the difficulty of the notifications.

Morrie Doll: Oh, yeah. You have to notify everybody.

Jeff Mueller: Yeah, and, so, without, to me—

Morrie Doll: That would still be easier than going all the way to the Ohio River.

Jeff Mueller: Yeah, but to me to try to put it into a regulated drain under the way the law is written today would be almost impossible. You would have to have a change in the way you created a regulated drain, because it takes notification by certified mail to everybody who drains into that.

Morrie Doll: That’s right.

Jeff Mueller: And that’s tens of thousands of people.

Morrie Doll: That’s not just people that live on the (Inaudible. Not at microphone.) Jeff Mueller: Right.

Commissioner Ungethiem: That’s people in Warrick County, Gibson County and Pike County.

Jeff Mueller: That’s people down on Lincoln Avenue. Yeah, you know, so it would be very difficult to do that notification.

Morrie Doll: You might be able to get around notifying those who are already draining into the regulated portion.

Jeff Mueller: We haven’t got that many still.

Morrie Doll: Yeah, it’s not a lot.

Jeff Mueller: You still have an extremely large piece of the City of Evansville. An example, the tunnel underneath Weinbach Avenue, ten years ago, that tunnel goes all the way down to the Lloyd. So, everything along Weinbach Avenue that goes in there, goes up to Pigeon Creek. That’s just one example. So, everybody along Weinbach Avenue would have to get a certified mailing.

Morrie Doll: Unless the legislation changed the process.

Jeff Mueller: That would be the other suggestion.

Ron Bacon: We could work on that, if I knew what to do.

Jeff Mueller: Yeah, I mean, you know, maybe, Mr. Bacon, it would be some kind of legislation where you would, for the creation of a regulated drain within an urban area, or something like that, you would have a special process. That way also maybe that wouldn’t upset some other people like, well, we don’t want to see a change for, you know, our farm areas, well, you can make it just for an urban area.

Ron Bacon: Just for an urban area, yeah.

Jeff Mueller: Here it would be—

Commissioner Ungethiem: Would it be easier and quicker to change the navigable waterway designation from 5.9 miles or whatever it is now— Jeff Mueller: Well, because—

Morrie Doll: That’s federal.

Commissioner Ungethiem: --to the county line?

Ron Bacon: That’s what I was getting ready to say, I think that’s federal.

Morrie Doll: I think that’s a federal (Inaudible. Not at microphone.) Ron Bacon: Yeah.

Jeff Mueller: No, there’s also a State navigability. Okay, it’s a State navigable waterway, based upon what the waterway was used for in 1816. So, they went through, they did a bunch of records, and they said that somewhere 5.9 miles up the Ohio River, or up Pigeon Creek, it was being used as navigable. That makes sense, because you think about there used to be, you know, wells, I mean, what am I trying to say, mills and everything else. There was all kind of activity, and they were probably floating small barges up in that. So, when you’re talking about that navigability, you’re talking about, you know, the ownership of the streambed, directly in that area. So, the State has ownership of the streambed for that first 5.9 miles, but they only have ownership of the streambed itself, not the sides or a right-of-entry like, you know, the right-of-entry for, you know, a regulated drain is 75’ from the top of the bank. So, that gives us the right, on those regulated drains, to go in and do an awful lot of work, which we haven’t got. But, as, if you go back to the navigability, it’s more of a mineral rights issue is what, and a good example is that there’s several coal companies that lease coal underneath navigable waters. So, they actually own the minerals, and the State actually gets money from those leases. So, that’s kind of the way it’s more set up with.

Ron Bacon: You just made it more difficult for me.

Jeff Mueller: Well, I mean, I know that because I worked for a coal company that had a lease, and I talked to, George Bowman and I used to work together, and George is the Deputy Director of the Division of Water. So, we had a long conversation on this whole definition and, because I said, well, so do you guys maintain that? No, we just own the mineral rights underneath it is the way we look at it. It was based upon a court case, there was some court case about, I think removal of something within a navigable water that brought this all about. I can’t remember it.

Morrie Doll: But it would seem to me, if you could stay in the water (Inaudible. Not at microphone.) that you could get with DNR and get a (Inaudible. Not at microphone.) Jeff Mueller: Yeah.

Morrie Doll: You still would have to deal with the Army Corps of Engineers, because you’re going back into the Ohio River.

Jeff Mueller: Uh-huh.

Morrie Doll: But, you could consent to do the first nine miles— Jeff Mueller: 5.9.

Commissioner Ungethiem: 5.9.

