

In the Matter Of:

East Chicago Waterway Management - District Board of Directors' Meeting

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**EAST CHICAGO WATERWAY MANAGEMENT DISTRICT BOARD OF DIRECTORS' MEETING**

*February 20, 2019*

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**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           February 20, 2019  
7           Wednesday, 5:00 p.m.

8  
9           Transcript of the proceedings had in the  
10          above-entitled matter, on the 20th day of  
11          February, 2019, at 5:07 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.

17  
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. TIM ANDERSON,

CliftonLarsonAllen

\* \* \* \*

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 February 20th, and the time is 4:58.

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                     We will now have the Executive  
21 Director's report, Mr. Trevino.

22          MR. TREVINO: I'd like to start by going  
23 over the contents of your Board packet. You have,  
24 of course, the agenda for today's Board meeting.  
25 You have the Board minutes for January 16, 2019.

1                   You have the CliftonLarsonAllen  
2     financial statement dated January 3rd, 2019. You  
3     have the claims docket dated February 20, 2019,  
4     that's on the agenda for approval consideration.

5                   You have two letters of  
6     authorization regarding the transfer of funds. One  
7     is affiliated with the Trust and one is affiliated  
8     with the non-Trust. And the backup for those two  
9     transfers, you will see an e-mail from me to and  
10    from Tim Anderson regarding the 2018-year end cash  
11    balance calculations, which are used to offset those  
12    dollars in 2019. So the difference between the  
13    budget and the 2018 cash balance is what is  
14    requested in the transfer of funds.

15                  You have the EPA 2019 budget  
16    concurrence letter dated February 5, 2019.

17                  You have First Merchant bank  
18    statements for account ending in 608 and 616 for the  
19    month of January 2019. You also have a statement  
20    summary for the 12-month CD with First Merchants for  
21    account ending in 898, and the 24-month CD with  
22    First Merchants for account ending in 936. You also  
23    have a 1099 from First Merchants for our interest  
24    earned from our accounts in 2018.

25                  You have the BMO Harris ECI

1 Facility Trust statement and report dated  
2 January 31, 2019. Part of that documentation is the  
3 account statement for the month of January 2019 for  
4 account ending in 712. And you also have a couple  
5 1099s from BMO for our interest earned in 2018 for  
6 the accounts held under the BMO Bank.

7 You have a Gateway report  
8 basically showing that we submitted, the 100 R  
9 report, which is part of the State Board of Accounts  
10 requirement. And I will be meeting with Tim  
11 Anderson and Ray after the meeting today to file  
12 other State Board of Accounts online filing after  
13 the meeting today.

14 You have an East Chicago  
15 Waterway invoice to BP and that is for the 2018  
16 Section 10 Permit Agreement.

17 You have a report from the Army  
18 Corps of Engineers dated February 20, 2019. You  
19 have a couple letters from the Army Corps of  
20 Engineers. One is dated July 20, 2018, regarding  
21 disposal of material into the CDF from the Great  
22 Lakes Legacy Act Project. And a second letter dated  
23 February 4, 2019, regarding LERR credits.

24 You have Attorney Ellen  
25 Gregory's report to the Board, with the revision

1 date of February 14, 2019.

2 I have our premium notice for  
3 our liability insurance and the affiliated summary  
4 behind it, summation of the declaration of the  
5 policy. And the renewal amount is \$596.00.

6 You have a report from Parsons  
7 dated February 7, 2019, regarding monthly bird  
8 observation and monthly report number 41 for the  
9 month of January 2019.

10 You have a letter from Marathon  
11 dated February 14, 2019, regarding inspections of  
12 their pipelines.

13 That concludes the contents of  
14 your Board packet. Just to kind of go over a couple  
15 updates. I have got a project meeting update  
16 scheduled with Mayor Copeland next week,  
17 February 28th.

18 I mentioned earlier Tim  
19 Anderson, Ray Lopez, and myself will be working on  
20 online filings required by State Board of Accounts.

21 User Fees, I'm working on 2019  
22 User Fee packet. My goal is to transmit and get  
23 them out by early March.

24 Attorney Jim Wieser is working  
25 on filing a motion for Entry of Default with the

1 Lake County Courts against M & M Management for  
2 their delinquent User Fee account.

3 Great Lakes Legacy Act Project.  
4 I'm working on the 2018 annual cost share report.  
5 Hopefully that will be completed be next Board  
6 meeting.

