The Vanderburgh County Drainage Board met in session this 23rd day of June, 2015 at 5:47 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

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**CALL TO ORDER**

President Ungethiem: I would like to call to order the Drainage Board meeting for Vanderburgh County, June 23, 2015.

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**PLEDGE OF ALLEGIANCE**

President Ungethiem: Steve, would you lead us in the Pledge of Allegiance?

Commissioner Melcher: Yes, sir.

(The Pledge of Allegiance was given.)

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**APPROVAL OF THE JUNE 9, 2015 DRAINAGE BOARD MINUTES**

President Ungethiem: Okay, I would like to entertain a motion for approval of the previous board meeting minutes.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Ungethiem: So approved.

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**THE STABLES: PRELIMINARY DRAINAGE PLAN**

President Ungethiem: Jeff, The Stables preliminary.

Jeff Mueller: Alright, the plan is for a proposed 32 lot subdivision, just south of Pollack Avenue and east of Green River Road. The subdivision is just south of the present subdivision under construction called The Stables. So, this is The Stables right here, and this is the proposed subdivision down here. You have in your package the review document of the drainage plan that was submitted. The drainage plan was originally submitted on June 12, 2015, with revisions submitted on June 19, 2015. The plan that is requested to be approved consists of the complete revised document dated June 19, 2015, along with ten drawings that consist of a cover sheet, a proposed plat, index, basins, drawing RP-1, DE-STRM, SP-1, WE-1 and two EVV water and sewer detail drawings. The drawings are all dated June 18, 2015, except for the plat which is dated June 15, 2015 and the water and sewage detail drawings, which are dated May 26, 2010. Included with the request is a letter requesting a variance to except detention. The letter is copied in your package, along with a copy of the review comments for the drainage plan, which upon your approval will also be made part of the approved drainage plan. Mr. Chris Combs, the developer, is present to speak on the plan, and specifically on the request to waive detention requirements. I'm going to put you to the next slide here, that will help him tell you what he's requesting.
Chris Combs: Hi, I’m Chris Combs, I’m the developer for The Stables Subdivision. We currently have been developing The Stables, the original 17 acres there, and we ended up buying the 5.8 acres from the lady next door that was the additional horse farm that was there. I’ve got my engineers here to answer any questions, you know, from the standpoint of how the water is flowing. Basically, in a nutshell, when we started the project, our water that comes off our site gets to the pump station and the ditch, Aiken Ditch, it goes to it, which you can see right up here that ahead of all of the water on the east side of Evansville, and it gets to the pump station and is gone. When we started the project when Bill Jeffers was still here, we met with him and got the approval for The Stables, the original section to not have any retention, and discussed with him, when we were going to be buying the additional property and how the water would do the same and get on out of there. So, I’m here today asking just to have the same thing that I’ve got on the original section. That water comes again, and the engineers have got all of the stuff to Jeff, as far as all of the calculations that everything works, to where our water would get out of there well ahead of any water that comes from the east side of Evansville.

President Ungethiem: Jeff, we’re adding, it looks like another 50 percent by area property to this. Any issues with that ditch or that pump station handling that additional amount? It does it now, right?

Jeff Mueller: Yeah, I mean, I know where Bill was coming from, and there is a provision in the code that states that if it’s along Pigeon Creek or the Ohio River, and this is Aiken Ditch, but it’s going right into the Ohio River. The idea on that section in the code is that, you know, it’s great to detain water, but sometimes if you can get rid of some of it before all of the rest of the water hits ya, that’s the thing to do. That was the thought process on this particular development when Bill agreed to it before, was, you know, the water it runs out that little light blue line, which is a pipe in the ditch, and then Aiken Ditch is right there, and then there’s a pump station. So, it kicks it out before all that water north of Pollack from those subdivisions hits down there. So, that’s the idea. So, what Chris is asking for is something that is just to extend on part of his subdivision that, you know, Bill originally agreed to. I don’t have a problem with it in this particular instance.

President Ungethiem: But, it’s doing that now?

Jeff Mueller: Yes.

President Ungethiem: He just saying that he doesn’t want to retain that water?

Jeff Mueller: Yes, that's correct.

President Ungethiem: By retaining that water and trickling it out and waiting for the rest of the water to come to it, we may even put more load on that pump station than what is there now.

Jeff Mueller: At the wrong time. That's correct.

Chris Combs: That was actually the idea on that.

President Ungethiem: Understood. Are there any other public comments on this particular issue? Commissioners, any questions?

Commissioner Melcher: No, I move to approve it.

Commissioner Kiefer: Second.

President Ungethiem: There’s a motion and a second to approve this. Roll call please.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.
Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and Joe just mentioned that this is a preliminary drainage plan. So, we want to make sure that that is a preliminary. Yes, I approve.