Morrie Doll: Well, 5.9 miles, somewhat easily. I’m not saying easily, but somewhat easily, then you’ve got to decide whether you’re going to seek a legislative change the designation of a regulated stream, regulated drain within an urban area, or within a population of not more than or less than, you know how we do those.

Jeff Mueller: Yeah.

Ron Bacon: Sure.

Jeff Mueller: One of those Allen County legislation deals.

Morrie Doll: There you go.

Jeff Mueller: Yeah.

Commissioner Ungethiem: Yeah.

Jeff Mueller: The only thing—

Commissioner Weisheit: I’ve got friends in both of them.

Jeff Mueller: -- is, is on that first 5.9 miles, is there aren’t a lot of logjams in that area that I’ve seen. I would—

Commissioner Weisheit: It’s farther.

Jeff Mueller: It’s farther up. The first major logjam that I’ve really seen is the one to the east of 41. If you remember, Mr. Ungethiem and I took the dinner cruise one day.

Commissioner Ungethiem: At high water time.

Jeff Mueller: Yeah, at high water time, but the biggest one that we hit, we probably hit two or three, the bigger ones were right east of 41 and west of Green River Road, where it turns and goes underneath Green River Road and kind of parallels Green River Road. Those were the two big ones, and then we saw some start of another one out, again, in the general area of where it had been cleared back in, it was December of 2012, January of ’13 when that was, the one you brought up was cleaned out. Because I had just taken office, and, yeah, Mark Abell had ram rodded that one.

Ron Bacon: Right.

Jeff Mueller: Uh-huh, but those are the three that I remember. Do you remember anymore, Bruce? That was the big ones.

Commissioner Ungethiem: Yeah, I mean, but we were at— Jeff Mueller: Yeah.

Commissioner Ungethiem: -- the creek was at 25’.

Jeff Mueller: Yeah, but I would also—

Commissioner Ungethiem: So, we were on the top of a lot of it.

Jeff Mueller: --but also you can get on Google Earth. God, I mean, that thing is amazing, isn’t it? And, you can see an awful lot of, you can see that the channel is pretty clear in a lot of places. There is some places where it’s obviously not, and, like I said, those places, the one on Green River can’t be seen from Google, because the tree cover is too much. That’s where you were out on the front of the boat pulling limbs out of the way and everything else. Bruce earned his pay that day.

Commissioner Ungethiem: Uh-huh.

Morrie Doll: The other problem you may have is spending public dollars on a nonregulated drain. I mean, I was thinking here that you might be able to approach a landlord that has a blockage adjacent to his property, and get a private right-of-entry, and go in and remove that blockage, without having to have all the members of the drain notified and approved, just to remove that single blockage at that location, this particular time. But, I’m not sure how you spend public dollars on a non-regulated drain. I (Inaudible. Not at microphone.) in Warrick. We get those requests a lot, but we don’t do them. Now, storm water might be able (Inaudible. Not at microphone.)

Commissioner Weisheit: Jeff, do you ‘uns have access to a drone down here, by any chance, to actually, you know, be able to flyover?

Jeff Mueller: Well, we hired a firm to fly – Commissioner Ungethiem: Eagle.

Jeff Mueller: --yeah, Eagle Slough, and we also, EMA’s got one, but the Eagle Slough it was $1,500 to fly five or six miles. It wasn’t really expensive, and then they put it all in video and all of that. The whole nine yards.

Commissioner Ungethiem: Yeah, right, but it wasn’t canopied.

Jeff Mueller: Yeah.

Commissioner Ungethiem: A lot of Pigeon Creek is canopied over.

Jeff Mueller: Yeah.

Commissioner Ungethiem: You would have to fly— Morrie Doll: In the winter.

Commissioner Ungethiem: --well you would have to fly it under the canopy.

Commissioner Weisheit: It’s grown completely over the top?

Commissioner Ungethiem: Or go over the top when it’s wintertime.

Jeff Mueller: Yeah.

Joe Harrison, Jr.: If I mention something (Inaudible. Microphone not on.)

Madelyn Grayson: Somebody has to turn their mic off, then it will work.

Joe Harrison, Jr.: I think you talked about this once before, but back in 1991, the Commissioners declared Pigeon Creek navigable. That was before the law changed. I’ve got the resolution right here, and the State never recognized that. So, that’s where you might be able to help us.

Commissioner Ungethiem: Ron, can we take that, go to the State—

Joe Harrison, Jr.: There was a statute (Inaudible) that (Inaudible) followed.

Commissioner Ungethiem: --and verify that that is, in fact, a legal document?

Ron Bacon: A legal document that was done back in—

Commissioner Ungethiem: And, if it needs to have some sort of legislation at the State level, can you— Ron Bacon: Sure.

