

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

May 15, 2019



Iseminger & Associates, Inc.
877-337-7379

1 EAST CHICAGO WATERWAY MANAGEMENT
2 DISTRICT BOARD OF DIRECTORS' MEETING
3 City of East Chicago, Engineering/Annex Building
4 4444 Railroad Avenue
5 East Chicago, Indiana
6 May 15, 2019
7 Wednesday, 5:00 p.m.

8
9 Transcript of the proceedings had in the
10 above-entitled matter, on the 15th day of
11 May, 2019, at 5:00 p.m., at the City of East
12 Chicago, Engineering/Annex Building, 4444 Railroad
13 Avenue, East Chicago, Indiana, before Peggy S.
14 LaLonde, Certified Shorthand Report and Notary
15 Public for the County of Porter, State of
16 Indiana.

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18
19
20
21 ISEMINGER & ASSOCIATES, INC.
22 2 Indiana Avenue
23 Valparaiso, Indiana 46383
24 (219) 464-2178
25

A P P E A R A N C E S:

MR. JOHN FEKETE, President

MR. JOHN BAKOTA, Board Member

MR. HENRY RODRIGUEZ, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT

MR. MICHAEL NGUYEN

Army Corps of Engineers

* * * *

District Board of Directors' Meeting
05/15/2019

1 MR. FEKETE: All right. I'd like to call
2 to order the East Chicago Waterway Management
3 District Board of Directors' meeting. Today's date
4 is May 15th, and the time is 5:08.

5 First order of business is the
6 roll call. John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 MR. PATRICK RODRIGUEZ: Yes.

12 MR. FEKETE: Ted Zagar?

13 (No Response)

14 MR. FEKETE: Kevin Doyle?

15 (No Response)

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Yes.

18 MR. FEKETE: John Fekete? Yes. We have a
19 quorum.

20 Executive Director's report, Mr.
21 Trevino.

22 MR. TREVINO: Fernando Trevino, with FMT
23 Consulting. I'd like to start off by going over the
24 contents of your Board packet. You have of course
25 today's agenda for May 15th. You have the Board

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1 minutes for last month's Board meeting, dated
2 April 17, 2019. You have the Board minutes for the
3 special meeting we had on May 1st, 2019.

4 You have the financial
5 statements from CliftonLarsonAllen, dated April 30,
6 2019. You have today's claims docket for approval
7 consideration dated May 15, 2019.

8 You have several First Merchant
9 bank statements for the month of April, for account
10 ending in 608, account ending in 616. And you have
11 a couple User Fee deposits that were made in the
12 month of April. First one dated April 15th and the
13 second dated April 24th. And then you have account
14 information on the distribution of 12-month CD and
15 the 24-month CD held with First Merchants Bank. The
16 12-month CD for account ending in 898 and the
17 24-month CD for account ending in 936. And date the
18 report was created, May 15, 2019.

19 You have a letter from M & M
20 Management to our Attorneys, Wieser & Wyllie,
21 regarding the unpaid User Fee account. And it's
22 basically a letter looking to create a payment plan
23 for their past due amount. And you also have the
24 agreed judgment related to that same past due amount
25 with M & M Management that was filed in court on May

1 9, 2019 with M & M Management and the Waterway
2 Management District it outlines the basis for
3 payment of the past due amount of \$11,728.80, along
4 with the statutory interest of eight percent per
5 annum. And the agreement is that they would pay
6 \$500 per week until the balance is paid.

7 You have a template for the User
8 Fee past due amount, entities who have not paid
9 there User Fees as of today. Today was the due
10 date. And that extension is on the agenda for
11 approval consideration. You have an engagement
12 letter dated May 14, 2019.

13 Also for approval consideration
14 you have the BMO Harris ECI Facility Trust report,
15 dated April 30, 2019. And also BMO Harris account
16 statement ending in 712 for the month of April,
17 2019.

18 You have the Army Corps report
19 to the Board dated May 15, 2019.

20 You have a fact sheet from
21 Atlantic Richfield Company regarding their pipeline
22 removal project dated May 6, 2019. You have a
23 letter from Atlantic Richfield Company to Mayor
24 Copeland dated April 26, 2019, regarding the south
25 tank farm and the sheet pile wall.

