

In The Matter Of:
East Chicago Waterway Board of Directors Meeting

July 16, 2014

Iseminger & Associates, Inc.
Professional Court Reporters
14 Indiana Ave., Suite A - Valparaiso, IN 46383
Toll Free: 877.Dep.Rep9
E-Mail: in_courtreporters@yahoo.com

1 EAST CHICAGO WATERWAY MANAGEMENT
2 DISTRICT BOARD OF DIRECTORS' MEETING
3 City of East Chicago, Engineering/Annex Building
4 4444 Railroad Ave.
5 East Chicago, Indiana
6 July 16, 2014
7 Wednesday, 5:00 P.M.

8 Transcript of the proceedings had in the
9 above-entitled matter, on the 16th day of July,
10 2014, at 5:00 p.m., at the City of East Chicago,
11 Engineering/Annex Building, 4444 Railroad Avenue,
12 East Chicago, Indiana, before Dawn M. Iseminger,
13 Registered Professional Reporter and Notary Public
14 for the County of Porter, State of Indiana.

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

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Board Member

MR. RAY LOPEZ, Secretary

MR. JOHN BAKOTA, Board Member

MR. EARNEST JONES, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, East Chicago Waterway Board of
Directors' Attorney

Also Present:

TIM ANDERSON, CliftonLarsonAllen

NATALIE MILLS, USACE

TOM BARNETT, ArcelorMittal

- July 16, 2014

1 MR. FEKETE: Call to order the July 16th,
2 2014, meeting of East Chicago Waterway Management
3 District Board of Directors. The first order of
4 business is roll call. John Bakota?

5 MR. BAKOTA: Here.

6 MR. FEKETE: Henry Rodriguez?

7 MR. RODRIGUEZ: Here.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Here.

10 MR. FEKETE: Earnest Jones?

11 MR. JONES: Here.

12 MR. FEKETE: John Fekete, here. Mike Ebert?

13 (No response.)

14 MR. FEKETE: We have a quorum. Consulting
15 Engineering Report. Mr. Trevino.

16 MR. TREVINO: Yes. Fernando Trevino with
17 F.M.T Consulting. Just reviewing the contents in
18 your board packet, you have the board minutes for
19 June 18, 2014. And, actually, the heading says
20 "July 24, 2004," but I'll have that corrected;
21 it's the board minutes for June 24, 2014. You
22 have the Keystone letter dated June 26, 2014,
23 translating to us their annual maintenance
24 agreement, which is due. You have
25 CliftonLarsonAllen financial statement dated June

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1 30, 2014, and the claim docket for approval
2 consideration dated July 16th, 2014. You have a
3 proposal for video and editing from Mr. Michael
4 Gomez, and that's dated July 14, 2014. You have
5 BMO Harris Bank ECI facility trust report dated
6 July 15, 2014. BMO Harris brokerage account
7 statement for account ending in 534 for the month
8 of June 2014. You have bank statements from First
9 Merchants Bank for the month of June 2014, and
10 there's two of them. One account ending in 608,
11 and the other account ending is 616. And you also
12 have the user fee deposits for the month of June,
13 and the deposit memos are dated June 9th, June
14 11th, June 20th, all three of 2014.

15 You have an e-mail from BOR Refund Claim,
16 dated July 11th, 2014. This is acknowledging
17 that we've sent in an Application ST-200 tax
18 exemption form.

19 You have in your packet the final agenda
20 for the half-day seminar scheduled for July 29,
21 2014. That's being hosted by us in partnership
22 with IDEM's care committee.

23 You have a letter dated July 3, 2014, from
24 me to the user fee owner -- user fee property
25 owners inviting them to the July 29th seminar.

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1 You have another memo from me dated June
2 24th basically summarizing the terms of the
3 rental agreement for the Post 369 on July 29,
4 2014, and also acknowledging they received our
5 \$200 deposit.

6 You've got a letter from me to Michigan
7 State University transmitting the \$40,000 for
8 the Jeorse Park beach modeling study.

9 You have a flyer titled, "Strong City,
10 Strong Community, Strong Northwest Indiana
11 Symposium," which is scheduled for July 22nd
12 and July 23rd, 2014, at the Gary Genesis
13 Center. And when we get to other new business,
14 I'd like to ask board approval for me to attend
15 that seminar, or symposium, and the cost is
16 \$45.

