

In the Matter Of:  
East Chicago Waterway Management

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**DISTRICT BOARD OF DIRECTORS' MEETING**

*March 20, 2019*

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Iseminger & Associates, Inc.  
877-337-7379

District Board of Directors' Meeting  
03/20/2019

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 March 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 March, 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.  
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. KEVIN DOYLE, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT

MR. TIM ANDERSON,  
CliftonLarsonAllen

MR. DAVID ALONZO,  
BMO Bank.

\* \* \* \*

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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 March 20th, and the time is 5:03.

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 MR. DOYLE: Yes.

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, FMT  
23 Consulting. First I'd like to start with going over  
24 the contents of your Board packet.

25 You have the Board minutes for

1 February 20, 2019.

2                   You have the CliftonLarsonAllen  
3 financial statement or report dated February 28,  
4 2019.

5                   You have the Claims docket for  
6 approval consideration dated March 20, 2019.

7                   You have First Merchant's Bank  
8 statement for the month of February 2019 for  
9 accounts ending in 608 and 616. And you have a  
10 summary report for the two CDs that we hold from  
11 First Merchant's Bank, one is 12-month CD ending in  
12 account 898, and the other is 24-month CD ending in  
13 account number 936.

14                   You have the BMO financial report  
15 for the ECI Facility Trust report, and that is dated  
16 February 28, 2019. And the BMO Bank statement for  
17 the month of February 2019, for account ending in  
18 712.

19                   You have the Army Corps of Engineers  
20 report to the Board dated March 20, 2019.

21                   You have some copies of several  
22 correspondence. One is an e-mail to and from  
23 Attorney Ellen Gregory and Attorney Jerbe from the  
24 Corps regarding extending the dispute resolution  
25 deadline date to April 11, 2019.

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1                   You have a letter from myself to  
2 Colonel Aaron Reisinger, of the Army Corps of  
3 Engineers dated March 12, 2019, regarding the  
4 tipping fee dispute.

5                   You have two maps in your Board  
6 packet from the Army Corps of Engineers. They are  
7 both dated March 2019. One is the dredging scope  
8 and has the volume and the areas where the Army  
9 Corps is planning to dredge in 2019. And then the  
10 second map shows the historic dredging that has  
11 occurred along the waterway, including the areas and  
12 the volumes that have been dredged.

13                  You have Attorney Ellen Gregory's  
14 report to the Board, revision date of March 18,  
15 2019.

16                  You have an e-mail from myself to  
17 Allison Crane of BP, communicating comments about  
18 the sheet pile wall design.

19                  You have a letter from myself to Dr.  
20 Abdul Zehraoui, regarding the storm water sewer  
21 grates not being marked drains to waterways.

22                  You have a report from Parsons dated  
23 March 11, 2019. It's the monthly birth observation  
24 monitoring, report number 42 for the month of  
25 February 2019.

1                   You have a copy of our Gateway  
2 report that we submitted, the annual financial  
3 reporting requirement.

4                   And last but not least, you have a  
5 flier regarding the Lake Shore Chamber luncheon,  
6 dated April 4th. Mayor Anthony Copeland is the  
7 keynote speaker. That concludes the items in your  
8 packet.

9                   Just to give you an update on a  
10 couple items. Board President Fekete and I met with  
11 Mayor Copeland on February 28th to give him an  
12 update on various ongoing district projects.

13                   AR/BP reported a couple dead  
14 water fowls found along the canal and the carcasses  
15 were provided to the Fish and Wildlife Service for  
16 their review.

17                   Regarding the 2019 User fees.  
18 I'm working on finalizing the communicator and the  
19 invoices, and expect to send out within the next  
20 couple of days, but no later than next week. I will  
21 probably extend the payment due date to May 15, just  
22 to give those entities more time to process their  
23 payment.

24                   Regarding the Great Lakes Legacy  
25 Act Project. Continuing to work on the 2018 annual

1 cost share report. As I mentioned, we provided  
2 various comments on the sheet pile wall design  
3 proposals and also had a couple meetings with AR/BP  
4 regarding the same. Regarding disposal of sediment  
5 from the Great Lakes Legacy Act Project and the CDF,  
6 the Army Corps has provided us Memorandum of  
7 Agreement for the use of the CDF. Attorney Ellen  
8 Gregory and I will be reviewing that and we'll  
9 update the Board as that issue progresses.

10 One of the comments -- back to  
11 the sheet pile wall -- one of the comments that  
12 we'll be asking BP, if they can design a sheet pile  
13 wall to function as a dock. We are also exploring  
14 cost share strategies for remediation of other parts  
15 of the waterway.

16 Attorney Ellen Gregory and I met  
17 with EPA last week, along with the some of the  
18 stakeholders to evaluate opportunities to leverage  
19 some of the work that's going on in 2019 into cost  
20 sharing. So we'll update the Board as that  
21 exploration progresses.

22 The Canal Street bridge project.  
23 We plan to meet with Lake County Highway Department  
24 to see if they can help provide coordination or  
25 other resources to the clean up the remnants of what



1 was left from the Canal Street bridge demolition  
2 back in the seventies.

