Pigeon Creek Watershed Development (PCWDC)
Minutes
July 28, 2025, at 10:00 am
Vanderburgh County Civic Center, Room 301, Evansville, IN

Attendees:

Commissioners Linda Freeman, Karan Barnhill, Cheryl Musgrave (arrived mid-meeting), Kristi Johnson, and Craig Emig, legal counsel. Executive Director Justin Dickson, absent. See attached list for guests.

Executive Director's Report

The Executive Director completed numerous administrative tasks regarding insurance, computer and software needs, transportation research, managing financial matters, and arranging conference attendance.

Action Items:

1. Ongoing payment of Executive Director Health and Dental Insurance.

   Motion to approve routine premium payments

   The motion to approve was made by Commissioner Barnhill
   Seconded by Commissioner Johnson
   Adopted unanimously (Commissioner Musgrave absent)

2. Executive Director salary payments
   Motion to approve routine salary payments through Direct Deposit at a monthly cost of $55.

   The motion to approve was made by Commissioner Barnhill
   Seconded by Commissioner Johnson
   Adopted unanimously (Commissioner Musgrave absent)

New Business

A. Potential Advisory Committee Members

1. SWCDs (Soil and Water Conservation Districts)
2. Indiana Wildlife Federation
3. IDEM (Indiana Department of Environmental Management) Watershed Specialist
4. ORSANCO (Ohio River Valley Water Sanitation Commission)
5. The Nature Conservancy
6. USACE (United States Army Corp of Engineers)
7. NRCS (Natural Resources Conservation Service)
8. USGS (United States Geological Survey)
9. Local Health Department
10. Lower Pigeon Creek Steering Committee

Discussion of potential members of the Advisory Committee included the list above and potential member counties.

B. Discussion of Healthy Waters Report

1. Commissioner Johnson discussed the draft report by the National Wildlife Federation and partners. The report covers the entire Ohio River basin. It is not specific to our Watershed and the recommendations in the report are general. Our consultants may be able to use some information in the forthcoming plan. Commissioner Musgrave stated the report contained contributions from many partners, many of whom would be appropriate partners for the PCWDC.

C. Potential Property acquisition

1. Commissioner Musgrave discussed the potential of obtaining properties from the County Commissioner sales and by transfer of Commissioner owned properties or property owned by private individuals. These properties are located within the PCWDC boundaries and are undeveloped. The goals with these and similar properties is to prevent development on floodway properties, to allow the property to remain as water absorbing areas, to gain complete right of entry through property ownership, and potentially to acquire and demolish structures that are on failed septic systems (a known cause of creek pollution).

   Discussion of timing and the concept of joint ownership was discussed. The Commissioner sale is annual and timing to acquire any property is an issue as any properties we desire would be sold soon. The property owned by an individual does not have the associated timeline, but it is an opportunity to pursue. It may be appropriate to have an agreement with the County Commissioners similar to the Evansville Land Bank.

   Joint ownership was discussed and not considered to be an appropriate avenue to pursue. Commissioner Barnhill stated it may be desirable to review properties with city government also.

   Mr. Emig will review the legal aspects of property transfer.

D. Acquisition of Computer Hardware and Software for the Executive Director

1. Discussion included a not to exceed amount for hardware and software to purchase needed items, including electrical accessibility. All bid procedures or informal quote procedures will be followed.

   Motion to approve up to $5,000 for computer hardware and software was made by Commissioner Barnhill
   Seconded by Commissioner Johnson
   Adopted unanimously

E. Transportation for Executive Director

1. Discussion included purchasing a vehicle for site visits, the frequency of such visits, the difficulty of the terrain, and alternative options to purchasing a vehicle.

It is not possible to utilize Vanderburgh County owned vehicles due to insurance issues.

2. A used vehicle has been located and is proposed for purchase. It was noted that purchasing regulations require at least three quotes. This would require two more quotes to be brought to a future meeting. Commissioner Barnhill suggested looking at the state QPA.
3. It was noted that the budget included a line item to compensate on a .70 cents per mile basis, the current federal rate, in the event a personal vehicle was used for Watershed business. This amount is intended to cover all costs of using a vehicle.
4. It was noted the budget did not contain a line item to purchase or insure a vehicle and to move forward, a revision to the budget would be necessary.

Motion to approve the federal rate for mileage reimbursement (currently .70) was made by Commissioner Johnson
Seconded by Commissioner Musgrave
Adopted unanimously

F. **Stream Gage Discussion**

1. Commissioner Freeman discussed the informative USGS Stream Gage webinar she and the Executive Director attended. Mr. Dickson will give a presentation next month.
2. Commissioner Johnson discussed the 205j grant would pay for installation and cost for the basic gage without capacity to measure sediment or suspended nutrients.
3. Discussion of the 319 or 205j stream grant application September 1st or 2nd deadline focused on the need to approve the timely filing of the application in order that it might be filed in the event of unforeseen circumstances. The application may include a match.