7 And I will be talking with the  
8 EPA about exactly how and under what provisions  
9 we'll be able to use the CDF for sediment disposal  
10 related to the Great Lakes Legacy Act Project.

11 Regarding remediation of the  
12 other parts of the waterway, the Grand Cal River and  
13 the Indiana Harbor ship canal. I had a couple  
14 conferences with Scott Sinowski of the EPA exploring  
15 options to capture cost share from the ArclerMittal  
16 SEP project, which would require amending the  
17 current project agreement. And I did confirm to  
18 Scott that we were interested in partnering in that  
19 project and capturing the cost share, which will  
20 help us remediate other areas of the waterway in  
21 East Chicago. So I will report back more as that  
22 develops.

23 Regarding the dredging project.  
24 Dredging is anticipated to start in May. We also  
25 anticipate a public meeting will by held right



1 around that timeframe. Attorney Ellen Gregory and I  
2 are working on TSCA response letter for EPA approval  
3 of placing TSCA material into the CDF.

4 Regarding the tipping fee  
5 dispute with the Corps, both parties -- the District  
6 and the Corps -- agree to extend the deadline to  
7 March 11, 2019.

8 And that concludes my update.  
9 Any questions?

10 MR. FEKETE: Hearing none. Thank you very  
11 much.

12 Next order of business is  
13 approval consideration of the Board meeting notes  
14 for last month's meeting, which was dated  
15 January 16, 2019. I'll entertain motion.

16 MR. LOPEZ: Motion to approve minutes.

17 MR. PATRICK RODRIGUEZ: Second.

18 MR. FEKETE: We'll have a voice vote. All  
19 those in favor signify by saying aye?

20 (All signify aye).

21 MR. FEKETE: Motion is approved.  
22 Accounting consultant report, Mr. Anderson.

23 MR. ANDERSON: Tim Anderson, with the  
24 CliftonLarsonAllen. Everybody has got a copy this  
25 month. First page with numbers on it, so this is as

1 of January 31st. So, page 2, not a whole lot  
2 happening, just the one month of activity. We have  
3 a December year-end. So this is really just the  
4 activity for the month of January. Interesting  
5 change from prior years, the interest in the account  
6 is quite significant these days. So good decision  
7 on moving that money to the CD. This does not  
8 include the Trust money. This is just the Operating  
9 account and the User Fee money. Beginning of the  
10 month we had 3.3 million, 3,340,000 January 1st. We  
11 wrote checks, which normally would be the extent of  
12 the activity. We actually had 12,951 interest  
13 income to offset those disbursements. So we end the  
14 month with 3,333,000 in cash.

15 Page 3, just shows the activity  
16 of each of the three groups of accounts. It's how I  
17 like to think of them. You have got the Operating  
18 checking account at the top, and it's only got  
19 684,000 in it because we haven't done the Trust  
20 transfer yet which Fernando was talking about. So  
21 after we do that transfer, that account will roughly  
22 equate our unused budget for the year.

23 The second group is the User Fee  
24 money, which now is two different things. We have  
25 the Checking account, which has got 611,000 in it.

1 And then we have got 2,037,000 in the CDs, which is  
2 that 12,000 of interest income we were talking  
3 about.

4 Page 4 is sort of the enter  
5 page. This has got the total budget for the year,  
6 which was approved, which is on the total left  
7 column of 999,000 and we get to add our payables to  
8 that. So we have our total appropriations. January  
9 we paid off those payables and little bit of 2019  
10 activity. And then we've got \$24,886 on claims  
11 docket in front of you. So after you pay those  
12 bills today, we'll have a unused budget of 971,000.  
13 After we do those transfers from the Trust, that  
14 will roughly equal what is in the Operating account.  
15 Not roughly, it will be exactly what is in the  
16 Operating account.

17 As you can see, we are where you  
18 would expect in January, that we wouldn't even be  
19 close on any of these amounts. Any questions?  
20 (None)

21 We filed a whole bunch of  
22 reports with the State Board of Accounts since we  
23 last met. We are filing the annual -- the  
24 District's annual report tonight. I prepared it and  
25 Ray is going to submit it. We filed this 100-R

1 report with the State, which basically certifies we  
2 have no employees. That's important to them for  
3 some reason. And then we'll file a US form 1041 for  
4 the Trust by April 15th. So we'll get that all  
5 finished and we'll be up-to-date. Any questions?  
6 (None).

7 MR. FEKETE: Thank you.

8 MR. LOPEZ: Thank you.

9 MR. FEKETE: Next order of business is the  
10 approval consideration for the accounts payable  
11 voucher, dated February 20, 2019. I'll entertain a  
12 motion.

