**SPECIAL MEETING OF THE VANDERBURGH COUNTY**

**BOARD OF COMMISSIONERS**

**PIGEON CREEK WATERSHED DEVELOPMENT COMMISSION**

**SEPTEMBER 13, 2023**

The Vanderburgh County Board of Commissioners met in special session on September 13, 2023 at 10:00 a.m. at the Friedman Park Event Center, 2700 Park Boulevard, Newburgh, Indiana for the purpose of discussing the possibility of creating a Pigeon Creek Watershed Development Commission.

**Those in Attendance:**

Cheryl Musgrave, Vanderburgh County Commissioner

Craig Emig, Assistant Vanderburgh County Attorney

Madelyn Grayson, Vanderburgh County Commissioner Recording Secretary

Mike Ward, Vanderburgh County Chief Deputy Surveyor

Megan Klenck, Vanderburgh County SWCD

Mike Labitzke, City Engineer, City of Evansville

Dan Saylor, Warrick County Commissioner

Morrie Doll, Warrick County Drainage Board Attorney

Andrew Skinner, Warrick County Attorney

Holly McCutchan, Warrick County SWCD

Brad Speicher, Warrick County SWCD

Michael Bell, Town of Chandler Storm Water Director

Dave Schnur, Warrick County Farm Bureau President

Gary Michel, Warrick County Farm Bureau V.P.

Ken Montgomery, Gibson County Commissioner

Scott Martin, Gibson County Surveyor

Kenneth Page, Gibson County SWCD Chairman

David Eichelberger, Christopher B. Burke Engineering

Ken Smith, Indiana Dept. of Natural Resources-Division of Water Asst. Director

David Brenner, Vanderburgh County Farm Bureau President

Gary Seibert, Gibson County Farmer & Retired Dept. of Agriculture

Eldon Maasberg, Vanderburgh County Farmer

Jeff Mueller, Former Vanderburgh County Surveyor

Michael Stevenson, SJCA

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| **Summary Minutes of Meeting Discussion** |

Vanderburgh County Board of Commissioner President, Cheryl Musgrave, called the meeting to order. It was noted that Vanderburgh County sent out the required media notice of this special meeting of the Vanderburgh County Commissioners/Drainage Board.

**Farm Bureau Presentation Recap:**

Link: infb.org/drainage

**Key Points:**

* + - HUC 8 description was intentional. Everyone in the HUC 8 has a “voice,” but not necessarily a seat on the Commission.
    - Fees: Double taxation not desirable, “Don’t let assessments **stack up.**”
    - Geography: Be cautious of overlapping with county regulated drains.
    - What does HEA 1639 aim to achieve:
      * Newly formed commissions would develop a **flood damage reduction** (not flood control) and drainage plan.
      * Groups can receive authority to perform drainage and flood damage reduction activities and create water-quality improvement plans with State approval.
      * Commissions can partner with local cities and towns to boost efforts and funding support.

Cheryl Musgrave stated that the HUC 8 inclusion of Kentucky for the Highland Pigeon Creek Watershed was intentional. The idea is to include every county in the entire watershed. The group would like to include relevant parties from the Kentucky counties in future communications. The Farm Bureau/Representative Aylsworth’s presentation suggested that the counties in a Watershed Commission should choose fees assessed by either the county or the commission, not both. Commissioner Musgrave’s interpretation of this is that if a county is part of the commission, they would pay the commission fee, and if they are not part of the commission, they would assess/collect county fees only. Reducing damage from flooding and improving water quality are the two main goals of developing a Watershed Development Commission. The statutorily required cities and towns within the Pigeon Creek Watershed are; Evansville, Chandler & Princeton.