(Motion approved 3-0)

Chris Combs: Thank you very much.

President Ungethiem: Thank you.

Commissioner Kiefer: Good luck.

OTHER BUSINESS

President Ungethiem: Jeff, other business?

Jeff Mueller: Okay, upcoming drainage plans and cancellation of August 25, 2015 meeting. We have received what I believe is the final submittal on the drainage plan for the proposed Wal-Mart at Boonville-New Harmony and Highway 57. I will be reviewing this plan over the next several days, and should it meet our requirements would bring it before the Board either on July 21st or August 11th. The reason I mention this is that on this subject we’ve had a number of people and meetings at Area Plan and BZA that wanted to be notified when the drainage plan would be heard and other plans. I’ve also had some folks stop in the office at different times and want an update on the project. Also, because of this drainage plan, I’m assuming that their engineer who’s in Chicago, or the attorney out of Indianapolis will be wanting to come down. So, what I’m saying is I know this is a little unusual, but when I do feel it’s going to be ready to go, we’ll probably schedule it and we would send an e-mail out to people that have requested this. So, unlike other drainage plans where they kind of come in, I put them on the agenda. We’ll be scheduling this when the time comes, just so that the people that requested will have an opportunity to voice their issues on it. So, just a matter of interest on that one.

President Ungethiem: Does anybody have a problem with either of those dates? July 21st or August 7th that we should avoid?

Jeff Mueller: I don’t even know, it depends on if we can get those. So, it could even be later than that. That’s just kind of what I’m throwing out right now.

Madelyn Grayson: Bruce, that second day was August 11th, not the 7th.

President Ungethiem: Oh, the 11th, okay.

Jeff Mueller: I’ll keep you in touch as we go forward.

President Ungethiem: Either one would be fine.

Jeff Mueller: Also just wanted to let you know the next meeting on July 7th, I won’t be here, I’m going to be on vacation. So, if anything comes up Linda will be here that night. I also thought maybe we could cover Wal-Mart that night while I’m out of town.

Commissioner Melcher: That’s not going to happen.

President Ungethiem: That’s not going to happen. We can table that.

Jeff Mueller: Also, I would like to, we haven’t done many of these, I think we’ve only cancelled a couple of drainage meetings, but I would like to, in advance, cancel the August 25th meeting. The reason for that is the following day I’m going to be in Indianapolis at the Farm Bureau drainage conference. So, I want to do that in advance so that we can notify our developers and our engineers that we won’t be having a Drainage Board meeting that night. So, unless you’ve got any problems I would like to go ahead and have a motion to not have a meeting that night.

Commissioner Kiefer: This breaks my heart, but I’ll make a motion.

Jeff Mueller: Do you need a handkerchief?
Commissioner Kiefer: No, I'll make a motion to approve.

Commissioner Melcher: I'll have to second that too.

President Ungethiem: Are you sure you don't want to just hang around?

Commissioner Melcher: No.

President Ungethiem: Okay. Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Well, it breaks my heart, but I'll have to say yes.

(Motion approved 3-0)

Jeff Mueller: This will only be the third one in three years.

Commissioner Melcher: You might have to e-mail us a day or so ahead to remind us that we're not having one.

DITCH MAINTENANCE CLAIMS

Jeff Mueller: I do have ditch maintenance claims. Madelyn's got them. There's a total of four claims for $1,811.66. I recommend they be approved.

Commissioner Melcher: That's these, right?

Jeff Mueller: Yes, that's the summary sheet.

President Ungethiem: Any questions?

Commissioner Melcher: Nope, I make a motion to approve them.

Commissioner Kiefer: Second.

President Ungethiem: Roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

(Motion approved 3-0)

PUBLIC COMMENT

Jeff Mueller: I know we've got some public comment.

President Ungethiem: Okay, we come to the fun part of the meeting.
Jeff Mueller: Well, I just also want to let you know I’ll be frying chicken this Thursday, Friday and Saturday at Good Shepherd for the summer social. So, if you want to see a short, fat guy sweat, come on out. But, I do think we’ve got some public comment at this time.

Commissioner Melcher: Well, that looked like a pretty good announcement for them.

President Ungethiem: Okay, now we come to the public comment section. Does anyone here want to speak to the Drainage Board? Please state your name and address.