Commissioner Ungethiem: --author that, and introduce that?

Ron Bacon: I can get with Joe and get that, and we can look into seeing if we have to have legislation for it.

Commissioner Ungethiem: If we can get access to it— Ron Bacon: Yeah.

Commissioner Ungethiem: --then I think we know how to solve the problem.

Ron Bacon: Part of the problem anyway.

Commissioner Ungethiem: It’s just a matter of dollars.

Jeff Mueller: That still didn’t give us access though.

Madelyn Grayson: Jeff, you will have to turn your mic back on.

Jeff Mueller: That still didn’t give us the access resolution, did it?

Joe Harrison, Jr.: Well, it’s navigable waters.

Jeff Mueller: The way I understood that, it gave us the right to use county funds to clean it. Then the problem is a portion of that law has been since taken out of effect.

Joe Harrison, Jr.: After this was done.

Jeff Mueller: Yeah, yeah.

Joe Harrison, Jr.: But, the State never recognized it. Remember when they showed you what was navigable, they had a listing.

Jeff Mueller: It’s not navigable under their standard of 1816, that standard. There’s so many definitions of navigable.

Joe Harrison, Jr.: But, there was a statute back then that said the Board— Jeff Mueller: Yes.

Joe Harrison, Jr.: -- of Commissioners of any county that would want to do it— Jeff Mueller: Right.

Joe Harrison, Jr.: --they could do it.

Jeff Mueller: But, the navigability that they talk about is the navigable as far as boats going up and down it when Indiana became a State. That’s their definition that they use.

Joe Harrison, Jr.: They had something, they had issues about obstructions and things like that, and how that could be, obstructions could be removed, but, again, the county never had any money to do anything, and the State never recognized what was done by the Commissioners.

Jeff Mueller: Yeah, well, what they said, what I understood from my conversations with the State was, yes, that was fine, that was passed, and that gave you the right to use taxpayers money on that piece, but it didn’t fall under their definition of navigable of the 1816, ie: they own the bed underneath the water. So, it was two different navigable definitions, is the way it was explained to me from DNR. Joe Harrison, Jr.: Well, whatever, there was some action taken— Jeff Mueller: Yes.

Joe Harrison, Jr.: --but the State never really paid any attention to it.

Jeff Mueller: Yes.

Joe Harrison, Jr.: And we’ve got the minutes from the meeting.

Jeff Mueller: Yes.

Joe Harrison, Jr.: And we’ve got the resolution. I can get all of that stuff to you. Jeff Mueller: But, that’s the way it was explained to me when I went to the Division of Water and talked to them.

Ron Bacon: I’ll get with Joe, and I’ll be happy to run it through LSA and see what we can get out of that, and what we need to do if we have to do something else to try and get it cleaned, or get it cleared up.

Jeff Mueller: George Bowman and Jim Hebenstreit, you know, with the Division of Water are, George is the Deputy Director, I guess, what, the Division of Natural Resources doesn’t have a Director right now, does it?

Ron Bacon: No, but Jim’s kind of an interim Director.

Jeff Mueller: Who’s that?

Ron Bacon: Jim.

Jeff Mueller: Jim?

Ron Bacon: Jim Hebenstreit.

Jeff Mueller: Oh, he is?

Ron Bacon: He is now.

Jeff Mueller: Oh, okay. Well, good.

Ron Bacon: He’s still there.

Jeff Mueller: Okay.

Ron Bacon: He is currently the interim Director, because we just, my communication yesterday was with him.

Jeff Mueller: Yeah, because, I mean, he’s a great source.

Ron Bacon: Yeah, so, he would be the one. We would want to do that quickly, because I think he’s thinking of retiring. That’s why they haven’t appointed another Director, because he’s in interim until (Inaudible).

Jeff Mueller: They nicknamed him “Mr. Rivers” up there.

Ron Bacon: Yeah.

Jeff Mueller: Supposedly everything to know about rivers, he’s the one that knows about it.

Ron Bacon: He’s the one that knows, yeah.

Jeff Mueller: He’s the one that explained to me about the whole 1816, and then the whole process it went through and everything.

Ron Bacon: Okay.

Jeff Mueller: So, I think he was really involved in that.

Ron Bacon: Alright.

Jeff Mueller: Okay.

Commissioner Weisheit: Thank you. So, Ron, you’ll get with Joe and get that information and see what you can do on the State level, and then also research what type funding might be available to assist Vanderburgh County?

