

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING

City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana

June 20, 2024

5:00 p.m.

Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the above-entitled matter on the 20th day of June, 2024, commencing at 5:00 p.m., taken at City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, and via Zoom Video/Telephone conference, before Dawn M. Iseminger, RPR, and Notary Public, within and for the County of Porter, State of Indiana.

A P P E A R A N C E S

1 JOHN FEKETE, President

2 JAYLAN ROBINSON, Vice-President

3 HENRY RODRIGUEZ, Secretary

4 RAY LOPEZ - Treasurer

5 FERNANDO TREVINO, FMT Consulting

6 ELLEN GREGORY, Ellen Gregory Law

7 VANESSA VARGAS, CliftonLarsonAllen - appearing via
8 Zoom

9 JIM WESCOTT of Tetra Tech - appearing via Zoom

10 VAUGHN COOLMAN, Army Corps of Engineers

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1 MR. FEKETE: I'd like to call to order the
2 East Chicago Waterway Management District Board of
3 Director's regular public board meeting. Today's
4 date is June 20th and the time is 5:01. Very
5 good.

6 Our first order of business is roll call.
7 Jaylan Robinson?

8 MR. ROBINSON: Here.

9 MR. FEKETE: John Bakota?

10 MR. BAKOTA: Here.

11 MR. FEKETE: Henry Rodriguez?

12 MR. RODRIGUEZ: Here.

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Here.

15 MR. FEKETE: John Fekete, here. We have a
16 quorum.

17 The next item is the executor director's
18 report, Mr. Trevino.

19 MR. TREVINO: Yes. Good afternoon.

20 Mr. Trevino with FMT Consulting. I'd like to
21 start off by going over the contents of your board
22 packet. You have a copy of today's agenda. You
23 have a copy of the public meeting posting for
24 today's meeting, including an email notice
25 regarding the Corps' public meeting on dredging

1 that is scheduled right after our board meeting.
2 You have the board minutes for May 16, 2024. You
3 have a couple documents, tables, affiliated with
4 today's 2024 budget amendment request, including
5 an email dated June 18, 2024, from IDEM's Beth
6 Admire approving our trust budget request. You
7 have two letters of authorization to transfer
8 funds into our 2024 operating account. One from
9 trust funds and a second letter from non-trust
10 funds.

11 You have a copy of the State Board of
12 Accounts invoice for their 2024 audit services.
13 You have a copy of today's claim docket dated
14 June 20, 2024, along with copies of the
15 purchase orders and the check register. You
16 have a copy of the CliftonLarsenAllen financial
17 report dated May 31, 2024, for the month of
18 May, which was emailed earlier today and hard
19 copies provided at today's board meeting. You
20 have a copy of First Merchant bank statements
21 for the month of May for accounts ending in
22 608; along with the checks cashed in May,
23 accounts ending in 616; and two CD reports
24 ending in 063 and 321. Both CD reports dated
25 June 10th, 2024. You have a copy of the BMO

1 trust reports dated May 31, 2024. You have one
2 purchase agreement and one maintenance
3 agreement with Gateway regarding purchase and
4 maintenance of the new printer or copier. You
5 have a copy of my letter to the U.S. Army Corps
6 of Engineers, Colonel Kenneth Rockwell, dated
7 May 28, 2024, responding to the Corps letter to
8 the City requesting the removal of an
9 underwater obstruction near the former Canal
10 Street bridge. You have a copy of Jacob's
11 sheet pile wall construction project monthly
12 project report for the month of May, dated
13 May 28, 2024. You have Tetra Tech's monthly
14 progress report for May that's dated June 6,
15 2024. You have the Army Corps report to the
16 board dated June 20, 2024. You have a copy of
17 Attorney Ellen Gregory's report to the board,
18 with the revision date of June 18, 2024. And
19 you have two letters from Kreig Devault to
20 Cleveland-Cliffs related to the dispute
21 resolution regarding the tipping fee agreement
22 amendment under payment. One dated May 31st,
23 and the second dated June 4th, 2024.

24 A few items to go over. Regarding the
25 action items on today's board meeting agenda,

1 we have the board minutes for May 16, 2024. We
2 have the 2024 budget amendment and affiliated
3 letters of authorization to transfer said
4 funds. You have today's claim docket and
5 approval consideration, and two agreements
6 related to the purchase of a printer/copier.
7 One agreement is for the purchase and the
8 second is for the maintenance of the copier.
9 And it includes hauling away and disposal of
10 the existing printer/copier at no cost.