Ron Bacon: Address? Okay, Ron Bacon, State Representative, District 75. My address is 10300 Meadowlark Hills Road, Chandler, Indiana 47610. I represent district 75, it’s the southern half of Pike County, almost all of Warrick County, except the town limits of Newburgh and west, and then half of Spencer County, from Grandview south, go all the way across. I’m here today to represent some of the farmers I have in my district, and also some in an adjoining district in Vanderburgh County to talk to you about drainage problems that we’ve had. I’m going to, if you would indulge me take a couple of minutes to give you a little bit of history of how I got involved in this and what we’re working on. A few years ago I was approached by actually one of the Wagner boys, the farmers in Warrick County came and picked me up and said I want to take you to a logjam. Okay, I wasn’t doing anything that afternoon, so he took me to a massive logjam that was in Pigeon Creek in Vanderburgh County. They had been talking to the Commissioners at that time, different Commissioners, this has been four years ago, and trying to get some funding to get rid of that because it was stopping their drainage, but it was massive. So, we worked with Mark Abell with the Soil and Water, there was a grant available that they got. I think it was like $750,000 grant, and they actually got that approved. So, Soil and Water came down, got that all removed and taken care of and got the flow going again. This is how things got started and I got involved in this. My issue was why are we having this problem in Pigeon Creek that’s causing some flooding, not just in Warrick County, but also in Vanderburgh County also. So, I got to looking into it and checking with Gibson County where things start, working with Warrick County where it flows through also and then back in to Vanderburgh County and Evansville and the Corps of Engineers to educate myself. So, I started trying to work on…what I found out, basically, that, and I may get a little bit of this wrong, so I’ve always (Inaudible) on standing correction if Jeff wants to do that for me. I realized and was told that the Pigeon Creek in Vanderburgh County is not considered a legal drain. So, I got to trying to figure out why, because I wasn’t educated in those realms. So, I talked to the local surveyors and then the state surveyors and got the information that, you know, it’s designated as a legal drain by the county, whether they want to or not. There are certain issues that you have to, which I won’t go into, there’s reasons if certain things apply that it has to be a legal drain, but if those don’t apply. So, if it had been dredged out some time between the 1900’s up to a certain date then it would be considered a legal drain, but that’s what happened with Gibson County’s. So, it’s designated a legal drain. Not sure exactly why Warrick is or isn’t, but that’s what we found out. So, I worked with the surveyors and with Farm Bureau trying to get some legislation through that would fix the issues. I’ve been working on that the last two sessions. Have not been able to accomplish that, because everything we’ve come up with so far, we’re trying to do this without causing harm. My main goal is to get this done and get things fixed so we can stop the flooding, get the drains designated the way they should be done, but without causing harm anywhere in the state also. So, we haven’t been able to get that accomplished yet. So, we’re still working on it. I’m still working with the surveyors and with Farm Bureau, and we’ll continue to move in that direction. What I’m here for tonight is to tell you that we are still having issues. Mr. Abell met with myself and with Commissioner Kiefer and told us that even though we got rid of the massive logjam, there’s at least ten logjams in Vanderburgh County that he could take us to right now that’s going to cause a problem. That was a couple of months before the massive rains we’ve had recently. So, we know that there’s still work to be done. We’ve got to get this problem taken care of. So, that’s why I’m here to try and get things started and get things moving along to do what we can and see if we can get things accomplished. There are some farmers here also that want to show you what’s happening. We have some massive flooding right not, not
because the river won't take the water, it's because the water can't get to the river. That's due to the blockages in the creeks. The river's down, and we have some aerial photos that have been taken that we're going to show you, and I'm going to let the farmers do that, because they have the expertise of what's happening right now. I know that we're going to lose thousands of acres of crops, and we're going to lose a lot of money. That's going to be a big issue that we need to work on, both in Warrick and Vanderburgh County. So, at that point I'm going to actually shut up, which is really hard for a State Representative to do, and let my farmer friends start talking.

President Ungethiem: Thank you, Ron.

Tim Mosbey: Hi, I'm a farmer, and my name is Tim Mosbey. I used to sit in one of those chairs over in Warrick County. So, I'm very appreciative of your efforts. I've got pictures here to give the three of you.

Madelyn Grayson: Tim, that's Mosbey with an "e", right?

Tim Mosbey: You remembered.

Commissioner Melcher: That's right, it's not the same.