Ron Bacon: Well, they’ll, like I said, the only funding, I’ve already researched the funding, it’s just how much is available there. So, I can go through the Lake and River Enhancement Fund, and, I know, that’s available, but I don’t know how much money is in it and what we have to do to get it. I’ll work on that tomorrow.

Commissioner Weisheit: But, you can see why Vanderburgh County kind of has a handicap here, you know, and maybe the State can do something legislative-wise that would assist you guys where you could, and to me, $300,000 to clean it, that’s a reasonable estimate. I mean, that’s doable, especially if you can get some State funding. Commissioner Ungethiem: Another thought I had, if anybody’s been out to the Ohio River and watched the operation that’s going on right now, they’re dredging the Ohio River in the horseshoe. I’m assuming that’s done by the Army Corps of Engineers on a navigable waterway. If 5.9 miles of Pigeon Creek is navigable waterway, would the Corps of Engineers dredge that 5.9 miles?

Morrie Doll: In about 25 years.

Commissioner Ungethiem: They’re already here. They’re all dressed up and ready to go to the ball, all we’ve got to do is invite them over.

Commissioner Weisheit: It don’t hurt to ask, but it is— Ron Bacon: You could ask.

Commissioner Weisheit: In the past—

Commissioner Ungethiem: I mean, who would we ask?

Morrie Doll: Start at the lock in Newburgh, and it goes to Louisville.

Joe Harrison, Jr.: I guess, Congressman Buschon.

Ron Bacon: Yeah, that’s what I was getting ready to say.

Morrie Doll: (Inaudible. Not at microphone.) Commissioner Weisheit: Good idea, Joe.

Commissioner Ungethiem: He’s holding a press conference tomorrow afternoon.

Commissioner Weisheit: Yeah.

Ron Bacon: Yeah.

Commissioner Weisheit: Alright, well, at least, I think, we’ve got a few things discussed, and maybe some ideas to put in play.

Ron Bacon: I’ve got one more.

Commissioner Weisheit: Okay, go ahead, sure.

Ron Bacon: Okay, I did contact INDOT also concerning the fact of the possibility, as we alluded to earlier, with them doing the work that they’re getting ready to do on the bridge, along with that the possibility of that. So, the message I got back from INDOT, and I told them, you know, I said, we were talking about with the drop being so low that we could possibly do an alternate drainage source, could we utilize, and as I told them, your rightof-way on the interstate to do that. They said, well, we could look at that, but we would need a request from the Board. So, that’s something that, I think, that the Board needs to get done, to send a formal request to INDOT, the powers that be there, to look at the possibility of taking, finding a way to, within their right-of-way, of going and taking the water from the Pigeon Creek and say, you guys know where to pick it and I don’t, is in the area of the Chandler area, if that’s where we need to go. I’m not sure of that point, and going to the river, as an alternate, not an alternate, but another route for the water to get away from. But, that’s a request that’s going to have to come from this Board, for them to look into it and then start discussions.

Commissioner Ungethiem: Would you think the pick up point would be at I-69 and where Pigeon Creek crosses?

Ron Bacon: I think the engineers need to tell us, you know, Soil and Water, you know, I have no idea where we need to start.

Commissioner Ungethiem: Well, the reason I’m asking, that’s right on the county line.

Ron Bacon: Yeah.

Commissioner Ungethiem: I mean, we’re within 600 feet of Warrick County versus Vanderburgh County.

Ron Bacon: Versus Vanderburgh County.

Commissioner Ungethiem: So, we would need to have an understanding of where that would run.

Ron Bacon: Right.

Commissioner Ungethiem: And, you’re thinking following I-69 down, and then crossing wetlands and going on into the river?

Ron Bacon: Somewhere in that area, that possibility, but at least to open the discussions with them, we need a formal request.

Joe Harrison, Jr.: You would need a motion to that effect, that you want them to look into that issue, the Board can make that motion, and if it passes, then you would send them a letter.

Commissioner Weisheit: Would somebody like to make a motion to that effect. It doesn’t hurt to have them investigate it. It might not be practical, but it doesn’t (Inaudible).

Commissioner Ungethiem: Yeah, I would make a motion to draft a letter to INDOT to explore the possibility of an alternate drainage route along the I-69 corridor— Ron Bacon: To the Ohio River.

Commissioner Ungethiem: --to the Ohio River.

Commissioner Weisheit: Do I have a second?

Phil Baxter: I’ll second it.

Commissioner Weisheit: Okay, a motion by Bruce, a second by Phil. All in favor say aye.

Commissioner Ungethiem: Aye.

Commissioner Douglas: Aye.

Commissioner Weisheit: Aye.