11 Regarding finances, today's claim docket
12 includes the payment to renew the district's
13 annual errors and omissions insurance for the
14 directors and officers. There's also a budget
15 amendment and two letters of authorization on
16 today's agenda. One letter is related to the
17 trust dollars and the second letter is related
18 to non-trust dollars.

19 Regarding user fees, the work on the 2024
20 user fee packet is ongoing. Regarding the PCA
21 amendment, as I mentioned in the past, we have
22 received \$2.698 million from The Corps related
23 to the PCA amendment and approximately
24 \$3.27 million from Cleveland-Cliffs related to
25 the tipping fee agreement amendment. I also

1 reported that based on our calculations, we
2 were shorted approximately
3 \$316,000-and-some-change from the
4 Cleveland-Cliffs payment. We sent
5 Cleveland-Cliffs a letter and a couple emails
6 informing them of the short fall, but that
7 effort failed to resolve the matter. We then
8 initiated the tipping fee agreement amendment
9 dispute resolution process to advance the
10 matter through Todd Relue of Kreig Devault. A
11 copy of those letters are in your packet, as I
12 mentioned. We had a followup conference call
13 this past Tuesday with representatives from The
14 Corps and Cleveland-Cliffs to attempt to
15 resolve the matter. The conclusion was
16 Cleveland-Cliffs agreed with our calculations
17 regarding the short fall, and we concluded that
18 Cleveland-Cliffs will send the Corps a letter
19 that they approve the Corps paying the district
20 directly the short fall, *and with the excess
21 funds that the Corps has, affiliated with the
22 Cleveland-Cliffs dredging fees.
23 Cleveland-Cliffs.

24 Regarding the old Cline Avenue bridge, the
25 initial assessment for the bridge removal is

1 ongoing. There's been a couple meetings with
2 representatives from Lake County to assess
3 whether there are any live utilities affiliated
4 with the bridge and whether any of the three
5 surrounding cities would oppose the removal of
6 the bridge.

7 Regarding the Atlantic Richfield
8 settlement agreement, \$4.5 million affiliated
9 with the settlement agreement has been received
10 and deposited in the account. Half of that was
11 transferred to the City for our agreement with
12 the City. The property transfer was completed
13 in January. However, the project team
14 continues to work on completing various
15 ancillary action items affiliated with the
16 settlement agreement.

17 *Regarding the Corps' CDF and dredging
18 project, I want to thank Colonel Rockwell and
19 Mike Nguyen for inviting the District to the
20 June 17th CDF dike raising ribbon cutting
21 ceremony and the CDF tour that followed. It
22 was nice to hear both the Colonel and
23 Congressman Mrvan summarize the significance of
24 the waterway transportation to our economy.
25 And I'd also like to thank the board members

1 for their attendance. All five board members
2 were able to attend.

3 The Corps will be holding a pre-dredging
4 public meeting immediately after the board
5 meeting, so for those who would like to stick
6 around, the board, and the contractor, Roen
7 Salvage, plan to present the start of their
8 dredging project after our board meeting.

9 The Corps report is in your board packet.
10 And project manager, Vaughn Coolman, will be
11 providing an update to the Board.

12 And last but not least, Attorney Ellen
13 Gregory will be giving an update on various
14 legal matters later on.

15 That concludes my report. I'll give an
16 update on the other projects when we get to
17 those in the agenda.

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

19 (No response)

20 MR. FEKETE: Thank you very much. The next
21 order of business is the approval consideration
22 for the board meeting notes for May 16, 2024.
23 I'll entertain a motion to approve.

24 MR. BAKOTA: Motion to approve.

25 MR. LOPEZ: Second.

1 MR. FEKETE: And we have a second. All in
2 favor, signify by saying "aye."

3 (All signify "aye")

4 MR. FEKETE: Any oppositions? Abstentions?

5 (No response)

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

8 The next order of business is the budget
9 amendment and affiliated transfer letter of
10 authorization.

11 Any further questions for Mr. Trevino?

12 (No response)

13 MR. FEKETE: Hearing none, I'll entertain a
14 motion to approve the budget amendment and the
15 affiliated transfer letters.

16 MR. RODRIGUEZ: I make a motion to approve.

17 MR. LOPEZ: Second.

18 MR. FEKETE: And we have a second. Okay.

19 Roll call vote. Jaylan Robinson?

20 MR. ROBINSON: Yes.

21 MR. FEKETE: John Bakota?

22 MR. BAKOTA: Yes.

23 MR. FEKETE: Henry Rodriguez?

24 MR. RODRIGUEZ: Yes.

25 MR. FEKETE: Ray Lopez?

1 MR. LOPEZ: Yes.

2 MR. FEKETE: John Fekete, I vote yes. That
3 motion is approved.

4 The next order of business is the
5 accounting consultant report.

6 MS. VARGAS: Good afternoon, everyone. Can
7 you all hear me?

8 MR. FEKETE: Yes.

9 MR. LOPEZ: Yeah, Vanessa.

10 MS. VARGAS: In front of you, you have a copy
11 of the financial statements on a cash basis *dated
12 May 31, 2024.

13 If you turn to Page 2, we will begin with
14 the statement of cash receipts and cash
15 disbursements for the five months ended May 31,
16 2024.