Tim Mosbey: I'm an (Inaudible) Mosbey, I have an "e" in my name. These are, we have an employee of Daylight Farm Supply, Daylight Farm Supply provided us with a drone this afternoon. He hurried up and took pictures, flew it over. This is, without getting in to detail, it's basically everything east of Vanderburgh County, Telephone Road, Stevenson Station area, where the John Deere dealership, Lynch Road, on up to towards Chandler. If any of you have driven east of Evansville in the past five days, you've seen this. It's ridiculous. It's terrible. We have Rexing Farms, which is affected probably worse than anyone, Donald's here. We have the Stahl brothers from Vanderburgh County, they've got crops under water. Allen Mosbey, a cousin of mine, with an "e", he's affected. I called every neighbor that I could today, and short notice, I appreciate the ones that could show up. Ron called me about 3:00 and that's when all this got started. We just wanted to let you, show you just, you know, how problem...it's major. This is a major economic impact on the agriculture industry. I realize, I've worked, whenever I was a Commissioner in Warrick County, I worked with Marsha, and we were trying to get drainage stuff going, you know. We started our storm water department in Warrick County, it's been very successful, a good source of funding. Of course, you can only use that, Maury Dahl would be the expert, I'm not even going to try to get into the details of Drainage Board funds versus storm water funds, but I know Mark Abell has been, I think he's been in touch with Maury and with Ron, I think. So, you know, we're just begging you to realize we have a problem, and that we would appreciate your efforts in any way that we can get something started to get the creek in Vanderburgh County, all the way to the river, cleaned out. Because it's so frustrating when the river is at 27 feet and we have this type of flooding. Your County Surveyor made the statement a while ago when Mr. Combs was up here, you know, why hold it back, just let it go. That's what we need. We need to let it go. We need to get the water to the river. The water will not go to the river. We brought up Google Earth on a map this afternoon taken in the spring of '14, I'm not for sure where Keystone Subdivision is, it's in Vanderburgh County, somewhere between Green River and Lynch, and there's a massive blockage there. That's just one of the many. The logjam that Ron referred to, that was right in, just inside Vanderburgh County line, between Warrick and Vanderburgh, and we appreciated, we worked together and got that one taken out, but, you know, there's so many more between that point and the river. It will be a major project, but as far as I know, Vanderburgh County and there's a couple of farmers here a lot older than me, or not a lot older, but older than me, I don't remember my dad ever talking about Vanderburgh County ever doing anything to Pigeon Creek. Warrick County, Gibson County they cleaned there's out what 20-25 years ago? That's when it really started affecting us, because now it just runs down to Warrick. We cleaned our creek out, and now it stops and it just starts backing up. Unfortunately, we're all located in the area where it backs up. So, that's the photos. If there's any questions for me or Ron or anybody, you know, we'll try.
President Ungethiem: Tim, can you come up here and show me on the map what area we are talking about? This is Pigeon Creek going over to the county line.

Commissioner Kiefer: Commissioner Melcher, do you want to see this map?

Commissioner Melcher: Yes.

President Ungethiem: This is Pigeon Creek going over, crossing the county line at this point and headed towards—

Tim Mosbey: Okay, here’s Highway 62.

President Ungethiem: Right, here’s 164 here.

Tim Mosbey: Okay.

President Ungethiem: Or 69. Are we between here and Chandler, in this area?

Commissioner Kiefer: Where’s the logjams at, I wonder?

Tim Mosbey: That’s not the creek. Help?

President Ungethiem: Yeah, this is Pigeon Creek. It goes over, crosses I-69 right here.

Tim Mosbey: Okay, here’s Chandler.

President Ungethiem: Okay, then it goes over, you’re talking to one of the few Commissioners that’s actually driven from Evansville to Chandler on Pigeon Creek. So, I’ve been there I know what you’re talking about.

Madelyn Grayson: When you make comments will you stay your name so that we get you on the record.

President Ungethiem: I’ve been there. I know what you’re talking about.

Tim Mosbey: Yeah, it’s this whole area right here, wouldn’t it be, Manfred? Between the 164 number and…this here’s 62—

President Ungethiem: This is the county line.

Commissioner Kiefer: I wonder if it tucks in right at that 90 degree corner there?

President Ungethiem: This is where it goes under I-69 right there.

Tim Mosbey: See there’s the snake, what we call the snake. That’s where we had the logjam. Yeah, but the photos are basically this area right in through here.

President Ungethiem: So, we’re talking about this area and maybe—

Tim Mosbey: And then right in through here.

President Ungethiem: Okay.

Tim Mosbey: There was some of these pictures taken on the south side of 62, and the Rexing farm is on the north side of 62.

Joe Harrison, Jr.: Well, you’re saying the jam is right inside the county line?

Tim Mosbey: Well, no, there was one a few years ago, but we addressed that one.

Joe Harrison, Jr.: Right.

Tim Mosbey: Oh, the rest of them is on down the creek.

President Ungethiem: Okay.

Tim Mosbey: You might know where more jams are in Vanderburgh than I do.

Commissioner Melcher: Didn’t we do that one together?
Tim Mosbey: Yes, we worked on that one together, right, right. I’ve talked to our Commissioners and our Surveyor, I mean, of course, we’re all limited on funds, I realize that, you know, and I think they would be willing—

Commissioner Kiefer: To participate?

Tim Mosbey: -- to help if we can work something out jointly. I mean, we just want to get some process started.

Manfred Stahl: If we could get everyone to drive out like tomorrow and look at it.

Tim Mosbey: Yeah.

Manfred Stahl: In three or four days it’s all going to down and probably be done.