17 There's a letter dated July 10, 2014, from
18 Mr. Dave Ryan, Lakeshore Chamber of Commerce,
19 summarizing how to become a member of the
20 chamber. There are -- there's an article from
21 Northwest Indiana Times titled "Indiana Tops
22 Nation in Toxic Releases to Waterways," dated
23 June 20, 2014. And another Northwest Indiana
24 article titled "E.C. Beaches Among Nations Most
25 Polluted," and that's dated July 15, 2014. You

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1 have an article, a Wall Street Journal article
2 dated July 11, 2014, giving notice that our
3 board member, Mr. Mike Ebert, is now the
4 president of Pure Lube, Inc., USA. So
5 congratulations to Mr. Ebert.

6 You have the Army Corps of Engineers'
7 report to the board for today's meeting, dated
8 July 16, 2014.

9 And last, but not least, you have Attorney
10 Ellen Gregory's report to the board dated July
11 11, 2014.

12 A couple of items to report on. Board
13 president, Mr. Fekete, and I met with Mayor
14 Copeland and Chief of Staff, Val Gomez, a
15 couple weeks ago just to give updates on our
16 projects and activities.

17 The dredging observation tour was held on
18 June 26, 2014, and went quite well. Those in
19 attendance included Board Member Henry
20 Rodriguez, John Bakota, and Mr. Ray Lopez, and
21 myself. So I'd like to thank the Corps and the
22 dredging contractor for coordinating the
23 dredging operation tour. Thank you.

24 This past Monday I had a meeting with
25 Mr. Matt Light of the attorney general's office

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1 in Indy to discuss the next steps and their
2 involvement in pursuing any current nonpaid
3 user fees. So they're going to do a follow-up
4 report in what their recommendations are, so
5 I'll be sharing that with the board soon.

6 I had some -- I reached out to Mr. Dave
7 Ryan from the Lakeshore Chamber of Commerce
8 about the benefit of the Waterway Management
9 District becoming engaged in the Lakeshore
10 Chamber of Commerce. So I'll be doing some
11 more homework on that and reporting back to the
12 board.

13 A draft policy was in last month's board
14 packet regarding board members attending these
15 board meetings via conference call. So I'll --
16 I've got some feedback from the board, so I'll
17 make sure that the final policy that we present
18 at the next board meeting has those items in
19 it, and so I'll submit that for board
20 consideration at the August meeting.

21 I mentioned the Keystone software annual
22 maintenance agreement is in your packet. This
23 is our first year that we've had to pay the
24 annual fee. We initiated the software around
25 this time last year, so it's part of the

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1 original contract when we purchased the
2 software. And the amount that they invoiced us
3 is exactly what they estimated it would be and
4 is the amount of the budget line item in our
5 2014 budget.

6 At the last board meeting, the board
7 approved the purchase of iPads. We've
8 submitted the paperwork Verizon had requested.
9 After the fact, it appeared that they needed
10 some additional tax exemption documentation, so
11 we didn't have that because we never needed it,
12 so we applied for it, so hopefully when we get
13 past that, we'll get to the next step of
14 actually getting the iPads and the accessories.
15 So we'll probably have an invoice at the next
16 board meeting.

17 Part of our strategic planning was to
18 pursue grant opportunities. I mentioned that
19 there's a Strong City, Strong Communities
20 symposium next week. I think it's a good idea
21 for us to have a presence.

22 Also, the Legacy Foundation, through
23 Bridges of Care, is looking to do a letter of
24 interest, and it's more of a city-wide joint
25 effort. So I'm planning to participate in that

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1 to see if there's any of our waterway
2 initiatives that we can interject in the letter
3 of interest. So I'll report back at our next
4 board meeting on any developments on that.

5 The Great Lakes Legacy project: Mr. Jim
6 Wescott of Tetra Tech was not able to make
7 today's meeting. Just as a quick update, the
8 bathymetry and utility identification and
9 clearance work continues. It should be done by
10 the end of this month. There's been no major
11 hurdles to date. All the adjoining companies
12 have been very cooperative in our efforts to
13 identify utilities along the waterways. At the
14 end of this month, the initial steps to do a
15 canal and river bank integrity will be done,
16 and it will be more a reconnaissance, and then
17 a more detail survey of the banks will follow.