**Discussion of Christopher B. Burke Engineering: Pigeon Creek Watershed Development Commission Application Professional Services Proposal:**

The fee associated with the proposal is $62,500. Commissioner Musgrave stated that Vanderburgh County has submitted an appropriation request to the Vanderburgh County Council for the entire fee. They will hear the request at their September 29, 2023 meeting at 8:30 a.m. in Room 301 of the Civic Center Complex. When the commission is formed, Vanderburgh County would be reimbursed the $62,500 from the revenues collected from the watershed commission. Commissioner Musgrave stated that Vanderburgh County Surveyor, Linda Freeman, and former Surveyor, Jeff Mueller, would be making the presentation to the Vanderburgh County Council and invited other interested parties to attend and show support of this as well. The CBBE proposal states it will take two months for assessment, one and a half months to create the work plan, one month to tie it all up into the application and submittal, for a total of four and a half months. Dave Eichelberger of CBBE stated that they would need four and a half months to do the actual work, but it may end up being more like six to eight months by the time everyone reviews documents; the attorneys, Commissioners, etc. Also, some of the time frame will also be dictated by how much review time is needed for field visits, meetings/discussions and the coordination efforts of everyone’s schedules.

**Discussion of Warrick County’s Position on Joining the Commission:**

Dan Saylor, Warrick County Commissioner, stated that the Warrick County Commissioners did have a meeting concerning the Watershed Development Commission. Warrick County still has questions. They currently collect legal drain fees now, and are not sure how the Watershed Commission fees would affect that fee structure and the double taxation. Warrick County would like to do a wait and see thing as to how this commission would move forward. Warrick County does support the commission in the work that the commission would be doing, because it would be good for everyone who touches the drain. Warrick County would be willing to pass a resolution in support of the commission, even if they don’t join the commission immediately. Commissioner Musgrave asked Warrick County to not only pass a letter of support, but to consider joining the commission but state that they are not prepared to tax residents for a while. That would mean they would have a seat on the WDC itself, they would not be contributing to the budget of the WDC, but the WDC would be created.

**Discussion of Flood Damage Reduction versus Flood Control Language:**

Morrie Doll, Warrick County Drainage Board Attorney, asked for clarification of what “flood damage reduction” means versus “flood control” and what are permitted activities in flood damage reduction. Ken Smith of IDNR explained that there really is no such thing as “flood control”, reality over the years has taught us that we cannot control floods. Using the phrase “flood control” leave a false impression in people’s minds that somehow they will never be flooded and they don’t have to worry about anything. Nature controls what happens with floods. The engineering profession has moved away from this false impression of the word “control” and moved towards the phrase “flood damage reduction”. Flood damage reduction is a little more descriptive of what we are really trying to do. As far as the kinds of projects that are involved in flood damage reduction, they are still the same. The sort of things that a WDC can do pursuant to the statute are the same as they were using the words “flood control”, but the language is clearer about expectations.

Michael Stephenson of SJCA stated that the flood damage reduction language is similar to 100-year floodplain versus 1% flood chance. Dave Eichelberger of CBBE concurred that today they are not trained to use the words “flood control”. The engineers and consultants have no control over a major storm event. It’s more of just a terminology type of thing, but we are still talking about the same types of projects; two stage ditches, regional detention, some sort of levee type of thing.

Gary Seibert, Gibson County Farmer, stated that he has seen over the last 40 years a drastic reduction in the way the runoff leaves his property. For example, it used to take three inches of rain for Pigeon Creek to get out of its banks in Gibson County, and now it takes an inch and a half. The last big rain event, Hwy. 168 had to be shut down for a period of time, and Pigeon Creek came out of its banks in Gibson County, 14 hours after the storm began the water had still not gotten to Pigeon Creek in Vanderburgh County at Stringtown Road. Vanderburgh County wants to be a full member of the WDC, collecting the revenue, putting in place plans. Commissioner Musgrave reminded everyone that each governmental unit can collect taxes as they see fit, up to the maximum allowed by the statute. Scott Martin, Gibson County Surveyor, stated that the decision would be up to their Drainage Board Commissioners, and only one of those members is present today, Ken Montgomery.

