

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, MARCH 6, 2012**

President Bud Crist called the March 6, 2012 Merrillville Stormwater Management Board (SWMB) meeting to order at 4:36 p.m. Members in attendance were Barbara Ghoston and Dorinda Gregor. Staff present included Attorney James Meyer, Karl Cender from Cender & Company, and Secretary Liz Bushemi. Also present were Town Councilman Donald Spann, Karen Caffarini from the *Post-Tribune* and resident and precinct committeeman Gene Ward.

Included in the agenda packet was a copy of the minutes from the February 7, 2012 SWMB meeting. Barbara Ghoston made a motion to approve the minutes from the February 7, 2012 meeting, and it was seconded by Dorinda Gregor; there were no questions, and the motion was approved and unanimously carried.

Also included in the agenda packet was the current fund report, appropriation report and accounts payable registers. Barbara Ghoston made a motion to approve the accounts payable registers from February 14, 2012 and February 28, 2012, and it was seconded by Dorinda Gregor; there were no questions, and the motion was approved and unanimously carried. Mr. Crist indicated that the appropriation report for the Stormwater 626 general fund indicating a balance of \$905,068.16, and for the Stormwater 627 construction fund indicating a balance of \$574,910.04. He discussed the expenses that have been paid out of the 627 construction fund to Porter State Bank, Barnes & Thornburg, the Town of Merrillville, Delta III, Pampalone Insurance, Robinson Engineering and CDM Smith for the property at 7404 Broadway and also for purchase of the Ron McColly property on Taft Street.

COMMENTS FROM THE PRESIDENT

Mr. Crist welcomed Attorney Jim Meyer as the new Stormwater Management Board attorney and said he's looking forward to working with him. Monthly legal breakfast meetings are held to discuss legal matters.

NEW BUSINESS

A discussion was held about future revenue being received at the stormwater office for fines from violations, sale of rain barrels or maps, and other businesses using stormwater equipment and manpower on their projects. Mr. Meyer said if the fine is from a town ordinance violation, that money must revert back to the Town of Merrillville general fund; he said perhaps the Town Council would approve stormwater violation fines to be returned to the stormwater general account and possibly a separate line item for new revenue could be created. Karl Cender suggested that further discussions be held between the two of them and the Clerk-Treasurer and that Jim Meyer possibly prepare an ordinance for submission to the Town Council.

Karl Cender said last year, the Board adopted a resolution which was approved by the Town Council for a \$3.5 million bond issue for purchase of the real estate at 7404 Broadway, for building the new stormwater utility center and other projects. A \$1 million bond anticipation note (BAN) was sold to a local bank, which is due at the end of this month. This bond was issued with anticipation to work on these projects.

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Karl said legal ads were in the newspapers on February 27 and March 5, 2012 for the \$3.5 million bond sale. He is working with Attorneys Jim Meyer and Tom Pittman from Barnes and Thornburg regarding setting up a Standard and Poors bond rating. The official document is at the printers now and will be sent out electronically. If all goes well, the bids will be let on March 15 and they will close on March 29.

Attorney Jim Meyer said Stormwater Resolution 12-01 designates the previously-authorized bonds as qualified tax-exempt obligations. Bud Crist asked since Stormwater Utility is a separate utility, how does it affect the town; Jim Meyer said Stormwater has bonding authority but needs Town Council approval. Dorinda Gregor made a motion to approve Stormwater Resolution 12-01, and it was seconded by Barbara Ghoston. There were no further questions. Upon a voice roll call vote, Resolution 12-01 was unanimously approved.

Attorney Meyer said all contracts with Merrillville Stormwater Utility need a certificate of liability insurance attached and pursuant to Indiana law, the e-verify information must also be included in the contract. He said the contracts before the Board today can be approved, and he will contact the companies to advise them of the need for the certificate of liability insurance and e-verify information.

Before the Board were contacts with Christopher Burke Engineering for the Master Plan Update with an estimated fee of \$119,660 and a contract with First Group Engineering for the 54th Court Sewer Replacement project for a fee not to exceed \$62,700. Dorinda Gregor made a motion to approve the contracts with Christopher Burke Engineering and First Group Engineering pending modification to include their certificate of liability insurance and e-verify information, and it was seconded by Barbara Ghoston. There were no questions, and the motion was unanimously passed and carried.

Also before the Board was a Storm Sewer Mapping Proposal addendum from Robinson Engineering. They are requesting a contract extension due to the additional structures they found in preparing the town's storm sewer mapping and are instead requesting \$23.55 per structure for previously known and mapped assets and \$35.32 per structure for previously unknown and not mapped assets. Barbara Ghoston made a motion to approve the Robinson Engineering Storm Sewer Mapping Proposal addendum to continue the mapping project, and it was seconded by Dorinda Gregor. There were no questions, and the motion was unanimously passed and carried.

Mr. Crist said Reggie Korthals, the Indiana Department of Environmental Management (IDEM) MS4 Coordinator, will be at the Stormwater office on Friday, March 9, for the first-ever MCM3 illicit discharge audit. Matt is preparing for the audit.

He said also included in the agenda packet is a copy of Town Council Ordinances 12-09 and 12-10 regarding the Stormwater "dues" line item #381 that was omitted by the Clerk-Treasurer for the Stormwater 626 account. Upon motion by Dorinda Gregor to approve the above ordinances and second by Barbara Ghoston, the motion was unanimously passed and carried.

