

Pigeon Creek Watershed Development (PCWDC)
Minutes
June 23, 2025, at 10:00 am
Vanderburgh County Civic Center, Room 301, Evansville, IN

Attendees:

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

Treasurer's Report

Kathy Glaser presented the new treasurer's report format which is attached. In future meetings, the report will appear under the Consent Agenda.

The motion to approve the Treasurer's report was made by Commissioner Barnhill

Seconded by Commissioner Musgrave

Adopted unanimously

Action Items

1. Budget Adoption

The revised 2025 budget and proposed 2026 budget will be presented at the July meeting.

Attorney Emig will research if the budgets are required to be posted in Gateway and will confirm that the budgets are not required to be presented to the Vanderburgh County Council.

2. Contract Agreement - Christopher B. Burke Engineering, LLC partnered with BF&S Civil Engineers

The motion to approve the contract not to exceed \$97,900 and subject to the addition of monthly written status reports was made by Commissioner Musgrave

Seconded by Commissioner Barnhill

Adopted unanimously

3. Claims, Invoices and Other Bills

Members discussed the desire to pay claims and bring these to the board members for retroactive approval. Attorney Emig advised that this was permissible by statute only in the circumstance that the board authorize the payments in advance for known amounts, such as salaries and approved contracts. The board acknowledged that other invoices would be paid only after board approval at a meeting. All claim information and or paperwork will be provided to the board for review whether paid in advance or not through the new Treasurer's Reports.

The motion to allow payment of employee benefit package costs, meeting stipends, bank service fees, Kathy Glaser bookkeeping, and Heathcotte and Weinzapfel, LLC accounting invoices as they are received was made by Commissioner Musgrave

Seconded by Commissioner Barnhill

Adopted unanimously

4. CPA Services from Heathcotte and Weinzapfel LLC

The motion to approve the contract with Heathcotte and Weinzapfel LLC with the addition of federal Form 990 added to the services was made by Commissioner Musgrave

Seconded by Commissioner Barnhill

Adopted unanimously

5. Investment of Funds

Members discussed the desirability to earn interest on Watershed funds through investment. Research into local rates and terms will commence and members will be informed of the options via email prior to purchase. Members noted it is important to retain sufficient funding for obligations. Commissioner Musgrave responded in the affirmative that she would research CD rates.

The motion to approve the investment in local bank certificates of deposit for amounts not to exceed \$100,000 for a maximum 4-month period with an interest rate of no less than 4 % was made by Commissioner Musgrave
Seconded by Commissioner Barnhill
Adopted unanimously

6. Upgrade of checking account to Business Account

President Freeman proposed the upgrade of the Watershed checking account to allow for two signatures for approval of claims and allowing view only access to bookkeeping and accounting personnel. In addition, the Business account allows for 25 free bill payments per month after which each additional payment is \$0.39. The service creates an audit log that shows who created and/or approved the Bill Payment. A \$23 monthly fee is imposed for these services. If in the future the board decides to add ACH transfer capability, the monthly service fee rises to \$55 per month plus a service fee for each ACH transaction.

The motion to approve the account upgrade was made by Commissioner Barnhill
Seconded by Commissioner Johnson
Adopted unanimously

7. Gateway Access

Kathy Glaser informed the Commissioners that to comply with State Board of Accounts report uploading requirements she needs permission to access the Gateway system.

The motion to approve Kathy Glaser's access to Gateway was made by Commissioner Barnhill
Seconded by Commissioner Johnson
Adopted unanimously

8. Executive Director

Commissioner Freeman reported that a four-year Employment Agreement for Justin Dickson is in the drafting stages as well as a formal job description.

Commissioners reviewed benefit options and concluded the Caresource Gold health insurance at \$617.57 per month, the VSP Base Plan vision at \$203.28 (if vision is not already included in the Caresource Gold plan), and the Delta Dental plan at \$47.26 per month constitutes the health insurance coverage. Retirement plan benefit is a contribution of 10% of salary to a SEP IRA.

The start date is authorized to begin July 1, 2025, or as soon thereafter as possible.

The motion to approve the benefits package and approximate start date as described above was made by Commissioner Barnhill
Seconded by Commissioner Johnson
Adopted unanimously

9. Workman's Comp Insurance

Workman's Comp insurance coverage was quoted by Torian insurance in the amount of \$527.00 per year.

The motion to approve the payment of Workman's comp was made by Commissioner Johnson
Seconded by Commissioner Barnhill
Adopted unanimously

New Business

1. Indiana Department of Natural Resources Construction in Floodway notices

Commissioner Johnson shared information that construction or other work in a floodway triggers a DNR permit requirement. The PCWDC is now required to review CIF notices and may submit comments. Commissioner Johnson advised that the typical procedure is to have the Executive Director review CIF notices and submit official comments. In the interest of timely review, PCWDC approval would be retroactive.