17 You received interest income totaling
18 \$216,220.96. You've collected user fees in the
19 amount of \$3,760.85. You received a trust
20 transfer in the amount of \$251,083.25, as well
21 as other income from third-party settlement
22 agreements, totaling \$4,913,996.81.

23 This brings your total receipts to
24 \$5,385,061.87.

25 You've had cash disbursements totaling

1 \$493,010.95. This brings you to an increase in
2 cash in the amount of \$4,892,050.92. Your cash
3 balance as of January 1, 2024, was
4 \$8,709,684.13. Your cash balance as of May 31,
5 2024, is \$13,601,735.05.

6 If you turn to Page 3, we will continue
7 with the schedule of cash account activity for
8 the five months ended May 31, 2024. Your
9 operating account began the year with a cash
10 balance of \$1,121,983.80. You've earned
11 interest in the amount of \$18,938.15. You had
12 cash disbursements totaling \$492,948.95. You
13 have a trust transfer in the amount of
14 \$251,083.25, as well as a budget transfer in
15 the amount of \$278,830.16. This brings your
16 operating cash balance as of May 31st to
17 \$1,177,886.41. Your user fee account began the
18 year with a cash balance of \$5,224,499.34.
19 You've earned interest totaling \$146,249.82.
20 You've had cash disbursements and a budget
21 transfer totaling \$4,028,892.16. You had a
22 redeemed CDARS in the amount of \$506,208.33.
23 You've collected user fees totaling \$3,760.85,
24 and received a deposit from third-party
25 settlement in the amount of \$7,163,996.81.

1 This brings your user fee account balance as of
2 May 31st to \$9,015,822.99.

3 You began the year with CDs in the amount
4 of \$2,363,200.99. You've earned interest in
5 the amount of \$51,032.99. You purchased a CD
6 for \$1 million, and purchased a CDAR for
7 \$500,000, and redeemed that same CDAR for
8 \$506,208.33; bringing your CD balance as of
9 May 31st to \$3,408,025.65.

10 If you turn to Page 4, we will continue
11 with the schedule of 2024 available budget as
12 of June 20, 2024.

13 Your 2024 budget appropriation totaled
14 \$1,306,000. Adding back in accounts payable as
15 of 12/31/2023 in the amount of \$345,897.21, as
16 well as budget amendments for your approval of
17 \$31,500; brings your 2024 total appropriation
18 to \$1,683,397.21. You've had cash
19 disbursements for the five months ended
20 May 2024 in the amount of \$493,010.95. In
21 front of you, you have a claims docket dated
22 June 20, 2024, totaling \$49,454.12. This
23 brings your total unused budget for 2024 to
24 \$1,140,932.14.

25 Are there any questions?

1 (No response)

2 MR. LOPEZ: Thank you.

3 MR. FEKETE: Thank you, Vanessa.

4 The next order of business is the approval
5 consideration for the accounts payable voucher.

6 MR. LOPEZ: Motion to approve.

7 MR. ROBINSON: Second.

8 MR. FEKETE: We have a motion and a second,
9 Jaylan Robinson.

10 Okay. Roll call vote. Jaylan Robinson?

11 MR. ROBINSON: Yes.

12 MR. FEKETE: John Bakota?

13 MR. BAKOTA: Yes.

14 MR. FEKETE: Henry Rodriguez?

15 MR. RODRIGUEZ: Yes.

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Yes.

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

19 The next order of business is the approval
20 consideration of the purchase of a new copier
21 and disposal of the existing copier. I'll
22 entertain a motion to approve.