Motion to approve applying for the 319 grant up to the available match amount in the current budget was made by Commissioner Musgrave
Seconded by Commissioner Barnhill
Adopted unanimously

G. **Stipend for personal cell phone use by the Executive Director**

The motion to approve $50 per month or up to 50% of the cost of the cell phone service, whichever is less, was made by Commissioner Musgrave
Seconded by Commissioner Johnson
Adopted unanimously

Old Business

A. **Potential Investment Report**

1. Discussion included the previously approved vote to invest PCWDC funds in a bank Certificate of Deposit. Three separate quotes would be obtained for the most favorable rate above 4% and for a term of not to exceed 4 months.

2. Commissioners Musgrave and Freeman agreed to meet the following day to finalize the investment.
3. The need to have two signatures to authorize electronic bill payments was also discussed.

B. **Executive Director Job Description and Contract**
  1. Commissioner Freeman discussed the need for a job description. Mr. Emig added items from a sample job description. Commissioner Johnson said there may be items that could be condensed.
  2. The question of whether the PCWDC is a non-profit or a governmental entity was raised. Mr. Emig suggested this can be clarified, but the federal EIN number was obtained from the Secretary of State and we were guided to list as a non-profit during this process. It was agreed to add Special District as well.
  3. Commissioner Freeman discussed the proposed contract, its minimum term and stated it may be revised and brought back to a future meeting.

Consent Agenda

A. June 23, 2025 Minutes

The motion to approve was made by Commissioner Barnhill
Seconded by Commissioner Musgrave
Adopted unanimously

B. Treasurer/Chair
  1. Treasurer's Report
  2. Claims Voucher Reports
     a. KDDK LLC legal fees- June 21, 2025 Statement #559366 for $2,767.50
     b. Meeting stipends-Recurring payments allowed at $35 per meeting
     c. Contractual Services payments to Burke (none as of this time)
     d. Reimburse Executive Director payment for Indiana Association for Floodplain and Stormwater Management (INAFSM) statement #5796 for $50.
     e. 2025 Indiana Association for Floodplain and Stormwater Management (INAFSM) conference at French Lick Hotel statement #5797 for $310.00 and hotel costs. It was noted a policy for meal expenditures would be desirable.
     f. Workers Compensation insurance premium with AF Group Invoice #1002153241 for $527.00 paid on July 15, 2025.
     g. Health insurance for July and August 2025 for $1,264.96 paid on July 15, 2025.

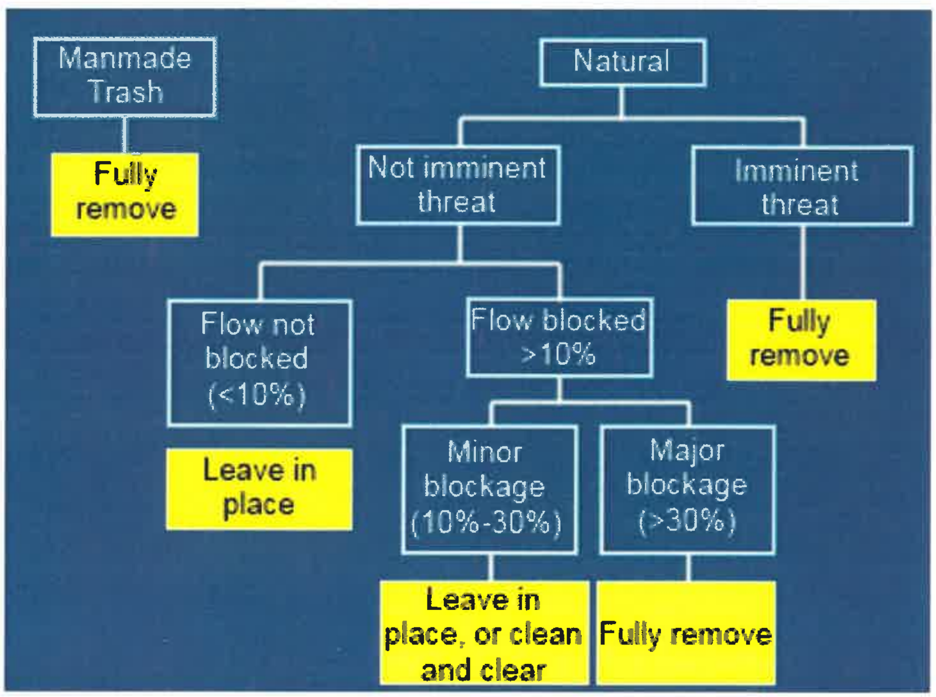
The motion to approve the Consent Agenda was made by Commissioner Musgrave
Seconded by Commissioner Barnhill
Adopted unanimously

Presentation by Robert Barr

Mr. Robert Barr spoke to the PCWDC at length regarding the beneficial nature of large wood for stream health and bank stabilization. Mr. Barr is a Research Scientist with the Center for Earth and Environmental Science, Department of Earth Sciences at Indiana University-Indianapolis. His primary research focus is on understanding the physical processes necessary to achieve and maintain healthy stream systems.