The motion to approve the DNR CIF notice procedure was made by Commissioner Barnhill
Seconded by Commissioner Musgrave
Adopted unanimously

2. Notice of Intent for 319 Grant

Commissioner Johnson submitted a notice of intent to IDEM to fund a second stream GAGE. The NOI is not binding upon the PCWDC to apply for the grant; it keeps the option to do so open. If the Commissioners decide to proceed with a grant application, it is due Sept 1 or 2. If the Gage were approved, funding would likely be available at the end of 2027 or the beginning of 2028. The completed application would appear on the August for approval. Commissioner Johnson noted that the Gages are expensive to acquire with the additional annual maintenance costs. Some discussion of the best siting for the Gage(s) included the desire to assist Emergency Management Agency needs in contrast to the type of information needed by DNR.

3. PCWDC Fact Sheet

Commissioner Musgrave presented the Fact Sheet which conveys basic information about the Watershed. This sheet has been shared with interested parties already and helps convey information about who we are, what we do, and how to reach us. Edits and additions to the Fact Sheet will be on-going. It was noted that having a map on the back side of the Fact Sheet would be a helpful addition.

4. Department of Natural Resources Division of Hearings

Commissioner Johnson shared that recent legislation eliminated the DNR Division of Hearings. This change directly affects the PCWDC because the Division of Hearings governed the application process to join a Watershed. The new process is expected to define the hearings, testimony, public notices for establishment of a Watershed and allowing new counties to join an existing Watershed. The new process will be in place July 1, 2025.

Old Business

1. Pigeon Creek Log Jam near the Vanderburgh/Warrick County Line Report

Vanderburgh County Surveyor staff member Justin Dickson reported findings after visits and research of the Pigeon Creek log jam near the eastern border of Vanderburgh County.

On June 5, 2025, local naturalist Mike Wathen conducted a boat tour of Pigeon Creek to share the wisdom he

has acquired over many years of experience with the Creek. Included were Gary Seibert, Gibson County farmer, Charlie Wagner, Vanderburgh County farmer, and Justin Dickson. The goal of the trip included defining the issues confronting Pigeon Creek and exploring possible solutions. As a result of the excursion, Dickson captured multiple elevations of Wagner's property near the log jam. The elevations created a Topographic GPS map enhanced by videos made both by Dickson and Wagner. Mr. Wagner supplied a video taken on April 7 showing the aftereffects of the massive 7–8-inch April 4 rainfall. The video shows a flooded field several hundred feet from the banks of Pigeon Creek in the vicinity of the log jam. The first video taken on June 10 by Dickson shows downstream of the log jam, showing a fast-flowing creek well within its banks. A second June 10 video taken by Dickson near the middle of the log jam again shows a fast-flowing creek within its banks. Mr. Dickson noted the actual water level is lower than the top of the bank by about 8-12 feet on June 10. The creek water level is at 361 feet while the top of the bank sits at 379 feet. A comparison of the 2023 aerial GIS base map photo with the June 10, 2025, observation from an on-site visit shows the log jam/pile has moved approximately 75 feet. It is important to note that it is not fixed in place.

Mr. Dickson concludes that the log jam is not causing Mr. Wagner's field's flooding and bases this conclusion on the elevation study. Mr. Dickson stated the water in Mr. Wagner's field on April 7 arrived in the form of rain and drainage from higher ground and not from back flow of Pigeon Creek. Mr. Dickson added that the area around the log jam is a complex issue and not easily changed. There are both downstream and upstream issues that would need further study before any action is taken. Mr. Dickson will provide the videos and topographic maps to the PCWDC consultant to incorporate into their consideration as the Work Plan is developed. Mr. Dickson stated further that there is no active land loss occurring, and as this and other log jams move around, further study is appropriate to determine what action is appropriate. Mr. Dickson stated it is his belief that Mr. Wagner now better understands what is being discussed and the nature of the problem and the course of action for this area and the Watershed as a whole.

2. June Settlement

Commissioner Freeman reported that the June 2025 Settlement is in the amount of \$306,741.73. Inquiries will be made to get an estimate of the December settlement figure.

3. Warrick County Watershed Application

Commissioner Freeman stated Warrick County is beginning the process to join the PCWDC. Attorney Emig reports that the Warrick County Drainage Board voted to initiate the application process at its meeting in May. Warrick County Surveyor Dennis Wilzbacher confirmed this status and stated a meeting would be held today to discuss the matter further, saying the Warrick County Commissioners would receive the Resolution today. Attorney Emig and Commissioner Barnhill will attend the Warrick County Commission and Drainage Board meetings.