**Discussion of HUC 8 & Watershed Statute:**

Scott Martin, Gibson County Surveyor, asked with the clarification of who all is in the HUC 8, where does that put Vanderburgh, Gibson & Warrick counties in the creation of this WDC? In doing some research, Scott Martin noticed that in the Kankakee River Basin in Indiana, that their HUC 8 does cross state lines into Illinois. Ken Smith of IDNR stated that when you look at the HUC 8 determinations, if you just look at the Indiana map, it gives you a false idea of what is included in the HUC 8. But, if you look at the U.S. Geological Survey’s HUC 8 Delineation Map around the state, almost every single watershed going around the state includes in their HUC 8 part of an adjoining state somewhere along the way. There are three counties in Kentucky that are in the HUC 8 that includes Pigeon Creek. The official name for the HUC 8 is the Highland Pigeon HUC 8. At the Indiana Water Summit last month questions were submitted concerning crossing state boundary lines with HUC 8’s. The speakers and Legislators at the Summit who were involved in the creation of the WDC statute, stated that they are aware that HUC 8’s cross state lines and that it was intentional, and that they did not expect the WDC to include the counties in Kentucky in the commission, but that somehow if the commission were created that the commission would eventually begin to work with those out-of-state counties, or maybe have written agreements. The WDC statute is about the watershed concept, not just about dealing with one specific stream. Scott Martin asked who was involved with the creation of the Kankakee River Basin Commission and how they are dealing with the portion of the river that goes over into Illinois? Ken Smith said that there is a non-voting representative from Illinois that sits on the Kankakee River Basin Commission (KRBC) in that reformed group right now. Scott Martin asked if the KRBC was receiving assessments from the Illinois side? Ken Smith stated that they were not, but the Illinois people are involved in the conversation. Dave Brenner, Vanderburgh County Farm Bureau, stated that we keep referring to the Highland Pigeon Creek, but there is also Bayou Creek Pigeon Creek Watershed, which would entail all of Posey County basically. Dave Brenner asked if Posey County would need to be included in the commission since they are part of the HUC 8? Ken Smith stated that part of Posey County is in the HUC 8 map he had with him. Cheryl Musgrave asked if Posey County had more than 10%. Ken Smith was not certain of that. Cheryl Musgrave stated that the 10% marker is what determines that you are a non-voting member. Mike Ward, Vanderburgh County Chief Deputy Surveyor, stated that he believed Posey County was more than 10%. Ken Smith had a map of the HUC 8 that is comprised of three counties in Kentucky, Vanderburgh, Warrick, Gibson, a corner of Pike. Cheryl Musgrave asked Mike Ward to take the map that Ken Smith gave her and to make a new HUC 8 map. Dave Schnur, Warrick County Farm Bureau President, stated that from Warrick County’s point of view, they are already paying taxes, so as a farmer their situation is that in order to improve their flooding problems, Vanderburgh County has to get theirs taken care of, starting downstream and work your way back. Dave Schnur stated that Warrick County has flooding in the Pigeon Creek and Little Pigeon Creek area and it is all contingent on what happens downstream. Cheryl Musgrave reiterated that forming this commission is Vanderburgh County’s only way forward. Dave Schnur said that his understanding was that if they don’t include the whole Highland Pigeon, then we’re a HUC 10 and would not be eligible to form a commission, if they just do the Pigeon Watershed. Cheryl Musgrave stated that her understanding is that the WDC could be formed with only one county, and later on counties can join as they desire, but the application would be more favorably viewed if we had the other counties with Vanderburgh. Dan Saylor, Warrick County Commissioner, said that the Warrick County Commissioners have not as of yet met with the Warrick County Farm Bureau. Dan Saylor stated that Warrick County is already taxing this waterway and they don’t want to double tax the residents. Warrick County understands why Vanderburgh County is pushing this and Warrick County wants to support Vanderburgh County. Dan Saylor said that some of the logjams in Warrick County cost $60,000-$80,000 to remove, and they can only afford to do two or three of those a year. It would be nice to have more funds to fix more of the logjams, but the Warrick County Commissioners want to talk to the Warrick County Farm Bureau about their options to minimize damage and control the flood damage reduction. Warrick County seems to be dealing with isolated heavy rains and flooding every couple of weeks, and not only with Pigeon Creek. Dan Saylor said that the Warrick County Commissioners will not make any commitments without engaging the Warrick County Farm Bureau. Dave Schnur stated that his farm borders Vanderburgh County, Epworth Road/Old Boonville Highway area, and with the urban growth he has seen this water getting to the waterways faster, and some of the flow has changed directions from when he was little. He stated that Epworth Road floods in five places now that it never flooded when he was growing up, or maybe in only one spot. Dave Schnur stated that there are others things to look at besides just farm land in Warrick County, they would need to look at all of the growth north of Chandler and all of the various residential growth too. Dave Schnur stated that it would be to their advantage to put this together so that they can work on it for the whole of the county, not just agriculture. Dan Saylor stated that the Warrick County and Vanderburgh County Commissioners did a joint study about industrial development sites, to bring more jobs to our area. Warrick and Vanderburgh County are working great together and Dan Saylor would like to keep that relationship going. One thing that came out of that study is that Warrick County is struggling with industrial sites along the I-69 corridor because its all in a flood plain. Dan Saylor stated that Warrick County would like to look at the big picture pertaining to flood reduction damage measures, for example, a big detention basin similar to Patoka Lake for recreation, where they could control the release of the water.