18 A conference call was held July 7th with
19 EPA and BP to discuss opportunities to increase
20 local cost-share portions for future
21 remediation work. I'll keep the board updated
22 as we progress on those -- or researching those
23 opportunities.

24 Scott Ireland of the EPA informed us that
25 he will no longer be the EPA project manager,

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1 as he is moving on to new endeavors, and I
2 believe it's within EPA. And he is replaced by
3 Diane O'Malley. I invited Diane to our next
4 board meeting, so hopefully she will make it
5 and introduce herself.

6 Tetra Tech project report: Our monthly
7 project report is in your packet for additional
8 information.

9 As we've mentioned -- and you've seen the
10 flyer and the agenda -- the July 29, 2014,
11 seminar and partnership with IDEM is in your
12 packet. The proposal that's in your packet
13 from Mr. Mike Gomez is to videotape that event
14 and then submit two VD's of an edited condensed
15 program. I have sent the invitation to
16 stakeholders, including companies that reside
17 on the waterways, who pay user fees, and I've
18 also sent to all those on my broad e-mail
19 distribution list that you've seen, which
20 includes Mr. Paul. So hopefully he'll be able
21 to make it. And I also forwarded a copy to the
22 City's multimedia department to disseminate
23 through their channels.

24 I mentioned that the copy of the lease
25 deposit memo was in your packet, and the final

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1 agenda is in your packet.

2 Regular meetings that I've participated on
3 behalf of the district include BP biweekly
4 meetings, the Great Lakes Legacy Act meetings,
5 the Roxanna Marsh area development meetings,
6 the dredging project meetings, and the canal
7 tech review committee.

8 And just wanted again to congratulate
9 Mr. Mike Ebert on his promotion as president of
10 Pure Lube USA, Inc. So that concludes my
11 report.

12 MR. FEKETE: Any questions for Mr. Trevino?

13 (No response.)

14 MR. FEKETE: Thank you very much. Approval
15 of the board meeting notes for June 18th and June
16 24th?

17 MR. BAKOTA: Motion to accept.

18 MR. FEKETE: We have a motion. Do we have a
19 second?

20 MR. JONES: Second.

21 MR. FEKETE: We have a second. All in favor
22 signify by saying aye.

23 (All signify aye.)

24 MR. FEKETE: Opposed?

25 (No response.)

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1 MR. FEKETE: Hearing none, motion approved.

2 Approval consideration of the Keystone
3 software annual maintenance agreement. We have
4 it before us. I will entertain a motion to
5 accept.

6 MR. RODRIGUEZ: Motion to accept.

7 MR. FEKETE: Do we have a second?

8 MR. LOPEZ: Second.

9 MR. FEKETE: We have a motion and a second.
10 And we'll have a roll call vote. John Bakota?

11 MR. BAKOTA: Yes.

12 MR. FEKETE: Henry Rodriguez?

13 MR. RODRIGUEZ: Yes.

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: Earnest Jones?

17 MR. JONES: Yes.

18 MR. FEKETE: John Fekete, I vote yes. Mike
19 Ebert?

20 (No response.)

21 MR. FEKETE: Motion is approved. The
22 accounting consulting report. Mr. Anderson:

23 MR. ANDERSON: Hello. Tim Anderson from
24 CliftonLarsonAllen. You have in your board packet
25 the financial statement from June, June 30th.

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1 Page No. 2 has our receipts and disbursements of
2 the operating account and the user fee account.
3 It doesn't include the trust. So it's the other
4 two cash accounts. We have, through June 30th,
5 388,000 of the user fees collected, and then we
6 have the trust reimbursement for our budget. So
7 we have cash receipts of 624,000. And then
8 there's a list of the disbursements that we make
9 out of those accounts: Legal fees, engineering
10 accounting -- and you can read the rest. The big
11 item, I guess, is the Great Lakes Legacy Project
12 and the Jeorse Park study that are in there. So
13 we've got 624,000 cash receipts, and 249,000 of
14 disbursements. So our cash has increased 375,000,
15 and our cash on hand at the end of June was
16 \$2,061,000 in those two checking accounts. So
17 it's accumulating.

