The Vanderburgh County Drainage Board met in session this 7th day of July, 2015 at 5:51 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

### Call to Order

President Ungethiem: I would like to call to order the July 7, 2015 Drainage Board meeting.

### Pledge of Allegiance

President Ungethiem: Joe, do you want to lead us in the Pledge?

Joe Harrison, Jr.: Sure.

(The Pledge of Allegiance was given.)

### Approval of the June 23, 2015 Drainage Board Meeting Minutes

President Ungethiem: Okay, I would entertain a motion to approve the previous minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

### Big Creek Construction in Floodway Project

President Ungethiem: We are privileged to have, in Jeff’s absence, Linda Freeman here to lead us through the agenda. So, Linda, it's all yours.

Linda Freeman: Not a whole lot to discuss. We’ve got ditch maintenance claims, but kind of under other business I just wanted to bring you up to date on the Pond Flat Main, also known as the Big Creek Construction in Floodway project. We did send in our paperwork and our $200 check. The green cards that, we had to send one to the Commissioner’s office, being within a quarter mile of the project of Pond Flat Main, between Woods Road and Bixler Road. I think we’ve got all of the green cards back. I’ll be getting that together and trying to get that in the mail to the State to let them know that we’ve proceeded that much. I also got a call today from a gentleman from Vincennes with the Indiana Department of Transportation, because we did notify them as within a quarter mile of the project, the Interstate, so, rather than take a chance on not sending a notification, we sent a notification. They’re fine with it. He was concerned with the opening waterway of Woods Road, that if we opened up the creek that we would impact the Interstate bridges, but, of course, Woods Road Bridge is a lot smaller than theirs. John Stoll was nice enough to send me a scanned copy of the Woods Road bridge plans, which I forwarded to them, and they said they were okay.

President Ungethiem: Okay.

Linda Freeman: So, we’re just working on that.
Ditch Maintenance Claims

Linda Freeman: Then we’re at ditch maintenance claims. I’ve got some claims that Madelyn has. They’re the 15 percent retainage claims. They’ve been inspected and signed off on. We’ve got Big Creek Drainage Association, a couple of additional maintenance claims, paying off their 15 percent retainage. Then we have some spring claims, we’re paying the 15 percent. We’ve attached the certification of payment that they’ve paid their subcontractors and things, and by State statute, by them signing that, then 60 days after the completion date by State statute. So, that’s where we’re at paying those.

President Ungethiem: Are you requesting our approval?
Linda Freeman: Would love you to approve those claims so the vendors could get paid.

President Ungethiem: Okay, is there a motion?
Commissioner Melcher: So moved.
Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.
All Commissioners: Aye.

President Ungethiem: So approved.
(Motion approved 3-0)

Discussion of Country Mark Pipeline: Old Henderson Road

Linda Freeman: As soon as I heard that, I went, whoa.

President Ungethiem: Well, that was one of my concerns is down at Old Henderson Road there’s a lot of flooding and all.

Linda Freeman: We’ve had, like Marathon Oil Pipeline—

President Ungethiem: Yeah.

Linda Freeman: -- I think they were impacting like one of the Pond Flat ditches, and we had them submit some paperwork. Then they also were concerned, on that particular little deal, that if they had a blow out with their pipe testing, that they could go in and fix it and then repair our drain, the regulated drain.

President Ungethiem: So, you’re following up on that?
Linda Freeman: Yeah.

President Ungethiem: Okay.
Linda Freeman: Keeping an eye on that.
Other Business

President Ungethiem: Any other business?

Commissioner Kiefer: I was just going to note, and I failed to bring this up at the County Commissioners meeting as well, but I’m going to be gone on, I think we have a meeting on September 1st, and I’m not going to be here. So, I was going to see if either A we could just cancel that meeting, that particular meeting and just move business to the other dates.

Madelyn Grayson: That’s a rezoning date.

Linda Freeman: Yeah.

Commissioner Melcher: We can’t change the rezoning.

Madelyn Grayson: They advertise those at Area Plan. I don’t know if there’s anything we can do to change that.

Linda Freeman: In note, the Drainage Board meeting we’re already cancelling on August the 25th—

Commissioner Kiefer: Okay.