Phil Baxter: Aye.

Commissioner Weisheit: Alright, the motion carries. Was it five— Joe Harrison, Jr.: Seconded by Bruce probably, or, you made the motion?

Commissioner Weisheit: He made the motion, Phil seconded it.

Joe Harrison, Jr.: Well, Phil can’t vote.

Commissioner Weisheit: Okay.

Phil Baxter: Oh, okay.

Commissioner Weisheit: Okay, then I’ll second it.

Joe Harrison, Jr.: Okay, there you go.

Commissioner Weisheit: So, a motion by Bruce, seconded by Marlin. All in favor say aye.

All Commissioners: Aye.

Commissioner Weisheit: 3-0, is that right?

Joe Harrison, Jr.: Yeah.

Commissioner Weisheit: Okay.

**(Motion approved 3-0)**

Commissioner Weisheit: Now, who will draft that letter? Is that something you would do, Joe?

Joe Harrison, Jr.: Well, why don’t you, I’ll work with Bruce.

Commissioner Weisheit: Okay.

Commissioner Ungethiem: Would this go to INDOT, Indianapolis, or INDOT, Vincennes?

Joe Harrison, Jr.: Probably Indy, don’t you think?

Ron Bacon: I would say Indy, yeah, because if you send it to Vincennes, they’re going to send it to Indy.

Commissioner Ungethiem: Send it to Joe McGinnis?

Joe Harrison, Jr.: Whoever the head Commissioner is.

Ron Bacon: Whoever the head Commissioner is.

Joe Harrison, Jr.: Is that who it is?

Ron Bacon: Yeah, I think McGinnis is, yeah.

Joe Harrison, Jr.: What about the Wabash and Eerie Canal? Is that, does that dead end somewhere?

Ron Bacon: It stops right outside of Chandler, that I’m aware of. It does not, and Phil could probably tell me more. It doesn’t go any farther. It’s on Heim Road there, it’s within the city limits, the town limits of Chandler really.

Joe Harrison, Jr.: Yeah, I just didn’t know (Inaudible. Microphone not on.)

Ron Bacon: So, then it goes north from there, and it ended there. So, it really doesn’t, as far as I know down in our area, it doesn’t impact that at all. I don’t know what it does up north, it goes up, because you can see it up from the interstate 64 and then—

Commissioner Douglas: It’s in Gibson County.

Ron Bacon: --in Gibson County.

Commissioner Douglas: When you brought up the Wabash Eerie Canal, we’ve had issues over in there, and that’s in Gibson County.

Jeff Mueller: It comes down, and you’re right, it comes in at the set of bridges right there by Chandler. It used to go underneath there and then it tied in, and the canal is actually then the NS Railroad, the canal that goes in there. Of course, that ends up back in Pigeon Creek. Most of our water on the east side actually comes in, goes under Stockwell Road and then turns and goes north into it, and that utilizes the canal. So, putting it in the canal is really not—

Ron Bacon: Because actually, the railroad was under water too.

Jeff Mueller: Yeah, but you guys, you’re just sticking it right back, because that water is going back in the creek, so it’s not going to do us any good to do anything with it.

Commissioner Ungethiem: Well, I guess the question, Joe brought it up, but I had a question as well. Is, could that Wabash and Eerie canal be our secondary channel in the northern area, in Gibson County and northern Warrick County, and then re-direct that, directly to the Ohio River so that it doesn’t come into Pigeon Creek? Re-direct that water down to the Ohio from that point?

Jeff Mueller: That would be just a matter of turning it and going down 69 like you’re already talking about. I mean, that would be the natural thing to do. So, you’re talking about using 69, along 69 as a conveyance, you would just cut it off now where it goes underneath and turn it and follow 69 down. It’s already there and it’s already collecting some water. It parallels Pigeon Creek out there on the Toll Path Road and all that’s just to the east.

Commissioner Weisheit: Right.

Ron Bacon: It’s just to the east, but then, you know, north of that is through the mines.

Jeff Mueller: Yeah.

Ron Bacon: So, I’m not sure what’s been done with it there. They’re mining that now.

Jeff Mueller: Yeah, that’s on the other side of the creek from where I worked.

Ron Bacon: That’s the other side of the creek, yeah.

Jeff Mueller: Because where Pigeon Creek, over by Ayrshire, was channelized, but that wasn’t actually the canal itself.

Ron Bacon: Right.

Jeff Mueller: The canal was a little bit farther east of there.

Joe Harrison, Jr.: That might be something to look at.