23 MR. ROBINSON: I make a motion.

24 MR. FEKETE: Motion by Jaylan. And the
25 second?

1 MR. LOPEZ: I second.

2 MR. FEKETE: Ray Lopez was second. Okay.

3 We'll have a roll call vote.

4 Jaylan Robinson?

5 MR. ROBINSON: Yes.

6 MR. FEKETE: John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. RODRIGUEZ: Yes.

10 MR. FEKETE: Ray Lopez?

11 MR. LOPEZ: Yes.

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

13 That motion is approved.

14 Next up is the Canal Street bridge project
15 update.

16 MR. TREVINO: Yes. There are two projects
17 affiliated with the former Canal Street bridge
18 project. The first is the dolphin project, which
19 has been completed. The second is the underwater
20 obstruction, which I have reported on in the past.
21 The U.S. Army Corps of Engineers sent the City a
22 letter requesting and underwater obstruction near
23 the former Canal Street bridge be removed, per an
24 MOU that the District has with the City of East
25 Chicago. We took the lead on the matter. We

1 submitted a written response to the Corps' letter
2 basically stating that the source of the
3 obstruction is unknown, therefore it's not the
4 City's responsibility to remove the obstruction.
5 A copy of my letter to the Corps on this matter is
6 in your board packet. And we have not received
7 any response from the Corps on our letter. That's
8 all.

9 MR. FEKETE: Any further questions?

10 (No response)

11 MR. FEKETE: Thank you. Update on the Great
12 Lakes Legacy Act and the Lake George middle east
13 project update.

14 MR. TREVINO: Yes. Regarding the south tank
15 farm sheet pile wall construction project, the
16 barrier wall itself is pretty much completed.
17 There was some ongoing topsoil work that was left
18 that might be done by today or this week.
19 However, the groundwater management system
20 affiliated with the barrier wall will continue to
21 be fine tuned for some time.

22 Regarding the Lake George canal east
23 dredging, the Corps is managing the dredging
24 project on EPA's behalf. The Corps has
25 received and it is reviewing the data for

1 additional environmental sediment samples that
2 were collected last year, and they are planning
3 on collecting additional geotechnical samples
4 which are scheduled to be collected in the next
5 month or two.

6 Phase two dredging of the Lake George
7 canal east and a feasibility study of the
8 orphan areas are scheduled to be done in '25.
9 Discussions on the modification of the project
10 agreement affiliated with the Lake George canal
11 are ongoing.

12 Regarding the Lake George canal middle cap
13 project, again the Army Corps of Engineers is
14 managing that project. The main part of the
15 cap project is now completed and
16 eco-construction activities are ongoing.

17 Regarding the Lake George canal west
18 remediation project, that work is between BP
19 and EPA, and that work is also ongoing.

20 And that concludes the update on the Lake
21 George canal.

22 MR. FEKETE: Any questions from the board?

23 (No response)

24 MR. FEKETE: Thank you, Mr. Trevino.

25 The next item is the Great Lakes Legacy

1 Act Grand Cal' River junction reaches remedial
2 design project update.

3 MR. TREVINO: Yes. The Tetra Tech remedial
4 design work is ongoing. The project team
5 continues to have biweekly project team meetings
6 to work on various ongoing project activities,
7 such as the completion of the remedial design, the
8 coordination of additional site investigation
9 work, which is scheduled to start after the 4th of
10 July, property access coordination, permit
11 applications, coordination of the junction marsh,
12 and coordination with the City dump. We're in the
13 process of responding to the EPA's technical
14 review committee questions and comments on our
15 proposal and presentation; so I'm hoping to have
16 that done within the next week or two. I did send
17 them a draft but we haven't heard anything back
18 from EPA on it.

19 Regarding the schedule for the Grand Cal'
20 River junction reaches, in 2024 we're
21 forecasting EPA and IDEM to complete their
22 source control memo, completion of the
23 additional site investigation work, and
24 finalizing the remedial design and project
25 agreement. And then in 2025, we're forecasting

1 to start the remediation construction.

2 Regarding our cost sharing reporting, I
3 submitted the District's work-in-kind annual
4 report for 2023. We have not received any
5 feedback from EPA at this time. I will
6 continue to discuss our cost share planning to
7 fund the Grand Cal' River remediation project.

8 Is Jim Wescott on?

9 MS. GREGORY: He is.

10 MR. TREVINO: Jim Wescott, from Tetra Tech,
11 is here to present and provide additional
12 information and update and answer any questions
13 you might have.

14 And also, I attended IDEM's Care Work
15 Group Committee meeting earlier today, where we
16 reviewed projects and environmental conditions
17 within the AOC, which went quite well.

18 And that concludes my update. Jim?

19 MR. WESCOTT: I think Fernando covered most
20 of it. We're focused on getting the permit
21 applications prepared for the project. And EPA is
22 funding separately an investigation at the site,
23 which we hope to do in July. I know they're
24 trying to get some of the access agreements still
25 with some of the property owners. Generally,

1 things are moving forward. The schedule that
2 Fernando just mentioned is probably still on track
3 with construction next year.