Linda Freeman: – which is the meeting prior to that one.

President Ungethiem: Yeah, that’s the meeting prior.

Commissioner Kiefer: I just know I’m going to be out of the country on September 1st.

Linda Freeman: So, Mr. Melcher and Mr. Ungethiem?

Commissioner Melcher: We can handle it.

President Ungethiem: We’ll take care of it for you.

Linda Freeman: They got ‘ya.

Commissioner Melcher: We’ve done this before. It’s not like we haven’t.

Commissioner Kiefer: I understand.

Linda Freeman: The only concern that I, well, and then like she said rezoning, but then I was thinking August the 25th we’re cancelling the Drainage Board meeting because Jeff is going to be out of town again, and we really, you know—

Commissioner Kiefer: Okay.

Linda Freeman: – a lot of stuff going on at this point.

Commissioner Kiefer: I just wanted to bring that up, because I didn’t want it to be a surprise at the last minute or something.

Linda Freeman: Okay.

Commissioner Kiefer: If we could move things around that would have been okay.

President Ungethiem: I just had two things here, one is that the August 25th meeting will be cancelled. We said that at the last meeting, we just wanted to make sure that everybody understood that. The other thing was to give a Pigeon Creek update. At the last meeting we had several concerned citizens from Warrick County come to the meeting and ask us to take a look at Pigeon Creek. Representative Bacon and I, along with Jeff Mueller and Mike Wathen from the—

Linda Freeman: County Engineer.
President Ungethiem: -- County Engineer’s office and I’m drawing a blank of the farmer that went along with us, Tim Mueller?

Madelyn Grayson: Mosbey.

Linda Freeman: Mosbey, that’s Warrick County.

President Ungethiem: Mosbey, yeah. We took a little trip up the river and we looked for problem areas. We saw several areas where there were snags, meaning there were trees and limbs and that kind of thing hooked to other trees, but we didn’t find any total blockages whatsoever. We did go over certain areas that we figured were snags underneath us that you could see on the depth finder, but from the standpoint of is Pigeon Creek blocked, no, it is not. It’s running full, and was running very quickly during that period of time, about seven or eight miles an hour, which made it difficult to navigate sometimes when you were—

Commissioner Kiefer: What were you in, a john boat?

President Ungethiem: We were in a 14 foot john boat.

Commissioner Melcher: With a motor?

President Ungethiem: Pardon?

Commissioner Melcher: Motor?

Commissioner Kiefer: No motor necessary?

President Ungethiem: Oh, yeah, we had a 100 horsepower motor.

Commissioner Melcher: Okay.

President Ungethiem: So, it was a heck of a lot easier to maneuver going upstream than downstream, because you couldn’t control it going downstream. So, on several occasions we about got knocked out of the boat by low hanging limbs. The reality of it is, it was not blocked. It probably contributed a little bit to the issue that they have in Warrick County, but the real problem that they had with flooding in Warrick County had to do with six inches of rain coming in a 24 hour period of time, and Warrick County being flat enough that it just wouldn’t run out of the field fast enough. We are going to continue, Representative Bacon is going to check with connections that he’s got at the Statehouse, we’re going to continue to work on the possibility of getting Pigeon Creek declared navigable through the entire Vanderburgh County area, and then they would take over that section and clean and snag and clean that, otherwise we don’t have the authority to get in and clean the upper part of Pigeon Creek.

Commissioner Melcher: That’s the best solution.

Joe Harrison, Jr.: We did find something recently, and I’m remiss for not bringing it up before now, but Madelyn, as a matter of fact, found it. I think in 2002 or ’01 wasn’t it?


Commissioner Kiefer: 1991?

Commissioner Melcher: That’s the first time I ever ran for office.

Linda Freeman: You’re talking about where they said it was a navigable waterway?

Joe Harrison, Jr.: Yeah, the County Commissioners—

Linda Freeman: The Vanderburgh County Commissioners—

Joe Harrison, Jr.: Yes.

Linda Freeman: Yeah, it was 1991.
Joe Harrison, Jr.: Passed a resolution declaring all of Pigeon Creek in Vanderburgh County a navigable watercourse, waterway, and at the time there was a statute, obviously, in effect that said counties could do this.