Tim Mosbey: It’s pretty bad.

Manfred Stahl: You tell people you’ve got water….I’ve got corn this high and water is to the top.

Tim Mosbey: Yeah, the corn is completely submerged.

Manfred Stahl: People say you can’t have water like that.

Tim Mosbey: It’s terrible.

Manfred Stahl: If we could just get everybody to drive out there and look at it now.

Commissioner Kiefer: Joe, what do we gotta do to, I mean, who has the authority to come in and do the work on that area of the creek?

President Ungethiem: Well, my understanding is from this point up to Highway 41, or there about is under the control of the Corps of Engineers, because it’s a navigable waterway. According to what—

Joe Harrison, Jr.: It’s either DNR or—

Jeff Mueller: Yeah, it was labeled as a navigable waterway for 5.9 miles from where the Ohio River, where it intersects the Ohio River up to—

Joe Harrison, Jr.: About Stringtown or somewhere.

Jeff Mueller: --somewhere between Stringtown and the area close to 41. So, those are navigable waterways. They are actually owned by the State of Indiana.

Tim Mosbey: Did you hear that, Representative Bacon?

Ron Bacon: I’m standing right here.

Tim Mosbey: We need your funding.

Jeff Mueller: Now, from that point forward, then the ownership of the creek is owned by the adjoining property owners, just like any small creek. You’ve got a property line, it goes out maybe in the center of the creek, or the whole thing may be yours depending on how—

Tim Mosbey: Correct me if I’m wrong, Jeff, that’s what we discovered a few years ago when we were working on this. In Vanderburgh County you would have to get permission from every landowner to even enter to do any work—

Jeff Mueller: Well, it’s not a regulated drain.

Tim Mosbey: -- because it’s not a legal drain.

Joe Harrison, Jr.: Well, it’s not a legal drain.

Jeff Mueller: It’s not a legal drain. So, we don’t have a right-of-entry that I know of.
Tim Mosbey: You don’t have a right-of-entry. That’s what’s frustrating.

President Ungethiem: Yeah, so, but the real problem is from here to here where it’s not a legal drain. The Corps doesn’t recognize it as navigable waterway, and we don’t have a jurisdiction to go in and fix a problem. So, I guess I’m looking for options.

Commissioner Kiefer: So, we’ll have to get the homeowners approval to go through their property to clean out the ditch.

Joe Harrison, Jr.: Or maybe we can get some state legislation to assist us.

Jeff Mueller: Well, not only would you have to get the homeowners, but we’re talking about a messy permit process here too, guys.

Joe Harrison, Jr.: Right, yeah, you can’t touch anything.

Jeff Mueller: This is not going out and getting a skid loader and hooking up and going to it.

President Ungethiem: At the right level you can get there coming from the Ohio River and just drive upstream, but can you get the equipment in the position to do what you need to do going that direction, and I don’t know that you can. I think one of the issues, and when I went up this way, I went all the way to here, what I saw was fairly good size trees falling down into the waterway because of just saturation of the sidewalls just eventually, just like the Ohio River will do that when it floods. There will be big trees that will fall into the river because they just can’t contain the root ball anymore. So, that’s what we’ve got here is a series of, it’s not necessarily a lot of little stuff that you can go in there and just break up, you’re going to have major size trees that have fallen into the creek, and you’re going to have to be able to remove those.

Tim Mosbey: And this time it’s so much worse because it’s later. It’s in the middle of June.

President Ungethiem: Well, you’ve already planted. If it happened in March, you would just wait till later and plant beans. I’ve got beans.

Joe Harrison, Jr.: Well, is there any way you can get your drone to go into Vanderburgh County a little bit and take some more photos so that we can show everybody some of the bad spots?

Jeff Mueller: I don’t know if you’re going to be able to see a lot of it because of the tree canopy over Pigeon Creek.

President Ungethiem: Yeah, I don’t think you can get the drone in there with the tree canopy.

Jeff Mueller: The tree canopy over Pigeon Creek is going to be so bad.

Joe Harrison, Jr.: So, maybe in another couple of weeks?

Jeff Mueller: No, fall.

Tim Mosbey: You would have to wait for fall or winter after the leaves drop to get pictures of all of the logjams themselves.

Jeff Mueller: Yeah.

Tim Mosbey: Plus you would have to, he would be trespassing, he would have to get permission from somebody, because it’s a remote control, you know, he has to stand there and operate this thing. I don’t really know the distance on that.

Commissioner Kiefer: I mean, I can’t imagine these farmers would be unagreeable to having you go out there to—
Tim Mosbey: Oh, no, where the logjams are is not farm ground. This is all in Vanderburgh, see there’s very little farm ground once you get past Burkhardt Road there’s probably no farm land at all.