13 MR. PATRICK RODRIGUEZ: So moved.

14 MR. HENRY RODRIGUEZ: Second.

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

17 MR. BAKOTA: Yes.

18 MR. FEKETE: Henry Rodriguez?

19 MR. HENRY RODRIGUEZ: Yes.

20 MR. FEKETE: Patrick Rodriguez?

21 MR. PATRICK RODRIGUEZ: Yes.

22 MR. FEKETE: Ray Lopez?

23 MR. LOPEZ: Yes.

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

25 Motion carries.

1                   The second order up for approval  
2                   consideration is the 2019 budget transfer of funds.  
3                   There are two of them, one is a Trust and one is a  
4                   non-Trust account. So I'll entertain a motion to  
5                   approve both transfers.

6                   MR. PATRICK RODRIGUEZ: So moved.

7                   MR. BAKOTA: Second.

8                   MR. FEKETE: We'll have a roll call vote.  
9                   John Bakota?

10                  MR. BAKOTA: Yes.

11                  MR. FEKETE: Henry Rodriguez?

12                  MR. HENRY RODRIGUEZ: Yes.

13                  MR. FEKETE: Patrick Rodriguez?

14                  MR. PATRICK RODRIGUEZ: Yes.

15                  MR. FEKETE: Ray Lopez?

16                  MR. LOPEZ: Yes.

17                  MR. FEKETE: John Fekete? I vote yes.  
18                  Motion carries.

19                  MR. TREVINO: For the record, I would  
20                  enter the amount of transfer, which is \$240,038.43  
21                  for the Trust and the non-Trust transfer is  
22                  \$72,785.19.

23                  MR. FEKETE: Thank you. Next BMO Harris  
24                  Bank Trust report. Mr. Trevino?

25                  MR. TREVINO: Yes. Mr. Alonzo wasn't able

1 to make tonight's meeting, but he did send a summary  
2 report.

3 Page 1, highlights the  
4 historical value of the Trust since 1997, along with  
5 the distributions each year since 1997.

6 Page 2, the current value of the  
7 Trust is 4,745,931 and that is as of January 31st,  
8 of this year. This is an increase of \$18,660 from  
9 the last meeting and the increase is due to the  
10 interest on the Money Market and all the CDs paying  
11 out interest in January. Next CD payments will be  
12 in April and will be reflected in the May meeting  
13 statements.

14 Page 3, shows the value of the  
15 Money Market essential business checking account and  
16 CDs. There are no CDs that will mature until June  
17 and July of this year. And that concludes that  
18 report.

19 MR. FEKETE: Okay. Thank you. U.S. Army  
20 Corps of Engineers report.

21 MR. TREVINO: Yes. You might recall that  
22 the Corps had reported that they will start  
23 attending the meetings when the dredging commences,  
24 so they submitted a report. A couple updates that  
25 he has here. One is the Corps -- I mentioned that

1 the Corps and District agreed to extend the informal  
2 negotiations to March 11th of this year.

3 The Corps sent a final  
4 determination letter on Feddeler parcel February 6,  
5 2019. I believe that copy is in your Board packet  
6 also.

7 Regarding Parkway Improvement.  
8 A contractor is preparing submittal for the Corps  
9 the entrance road surfacing contract, preparing that  
10 proposal for the Corps to review and approve.

11 The final quantity for calendar  
12 year dredging 2018 is 162,592 cubic yards of  
13 sediment, and that's federal and non-federal  
14 material. April water treatment is ongoing until  
15 Spring. And that concludes the Army Corps report.

16 MR. FEKETE: Okay. Thank you. Next order  
17 of business is the Attorney Ellen Gregory report.

18 MS. GREGORY: Ellen Gregory, with Ellen  
19 Gregory Law. Three legal matters that I have been  
20 working on with Fernando and he's mentioned all of  
21 them. I'll go in a little bit more detail.

22 First, response letter to the  
23 Risk Base approval for placement of TSCA material in  
24 the CDF. Approval was issued in December of 2018  
25 and we are putting together a written response of

1 the Water Management District's position on  
2 placement of TSCA material in the CDF.

3 Fernando also mentioned the  
4 March 11th deadline, which is a deadline we have  
5 extended a couple of times regarding dispute with  
6 the Army Corps about placement of dredging material  
7 in the CDF. And the Corps position, they want to  
8 charge us 109 per cubic yard, even though the Mittal  
9 Tipping Fee Agreement states the cost was suppose to  
10 be \$71 per cubic yard. So the March 11th deadline  
11 basically would mark the end of the informal  
12 negotiations period. And if we don't resolve  
13 anything by then, we'll move into the formal dispute  
14 resolution period under the Tipping Fee Agreement.