Jeff Mueller: The only other, the only thing, one other request, and Mr. Bacon could help us out on this is that, and I’m not, don’t anybody take this wrong, we have a lot of everybody remembers this rain storm and that rain storm and how much, but nobody kind of remembers dates and times and stuff. It would be really nice if we could get Division of Water or the geological survey or somebody to put some gauges on a couple of these bridges. Like out on Heim Road, somewhere in Vanderburgh County, and maybe up in Gibson County, where we have, you know, three or four gauges and then we could tie that into rainfall. You know, when we had a rainfall, you know, and we had a good rainfall gauge, because if you look at our rainfall gauging around here, some of it’s not even as good as it used to be. It used to be that you could get real good rainfall data. But, boy, if we could get somebody to put some rainfall gauges out with continuous monitoring, and then we had the gauges on the stream so we could say, you know, up at Princeton they got eight inches from midnight to three in the morning, and, boy that, you know, here’s what happened to the stream at such and such, and then what happened here and here.

So, that we could build a case, I mean, this isn’t something we’re going to be over a year, but you know ten years from now when people are sitting down and talking problems, we could sit there and say, well, here’s some rainfall data and here’s what happened on the gauges on these things. It would have to be something long term, but it would sure be, this is my personal opinion, but, Steve, I think you would think the same way, wouldn’t you? It would be nice.

Steve Sherwood: Yes.

Jeff Mueller: You know, because we’re all working off of memory.

Commissioner Weisheit: Yeah.

Jeff Mueller: You know, and, you know, everybody’s rain gauge and the farmers are different, and I’m not saying, it’s just that this guy got six inches, and this guy got three because they’re five miles away. It would just be nice to have all of that information so we could have a running total of some things. Maybe that’s something, like I said, maybe one of the State agencies—

Ron Bacon: Who would you suggest we would do that through? I’m not, you know, would it be through Soil and Water?

Jeff Mueller: Steve, do you think, Division of Water, or do you think maybe—

Steve Sherwood: You would be talking the Division of Water at DNR. Steve Sherwood, Warrick County. What Jeff is saying is a real time tracking device too. To prove not only some history and data to be gathered, it would give you real time information that, here it comes. You all are correct in all of your discussions earlier, the depth of the Ohio River, if it’s at flood stage or above, it affects Pigeon Creek. If you get heavier rains upstream in

Gibson County, it’s just a hodge podge of all different things that create the flooding issues. We were talking about earlier, because Warrick and Gibson’s Pigeon is regulated, it gives us easier access, easier options to clean blockages. As a matter of fact, we get them probably reported to us quicker, and it does give us a certain amount of time to respond, but I think they did a great job today analyzing the handicaps Vanderburgh County has because it’s not regulated of what you can do and lawfully can do, and how you can react. But, Jeff is correct about, you need to be able to fly the creek in some way, shape or form, you’ve got to do it in the fall or winter when the leaves are down. You need to do something regularly, not just Vanderburgh, but all of the counties. We’ve got more of a word of mouth connection in Gibson and Warrick because it’s been a regulated drain for years, but we need to be more probably proactive in id’ing all of the bad spots, logjams, whatever we can help eliminate to make Pigeon Creek flow faster to the river. If it’s above flood stage, it’s not going to move very fast, but, again, there’s issues where it’s not, there’s issues where it is. I think you all have done a great job today identifying all of that. A great platform to work with and to talk about, and as Jeff was just talking about collecting data I think is a key, we can create bridge monitoring stations on Pigeon Creek at various bridges in Vanderburgh, Warrick and Posey County. That equipment is not very costly. I mean, we’re probably still talking $10,000-$15,000, but a lot of its got to be connected by either phone line or some type of WiFi and report that stuff, and start building the case. Go back in history and get the logs of various people who remember what rain and when, because, as you pointed out, Mr. Ungethiem, we need to build a database so we can say how to quantify this, and how it does affect us monetarily, and then the importance of getting this work done, and how can we achieve in Vanderburgh County because it’s not a regulated drain. So, all very good discussions. It’s something for us to think about and to build on for future meetings.

Commissioner Douglas: Something to go along with what he’s talking about on being able to track the amount of rains. My son on his farm with the way he’s stretched out, has got a way, I don’t know whether it’s through an app, because I don’t get it, but he can tell how much rain he’s had on each particular farm, during a rainfall. If there was some way that something like that could be accessible from where Pigeon Creek or up into Gibson County, and then tracked all the way down.