Manfred Stahl: Not once you pass Green River.

Tim Mosbey: Or Green River, yeah. See, once you pass Green River, Durcholz’s farm between Burkhardt and Green River—

Commissioner Kiefer: I mean, what is up here? I mean, on this side of 69 down through here—

President Ungethiem: That’s farm ground, but back in here—

Commissioner Kiefer: Oh, I thought you were talking over here.

President Ungethiem: This is, it crosses over I-69, it meanders around a little bit, crosses North Green River Road here, and then turns south and crosses underneath Lynch and then wanders around and goes to 41.

Jeff Mueller: I’ve got some slides here if you want to see where Pigeon Creek is.

Tim Mosbey: What’s frustrating to me, I took a drive and you get to where it goes under 41 and it’s in its banks.

President Ungethiem: Jeff’s got it up on the screen here.

Commissioner Kiefer: All I can say is, we’re sympathetic, we’ve just got to figure out how to—

President Ungethiem: We would love to solve the problem, we’re not sure we can. We don’t know if we’ve got jurisdiction to do it.

Ron Bacon: Well, I’ve got a call in to state. I did that this afternoon also for that….how much is it, Jeff, five point—

Jeff Mueller: Yeah, just under six miles—

Ron Bacon: It’s under six miles.

Jeff Mueller: -- and from what I can tell, Ron, it’s right about where Evansville Country Club is.

Ron Bacon: You know, to find out, I’ll get someone out there to say, is there anything in that six miles, basically, that’s causing the problem that we can take care of. So, I’ve already made that call today.

Tim Mosbey: But, the Commissioners would need to do something—

President Ungethiem: And here would be my next question, Ron, I don’t know where the 5.9 miles came from, but my next question—

Commissioner Kiefer: Gentlemen, can you give here your names for the record?

President Ungethiem: Would the state be willing, if they have jurisdiction of the 5.9 miles, would they be willing to extend their jurisdiction to the county line road, to the county?

Tim Mosbey: You’re trying to (Inaudible).

President Ungethiem: I’m trying to solve your problem.

Ron Bacon: I’m not sure they can.

Tim Mosbey: Yeah, I’m not sure they can. See it’s a federal navigable—

Ron Bacon: That takes jurisdiction.
Joe Harrison, Jr.: But, it is, canoes go up and down it.
Ron Bacon: Absolutely, yes.
Joe Harrison, Jr.: Didn’t used to.
President Ungethiem: Yeah, there’s a canoe launch on Green River Road.
Joe Harrison, Jr.: On Green River Road.
Ron Bacon: I know.
President Ungethiem: Right there.
Joe Harrison, Jr.: So, that helps the argument that it is navigable.
President Ungethiem: That it is navigable.
Ron Bacon: That it is navigable, yeah.
Joe Harrison, Jr.: You can go from the Ohio River up to Green River Road. I don’t know how much farther you can go.
President Ungethiem: Oh, I’ve done it. I’ll testify that I drove all the way to Chandler. It’s navigable all the way to Chandler.
Ron Bacon: Yeah, because I’ve seen, back in my younger days—
Joe Harrison, Jr.: But, it’s better now than it was.
Ron Bacon: Yeah.
Tim Mosbey: How long ago did you do this canoe all the way to Chandler?
President Ungethiem: No, I did a wave runner.
Tim Mosbey: A wave runner?
President Ungethiem: All the way to Chandler.
Tim Mosbey: And you didn’t hit any logjams?
President Ungethiem: Yeah, we went over them.
Tim Mosbey: The water was up?
President Ungethiem: The water was up about 30-32 feet.
Tim Mosbey: Oh, well, okay.
President Ungethiem: The log was laying in the water, you just go up on it with a wave runner and goose it and you’ll jump right over the top of it.
Tim Mosbey: Okay.

Jeff Mueller: I mean, the problem that I see is that the methodology to do this is through a regulated drain, and to do that is going to be one horrendous, you have to file a petition, it’s got to represent so many, what certain percent people, it’s got to go through all these different hearings, and then every person that’s in the watershed has to receive a notification. So, I don’t know how you would do that. I mean, to be honest with you, and then you’re going to be talking about, you know, at that point, the people along there are going to be giving up a 75 foot right-of-way, and I don’t know, you know, people that have already got stuff in that 75 feet may or may not be willing to give up that 75 feet. That’s 75 feet from the top of the bank. So, now you’re talking about, depending where it is, you could be asking people to give up 75 feet, well, you know, it’s going to be on the golf courses and other places.
President Ungethiem: On North Green River Road it's going to be a percentage of their back yard.