Craig Emig, Vanderburgh County Assistant County Attorney, stated that as he has reviewed the statute, that it looks like for the counties other than Vanderburgh that are concerned about that they already have their taxing districts in place, it looks like there is an avenue where they don’t have to be “all in”. They can enter into an interlocal agreement with the Watershed Commission that then retains the taxing authority, the supervisory authority over their section of the drains that they already have in place. That interlocal agreement could allow the county to retain all of the jurisdiction and taxing authority that is in place already, and in theory that would reduce the additional assessment down to zero. But, the State is telling us that it is important to have all of the watershed communities buy into this, if this is a common goal, that the surrounding counties outside of Vanderburgh are going to support this, and the degree of participation can be defined in those interlocal agreements.

Jeff Mueller, Professional Engineer & former Vanderburgh County Surveyor, stated that when he took office in 2013 the first thing that he was approached with was the clean out of a logjam along the Warrick-Vanderburgh County line, and this was done with some funding from the state, close to $100,000. When he left office in 2020 there was another logjam. Jeff Mueller said that part of this whole idea is to stop having these “knee jerk” reactions to try and fix things and come up with the money. Jeff Mueller stated we need to get the State Representatives to change the law so that the statute can be changed for this area so that we can deal with Pigeon Creek. Jeff Mueller stated that he did not believe anyone really understands Pigeon Creek because it has changed so much over the years, starting with the Wabash Erie Canal in the 1800’s, all the mining that has occurred in Warrick County and how that has changed the watershed and the water runoff characteristics. Jeff Mueller stated that he was involved with Bluegrass Creek, which was a project to design a fish and wildlife area, and when it was designed it was projected to take 20 years, which in the grand scheme of things is not a long period of time. We need to think about Pigeon Creek for any future development. We have got to think about how we can take Pigeon Creek and design so that Pigeon Creek will work efficiently from both a water quantity and water quality standpoint.

Mike Labitzke, City Engineer for the City of Evansville, stated that we need to pay attention to the changes in water volume. In the City of Evansville, they have peaked out everything and have made things as efficient as possible, but they are not doing anything to keep back excess volume. They do make sure that developers contain or keep back, but they still have that volume to deal with. The excess volume is what is causing the long-term challenges for them. They are currently dealing with the volume and peak issue on the east side of Evansville, because the legal drain is maximized as to what it can take.

Cheryl Musgrave stated that there are plans to start construction on the I-69 bridge in 2025 and end construction in 2031 and that is going to increase traffic issues on the Lloyd and I-69 tremendously. The potential for this region to reap any reward from the building of I-69 and the bridge depends on whether or not we get jobs to come as a result of it. E-REP is telling us that we would get lots of food processing plants if only we had someplace to put them. Right now, they would go to Kentucky, or Gibson County or north, but as far as Warrick and Vanderburgh County to achieve any kind of economic benefit from I-69 bridge and the road depends on the ability to create the building sites. Water management of Pigeon Creek is right in the middle of the entire I-69 corridor.

