

**Pigeon Creek Watershed Development (PCWDC)**  
**Minutes**  
**January 13, 2025, at 10:00 am**  
**Vanderburgh County Civic Center, Room 301**

**Attendees:**

Commissioners Linda Freeman, Karan Barnhill, Cheryl Musgrave, Kristi Johnson, and Craig Emig, legal counsel. See attached list for guests.

The meeting was called to order at approximately 10:10 am.

**Action Items:**

**1. Approval of Previous Minutes:**

The motion was made by Commissioner Barnhill

Seconded by Commissioner Johnson

Adopted unanimously

**2. Approval of LARE Grant Application:**

The motion was made by Commissioner Musgrave

Seconded by Commissioner Johnson

Adopted unanimously

- e. A Watershed Diagnostics Study is the focus of the grant application. Discussion focused on the qualifications for the grant. The grant is usually for HUC 12 areas, and it was noted that the PCWDC is an area 1/6th in size. The application requests funding for a Work Plan, not a specific project. As part of the application, the Vanderburgh County Surveyor's office lists a \$5,000 in-kind contribution consisting of labor and supplies.

**3. Revised Meeting Dates and location for 2025 as listed below, generally the 4<sup>th</sup> Monday of the month.**

The motion was made by Commissioner Barnhill

Seconded by Commissioner Johnson

Adopted unanimously

All meetings will be at 10 am in Room 301 of the Civic Center as follows:

Jan 27

February 24

March 24

April 28

May 19

June 23

July 28

August 25

September 22

October 27

November 17

December 15

- a. Discussion included the difficulty of obtaining meeting room space at any of the county's libraries due to lack of availability of the appropriately sized room or being able to reserve far enough in advance. Additionally, a board member desired dates on a Monday for ease of long-distance travel. It was noted that the Civic Center's meeting rooms has the capability to host electronic meetings and comply with state statutes for such attendance by board members. It was noted parking is available.
  - b. Information about this and future meetings can be found at [https://evansville.granicus.com/ViewPublisher.php?view\\_id=2](https://evansville.granicus.com/ViewPublisher.php?view_id=2)
4. Electronic Meetings Policy: Adoption of state minimum requirements  
 The motion was made by Commissioner Musgrave  
 Seconded by Commissioner Barnhill  
 Adopted unanimously
  - a. Discussion of state law requirements was given by counsel Craig Emig. Mr. Emig stated that the decision to be made is whether to adopt a policy identical to statute ("the minimum requirement") or one a more stringent policy. It was noted that a member participating remotely must be able to communicate simultaneously and be heard. The statute is attached.
5. Old Business
6. New Business
  - a. Bonding and Insurance for the commission: Various considerations regarding insurance needs were discussed. Torian Insurance and Bob Dillow will be invited to a future meeting.
  - b. Motion to create an ad hoc committee to go over the needs for the first few years to go into an RFP with Commissioner Musgrave as the lead.  
 Motion by Commissioner Barnhill  
 Seconded by Commissioner Johnson  
 Adopted unanimously  
  
 Discussion: The Committee is to draft a Request For Proposal ("RFP") for a Professional Engineer tasked with creating the Work Plan. Discussion: Commissioner Musgrave asked each member to email their priorities for years 1-2-3 for incorporation into the RFP. Commissioner Johnson asked that the language in the grant application be used in the RFP where appropriate.
  - c. By-Laws: Commissioner Johnson has been working to create a set of By-Laws, using a template created for Soil and Water Conservation Districts. Benefits of such a document include a review of the organization, a description of roles and responsibilities, an outline of meeting obligations, and to set expectations. A

written draft document will be distributed in a future meeting for editing and finalization.

- d. Motion to acquire identifying numbers and accounts for the PCWDC  
Motion made by Commissioner Musgrave  
Seconded by Commissioner Barnhill  
Adopted unanimously

Discussion: Various identifying numbers are required for the proper functioning of the organization: a federal Employee Identification Number (“EIN”), State Vendor number, Vanderburgh County Vendor number, and bank account were discussed. Attorney Emig will follow up.