4 Anybody have any questions?

5 (No response)

6 MR. LOPEZ: Thank you, Jim.

7 MR. WESCOTT: All right.

8 MR. FEKETE: The next item is the BMO trust
9 report.

10 MR. TREVINO: Is Bob on the line?

11 MR. FEKETE: Is Bob on?

12 MS. GREGORY: No.

13 MR. TREVINO: I'll provide the update. So
14 reviewing BMO ECI facility's trust report dated
15 May 31st, the CD ending in 150 at the end of May
16 was \$3,695,013.07. That's \$30,095.13 that changed
17 from the prior month. The interest earned year to
18 date is \$60,644.45. And the maturity of that CD
19 is December 18th of this year.

20 Regarding the money market, as of May 31st
21 it was \$343,608.04. And a difference of
22 \$407.20. And there is no maturity for the
23 money market account.

24 The total of both accounts at the end of
25 the month of May was \$4,023,121.11. And the

1 difference from last meeting, the total
2 difference from last meeting is \$30,502.33.
3 And that concludes the BMO report.

4 MR. FEKETE: Any questions?

5 (No response)

6 MR. FEKETE: Next up is the U.S. Army Corps
7 board report.

8 MR. TREVINO: Do you want to introduce
9 yourself?

10 MR. COOLMAN: Vaughn Coolman, from the U.S.
11 Army Corps of Engineers, Chicago district. And I
12 just have a little update for you.

13 CDF construction treatment for the
14 facility will resume in late summer once we
15 have a new contract awarded.

16 And on the phase 2 dike raise, which
17 doubled the capacity of the CDF, was completed
18 on June 6. And we had the ribbon cutting
19 ceremony that Fernando mentioned earlier, where
20 a good time was had by all. That was on the
21 17th of June. We have a little bit of ongoing
22 work just to address some punch list items.

23 On dredging, we've awarded the dredging
24 contract to Roen Salvage. Dredging will start
25 after Labor Day. Probably around

1 September 3rd. And they will be conducting a
2 pre-dredging public meeting at 6:00 p.m. today,
3 right after this meeting.

4 And we don't have anything significant to
5 report on the oil boom coordination. And then
6 we just have ongoing Parkway maintenance where
7 we're inspecting and cleaning and removing
8 debris as needed.

9 MR. FEKETE: Any questions?

10 (No response)

11 MR. FEKETE: Thank you.

12 MR. LOPEZ: Thank you, Vaughn.

13 MR. COOLMAN: I'm the new "Mike."

14 MR. FEKETE: Next up is the Attorney Ellen
15 Gregory report.

16 MS. GREGORY: Ellen Gregory, with Ellen
17 Gregory Law. As Mr. Trevino mentioned, we've been
18 having discussions with Cleveland-Cliffs about the
19 excess 300,000-plus dollar amount that's still
20 owed from the PCA amendment tipping fee agreement
21 amendment. We're getting close to finalizing
22 that. And the Corps has agreed to transfer,
23 directly, money to Water Management District so
24 the money doesn't have to come from
25 Cleveland-Cliffs.

1 Underwater obstruction, as Fernando
2 mentioned, we had sent a letter to the Corps
3 which has not yet been responded to. I've been
4 working with Fernando on the contract for the
5 new copier and printer that needs purchased.
6 And we will also be working together on a new
7 contract for the court reporter services with
8 the new entity, "Veritex." Hope to have that
9 done before next month's meeting.

10 MR. FEKETE: Any questions for Miss Gregory?

11 (No response)

12 MR. FEKETE: Okay. Any other new business to
13 come before the board?

14 (No response)

15 MR. FEKETE: Any public comments?

16 (No response)

17 MR. FEKETE: The next board meeting will be
18 July 18, 2024, at 5:00 p.m. at this facility.
19 I'll entertain a motion for adjournment.

20 MR. BAKOTA: Motion to adjourn.

21 MR. LOPEZ: Second.

22 MR. FEKETE: Meeting adjourned.

23 - MEETING ADJOURNED -
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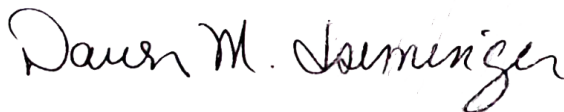
C E R T I F I C A T E

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 on the aforementioned date, time, and location, for the East Chicago Waterway Management District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings of said Special Meeting, 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 the proceedings.

I further certify that I am not related by blood or marriage to any of the parties, nor am I an employee of any of the parties or of their attorneys or agents, nor am I interested in any way, financially or otherwise, in the outcome of said litigation.

ly, 2024.



Dawn M. Iseminger, RPR
My Commission expires: 9/22/2025