18 Page 3 just shows the in and outs of each
19 account by month, the interest earned, and the
20 checks we write, and it just shows each
21 account, the user fee and the operating.

22 And then Page 4 is probably the most
23 important page. The right most column shows,
24 after the checks that you fellows agreed to
25 write today, what the balance is of the budget,

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1 and we use this to make sure that we don't
2 exceed any budget item for cash disbursements.
3 So you've got the budget that we passed, the
4 cash disbursements January through June that we
5 wrote, and then the second to the last column
6 is what you're signing off on today, and we
7 still have available budget after those checks
8 are written. And that available budget will
9 agree with what the balance is in the operating
10 account.

11 Any questions?

12 (No response.)

13 MR. ANDERSON: Nothing. Okay. Thank you.

14 MR. LOPEZ: Thank you.

15 MR. FEKETE: Thank you. The next order of
16 business, then, is the approval of the accounts
17 payable voucher register, dated July 16, 2014. I
18 will entertain a motion to approve.

19 MR. RODRIGUEZ: Motion to approve.

20 MR. FEKETE: May I have a second?

21 MR. BAKOTA: Second.

22 MR. FEKETE: I think we have a second. We'll
23 have a roll call vote. John Bakota?

24 MR. BAKOTA: Yes.

25 MR. FEKETE: Henry Rodriguez?

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1 MR. RODRIGUEZ: Yes.

2 MR. FEKETE: Ray Lopez?

3 MR. LOPEZ: Yes.

4 MR. FEKETE: Earnest Jones?

5 MR. JONES: Yes.

6 MR. FEKETE: John Fekete, I vote yes. Motion
7 is approved.

8 Next order of business is the
9 consideration for the proposal for videotaping
10 and editing of the July 29th, 2014, seminar.

11 MR. LOPEZ: Motion to accept.

12 MR. FEKETE: We have a motion to accept. Do
13 I have a second?

14 MR. RODRIGUEZ: Second.

15 MR. FEKETE: We have a second. We'll have a
16 roll call vote. John Bakota?

17 MR. BAKOTA: Yes.

18 MR. FEKETE: Henry Rodriguez?

19 MR. RODRIGUEZ: Yes.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Yes.

22 MR. FEKETE: Earnest Jones?

23 MR. JONES: Yes.

24 MR. FEKETE: John Fekete, I vote yes.

25 Any new business?

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1 MR. TREVINO: Yes. I don't know if you want
2 to cover it under new business or other business,
3 but I'd like for the board to consider approving
4 my attendance to this symposium being held at the
5 Genesis Center in Gary next week, and as I
6 mentioned, it's a \$45 registration fee. And then
7 the other -- there was discussion of whether it
8 would be a good idea whether I attend the
9 Lakeshore Chamber of Commerce Dinner coming up the
10 next week or two.

11 MR. LOPEZ: Yeah. You're talking two
12 separate items?

13 MR. TREVINO: Well, if you want to handle
14 them separately or together.

15 MR. LOPEZ: Separate.

16 MR. FEKETE: Okay. And we'll do it by voice
17 vote, because one is a \$20 and the other one is
18 \$45.

19 MR. LOPEZ: We'll do it for the first one
20 then, right?

21 MR. FEKETE: We'll do it for The Chamber
22 dinner. Entertain a motion to approve us
23 reimbursing Mr. Trevino for the attendance at the
24 chamber meeting.

25 MR. BAKOTA: Motion to approve.

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1 MR. LOPEZ: Second.

2 MR. FEKETE: All in favor signify by saying
3 aye.

4 (All signify aye.)

5 MR. FEKETE: Okay. The next event is the
6 symposium that's being held in Gary. The
7 attendance fee is \$45. It's a two-day event, and
8 it is being hosted by several governmental
9 agencies. We've had discussion about this and
10 feel that it's important at least that we have a
11 presence there to understand what's going on with
12 regard to this particular endeavor, and the
13 recommendation is that we reimburse Mr. Trevino
14 and approve his attending this particular event.
15 I will entertain a motion to approve.