- e. Motion to delegate the authority to write a 205j grant and file by the due date. Commissioner Johnson will draft, and Chair Freeman will sign the grant application.  
Motion: Commissioner Musgrave  
Second: Commissioner Barnhill  
Adopted unanimously

Discussion: This grant is a pass-through grant originating at the federal level from the EPA and distributed by IDEM. Its general purpose is for water monitoring and planning. The grant is due at the beginning of February. If successful, funds would be received in 2026. The PCWDC grant application focuses on acquiring one new USGS stream gage. There are multiple locations to consider placing the gage, including at US 41 (where one was previously located), Pigeon Creek at Green River Road, or Pigeon Creek at I69. The grant would pay for 100% of the \$22,300 cost of a single gage with no local match. The \$14,000 annual operating costs would be the responsibility of the PCWDC.

- e. Items for future meetings:
  - i. Follow up on projected parcel count with revised revenue projections. Include status of 2025 billing with County Auditor
  - ii. Adoption of credit card and other finance policies
- f. Clarification on Payment of claims in advance. Attorney Emig stated that pre-approval of payments of claims is not an option for this board due to statutory restriction.

## **Public Comment**

- 1. Dennis Wilzbacher, Warrick Co Surveyor  
Discussed what joining the Commission would mean to Warrick County.

2. Jeff Mueller: Stated a need for a document defining the problem the Commission seeks to address. Mr. Mueller offered that the problem is that Pigeon Creek is not working the way we want it to. He suggested creating a history of Pigeon Creek to illustrate what is causing the perceived problems and what actions would contribute to solutions. Mr. Mueller emphasized that it is important to educate everyone that Pigeon Creek is not a legal drain.