Jeff Mueller: I mean, I think the regulated drain system, I mean, the law was written a long time ago, it works great for 20 farmers and they've got a ditch and they want to petition the Drainage Board to work, but I don't know if it's going to work in this particular system. I think we've got to try to think out of the box, and, you know, maybe talk to the Division of Water and see if there's some way that they know of, I mean, surely there's, you know, Pigeon Creek is 46 miles long. Surely there's other things in the state that are 40 or 50 miles long that aren't navigable that there's some funding mechanism for it to work, because, that's the other thing, I mean, I'm not speaking for the Commissioners, but we don't have, and I tell this every time we go out if somebody complains about drainage, we don't have some money sitting in a drainage fund. I mean, the only money we have is our regulated drain funds, and those are set for that particular regulated drain. The other issue is, if we were to try to create a regulated drain, which I don't think it would, we would be robbing from our other regulated funds, including East Side Urban, which I really don't want to touch that money, because we start fooling with that drain and not having enough money, and we talk a lot of really expensive property not being maintained. So, I really think it's got to go back to somehow we've got to figure out a way that the state can work with the three counties and come up with a system, because I just don't see it in the way the regulated drain system, the regs are written that we could do it. That's my two cents worth. I'm not unsympathetic, I know a lot of these guys. I mean, Tim and I graduated from high school 20 years ago. I'm not under oath.

Ron Bacon: I was going to say, that's the biggest lie you've told today.

Jeff Mueller: Donnie Rexing and I have been out a few places.

President Ungethiem: Do you want to try that again?

Jeff Mueller: Well, our 20th reunion is coming up actually, but anyway, I'm not unsympathetic, but it is an issue of you've got Pigeon Creek and who maintains it? It's, you know, it's out there and it's like, you know, if you had a house up against it and your property line went to the center and there was a logjam, it's like, well, it's your responsibility. I know what I would feel like if that was my house, you mean, what?

Joe Harrison, Jr.: Well, the one thing you all do have in your favor is that Pigeon Creek runs in to the Ohio River, and the Ohio River is right here. So, I just think, whatever we can do to work with you.

Ron Bacon: If we could find the, I like the way you're thinking, if it is navigable, I mean, what is the definition of what's navigable? Because we have, you know, you've run yours through, I've run canoes through, and we know it's wide enough to do that. So, I'll look into that and start that, but, I mean, the reason we're here is so that we can get started on it and try and get something, we can see what we can find. When they get back with me, I'm sure they will tomorrow, from the state and then we'll find out what—

Joe Harrison, Jr.: And if we need to get with the Governor's office or—

Commissioner Melcher: Us too, because we have a lot of flooding.

Ron Bacon: Yes, I know, it's not just—

Commissioner Melcher: It's not the same area. It's all because it's there.

Jeff Mueller: I mean, Ron, I think it would be nice if we could get a couple of folks from the Division of Water to come down, you know—

Joe Harrison, Jr.: And show them.

Jeff Mueller: --and our folks, you know, I would be willing to sit in a room, and, you know, whoever else and folks from Warrick County, but I really do think we've got to think out of the box. I don't think a regulated drain is going to be the way to work it.

Ron Bacon: Okay.
Jeff Mueller: That's my two cents on that.

Ron Bacon: I tend to agree with you. As I said, I've worked on this the last couple of years and every time we've come up with what we tried to come up with an answer, it's going to hurt somebody. Like you just said, you know, to try to make it a regulated drain, take the money out of there, then there's no funding for it. We're just going to do it that way, and we know that's going to hurt the counties. When we do a legislation it doesn't affect just Vanderburgh or Warrick County, it's going to affect the whole State of Indiana. So, I always think about what's going to harm, and we don't want to do anything that's going to harm. We've got to try and work on that too.

Jeff Mueller: We need one of those laws that say, you can't do this except for mile post 107.3 or something, because there's a lot of those in there and you always wonder where they are. You look on the map and go, oh, that's what that is.

Commissioner Kiefer: I will comment that we do appreciate our friends in Warrick County, and, you know, we are sympathetic, and we'll work together with you.

Tim Mosbey: Okay, thank you.

Ron Bacon: Does any of the rest of you want to say anything?

President Ungethiem: Anybody else that wants to comment?

Manfred Stahl: Manfred Stahl, I live just inside of Vanderburgh County, and I farm in Vanderburgh and Warrick. Just so you understand that we're not asking any dredging, we're just asking for the logjams to be removed from the creek so the creek works well. Regardless of whether it's for drainage or canoeing or whatever. Also, in the past there's been emergency situations where logjams have been cleared out in Evansville, because maybe 30 or so years ago there was a massive one there at First Avenue that was removed. So, it's not something new, it's something that just doesn't happen very often that something is done and taken care of. Thank you.

Commissioner Melcher: I think while we're doing this we need to get Gibson County involved too, because it should be Gibson and Warrick and us.