16 MR. LOPEZ: Motion to approve.

17 MR. RODRIGUEZ: Second.

18 MR. FEKETE: We have a motion to approve and
19 a second. All in favor signify by saying aye.

20 (All signify aye.)

21 MR. FEKETE: Any opposition?

22 (No response.)

23 MR. FEKETE: It's approved.

24 MS. GREGORY: The Corps' report.

25 MR. FEKETE: We didn't have that in there.

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1 That's not new business. That's the best
2 business. I have one other item under "new
3 business." Thanks for calling it to our
4 attention. With regard to the event on the 29th,
5 I'd like board approval to acquire two plaques for
6 the presentation to be made at that particular
7 event on the 29th. The total cost will probably
8 be in the range of \$150 to \$200 for the two
9 plaques, and we will entertain a motion to
10 approve.

11 MR. LOPEZ: What are the plaques for?

12 MR. FEKETE: Jim Smith.

13 MR. LOPEZ: Okay. All right.

14 MR. BAKOTA: Motion to approve.

15 MR. FEKETE: We have a motion to approve. Do
16 we have a second?

17 MR. LOPEZ: Yeah.

18 MR. FEKETE: We have a second. That's more
19 than a hundred dollars. We'll have a voice vote.
20 John Bakota?

21 MR. BAKOTA: Yes.

22 MR. FEKETE: Henry Rodriguez?

23 MR. RODRIGUEZ: Yes.

24 MR. FEKETE: Ray Lopez?

25 MR. LOPEZ: Yes.

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1 MR. FEKETE: Earnest Jones?

2 MR. JONES: Yes.

3 MR. FEKETE: John Fekete, I vote yes. Any
4 objection?

5 (No response.)

6 MR. FEKETE: Hearing none, that motion is
7 approved.

8 Ellen Gregory report.

9 MS. GREGORY: Natalie is next.

10 MR. FEKETE: Natalie.

11 MS. MILLS: Good evening. Natalie Mills with
12 the Army Corps of Engineers. As far as the
13 dredging, the contractor is complete with their
14 2014 dredging. We dredged about 204,000 cubic
15 yards. I'm still waiting on the survey
16 information in order to give you all an accurate
17 number. When I get that, I will provide that
18 information to you. They're going to start their
19 demobilization process and that should be complete
20 and moved out by the end of July 2014.

21 MR. BAKOTA: They're done for the season?

22 MS. MILLS: They're done for the season.

23 MR. BAKOTA: Is there any projection of the
24 next season, what you will? Or hasn't that been
25 determined?

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1 MS. MILLS: Well, the next season is when we
2 plan to do the TSCA dredging.

3 MR. BAKOTA: Excuse me?

4 MS. MILLS: The TSCA dredging, TSCA material.
5 You're looking for a quantity?

6 MR. BAKOTA: Yeah.

7 MS. MILLS: I think we're looking at
8 approximately 400,000 cubic yards.

9 MR. FEKETE: When do you do the testing for
10 that? Do you have to do that in advance?

11 MS. MILLS: Yeah. That testing was already
12 done, and that's how it was already classified.

13 MR. FEKETE: When was it done?

14 MS. MILLS: We do sampling like a year or so
15 in advance of the dredging.

16 MR. FEKETE: Okay.

17 MS. MILLS: I'm not sure exactly when they
18 did. I can find that out and get that information
19 to you.

20 MR. FEKETE: I'd appreciate that.

21 MR. BARNETT: Tom Barnett, ArcelorMittal.
22 They're out there now. We just set up with them
23 to give them access through the, what we call the
24 freight property, John.

25 MR. FEKETE: Yeah.

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1 MR. BARNETT: They're in that stretch.

2 MR. FEKETE: Okay.

3 MR. BARNETT: As of the end of this week,
4 they'll be out there.

5 MS. MILLS: I'm out of the loop.

6 MR. FEKETE: Okay. As soon as you find out
7 the results, you'll let us know. Thank you,
8 Natalie. Thank you, Tom.

9 MR. BARNETT: You're welcome.

10 MR. FEKETE: That was Tom Barnett.

11 MS. MILLS: Which leads me into my next topic
12 which is the TSCA permit. We haven't heard
13 anything more since our submission in March. So
14 they'll probably still take it all in.