3 The Army Corps project. I  
4 mentioned that the Corps' updated report is in your  
5 packet. Also I mentioned that we extended the  
6 tipping fee dispute resolution to April 11th to give  
7 the party more time to hopefully resolve any  
8 remaining issues. And also I sent a letter to  
9 Colonel Reisinger regarding the tipping fee dispute,  
10 and as I mentioned, that is in your packet as well.

11 Attorney Ellen Gregory will be  
12 giving an update on various legal matters, and that  
13 concludes my report.

14 MR. FEKETE: Any questions for Mr.  
15 Trevino? (None) Hearing none, thank you very much.

16 Next order of business is  
17 approval consideration of the Board meeting notes  
18 for last meeting, which was February 20, 2019.  
19 Entertain a motion to accept.

20 MR. BAKOTA: Motion to approve.

21 MR. LOPEZ: Second.

22 MR. FEKETE: All in favor signify by  
23 saying aye.

24 (All signify aye.)

25 MR. FEKETE: Motion carries. Next is

1 Accounting Consultant report, Mr. Anderson.

2 MR. ANDERSON: Tim Anderson, with  
3 CliftonLarsonAllen. You guys got a copy of February  
4 financial statements in your packet. I just want to  
5 run through them real quick. Still just two months  
6 in, February there's not a ton of activity, but  
7 page 2 has got the receipts and disbursements of our  
8 Operating accounts. We did the Trust transfers in  
9 February. So in our Operating account we have got  
10 cash receipts of 253,000 and we have disbursed  
11 \$44,979 through February. So our cash increased  
12 208. So the between the Operating account and the  
13 User Fee accounts, we started with 3.3 million at  
14 the beginning of the year. Now we have got 3.5  
15 million as of February 28th.

16 And then User Fee account, we  
17 have moved some to a CD. So there is a total of 2.5  
18 million between the User Fee Operating account and  
19 the CD, as of February 28th.

20 On page 3, shows the activity of  
21 those accounts. There is like two groups. The  
22 Operating account, which is our checking, where we  
23 take the budget out of, 972,000. That's roughly our  
24 unspent budget as of February 28th. And then the  
25 two User Fee accounts, the checking, that's got 539

1 in it and the CD, where there is 2 million. And we  
2 have got interest on those CDs of 12,562 through  
3 February.

4 The last page is the important  
5 page. That shows the budget that was approved  
6 999,000, and it's printed in horrible word version.  
7 So our total appropriation is a million 16, includes  
8 the payable from last year. So you have got our  
9 budge at 999, add to it last year's payables, so we  
10 are just over a million in total appropriations. We  
11 spent 44,979 through February and then you have got  
12 a Claims docket in front of you with \$29,100 on it  
13 to be approved. And the unused budget, the right  
14 most column, shows what we have got left in budget  
15 after we pay today's Claims docket. So that 942 is  
16 what we have got in the Operating account. So we  
17 are not even close on anything as you would expect  
18 in February 28th. So any questions? (None) That's  
19 all I have. Thank you.

20 MR. FEKETE: Thank you. Next order of  
21 business is approval consideration for accounts  
22 payable voucher, dated today's day, March 20, 2019.  
23 I will entertain a motion to approve.

24 MR. HENRY RODRIGUEZ: Motion to approve.

25 MR. DOYLE: Second.

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1 MR. FEKETE: Roll call vote.  
2 John Bakota?

3 MR. BAKOTA: Yes.

4 MR. FEKETE: Henry Rodriguez?

5 MR. HENRY RODRIGUEZ: Yes.

6 MR. FEKETE: Patrick Rodriguez?

7 MR. PATRICK RODRIGUEZ: Yes.

8 MR. FEKETE: Kevin Doyle?

9 MR. DOYLE: Yes.

10 MR. FEKETE: Ray Lopez?

11 MR. LOPEZ: Yes.

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

13 Motion carries.

14 Next order of business is the  
15 BMO Harris, Mr. Alonzo.

16 MR. ALONZO: David Alonzo, BMO Harris.  
17 I'll run through the report. Of course first page  
18 goes to our historical data. I've updated those  
19 charts and reflected additional use this year on the  
20 bottom.

21 The second page, value of the  
22 Trust as of February 28th was \$4,505,946, which was  
23 a difference from the last meeting of negative  
24 \$239,985. And of course, that's primarily due to  
25 the withdrawal, which is seen on the next column,

1 2019 distribution check deposit \$3,240,038. And  
2 then we see the total distribution since 1997.

3 Last page goes through the  
4 balances, as we can see in green the prime money  
5 market is down 240,000. It shows the debit coming  
6 out of there. Typically we like to keep it around  
7 that 500,000 marker. I know we carried a little bit  
8 higher balance in there this year or the last year,  
9 but we'll have two CDs coming due, one July 25th of  
10 this year, and one in June 30th of this year. So  
11 couple months, or month or two before we want to sit  
12 down and take a look what rates are and look at  
13 terms out there. We did earn a tiny bit of  
14 interest, only because of the Money Market, which is  
15 the different of the \$240,000 to the 239,000. But  
16 beyond that, is there any questions at all? (None)

17 Great improvement. Actually the  
18 rate environment hasn't really changed a whole lot,  
19 although we have seen CD rates stay the same, but  
20 the terms go further out. They are a little bit  
21 better. There was no interest paid. The next  
22 interest payment on this at the end of April, which  
23 will forward into May.