Ron Bacon: Right, they'll be happy to, because I've talked to them.

Commissioner Melcher: I think they would because it all starts with them, basically.

Ron Bacon: Right, correct.

Commissioner Melcher: But, I'm not trying to blame them, because it rains here too. There's been a lot of flooding, because I remember Marsha, she lived out there during that flooding days, even filling sandbags.

Ron Bacon: Yep, one of the things that I've tried to find information on, and I got this from the surveyor in Gibson County, I forget what his name is. Jeff?

Jeff Mueller: Mike Stevenson.

Ron Bacon: Yeah, Stevenson. If there is, if Pigeon Creek has ever been dredged, and that's the key word, which is has been, and they've got records of it in Gibson County, if it's ever been dredged, it's a legal drain. Whether you want to designate it as a legal drain or not, it is, by statute if it's ever been dredged. What we were trying to find out is if when they did 69 and Lynch Road if they ever dredged it, then we still think they did but we haven't found any records of it with the state. INDOT's been looking to see if they can find anything, but I don't know, locally, but by statute if it has ever been dredged, then it is actually a legal drain. That could help us if we could ever find that out as far as some of the, give us some of the leeway of what we can or can't do. So, just wanted to make sure that you knew that. But that's one of the things that we've been trying to find out. I found that out from Mr. Stevenson up in Gibson County. So, that's how they got theirs done.
President Ungethiem: From a timing standpoint, obviously we can’t do anything today that’s going to help you.

Ron Bacon: We know that, yeah.

President Ungethiem: I understand your concern. I’ve got 20 acres of beans in my yard right now. Fortunately, I’m on the hill and it didn’t get affected too much by the rain last Friday night, but my basement did. So, when I leave here I’m going to go be pulling carpet and pad, if anybody wants to help. But, I guess, from a timing standpoint, the next event that would affect you is probably going to be next spring, would you guess?

Tim Mosbey: This past year the creek was out in December, and then again in March.

President Ungethiem: Right, but unless you’ve got winter wheat—

Tim Mosbey: (Inaudible) inches of rain, where we could get no rain (Inaudible) and the creek will be out.

President Ungethiem: Yeah, I’m just saying from a timing standpoint we should probably try to find a solution to this sooner rather than later, because we want to be in a position next planting season, next spring, to have this fully cleared out.

Ron Bacon: Yeah, because each, and I did get this from Purdue, each time this happens, I mean, the beans, I’m not sure about the corn, but I know the beans can stand four days max. That’s maximum of basically having their feet wet, and then they’re done, forget it. So, by us not being able to drain, even though, you know, the Ohio’s down, so the water’s standing there. So, that’s really messing us up, messing all the farmers up that are there.

President Ungethiem: Do any of you know how much rain fell in that area last weekend?

Tim Mosbey: Between anywhere from six and half to seven inches.

President Ungethiem: Okay. I got about six at my house. So, I was just curious as to whether you got more.

Tim Mosbey: Gibson County had more than we did.

President Ungethiem: Yeah.

Ron Bacon: Right, so, we’re getting theirs. Okay.

President Ungethiem: We understand the situation. Ron, let us know.

Ron Bacon: As soon as I hear from the state I’ll report back to you and let you know about that, and see what direction we can move in that direction. I may just contact Mr. Harrison to get some guidance on that too, on a legal standpoint.

President Ungethiem: Okay.

Ron Bacon: I don’t profess to be an attorney up there at all.

Commissioner Melcher: If you could copy our Surveyor too.

Ron Bacon: Yes, oh yeah.

Commissioner Melcher: Because even though you get Mr. Harrison, he’s the attorney, Jeff’s the one that’s going to have to look at.

Ron Bacon: Right.

Commissioner Melcher: And he’s probably going to have to contact the other two counties drainage so we can all be in the same loop.

Ron Bacon: Okay. Good, and I’ll talk to Mr. Abell also. I was in contact with him and he’s in Florida right now. So, he’s aware, so, we’ll work with Soil and Water too. Like I
said, if we can get water down here, we'll see what we can get on that with Jeff. Thank you very much.

President Ungethiem: Okay, thank you.

Tim Mosbey: Okay, thank you, gentlemen.

President Ungethiem: Anybody else have any comments? We good? Motion to adjourn?

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: All those in favor say aye.

All Commissioners: Aye.

(Motion approved 3-0)

President Ungethiem: We’re adjourned.

(The meeting was adjourned at 6:27 p.m.)

Those in Attendance:

Bruce Ungethiem  Stephen Melcher  Joe Kiefer
Jeff Mueller      Madelyn Grayson  Chris Combs
Ron Bacon        Tim Mosbey      Allen Mosbey
Manfred Stahl    Joe Harrison, Jr. Others Unidentified

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