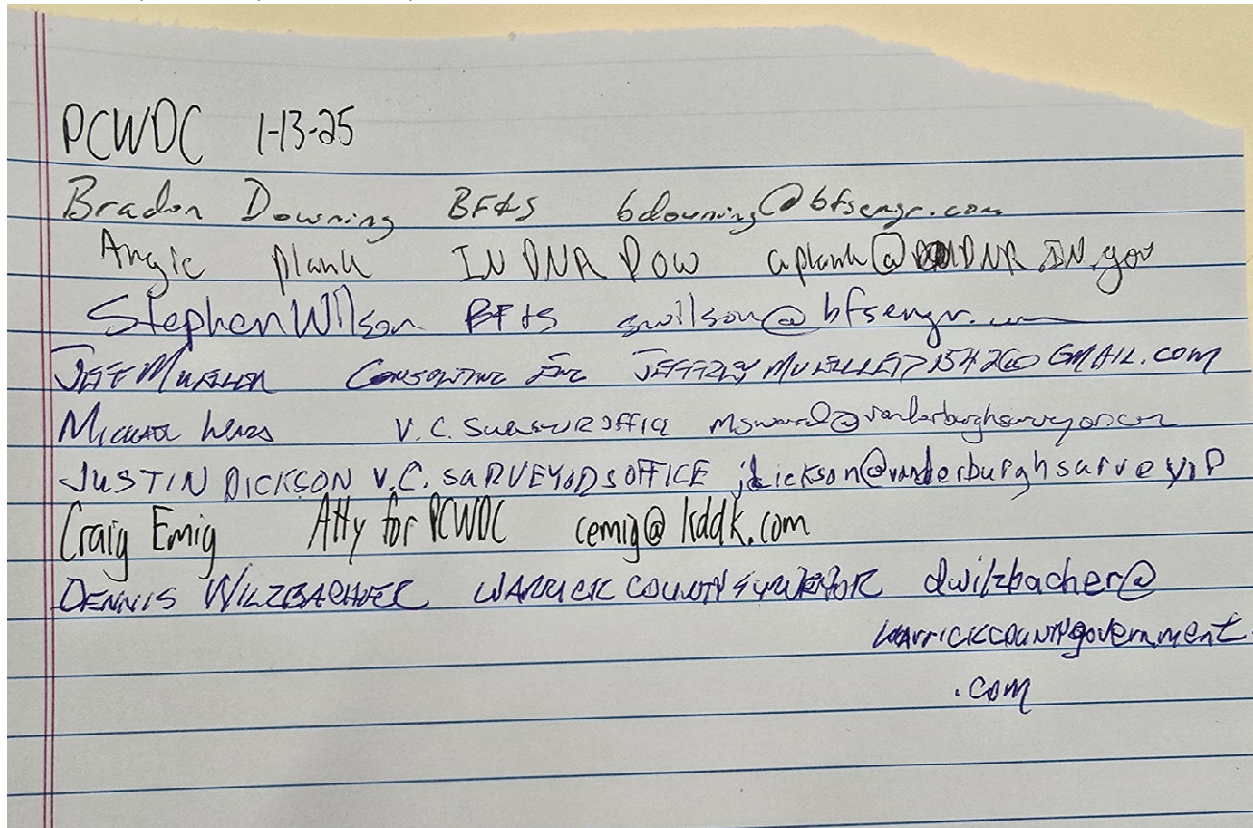
### Adjournment

The motion to approve was made by Commissioner Musgrave

Seconded by Commissioner Barnhill

Adopted unanimously

The next meeting will be on January 27, 2025, at 10:00 a.m. in Room 301 of the Civic Center, 1 NW MLK, Jr. Blvd, Evansville, Indianan



### IC 5-14-1.5-3.5

#### Electronic meetings of political subdivisions; statutory authorization required

(a) This section applies only to a governing body of a public agency of a political subdivision, other than a governing body of an airport authority, a department of aviation, or a conservancy district as set forth in section 3.6 of this chapter.

(b) Subject to subsection (i), a member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting by any electronic means of communication that does the following:

(1) Allows all participating members of the governing body to simultaneously communicate with each other.

(2) Allows the public to simultaneously attend and observe the meeting.

However, this subdivision does not apply to a meeting held in executive session. Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

(c) A technological failure in an electronic means of communication that disrupts or prevents:

(1) the simultaneous communication between a member who is not physically present at the meeting and the governing body; or

(2) a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the governing body from conducting the meeting or affect the validity of an action taken by the governing body at the meeting if the sum of the governing body members physically present at the meeting and the governing body members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the governing body.

(d) The governing body shall adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication. The governing body may establish procedures that are more restrictive than the procedures established by this section. The policy adopted under this section may include:

(1) limiting the number of members who may participate by electronic communication in any one (1) meeting;

(2) limiting the total number of meetings that the governing body may conduct in a calendar year by electronic communication; and

(3) requiring a member, except in the case of a meeting called to deal with an emergency under section 5(d) of this chapter, who plans to attend a meeting by any electronic means of communication to notify the presiding officer within a certain period of time before the meeting, as specified by the governing body, so that arrangements may be made for the member's participation by electronic communication.

(e) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by an electronic means of communication must:

(1) state the name of each member of the governing body who:

(A) was physically present at the place where the meeting was conducted;

(B) participated in the meeting by using any electronic means of communication; and

(C) was absent; and

(2) identify the electronic means of communication by which:

(A) members of the governing body participated in the meeting; and

(B) the public attended and observed the meeting, if the meeting was not held in executive session.

(f) All votes taken during a meeting under this section must be taken by roll call vote.

(g) At least fifty percent (50%) of the members of the governing body must be physically present at a meeting.

(h) A member of the governing body may not attend more than fifty percent (50%) of the governing body's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(i) A member of a governing body may not participate in a meeting of the governing body by electronic communication if the governing body is attempting to take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) establish or increase a fee;
- (5) establish or increase a penalty;
- (6) use the governing body's eminent domain authority; or
- (7) establish, raise, or renew a tax.

(j) A governing body may not prohibit a member of the governing body from attending consecutive meetings by electronic communication. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

*As added by P.L.134-2012, SEC.11. Amended by P.L.154-2016, SEC.1; P.L.88-2021, SEC.5; P.L.107-2021, SEC.1; P.L.137-2021, SEC.22.*