**Discussion of Warrick & Gibson Counties Committing to Join Commission:**

Cheryl Musgrave stated that Vanderburgh County would like to get started if County Council approves the $62,500 appropriation on 9/29/2023. Would Gibson and Warrick County like for Cheryl Musgrave to attend their next Commissioner meetings to ask for approval for their counties to join the commission, but realizing they may not be ready to commit as a financial partner?

Dave Brenner, Vanderburgh County Farm Bureau, stated that Justin Schneider, an attorney who helped create the Kankakee Yellow River Watershed program, made a comment that he was within six months from cancelling the entire program because “The logjam was not in the river.” Dave Brenner stated that the logjam is right here in this room, until the people get together and come up with a solution, the problem will never be cured. It seems there is a consensus that there is a problem, but the three counties present here today must agree.

Ken Montgomery, Gibson County Commissioner, stated that Gibson County is ready to join, but if Warrick County doesn’t, that is where Gibson County’s water goes first. If it is going to back up on Gibson County anyway he doesn’t see the point, but Gibson County is ready to join.

Megan Klenck, Vanderburgh County SWCD, asked Warrick County what their reservations are about asking for more money from taxpayers? She asked if they couldn’t just start small with like a dollar an acre or a couple dollars a household? Megan Klenck stated that she is a Warrick County resident and they all have to pay if they want the problems solved.

Cheryl Musgrave stated that the statute says that the amount of the assessment can be anywhere from zero up to the maximum, and it allows the current assessments being charged to be discontinued and that revenue transferred over to the Watershed Commission.

Andrew Skinner, Warrick County Attorney, asked if that was allowable for only part of the county? Cheryl Musgrave stated that was for the area they are discussing.

Megan Klenck stated that she felt that this group has options to start small to at least put something into the fund. She understands the concept that the issues in Vanderburgh County have to be fixed first, but Warrick already has frequent logjams that need to be worked on as well. Why not work on the issues now rather than waiting for Vanderburgh County to work on their issues and not working in a coordinated fashion to help both the farmers and the residents without costing anyone a huge amount of money.

Dan Saylor, Warrick County Commissioner, would like to proceed with caution because the Warrick County Commissioners have not had an opportunity to speak with the farmers. Dan Saylor did agree that Megan Klenck makes some good common-sense points, but all three Commissioners need to sit down with the Warrick County Farm Bureau and their representatives and see what is a good number. Dan Saylor said that there are objections in Warrick County to taxes such as a Hotel/Motel Tax that would be paid by visitors, so discussions need to be had with interested parties before any decisions can be made. He is in support of what this group is doing and Warrick County is doing work to their drains, but he just believes this is happening quickly and they need time to discuss all of Warrick County’s concerns.

**Interlocal Agreements/ Water Volume/Watershed Statute:**

Cheryl Musgrave asked Assistant County Attorney, Craig Emig, to draft a letter/resolution for each of the county’s so that they could consider that document at their next meetings. Craig Emig asked if Christopher Burke was going to help coordinate if certain counties want to retain some control over portions of Pigeon Creek in their county? Would CBBE be able to help with the drafting of the interlocal agreements, so that the county’s that currently have assessments and taxing authority over Pigeon Creek can still join the commission and still support it, but still retain what they want to retain over their own taxation? Is that within the scope of services that CBBE would provide?