15 Finally, Fernando mentioned the  
16 February 6, 2019, letter from Army Corps regarding  
17 the Corps position on the Feddeler parcel and in  
18 that letter the Corps states that the cost that the  
19 Water District has incurred in resolving that  
20 dispute are available for credits. So we'll be  
21 putting together a response, including Jim Wieser's  
22 attorney costs, my attorney costs and appraisal  
23 costs, and that response will be going in sometime  
24 before the deadline, which is in May of this year.  
25 That's all I have.



1                   MR. FEKETE: Thank you very much. Any  
2 questions for Miss Gregory? (None)

3                   New Business? (None)

4                   Old Business?

5                   MR. BAKOTA: Mr. President, I mentioned my  
6 concern about the grating and I'd like to make a  
7 motion -- I want public record of it -- I'd like a  
8 letter sent to the Mayor of my concerns of these  
9 grates being put on.

10                  MR. FEKETE: You're talking about the  
11 grating or sewer cover?

12                  MR. BAKOTA: The grating on McShane  
13 Avenue, which that water comes off the street and  
14 goes into the canal. They are labeled empty into  
15 waterway. It's cast right into the cast iron. On  
16 Indianapolis Boulevard, the sewers also I found out  
17 empty into the canal. The gratings are not marked.  
18 I think it's a liability for the City, if they have  
19 a spill in that area, and people that are cleaning  
20 up are not aware that it goes into the canal or into  
21 our sewers.

22                               So I am asking a hard letter be  
23 sent to the Mayor. The Mayor is part of the  
24 Sanitary District. He receives a stipend from the  
25 Sanitary District. I want a letter to the Sanitary

1 District of our concern because of the environmental  
2 effects on the canal and the lake. But I want to  
3 put that in the form of a motion.

4 MR. LOPEZ: I'll second.

5 MR. BAKOTA: And I'd like a copy of the  
6 letters that are sent and whatever return we get  
7 from the parties.

8 MR. FEKETE: Okay. We have a motion and  
9 second. Any discussion? (None) Hearing none, I'll  
10 entertain voice vote. All in favor signify by  
11 saying aye?

12 (All signify aye.)

13 MR. FEKETE: Motion carries. Public  
14 comments? (None)

15 I would like to make an  
16 observation. Coming over here today I came across  
17 Columbia Avenue, coming north, and the Grand Calumet  
18 River is awfully high. It's about as high as I  
19 think I have seen it in a long time. This  
20 organization is 25 years old this year. Waterway  
21 Management was started in '94.

22 No further comments -- the next  
23 Board meeting is March 20, 2019, 5:00 p.m., at this  
24 building.

25 I will entertain a motion for

1 adjournment.

2 MR. BAKOTA: Motion to adjourn.

3 MR. PATRICK RODRIGUEZ: Second.

4 MR. FEKETE: All in favor signify aye?

5 (All signify aye.)

6 MR. FEKETE: Motion carries. We are  
7 adjourned.

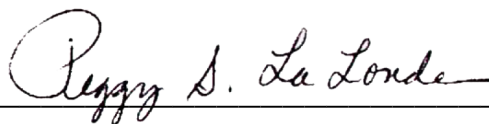
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11 \*\*\*\*\* Meeting is adjourned \*\*\*\*\*  
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C E R T I F I C A T E

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 20th day of February, 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 11th day of March, 2019.