The motion to approve attendance by Mr. Emig and Commissioner Barnhill at the Warrick County Board of Commission and Drainage Board meetings was made by Commissioner Barnhill
Seconded by Commissioner Musgrave
Adopted unanimously

Consent Items

1. Approval of May 19, 2025, PCWDC Meeting Minutes

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

2. Claims Voucher Reports

- a. Kahn Dees Donovan & Kahn LLC Legal Fees – May 17, 2025, Statement # 557831 for \$1,507.50
- b. Stipends for Meeting – Recurring Payments Allowed at \$35 per meeting
- c. Contractual Services Payments for Burke

The motion to approve the consent agenda was made by Commissioner Barnhill
 Seconded by Commissioner Johnson
 Adopted unanimously

3. Claims Paid to Date

Date	Description	Withdrawal	Deposit	Balance	Notes
3/11/2025	Opening Balance -- \$10,000 interlocal agreement		\$ 10,000.00	\$ 10,000.00	
5/28/2025	Cheryl Musgrave - 6 meetings stipend	\$ 210.00		\$ 9,790.00	11/21/2024, 12/19/2024, 01/13/2025, 02/24/2025, 03/24/2025, 05/19/2025
5/28/2025	KDDK Legal Services	\$ 5,017.50		\$ 4,772.50	Statement # 555922 Dated: March 15, 2025
5/29/2025	Gannett Indiana-Kentucky LocalIQ	\$ 894.42		\$ 3,878.08	Newspaper Legal Ad for Professional Services
5/30/2025	Deposit -- \$10,000 interlocal agreement		\$ 10,000.00	\$ 13,878.08	
6/2/2025	Linda Freeman - 5 meetings stipend	\$ 175.00		\$ 13,703.08	11/21/2024, 12/19/2024, 01/13/2025, 02/24/2025, 05/19/2025
6/17/2025	KDDK Legal Services	\$ 5,377.00		\$ 8,326.08	Statement # 557225 Dated: April 19, 2025
6/17/2025	Torian Insurance	\$ 3,613.88		\$ 4,712.20	Invoice # 6963

Public Comment

1. **Warrick County Surveyor Dennis Wilzbacher** asked if the new Executive Director position is permanent. Commissioner Freeman responded that a 4-year contract is anticipated. Wilzbacher asked if the Executive Director is a voting member of the board and Commissioner Freeman stated the position is not a voting member. Discussion continued to clarify that three new members per county would be added upon joining as per statute. The new members are as follows: one member is the County Surveyor, one appointee by the County Commissioners, and one appointee from the largest incorporated municipality within the Watershed.
2. **Gary Seibert, farmer from Gibson County.** Mr. Seibert stated he went on a boat tour of Pigeon Creek on May 1, 2025. In attendance were Vanderburgh County Commission President Justin Elpers, Gibson County Commissioner Chuck Lewis, PCWDC attorney Craig Emig, Steven Wilson of BF&S, and Mike Wathen to discuss how the Watershed works and issues about Pigeon Creek. Mr. Seibert noted that the Ohio River's elevation on May 23 was at 26 feet. Discussion among the trip attendees was about how to address issues with log jams. A second boat trip on May 30 included Warrick County Commissioners and the Warrick County Surveyor among others. Mr. Seibert states that Gibson officials are skittish about joining and want to see some action before they join. The Commissioners do not want to see more studies, they want to see something done. Mr. Seibert asserts the creek has been maintained in Gibson and is higher elevation but that the problem is that stream flow is not what it used to be. The cause of this lack of flow is a concern.
3. **Sara Eller, Town Council Member of Chandler.** Ms. Eller asked if the Executive Director position be changed if new counties joined the PCWDC. Commissioner Freeman stated that we are not looking to have a change of employee. Attorney Emig explained the statute and the required re-election of officers upon the joining of new counties.

Adjournment

The motion to approve the adjourn was made by Commissioner Johnson
 Seconded by Commissioner Barnhill
 Adopted unanimously

PIGEON CREEK WATERSHED DEVELOPMENT COMMISSION

June 23, 2025 - Sign In Sheet ~ PLEASE PRINT NEATLY

	NAME	PHONE	ADDRESS or E-Mail Address
1	Eldon MAASeberg	812 963 5844	14345 LUTTENBACH
2	Bella Foster	—	bfoster@dnr.in.gov
3	Beth Clarizia	765-894-1882	
4	Bradon Downing	317-616-8911	bdowning@bfsengr.com
5	Stephen Wilson	225 931 4708	swilson@bfsengr.com
6	Dan Filer	812-849-8299	
7	Dennis Wilzbach	812-455-875	lowcock@hotwire.com
8			

PIGEON CREEK WATERSHED DEVELOPMENT COMMISSION

STATEMENTS OF ASSETS, LIABILITIES AND NET ASSETS - MODIFIED CASH BASIS

May 31, 2025

	2025
ASSETS	
OPERATING CASH	
Checking account	\$ 13,878.08
Total operating cash	13,878.08
LIABILITIES	
Outstanding checks	\$ 175.00
Encumbrances payable	-
Payroll liabilities	-
Payroll tax liability	-
State and county option income tax payable	-
Federal/FICA/Medicare payable	-
Unemployment taxes payable	-
Total liabilities	175.00
Total Liabilities and Net Assets	\$ 13,703.08

X Cheryl Musgrave 7-28-2025
Cheryl Musgrave
PCWDC Secretary/Treasurer