Linda Freeman: Right, but it’s been since repealed.

Joe Harrison, Jr.: But it was good law then. When it was acted upon then it was the law.

Linda Freeman: Yeah.

Joe Harrison, Jr.: So, it is a navigable waterway, and the State, I believe, was informed, I don’t know, maybe they forgot to include the whole county, and the resolution passed two to one.

Commissioner Kiefer: Somebody voted against it?

Joe Harrison, Jr.: Yes. Commissioner, the late Rick Borries voted no, but Carol McClintock was a County Commissioner and so was Don Hunter at the time.

Linda Freeman: I’ll be damned.

Joe Harrison, Jr.: But, anyway, so it is. It is what it is.

Linda Freeman: Yeah, I’m just curious, is that still a—

President Ungethiem: Do we take this information, give it to Ron Bacon, and have him run with this at the Statehouse?

Joe Harrison, Jr.: Yes, I think we should.

President Ungethiem: Okay.

Commissioner Melcher: I do too.

Commissioner Kiefer: I do too.

Linda Freeman: We, Jeff and I, we do have—

Commissioner Melcher: Do you want a motion on that?

Linda Freeman: -- a 1993 set of books in the office, and it’s not in there. It was already repealed in 1993. So, we couldn’t find—

Joe Harrison, Jr.: But the law was in effect—

Linda Freeman: True.

Joe Harrison, Jr.: -- when they did it.

Linda Freeman: Yes.

Joe Harrison, Jr.: It just, shortly thereafter it was repealed, probably when they got the notice from Vanderburgh County, maybe they thought we don’t want any more counties doing this.

Linda Freeman: Yeah.

Joe Harrison, Jr.: So, anyway.

President Ungethiem: Madelyn, if you can give me an electronic copy of that, I will forward that to Ron Bacon and explain to him that we feel that it’s already a navigable waterway because of this document.

Linda Freeman: We turned the tables on the State, because typically—

Joe Harrison, Jr.: So, if you might want to make a motion to just direct Commissioner Ungethiem to turn that in to everybody.
Commissioner Melcher: So moved.
Commissioner Kiefer: Second.
President Ungethiem: All those in favor say aye.
All Commissioners: Aye.

(Motion approved 3-0)

President Ungethiem: I will do that.
Linda Freeman: Like I said, turn the tables on the State, because typically they enact legislation that costs us money and then they don’t fund it.
President Ungethiem: Yep.
Linda Freeman: Where this one we’ve got a little turn around.
President Ungethiem: Okay.
Commissioner Kiefer: I want to thank Madelyn then for the good work, appreciate it.
Madelyn Grayson: I was actually looking for documentation that Pigeon Creek had been dredged, because that's what Ron Bacon said was if you can ever prove that it had been dredged, and I just ran across this, and thought, hmmm, what's this?
Joe Harrison, Jr.: Found something better.
President Ungethiem: Found something even better than that.
Linda Freeman: I don’t remember that at all.
Madelyn Grayson: I wasn’t even here.
Linda Freeman: Oh, I was here, but I don’t remember it.
President Ungethiem: You were too young then.
Linda Freeman: Oh, yes, yes, just a baby.
President Ungethiem: Okay, anything else, Linda?

Public Comment

President Ungethiem: Any public comment?
Linda Freeman: We have no public to comment.
President Ungethiem: Seeing no public comment, I would entertain a motion to adjourn.
Commissioner Kiefer: Move to adjourn.
President Ungethiem: Alright, do I have a second?
Commissioner Melcher: Second.
President Ungethiem: All those in favor say aye.
All Commissioners: Aye.

(Motion approved 3-0)

President Ungethiem: Meeting adjourned.
(The meeting was adjourned at 6:03 p.m.)
Those in Attendance:
Bruce Ungethiem  Stephen Melcher  Joe Kiefer
Linda Freeman  Joe Harrison, Jr.  Madelyn Grayson
Others Unidentified  Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

Bruce Ungethiem, President

Stephen Melcher, Vice President

Joe Kiefer, Member

(Recorded and transcribed by Madelyn Grayson.)