Peggy S. LaLonde, CSR

My Commission expires: 2/06/2026



<hr/>	<b>20th</b> 3:4	<hr/>	<b>Army</b> 5:17,19 13:19
<b>\$</b>	<b>24-month</b> 4:21	<b>9</b>	<b>attending</b> 13:23
<b>\$18,660</b> 13:8	<b>28th</b> 6:17	<b>936</b> 4:22	<b>Attorney</b> 5:24 6:24 8:1
<b>\$24,886</b> 10:10	<hr/>	<b>971,000</b> 10:12	<b>authorization</b> 4:6
<b>\$240,038.43</b> 12:20	<b>3</b>	<b>999,000</b> 10:7	<b>aye</b> 8:19,20
<b>\$596.00</b> 6:5	<b>3</b> 9:15 13:14	<hr/>	<hr/>
<b>\$72,785.19</b> 12:22	<b>3,333,000</b> 9:14	<b>A</b>	<b>B</b>
<hr/>	<b>3,340,000</b> 9:10	<b>account</b> 4:18,21,22	<b>back</b> 7:21
<b>1</b>	<b>3.3</b> 9:10	5:3,4 7:2 9:5,9,18,21,25	<b>backup</b> 4:8
<b>1</b> 13:3	<b>31</b> 5:2	10:14,16 12:4 13:15	<b>Bakota</b> 3:6,7 11:16,17
<b>10</b> 5:16	<b>31st</b> 9:1 13:7	<b>Accounting</b> 8:22	12:7,9,10
<b>100</b> 5:8	<b>3rd</b> 4:2	<b>accounts</b> 4:24 5:6,9,12	<b>balance</b> 4:11,13
<b>100-R</b> 10:25	<hr/>	6:20 9:16 10:22 11:10	<b>bank</b> 4:17 5:6 12:24
<b>1041</b> 11:3	<b>4</b>	<b>Act</b> 5:22 7:3,10	<b>basically</b> 5:8 11:1
<b>1099</b> 4:23	<b>4</b> 5:23 10:4	<b>activity</b> 9:2,4,12,15	<b>Beginning</b> 9:9
<b>1099s</b> 5:5	<b>4,745,931</b> 13:7	10:10	<b>bills</b> 10:12
<b>11</b> 8:7	<b>41</b> 6:8	<b>add</b> 10:7	<b>bird</b> 6:7
<b>12,000</b> 10:2	<b>4:58</b> 3:4	<b>affiliated</b> 4:7 6:3	<b>bit</b> 10:9
<b>12,951</b> 9:12	<hr/>	<b>agenda</b> 3:24 4:4	<b>bit</b> 10:9
<b>12-month</b> 4:20	<b>5</b>	<b>agree</b> 8:6	<b>BMO</b> 4:25 5:5,6 12:23
<b>14</b> 6:1,11	<b>5</b> 4:16	<b>agreement</b> 5:16 7:17	<b>Board</b> 3:3,23,24,25 5:9,
<b>15th</b> 11:4	<hr/>	<b>Alonzo</b> 12:25	12,25 6:14,20 7:5 8:13
<b>16</b> 3:25 8:15	<b>6</b>	<b>amending</b> 7:16	10:22
<b>1997</b> 13:4,5	<hr/>	<b>amount</b> 6:5 12:20	<b>BP</b> 5:15
<b>1st</b> 9:10	<b>608</b> 4:18	<b>amounts</b> 10:19	<b>budget</b> 4:13,15 9:22
<hr/>	<b>611,000</b> 9:25	<b>Anderson</b> 4:10 5:11	10:5,12 12:2
<b>2</b>	<b>616</b> 4:18	6:19 8:22,23	<b>bunch</b> 10:21
<hr/>	<b>684,000</b> 9:19	<b>annual</b> 7:4 10:23,24	<b>business</b> 3:5 8:12 11:9
<b>2</b> 9:1 13:6	<hr/>	<b>anticipate</b> 7:25	13:15
<b>2,037,000</b> 10:1	<b>7</b>	<b>anticipated</b> 7:24	<hr/>
<b>20</b> 4:3 5:18,20 11:11	<hr/>	<b>appropriations</b> 10:8	<b>C</b>
<b>2018</b> 4:13,24 5:5,15,20	<b>7</b> 6:7	<b>approval</b> 4:4 8:2,13	<b>Cal</b> 7:12
7:4	<b>712</b> 5:4	11:10 12:1	<b>calculations</b> 4:11
<b>2018-year</b> 4:10	<hr/>	<b>approve</b> 8:16 12:5	<b>call</b> 3:1,6 11:15 12:8
<b>2019</b> 3:25 4:2,3,12,15,	<b>8</b>	<b>approved</b> 8:21 10:6	<b>canal</b> 7:13
16,19 5:2,3,18,23 6:1,7,	<hr/>	<b>April</b> 11:4 13:12	<b>capture</b> 7:15
9,11,21 8:7,15 10:9	<b>898</b> 4:21	<b>Arclermittal</b> 7:15	<b>capturing</b> 7:19
11:11 12:2		<b>areas</b> 7:20	<b>carries</b> 11:25 12:18
			<b>cash</b> 4:10,13 9:14

<b>CD</b> 4:20,21 9:7 13:11		<b>Ellen</b> 5:24 8:1	<b>finished</b> 11:5
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