24 MR. FEKETE: Thank you very much. Next  
25 report out is the U.S. Army Corps of Engineers

1 report, which we have in our packet. Fernando can  
2 hit the highlights on that.

3 MR. TREVINO: Sure. So if you look at the  
4 write up, it covers some of the things that I had  
5 mentioned. Under number 3-A, PCA revision. As I  
6 mentioned the Corps has received my letter dated  
7 March 12th regarding the tipping fee dispute. And  
8 the second item under 3-A talks about the MOA,  
9 Memorandum of Agreement that they sent us regarding  
10 using the CDF for the Great Lakes Legacy Act  
11 Project.

12 And then number 4, the  
13 contractor is preparing submittal for the Corps to  
14 review and approve for the parkway improvement and  
15 the entrance road resurfacing. And the dredging is  
16 anticipated to start in late spring, early summer.  
17 Any questions?

18 MR. FEKETE: Hearing none -- thank you.  
19 Now we come to Attorney Ellen Gregory's report.

20 MS. GREGORY: Ellen Gregory, with Ellen  
21 Gregory Law. As Fernando mentioned we have a couple  
22 of ongoing legal matters. Mostly I am providing  
23 legal support for the Great Lakes Legacy Act  
24 Project, primarily in relation to the use of the CDF  
25 for sediment dredging during that Great Lakes Legacy

1 Project and also looking into the possibility of  
2 using Arcelor SEP monies as local match for future  
3 Great Lakes Legacy work.

4                   Granted the Corps extension to  
5 April 11th regarding the dispute resolution  
6 provision of the Mittal tipping fee agreement. The  
7 Corps was suppose to have met internally, I believe  
8 it was on Monday. So we expect to have an answer  
9 from them on that shortly.

10                   And finally on the Feddeler  
11 matter, the Corps had issued a final letter several  
12 months ago stating that we could use -- we could  
13 count the costs that we incurred dealing with the  
14 Feddeler claim as local match. So we'll be putting  
15 together our cost information on that and submitting  
16 it to the Corps by the deadline that they have given  
17 us, in May of 2019. And that's all I have.

18                   MR. FEKETE: Any questions? (None) Thank  
19 you very much.

20                   Any new business to come before  
21 the Board? (None)

22                   Any other business? Did you  
23 want to mention the Chamber of Commerce.

24                   MR. TREVINO: Yes. So I had mentioned  
25 earlier there was a flier regarding Mayor Copeland

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1 speaking, giving the State of the City Address at  
2 the Lake Shore Chamber luncheon, April 4th. And the  
3 cost of the tickets are \$30. And in the past when  
4 the Mayor of East Chicago would be speaking at the  
5 Chamber luncheons, the Board would approve Board  
6 members and the Executive Directors that are  
7 interested in attending, to pay their \$30 or their  
8 luncheon fee.

9 So based on discussion, those  
10 that were interested there were three Board members  
11 that were interested, and I am interested as well.  
12 So the recommendation is to approve four in  
13 attendance to the luncheon from the Waterway  
14 Management District, at \$30 each, so \$120 total.

15 MR. FEKETE: I will entertain a motion to  
16 approve the expenditure of \$120 to allow three Board  
17 members and the Executive Director to attend.

18 MR. BAKOTA: I make a motion to approve.

19 MR. HENRY RODRIGUEZ: Second.

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

21 MR. BAKOTA: Yes.

22 MR. FEKETE: Henry Rodriguez?

23 MR. HENRY RODRIGUEZ: Yes.

24 MR. FEKETE: Patrick Rodriguez?

25 MR. PATRICK RODRIGUEZ: Yes.



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1 MR. FEKETE: Kevin Doyle?

2 MR. DOYLE: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

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

6 That motion is approved.

7 Any other business to come  
8 before the Board? (None)

9 Any public comments? (None)

10 Hearing none, I will entertain a  
11 motion for adjournment.

12 MR. BAKOTA: Motion to adjourn.

13 MR. HENRY RODRIGUEZ: Second.

14 MR. FEKETE: All in favor, signify by  
15 saying aye.

16 (All signify aye.)

17 MR. FEKETE: Motion carries. This meeting  
18 is concluded.

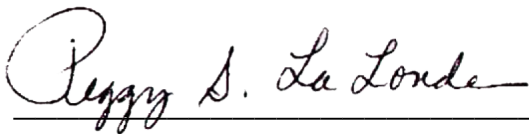
19  
20  
21 \*\*\*\*\* Meeting is adjourned \*\*\*\*\*  
22  
23  
24  
25

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 March, 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 10th day of April, 2019.



Peggy S. LaLonde, CSR

My Commission expires: 2/06/2026



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Index: \$120..busi

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