David Eichelberger said that CBBE would be documenting the desires of each county and they could help with the interlocal agreements, but not specifically. What CBBE is trying to do is come up with the Work Plan, meet with the counties individually, go over their needs, look at the purpose, come up with the generalized Work Plan as a document, put all of the paperwork together as far as an application to the Natural Resources Commission. Craig asked CBBE & Ken Smith of IDNR if they had any idea if Vanderburgh County attempts to form this Watershed Commission without the other counties joining if that has a chance for approval from the State? Craig Emig also asked if this group should also be including Posey County. Mike Stephenson said that he believes that Gibson County intends to continue maintaining their portion (both mains and laterals) at the current level of maintenance. He believes they are under the impression that the Watershed Commission would maintain the main and the county would maintain the laterals. Mike Stephenson asked if it would be the intent of the Watershed Commission to take control of everything? Cheryl Musgrave said no, that it is completely up to each county and would be detailed in the interlocal agreements. Mike Stephenson said that if the Watershed Commission would be taking control of the mains, then it would be a “no brainer” for both Gibson & Warrick Counties. Morrie Doll, Warrick County Drainage Board Attorney, disputed the truth of that statement. Morrie Doll said that Warrick County would lose the “intimacy” of being able to fix problems with the creation of this commission. He asked how often this commission would meet, like four times a year? Cheryl Musgrave stated that the commission would determine its own schedule. Morrie Doll still believes that people would lose the ability to come up to the courthouse and air their complaints on a regular basis as they can do now with the Drainage Board. He continued by saying that water volume has been brought up as an issue, when the Deaconess Medical facility on the Lloyd Expressway was built, the water from this site goes to the Howard Williams Ditch, goes to Chandler and ends up in Pigeon Creek, and 22 miles later goes into the Ohio River, and you can see the Ohio River from the top floor of that facility if you look south. So, there are ways to reduce volume, but they cost a lot of money. Morrie Doll wanted to know who decides if the tributaries are included, or can they be severed off and control be retained? Cheryl Musgrave wanted to address the “intimacy” problem by reviewing what the statute says; the County Surveyor is on the commission and the Surveyor will still be in the same location as they are now; the County Commissioners appoint someone to the commission, and they can appoint a Commissioner; every year the commission would have a budget and every year all participating County Councils would review the budget. So, Warrick County would keep all of their financial authority and they would keep all of their decision-making authority for Warrick County’s drainage and finances in Warrick County. The majority on the commission will rule, but all counties on the commission will have to learn how to work together because the problems with logs in either of the other two counties ends up being a problem in Vanderburgh County. This commission would create a forum, if nothing else, to work on those issues.

Ken Smith of IDNR, stated that he is an engineer with an MBA, he is not an attorney. This is a very new law. A lot of people will do a lot of interpretation of the parts and pieces of this thing in the future. But, still when he looks at it, he sees them writing a statute that is telling folks look at big picture. This is the creation of a thing that will look big picture, at the entire HUC 8, and, hopefully, over decades of time, you will all figure out how to work more closely together on damage reduction, on every stream and everywhere within this watershed district. Ken Smith does not see this thing saying that the counties have a choice. The county either joins the Watershed Commission or the county retains their little piece of the statute, working through the County Drainage Boards as each county is now. Ken Smith does not see this statute saying you can only do one or the other. If a county becomes part of the Watershed Development Commission, he does not see it saying that you have to give up the authorities of what each county is doing now with their existing staff and practices. Ken Smith said that he thinks the commission is supposed to figure out a way to mutually work together.

Dan Saylor said that he thinks that Warrick County doesn’t have a real clear picture of how they are going to work through Warrick County’s current taxing mechanism. If Warrick County was in the same position as Vanderburgh County, then it would be an easy decision, but they do have a taxing mechanism in place. Dan Saylor said that Warrick County needs more than the three County Commissioners to make that decision and that takes time. He needs time to gather more information before he will be ready to decide. He said that he thinks the commission is a good idea, he is a regional guy and he thinks that we are all better when we are working together. In order to help Vanderburgh County, move forward, Warrick County requested a letter be sent to them for their Legal Team to review.

**Discussion of Next County Commissioner & County Council Meetings:**

Cheryl Musgrave said that Gibson County meets next on September 19, 2023 at 6:00 p.m. Ken Montgomery said they meet in the Annex. Warrick County Commissioners meet next on September 25, 2023 at 4:00 p.m. in the Historic Courthouse. The Vanderburgh County Council meeting is September 29, 2023 at 8:30 a.m. in the Civic Center, Room 301. Craig Emig, Vanderburgh County Assistant County Attorney, will draw up the letter for each county to review and consider.