15 The PCA, I don't have anything significant
16 to report. Ellen, I'll allow you, if you have
17 anything on the PCA.

18 As far as the cost share, I'm going to
19 get that information from Fernando on the
20 balance on the escrow. I will need to put that
21 information within the cost share summary. So
22 once we have that, I will be able to provide
23 something.

24 I don't have anything to update on the
25 parkway improvements. And as Fernando

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1 indicated, we had the boat tour on the 26th of
2 June. We went to the turn basin area; and I
3 think it was a successful tour. That's all I
4 have.

5 MR. LOPEZ: That was sponsored by the
6 contractor, right?

7 MS. MILLS: We sponsored it, yeah.

8 MR. LOPEZ: Why couldn't you take us inside?

9 MS. MILLS: That takes quite a while. It
10 would have taken a couple of hours rather than the
11 two hours.

12 MR. LOPEZ: I think we were a little
13 disappointed. We thought we would go into the
14 canal to see where you were dredging. We didn't
15 go that far.

16 MS. MILLS: That was the dredging location at
17 that time.

18 MR. LOPEZ: To see where it was all being
19 done and come back up, we thought we would go in
20 the canal and come back up.

21 MS. MILLS: Okay.

22 MR. FEKETE: That's a four-hour trip.

23 MR. LOPEZ: Next time, we'll do it.

24 MS. MILLS: Not me. That's all I have.

25 MR. FEKETE: Thank you very much. And thank

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1 you again for arranging the tour.

2 MR. BARNETT: Natalie, to be exact, they're
3 coming out the 21st.

4 MS. MILLS: For?

5 MR. BARNETT: To sample. That's when they're
6 coming on site.

7 MS. MILLS: Okay. Thank you.

8 MR. FEKETE: The Ellen Gregory report.

9 MS. GREGORY: Ellen Gregory with Ellen
10 Gregory Law. Just to respond to Natalie's comment
11 on the PCA, I think we're still waiting for Kim to
12 get back to us on a couple of the issues that we
13 had addressed to her previously.

14 Only a couple of issues I have to report.
15 The consent decree: Fernando and I met with
16 the D.O.J. attorney and the BP attorney to go
17 over the latest version of the consent decree.
18 He took some of our comments back, and we'll be
19 preparing a revised version based on both BP's
20 and our comments and be distributing that
21 within the next few weeks. We also met with
22 the BP attorney on various real estate issues
23 June 19th. Included in that was going over the
24 various easements on parcels that the Waterway
25 Management District owns; and also we discussed

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1 briefly the Feddeler issue. The Army Corps of
2 Engineers has a new attorney assigned to that
3 matter. The Army Corps' attorney has contacted
4 the Feddeler attorney to discuss the various
5 merits of the Feddeler's claim on what turns
6 out is probably just a right-of-way on part of
7 the CDF parcel, and so we'll be awaiting a
8 response from the Feddeler attorney on that
9 discussion hopefully within the next few weeks.
10 And that's all I have.

11 MR. FEKETE: Any questions?

12 (No response.)

13 MR. FEKETE: Thank you very much. Any other
14 business to come before the board?

15 (No response.)

16 MR. FEKETE: Any public comments?

17 (No response.)

18 MR. FEKETE: Hearing none, the next board
19 meeting is August 20, 2014, 5:00 p.m., at this
20 location. I will now entertain a motion of
21 adjournment.

22 MR. BAKOTA: Motion to adjourn.

23 MR. FEKETE: Do we have a second?

24 MR. RODRIGUEZ: Second.

25 MR. FEKETE: All in favor signify by saying

1 aye.

2 (All signify aye.)

3 MR. FEKETE: This meeting is now closed.

4 PROCEEDINGS ADJOURNED.

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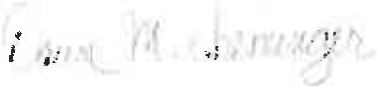
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C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), 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 16th day of July, 2014, 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 consisting of twenty-six (26) pages is a true and accurate record of said proceedings had.

Dated this 11th day of August, 2014.



Dawn M. Iseminger, RPR
My Commission expires: 7/22/2017