Mr. Barr cautions against the expenditure of public funds on log jams where the only impact is on the floodplain. He states that the floodplain is formed by the stream, and the stream will use it during a flood or reshape it as stream meanders move across the floodplain. In addition, aerial maps show some log jams are just temporary accumulations and are not always present and can move or shift in response to water levels. The log jams do not necessarily cause the flooding. At flood stage, the wood is likely to move downstream.

Mr. Barr supplied the following graphic which summarizes a recommended approach to wood management. Where the term "threat" is used, a threat is defined as impacting infrastructure such as a road, bridge, or structure.



When a logjam is not an imminent "threat", it is recommended that it be pushed to the sides of the stream where it will help bank stabilization, create habitat, and slow the water flow rate. Mr. Barr noted that some jurisdictions are installing log jams to achieve these beneficial effects. The complete presentation (PowerPoint) is available upon request to Executive Director Dickson.

Note: Commissioner Musgrave arrived at approximately 11:00 am during Mr. Barr's presentation which took place after Action item 2.

Public Comment

1. Warrick County Surveyor Dennis Wilzbacher asked Mr. Barr about removal of the log jam, stating that Pigeon Creek is a Legal Drain, and citing his authority and responsibilities.
2. Mr. Barr discussed that the flood plain floods often and that the log jam under discussion is not a blockage.
3. Mr. Emig, PCWDC attorney, discussed that Pigeon Creek is not a Legal Drain in Vanderburgh County. Mr. Emig enumerated the responsibilities of the various agencies, the Watershed, the Surveyor, and the Drainage Board.
4. The following chart was developed as a guide to understanding the legal authority of the responsible parties.

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Chart of Legal Authority for Stream Blockage/Impairment

Responsible Entity	**Pigeon Creek Watershed Development Commission (PCWDC) IC 14-30.5-3-4**	**County Drainage Board**	**County Surveyor**
Legal Drain IC 36-9-27-2	The main channel of Pigeon Creek within Vanderburgh County is not a legal drain. Obstructions of Pigeon Creek's main channel are the exclusive authority of the PCWDC. The PCWDC studies and votes on all actions. Any action must follow all permitting processes of state and federal authorities.	Obstruction Petition Process at **IC 36-9-27.4-9** requires review and a public hearing by the Drainage Board followed by a vote to take appropriate action. PCWDC Interlocal agreement gives the Vanderburgh County Drainage Board authority over previously established legal drains within the Watershed boundaries.	Surveyor examines situation, notifies property owner by first class mail to remove blockage. Surveyor may remove blockage if property owner fails to remove blockage. Fees may be assessed to property owner. **IC 36-9-27-46**
Watershed IC 14-30.5-3-4	PCWDC has exclusive jurisdiction within the Watershed. **IC 14-30.5-3-4(a)(b)(1)** Subject to the Interlocal Agreement over Legal Drains within the Watershed. **IC 14-30.5-3.5-4(f).**	No authority within the Watershed. Subject to the Interlocal Agreement over Legal Drains within the Watershed.	No authority within a Watershed. If the Surveyor's County is a member of the PCWDC, the Surveyor is a voting member of the Watershed **IC 14-30.5-4-1(2)(b)**

Adjournment

Discussion of the possibility of Warrick County action to join the PCWDC and the changes in the state's notification process. Commissioner Johnson sent an email regarding the new process, but has not had a response. It was noted that the process is the same, just a different department will send the notices. It was expressed that the PCWDC members hopefully anticipate Warrick County's application soon.

The motion to adjourn was made by Commissioner Barnhill
Seconded by Commissioner Johnson

Adopted unanimously

The next meeting will be on September 22, 2025 at 10:00 a.m. in Room 301 of the Civic Center, 1 NW MLK, Jr. Blvd, Evansville, Indiana

PIGEON CREEK WATERSHED DEVELOPMENT COMMISSION
July 28, 2025 - Sign In Sheet ~ PLEASE PRINT NEATLY

	NAME	PHONE	ADDRESS or E-Mail Address
1	Eldon Marsberg	512-963 [illegible]	
2	Kira Johnson		[illegible]
3	Bella Foster		[illegible]
4	Beth Clarzia		
5	Stephen Nilson		
6	Dennis Wurzbacher		
7	Braden Downing		
8	Sarah Eller		
9	Cliff Weaver		
10	Robert Barr		
11	David Eichelberger		
12	BRADON DOWNING		

X Cheryl Musgrave 8-25-2025
Cheryl Musgrave
PCWDC Secretary/Treasurer