Jeff Mueller: But, the other thing I was trying to say is like, for example, you can get on the NOAA website and you can pull up data, but that data is sometimes questionable because you’ll have real good data, and then all of a sudden there won’t be any data for a week. There’s seven or eight official sites just within Vanderburgh County, of course, the airport being one of them; the Museum, there’s a couple of other sites, but you’ll see, you’ll be looking along and it’s like, well, there’s no data here for this particular site. It would be nice to have a small official weather station at a couple of places, where as the rainfall is coming in, it’s coming in to a correct rain gauge, and it’s being recorded on an hourly basis. Because it’s not only did you get six inches over 24 hours, but did you get six inches over six hours, you know. So, that’s why it would be nice to have that data, because like I said, a lot of times when it’s reported, it’s from day to day, but we don’t have that, well, yeah….or how many times have we had happened, well, we only got three inches of rain, yeah, but we got three inches of rain over two hours, and, you know, everybody’s driving through a foot of water in the streets. So, it would be nice to have that data in a really nice, concise information. That’s going to take a little bit of money to put up some stations in a couple of places. Not as much as the, I think Steve is right, probably $10,000-$15,000 per gauge on the bridges, but then some small weather stations at some locations too. Because we had a really strange rain this spring, we had everything from 1.6 inches on the Ohio River up to over nine inches up in Dubois County. You know, and usually, and the river was down this time, usually it’s up. Everybody got rain, and this time we didn’t.

Commissioner Ungethiem: And, Jeff, based on that, hold that, based on that thought, can you get a hold of Cliff Weaver out at Emergency Management and EMS? He has talked about a similar thing, and he has, I believe…huh?

Ron Bacon: They’ve got some money. Don’t they have money?

Commissioner Ungethiem: He had talked about putting half a dozen stations along Pigeon Creek so they can monitor the depth of Pigeon Creek.

Jeff Mueller: Maybe that’s what we need to do is work with all of the three counties EMS’. Commissioner Ungethiem: Talk to him and see if he’s got a system laid out or something that he’s, you know, maybe we can put one at every major bridge or something, because I think he has looked into that, because he was looking into that from a flooding standpoint, trying to monitor the flood.

Steve Sherwood: And to your point, I think DNR, Division of Water may be able to help us financially assist those gauges.

Commissioner Weisheit: Okay, thank you, gentlemen.

Eldon Maasberg: You said your son’s got a gauge. He’s a Pioneer salesman, ain’t he?

Commissioner Douglas: No.

Eldon Maasberg: Well, I think Pioneer has got, their salesmen, each one of them has got gauges set up already, but I think they only do it during planting, or during, you know, growing season. I don’t think they keep it year round.

Commissioner Douglas: I don’t know. I just know that whenever we’re in our wet seasons, or all through the summer and stuff, especially, I mean, I don’t think he monitors, I don’t know whether he can follow it during the winter, but what he’s got is more specific to his farm locations. I mean, he’s even got my house pegged in on it, and he texted me one morning and said you just got an inch and four tenths before I ever come out and looked at the gauge. He already knew what I had gotten at home. So, there’s technology out there, it’s just reaching out and getting a hold of the right thing.

Eldon Maasberg: Well, like I said, I know Pioneer has got gauges set up at their different places.

Commissioner Weisheit: Okay.

Eldon Maasberg: Jeff, do you want it back?

Jeff Mueller: No, I’m fine.

Commissioner Weisheit: Okay, unless anybody’s got anything else, we probably ought to kind of wrap it up here. I think we’ve got, made some headway today here. We put a lot of it on Ron. We appreciate him being here today, to follow up on.

# Setting of Next Joint Drainage Board Meeting Date & Time

Commissioner Weisheit: We ought to set a time for another meeting though. I mean, what do you think, meet every three months? Or, what do you guys think? I’m open to it.

Commissioner Ungethiem: Three months is fine with me.

Commissioner Weisheit: So, three months from today would be….Steve, do you see a need of us meeting any before then? Ron, do you? We can communicate with each other.

Ron Bacon: Yeah, just communicate, because you have to realize that when I go into session, you’re out of luck, if it falls in there.

Commissioner Weisheit: Yeah, so three months from today, what would that be? Does somebody got a calendar handy here?

Madelyn Grayson: October something.

Joe Harrison, Jr.: Yeah, like October 19th.

Commissioner Weisheit: Does that work for everybody? Can we meet here again? Or we can make it a roving meeting, but if you want us to meet here, we’ll be glad to come down.

Commissioner Douglas: Even though I’m retired, I’ll probably be driving the combine for my son, if it’s a beautiful day in October.

Commissioner Weisheit: It might be a rainy day that day.