1 You have Attorney Ellen
2 Gregory's report to the Board dated May 15, 2019,
3 revision date of May 7th.

4 You have a letter from the Army
5 Corps of Engineers to myself, dated April 26, 2019.
6 The letter is from Colonel Reisinger regarding their
7 decision regarding the dispute under the Tipping Fee
8 Agreement. I had provided that at our May 1st Board
9 meeting, but I thought I'd include it in this packet
10 as well.

11 You have an e-mail from Vanessa
12 Villareal regarding the posting of their media
13 advisory on the dredging public meeting. And
14 basically the e-mail states that the media advisory
15 was posted in the Times and the Post Tribune. The
16 e-mail is dated May 10th. And the Dredging Public
17 Meeting is today, immediately following our Board
18 meeting, at 6:00 o'clock. Close to immediately.

19 You have a report from Parsons
20 to Dan Sparks and Dan Haug regarding monthly report
21 number 44, bird monitoring, dates May 7, 2019.

22 And you have a notice of Intent
23 Application that was filled out and submitted by
24 Atlantic Richfield Company/BP for storm water
25 management.

1 That concludes the items in the
2 Board packet. I'd just like to go over a few
3 things.

4 As I mentioned, there were a
5 couple of items in your packet that are on the
6 agenda today for approval consideration. The first
7 is the claims docket dated May 15, 2019. Two, the
8 Board minutes for April 17th and May 1st, 2019. We
9 have the claims docket and the extension of the 2019
10 User Fee payment, extending it from May 15th to
11 July 15th. And we have an engagement will, and that
12 concludes the action items.

13 To go over a couple items.
14 Before the next Board meeting I am going to request
15 a Finance Committee meeting. So I will be reaching
16 out to the Finance Committee to set up a time to go
17 over a few items that we need direction on before
18 the June Board meeting, as far as User Fees. The
19 total collected to-date is approximately \$1,278,000
20 and that includes the deposits that we have done
21 to-date, and also includes the checks in hand. And
22 there is a approximately \$82,000 remaining. And as
23 I mentioned, we were requesting approval of the User
24 Fee payments from May 15th to July 15th, and that's
25 consistent to what we have done in prior years.

1 Sometimes our invoice packets get lost in the mail
2 and requires follow-up, and also contacting the
3 right folks with some of the businesses.

4 And I also mentioned the M & M
5 Management agreed judgment. M & M Management was
6 the only entity that hadn't paid in prior years, and
7 so we had Attorney Wieser basically go after the
8 company in court. And I think it got their
9 attention and they responded by sending us a letter
10 that they wanted to put together a payment plan,
11 which was then entered into a court agreed judgment.
12 So that's good news. And then at the conclusion,
13 hopefully when they pay off their account, our
14 collections will be at 100 percent.

15 Update on the Great Lakes Legacy
16 Act Project. So, I shared a draft of the 2018
17 annual work in-kind/cost share report with AR/BP. I
18 reviewed it with them. They were okay with us
19 finalizing it. So I will finalize that and send it
20 to EPA. We also reviewed 2019 first quarter report
21 as well.

22 I mentioned that there is a
23 pipeline project fact sheet that summarizes the
24 upcoming project. If there is any follow-up
25 questions, let me know. The team is also working on

1 a press release regarding the project. So that will
2 probably go out within the next week or two.

3 And then the Grand Calumet River
4 Steward Day is scheduled for May 21st, at the Synder
5 Dunes, as well as Nature Preserves, in Hammond. As
6 I mention, that's May 21st. That's the elementary
7 school from East Chicago will be working with some
8 of the volunteers on several stations along the
9 river. So it's kind of a nice event. If anyone is
10 interested, let me know. It will start around --
11 well, the non-students and volunteers are asked to
12 be there at 10:30 a.m., but you can be there sooner
13 if you like.

14 The Army Corps of Engineers
15 report, Mr. Mike Nguyen is here to present an update
16 on their dredging project.

17 Attorney Ellen Gregory will give
18 a couple updates on legal matters. And that
19 concludes my report.

20 MR. FEKETE: Any questions for Mr.
21 Trevino? (None) Thank you very much.

22 Next order of business is
23 approval consideration of the Board meeting notes
24 for April 17th.

25 MR. BAKOTA: I make a motion to approve

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1 the minutes.