Brad Speicher, Warrick County SWCD, asked again who would have authority over the maintenance of the laterals. Ken Smith said this commission that gets formed isn’t just about the main channel of Pigeon Creek. If this gets formed, it will be about a HUC 8 watershed and everything within that HUC 8 watershed. Initially, it may be choosing to do something on the main, or it may be choosing to do some part of something on the lateral, but this is bigger than the way we thought in the past about a Drainage Board activity. This is about a whole watershed. This isn’t just about the main or about the lateral. It is about the whole watershed. It’s the bigger picture of working together regionally to deal with things. Ken Smith stated that the statute clearly says if everybody can’t figure out how to join together, one county can do it on their own. One county can choose to be the leader that sets this thing up. He said the he thinks it is easier for two counties to join together, but there is a path later on should the Watershed Development Commission get created, that other counties can then join later on and be part of it. Ken Smith said that he thinks the counties that would join later on may find it a little harder to join, they would have to do more work on their own, as compared to two or three counties working together the first time you go through the process. The main thing is, this isn’t creating something that is just like another drainage board focused specifically just on the main, or on the issues of laterals. It’s something being formed to deal with the entire watershed, and to think large scale, long term about dealing with reducing flood damages everywhere in the watershed. Brad Speicher asked who has the ultimate authority over all of the drainage in this HUC 8? Dan Saylor asked if the Watershed Commission would have authority over the local Drainage Boards? Ken Smith stated that he thinks it is a partnership. The interlocal agreements that will be written will define the partnership. Cheryl Musgrave stated that it is going to be each county’s Surveyor and County Commissioner, or the Commissioner appointee, drawing up each county’s annual plan that then gets submitted to the Watershed Commission itself and the commission will approve those. Each county will decide for itself how they are going to handle their problems and will work it out with the group.

Dan Saylor said if the Watershed Commission is formed, that meeting four times a year is not enough. He thinks that commission should meet on a monthly basis. Cheryl Musgrave said that the commission would need to decide that. Cheryl Musgrave said that the commission should be encouraged to have its own employees. Cheryl Musgrave referred back to the Farm Bureau presentation, they have the Legal Case Review of drainage lawsuits from around the state and the outcomes. Cheryl Musgrave said that after listening to those case reviews, she believes if this commission is formed they will need insurance first thing to protect itself from lawsuits.

Holly McCutchan, Warrick County SWCD, asked about the commission having an advisory board. Cheryl Musgrave stated that the statute does describe the creation of committees and an advisory board is part of that.

Andrew Skinner, Warrick County Attorney, asked if Gibson and Warrick Counties decided to join the commission as a non-taxing unit and the budget is set, then who reviews and approves the budget for the commission? Cheryl Musgrave said it would be the County Council. Andrew Skinner asked to clarify if the County Council’s of the non-taxing units would approve the budgets as well? Cheryl Musgrave said yes.

Gary Seibert said that Gibson County started working on Pigeon Creek in 1913, and completed it in 1915, and here we are in 2023 (110 years later) still trying to figure out ways to fix things. It is time to do something.

Ken Smith said that he took the statute and turned it into an outline format with items indented, so someone can easily see what comes first and what are subparts of a topic. Ken Smith will share this document will the group.

**Setting of Next Pigeon Creek Watershed Development Commission Meeting:**

A decision was made to hold the next meeting at the Annex in Gibson County, Princeton, Indiana on Wednesday, October 11, 2023 at 10:00 a.m.

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| **Adjournment** |

The meeting was adjourned at 11:25 a.m.

VANDERBURGH COUNTY

BOARD OF COMMISSIONERS

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Cheryl A.W. Musgrave, President

(Not present at meeting.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Justin Elpers, Vice President

\_\_\_\_ (Not present at meeting.) \_\_\_\_\_\_\_\_\_\_\_\_

Ben Shoulders, Member

(Recorded and transcribed by Madelyn Grayson)