Commissioner Douglas: Yeah, well, you know, I won’t complain. In fact, I’ll just tell him I won’t be there, and, I guess, he, you know, I told you I’m partially retired there. You set a date and I’ll do my best, the thing is, it is set up through our Commissioners that my alternate is Mr. Steve Bottoms.

Commissioner Weisheit: Okay.

Joe Harrison, Jr.: Sure.

Commissioner Douglas: So, he would be able to possibly come. So, I would say work it to what you got.

Joe Harrison, Jr.: October 19th at 2:00?

Commissioner Weisheit: 2:00 p.m. Sounds good.[[1]](#footnote-1)

# New Business: Discussion of Possible Retention Pond Locations

Commissioner Weisheit: Anybody else got anything else before we adjourn today? Commissioner Ungethiem: I’ve got one other thing, for you guys in Warrick County and Gibson County to take a look at, and it had to do with a comment that Ron had made about retention. Look along Pigeon Creek, look along the tributaries of those creeks up in your area, either in Gibson County or Warrick County and see if there is a location, a possibility, any place where it might make sense to put a retention pond. You know, it might be a low lying area that’s not used for much anyway, and if you could dig it out, and, you know, put a thousand acre retention pond, or whatever, I don’t know how big it would have to be, but along that tributary put a retention pond so that you could slow that water down. You might put Lake Pigeon in like they put Patoka Lake in to retain, of course that area is real flat and you don’t have a lot of high side walls on it, so it would be hard to put a dam in there, but just from Ron’s standpoint, if we could slow the water down coming to us—

Ron Bacon: Yeah.

Commissioner Ungethiem: --that would help as well. I think if we’re looking at solutions to this problem, one of the solutions is to make sure that the creek is clear so it will run freely. The other solution is to slow the water down so it doesn’t, if we get eight inches of water, it doesn’t matter how big that creek is going to be—

Commissioner Weisheit: It’s going to flood, yeah.

Commissioner Ungethiem: --we’re going to have problems, unless we can slow it down.

Ron Bacon: I’ll also contact the scientist at IUPUI and get his perspective, since he’s done the study. Okay? You’ve got all of the data, and you’ve done the study, where would you suggest using that, that we do that at?

Commissioner Weisheit: Turn your mic on there, Steve.

Steve Sherwood: Steve Sherwood, and just to your comment there, Bruce, there is coal mine activity going on along Pigeon Creek. If we can get one of them to buy into, as part of the reclamation, to create such a, and I’ll call it regional detention or retention basin, it might save them money to create a basin instead of having to fill all of the land back in. So, with a series of diversions and releases, maybe that’s a possibility.

Ron Bacon: And that’s Alcoa that’s actually doing that. So, I mean, someone is working for Alcoa in that respect on the Liberty Mine, which they are moving, so we can, I can talk to Alcoa, because they would be concerned.

Commissioner Ungethiem: (Inaudible. Microphone not on.)

Ron Bacon: Let’s not do that, but we could talk to them about the possibility. Alcoa is a good friend of the county, and would definitely try to help us out anyway they can. So, if it’s possible to do, I think they would. So, I’ll talk to them about that too.

# Adjournment

Commissioner Weisheit: Well, Ron, we’ve put a lot on you today. We’re glad you showed up.

Ron Bacon: I started it, so.

Commissioner Weisheit: Yeah, okay. Does anybody have anything else before I ask for a motion to adjourn?

Commissioner Ungethiem: Motion to adjourn.

Commissioner Weisheit: Do I have a second?

Commissioner Douglas: Second.

Commissioner Weisheit: Alright, all in favor say aye.

All Commissioners: Aye.

Commissioner Weisheit: Alright, meeting adjourned.

**(Motion approved 3-0)**

(The meeting was adjourned at 3:30 p.m.)

**Those in Attendance:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Marlin Weisheit |  | Bruce Ungethiem |  | Alan Douglas |
| Joe Harrison, Jr. |  | Morrie Doll |  | Phil Baxter |
| Jeff Mueller |  | Ron Bacon |  | Eldon Maasberg |
| Steve Sherwood |  | Zach Tischendorf |  | Madelyn Grayson |
| Others Unidentified |  | Members of Media |  |  |

**WARRICK COUNTY-VANDERBURGH COUNTY**

**DRAINAGE BOARD**

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**Marlin Weisheit, President (Warrick County)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Bruce Ungethiem, Vice President (Vanderburgh County)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Alan Douglas, Member (Gibson County)**

(Recorded and transcribed by Madelyn Grayson.)

1. Meeting was changed to Thursday, October 26, 2017 @ 2:00 p.m. in Room 307 of the Civic Center Complex, Evansville, IN.

   [↑](#footnote-ref-1)