2 MR. LOPEZ: Second.

3 MR. FEKETE: I just have one correction,
4 spelling of Mr. Nguyen's name. All in favor,
5 signify by saying aye?

6 (All signify aye.)

7 MR. FEKETE: Motion carries.

8 Motion to approve Board meeting
9 notes from May 1st.

10 MR. HENRY RODRIGUEZ: Motion to approve.

11 MR. LOPEZ: Second.

12 MR. FEKETE: All in favor signify by
13 saying aye?

14 (All signify aye.)

15 MR. FEKETE: Motion carries.

16 Mr. Anderson is not with us, so, Mr.
17 Trevino, would you like to do the honors?

18 MR. TREVINO: Quick summary of the
19 financial report. So if you look at page 3, it's a
20 summary of the receipts and disbursements. The
21 total receipts through April 30th is approximately
22 375,000. Disbursements are approximately -- well, I
23 have \$101,879.10. And then you see the increase in
24 cash, and the cash balance as of April 30th is
25 \$3,620,012.58, and that total matches the total for

10

1 the table at the bottom, summarizing the Operating
2 account and the User Fee account.

3 The next page summarizes the
4 Operating account, the cash balance, and the cash
5 disbursements, and in more detail shows the debits
6 and credits, as well as the User Fee account. And
7 the certificates of deposit balance as of April 30th
8 is \$2,374,014.56, and that includes the 12-month and
9 the 24-month CD.

10 And then the last page is kind
11 of our running spreadsheet for our budget expenses
12 and forecast. And the first column shows 2019
13 budget appropriations. The next column is the
14 accounts payable that we had at the end of the 2018
15 calendar year, and that was totaled into the 2019
16 total appropriations column. And the second to the
17 last column is the claims docket for this month of
18 May. So those list the items on the claims docket.
19 If you notice, the total of that 38,000 matches the
20 total of the claims docket. And then the last
21 column is the unused budget for 2019. And as you
22 can see, all our items are in the positive. So that
23 concludes a summary of CliftonLarsonAllen budget
24 report.

25 MR. FEKETE: Okay. Thank you. That leads

1 to approval consideration for the accounts payable
2 voucher register dated May 15, 2019. Entertain a
3 motion to approve.

4 MR. PATRICK RODRIGUEZ: So moved.

5 MR. HENRY RODRIGUEZ: Second.

6 MR. FEKETE: Roll call vote. John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 MR. PATRICK RODRIGUEZ: Yes.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

14 MR. FEKETE: John Fekete? I vote yes.

15 Motion carries.

16 Next order of business, approval
17 consideration for 2019 User Fee payment deadline
18 extension, which we plan on carrying out to
19 July 15th of this year, 2019. Do I have a motion to
20 approve?

21 MR. HENRY RODRIGUEZ: Motion to approve.

22 MR. BAKOTA: Second.

23 MR. FEKETE: Roll call vote. John Bakota?

24 MR. BAKOTA: Yes.

25 MR. FEKETE: Henry Rodriguez?

1 MR. HENRY RODRIGUEZ: Yes.

2 MR. FEKETE: Patrick Rodriguez?

3 MR. PATRICK RODRIGUEZ: Yes.

4 MR. FEKETE: Ray Lopez?

5 MR. LOPEZ: Yes.

6 MR. FEKETE: John Fekete? I vote yes.

7 And then the third item for
8 approval consideration is the engagement of letter
9 of Plews, Shadley, Racher & Braun. Entertain a
10 motion to approve.

11 MR. BAKOTA: Motion to approve.

12 MR. LOPEZ: Second.

13 MR. FEKETE: Roll call vote. John Bakota?

14 MR. BAKOTA: Yes.

15 MR. FEKETE: Henry Rodriguez?

16 MR. HENRY RODRIGUEZ: Yes.

17 MR. FEKETE: Patrick Rodriguez?

18 MR. PATRICK RODRIGUEZ: Yes.

19 MR. FEKETE: Ray Lopez?

20 MR. LOPEZ: Yes.

21 MR. FEKETE: John Fekete? I vote yes.

22 Motion carries.

23 Next order on agenda is BMO
24 Harris Bank Trust report. Mr. Trevino, can you
25 pitch hit again?

1 MR. TREVINO: So I will go over page 1,
2 which highlights the historical value of the Trust
3 since 1997, and including the distributions since
4 1997.