OLD BUSINESS

Regarding the new building at 7404 Broadway, Mr. Crist said there needs to be a zoning change, and he was given an application for zone change. Dorinda Gregor said currently the property is zoned C-4E-Entertainment, and the zone change would be to C-3-Highway Commercial. She said the zone change must be approved by the Plan Commission and the Board of Zoning Appeals and then the Town Council.

Mr. Crist also said he will be meeting with Northern Indiana Public Service Company (NIPSCO) regarding the new Stormwater Utility Center, and there is a possibility that they will refund back to stormwater. A NIPSCO representative will be at the next building construction meeting.

He said training for use of the new Cues camera truck was held at the stormwater/public works office February 28 through March 1, and Public Works crew members Richard Kendera, Jeff St. Germain and Richard Pennington, he, Matt and Councilwoman Chrissy Barron were present. Training on the truck, camera and computer were done at the office, and then the camera truck was sent out for visual inspections in the town. Dorinda questioned if Stormwater staff will be present when the truck is sent out, and Bud said yes. There is no smoking in the vehicle.

Mr. Crist said on this date, Executive Director Matt Lake, Councilwoman Barron, Public Works Director Bruce Spires and Street Superintendent Kevin Markle are all at the LTAP Road School in West Lafayette.

He reminded everyone about the MS4 Annual Meeting on May 17, 2012 in Indianapolis, and Board member Barbara Ghoston said she will attend. Bud said Matt Lake and Attorney Jim Meyer will both serve as speakers.

Regarding House Bill 1264, the Little Calumet River Levee Maintenance Fee, Mr. Crist said that the bill did pass, and although Merrillville is 12 miles from the Little Calumet River, all homeowners within the watershed in Lake County will have to pay this \$45 per year fee. He is not sure of the effective date of the legislation or when it will appear on real estate tax bills. Dorinda said people are complaining to her that with the \$60 annual stormwater fee, this Little Calumet River fee of \$45 and the new Fire District fee of \$48, homeowners will each pay \$153 more in property taxes each year.

Bud reported for Matt that the grant for the Riparian buffer zone planting along the new building project has been approved by the State Forester, and the \$35,000 funding will be available very soon.

He said the Taft Street project is moving along, and they are working with Calumet Park Cemetery. An archeological survey of the cemetery may be required pursuant to state law, but he expects that 95% of the plans to be submitted to the town by April. The bid process for the project will be held in July, and Stormwater intends to begin the project in August. They are working with the Indiana Department of Transportation (INDOT) for a February, 2013, start.

Mr. Crist said Compliance Officer Joe Fish has been busy with conducting site inspections and writing citations. He has been meeting with people and contractors and advising them on how to correct their problem. He said that he, Matt and Joe are working on citation (ticket) books to be ordered for Joe to use when someone is in violation. A “notebook” may be ordered for Joe to take pictures when he is writing violations. Barbara asked where the money from violations will go, and Bud said Town Court Judge Gina Jones and her Court Administrator Ken Woodside have said Stormwater should receive the Stormwater violation fees.

Included in the agenda packet was a copy of an article that Matt submitted for the spring newsletter to all residents regarding fertilizers and stormwater management in your yard.

Regarding the Federal Emergency Management Agency (FEMA) maps, Bud said Matt has been taking calls when people request information about whether or not they are in a flood zone. He said a meeting will take place with Lake County Surveyor George VanTil and others to discuss who should be handling all the FEMA questions.

OTHER BUSINESS

Bud said he will be attending the Avicenna Academy groundbreaking for the community garden to be built on 97th and Colorado. The money raised from the community garden will be sent to the local food bank.

Regarding the new Stormwater Utility Center, Mr. Crist said he was approached by The Skillman Corporation to do construction management of the new building, as opposed to having a general contractor. He said the jobs will be bid as usual, but Skillman Corporation would manage all the jobs. He said Skillman Corporation has had offices in Merrillville for the past 20 years and is a reputable firm, with their main office in Indianapolis. Bud has worked with Scott Cherry for many years and recommends the proposal they submitted to do construction management for the new building for \$21,675, although Skillman recommends a budget in the amount of \$25,000. Dorinda asked if these funds would come out of the Stormwater 394 contractual services line item, and Bud said possibly, or from the bond issue. Bud said Skillman would prepare all bid packages and would serve as the “watchdog” over the architect and contractors. Dorinda Gregor made a motion to approve the proposal for the construction management services of The Skillman Corporation, and it was seconded by Barbara Ghoston. Discussion was held about when Skillman would start, and Bud said immediately. He said there will be a bid-opening process for all bids, Skillman would review them and make sure all forms are in order, and Stormwater will go with the lowest and most responsive bidder. Dorinda asked if Attorney Meyer could review the bids, and Bud said yes. The motion to approve the proposal for the construction management services of The Skillman Corporation was unanimously passed and carried.

Bud discussed different maps that Matt has been preparing, including a subdivision map for the Plan Commission, a street map for Public Works, maps for the Police Department and other maps that can overlay sewers, hydrants, streets, etc.

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PUBLIC COMMENT

Post-Tribune reporter Karen Caffarini asked about the \$3.5 bond, and Mr. Crist said \$1 million of it would repay the Bond Anticipation Note (BAN) and also pay the \$1 million for the new Stormwater Utility Center and for projects on Taft Street, Sedona Subdivision, Savannah Ridge and Chapel Manor.

ANNOUNCEMENTS

Mr. Crist said the next Stormwater Management Board meeting will be on Tuesday, April 3, 2012, at 4:30 p.m. at the Town Hall.

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Liz Bushemi
Secretary