5 Page 2, the current value of the
6 Trust is \$4,529,808.00, and that's as of the end of
7 the month of April. That's an increase of 23,819
8 from our last meeting. This increase was due to the
9 interest on the Money Market and all the CDs paying
10 out interest in April. The next CD payment will be
11 in July and will be reflected at the August meeting
12 statements.

13 Page 3, shows the values ov the
14 Money Market, essentially business checking and the
15 CD. There was a BP deposit on April 30th, for
16 \$5,615.25. And there will be one CD maturing in
17 June and one in July of this year. So as I
18 mentioned, we need to have a finance meeting so we
19 have a recommendation for the Board meeting, the
20 June Board meeting.

21 That concludes the summary of the
22 BMO report.

23 MR. FEKETE: Very good. Any questions?
24 (None)

25 Next is US Army Corps of

1 Engineers report, Mr. Nguyen.

2 MR. NGUYEN: Mike Nguyen, with the Army
3 Corps of Engineers. CDF Construction, Facility and
4 dredging operations will be on-going until the late
5 spring/early summer. Dredging is scheduled to start
6 in mid to late June.

7 Public meeting is scheduled for
8 today at 6:00 o'clock after the ECWMD Board meeting.

9 Documentation: Nothing to
10 report.

11 PCA revision, the Corps sent
12 formal response letter to ECWMD regarding
13 ArclerMittal Tipping Fee dispute on the 26th of
14 April. Per the ECWMD 's request, the Corps will
15 discuss with EPA to enter into an agreement for the
16 Lake George Dredging.

17 Feddeler parcel resolution.
18 Corps sent the final determination letter on 6th of
19 February.

20 New products: The Parkway and
21 Entrance Road contract is almost complete.
22 Preparing their submittals for review and approval,
23 and they should be starting in -- sometime in June.
24 That's all I have.

25 MR. FEKETE: Any questions for Mr. Nguyen?

1 (None) Thank you very much.

2 Next order of business is the
3 Attorney Ellen Gregory report.

4 MS. GREGORY: Ellen Gregory, Ellen Gregory
5 Law. Just a couple things to report, both of them
6 related to items that Mike just mentioned. First of
7 all, the Feddeler filed determination letter sent on
8 February 6th. In that letter was a deadline of May
9 31st for the District to submit costs related to the
10 Feddeler claim. Fernando Trevino and I will be
11 meeting with Jim Wieser to put together those costs
12 for submittal before the end of the month.

13 And as Mike mentioned,
14 April 26th the Corps sent a letter regarding the
15 Mittal Tipping Fee dispute and the District has
16 30 days to submit a position statement, which falls
17 on May 26th. So we'll be working on putting
18 together something in response to the Corps position
19 statement of April 26th. That's all I have.

20 MR. FEKETE: Any questions? (None) Thank
21 you very much. Any new business to come before the
22 Board? (None) Any other business? (None)
23 Any public comments? (None)

24 MR. TREVINO: Just a reminder, the
25 dredging public meeting -- the Corps public meeting

1 will be held after our Board meeting at six, so if
2 you'd like to stick around for that as well.

3 MR. FEKETE: Okay, very good. Our next
4 Board meeting will be June 19, 2019, at 5:00 p.m.,
5 at this facility.

6 I will entertain a motion for
7 adjournment.

8 MR. BAKOTA: Motion to adjourn.

9 MR. HENRY RODRIGUEZ: Second.

10 MR. FEKETE: All in favor signify by
11 saying aye?

12 (All signify aye.)

13 MR. FEKETE: Motion carries. This meeting
14 is concluded.

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16

17 ***** Meeting is adjourned *****

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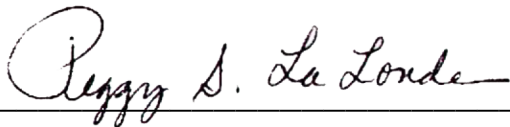
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C E R T I F I C A T E

I, Peggy S. Lalonde, Certified Shorthand Reporter (CSR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared at the City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 15th day of May, 2019, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings given at said time and place, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a true and accurate record of said proceedings had.

Dated this 14th day of June, 2019.



Peggy S. LaLonde, CSR

My Commission expires: 2/06/2026



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