

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, JUNE 5, 2018**

President L.J. “Bud” Crist called the June 5, 2018, Merrillville Stormwater Management Board (SWMB) meeting to order at 4:30 p.m. The pledge of allegiance was said. The other members in attendance were Barbara Ghoston and Ralph Simek. A roll call was taken, and a quorum was established. Staff members present were Executive Director Matt Lake, Attorney James Meyer and secretary Liz Bushemi. Also present were Merrillville Town Council President Richard Hardaway and Town Manager Bruce Spires who were recognized by the board president, Jim Donahoe from Aquatic Weed Control, Roberto Pena from Indiana American Water, Ron Wiedeman from Robinson Engineering, Jake Dammarell from Butler Fairman & Seufert, Randy Strasser from VS Engineering and Dolly Flaska. Bon Aire Lake residents who signed in were Pam and Lawrence Sinclair, Karen Billick, Bob Cotton, Ed Perosky and David Walton.

MINUTES

Included in the agenda packet was a copy of the minutes from the May 1, 2018 SWMB meeting. Barbara Ghoston made a motion to approve the minutes from the SWMB meeting held May 1, 2018, and it was seconded by Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

ACCOUNTS PAYABLE REGISTERS APPROVAL

Also included in the agenda packet were copies of the accounts payable registers from May 9, 2018 and May 22, 2018. Ralph Simek made a motion to accept the accounts payable registers from May 9, 2018 and May 22, 2018, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

OLD BUSINESS

Mr. Crist asked Jim Donahoe from Aquatic Weed Control to address the board. Mr. Donahoe said from April to September, they have a contract with the town to treat Bon Aire Lake for algae. He said they come out every 14 days to check the lake for algae and duckweed, and chemical applications for algae are done two times a month in very hot weather and one time per month in cool weather. He said they did an application in early May and just did the second application on June 1, 2018.

Regarding the Independence Street project, Matt said Dyer Construction Company is moving along with the project, although they came upon some utility hurdles. He expects the project to be completed in about three weeks. Prior to the start of the SWMB meeting, Ron Wiedeman from Robinson Engineering presented Matt Lake with an invoice from Dyer Construction for \$111,311.67 for work done to date, which Mr. Wiedeman had just received and reviewed, and he will prepare the award letter tomorrow. He said in order to get this in to Lake County for the \$100,000.00 Community Development Block Grant (CDBG) funding, it has to be approved by the SWMB before June 21, 2018. Attorney James Meyer said that since an emergency exists, he recommends that the SWMB approve the invoice for submittal to Lake County. Barbara Ghoston made a motion to approve Dyer Construction Company’s invoice in the amount of \$111,311.67 for forwarding to Lake County, and it was seconded by Ralph Simek. There was no further discussion. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Matt said the Sunset Road project is complete, and we are awaiting the final invoice from Delta III, Inc.

Regarding the 6325 Harrison Street sinkhole, Matt said while Delta III was repairing the first sinkhole, they found a second sinkhole that emerged approximately 200 feet north. He said the entire pipe that runs to 61st Avenue may need repair in select areas and is being replaced in phases as sections of the pipe begin to fail, because of the cost involved; he may solicit quotes for pipe rehabilitation where a high strength geopolymer is applied. Members had received a copy of Delta III's change order for the second sinkhole repair in the amount of \$10,305.00. Ralph Simek made a motion to approve the change order in the amount of \$10,305.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote. Members had also received an invoice for both sinkholes (the sinkhole quote for \$39,850.00 for the first sinkhole and the change order for the second sinkhole) in the full amount of \$50,155.00. Ralph Simek made a motion to pay Delta III, Inc.'s invoice in the amount of \$50,155.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Rex Construction submitted an invoice for the \$4,000.00 retainage held for landscaping on the 8720-8814 Old Lincoln Highway project, and members received a copy at their places. Barbara Ghoston made a motion to approve payment of the Rex Construction Company, Inc. invoice in the amount of \$4,000.00, and it was seconded by Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

NEW BUSINESS

Included in the members' packets was a copy of the Cender & Company memorandum regarding 2018 budget transfers and an additional appropriation. In Karl Cender's absence, Mr. Crist said in Fund 626, there needs to be a transfer of \$20,000 for drainage supplies and a transfer of \$5,000 for stormwater fee refunds for appeals. In Fund 627, he said there needs to be a transfer of \$200,000 for contractual services and a transfer of \$113,000 for the Independence Street project. Barbara Ghoston made a motion to approve the above budget transfers in Funds 626 and 627, and it was seconded by Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote. Attorney Jim Meyer said that on page two of the Cender memo, Stormwater is requesting an additional appropriation in the amount of \$830,000 in Fund 626 contractual services in order to dedicate funds for anticipated projects this year. Ralph Simek made a motion to approve the request for additional appropriation in the amount of \$830,000 in the Fund 626 contractual services line item, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Bud Crist said payment of the full 2018 contract amount of \$100,000.00 for the public works seasonal drainage crew needs to be approved. Ralph Simek made a motion to pay \$100,000.00 to the Town of Merrillville Motor Vehicle Fund the amount of \$100,000.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Matt said there was an emergency sinkhole repair at 78th & Delaware Street in Chapel Manor, and Austgen Equipment was hired to do the work. Members had received a copy of pictures of the sinkhole and Austgen's invoice for \$19,514.00. Ralph Simek made a motion to approve Austgen Equipment's invoice in the amount of \$19,514.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Matt said that Amma Properties, Inc. at 7101 Broadway combined ten (10) parcels of real estate and submitted an appeal of their stormwater fee. Matt, Karl Cender and Jim Meyer reviewed the matter and determined that Amma Properties paid the spring 2018 installment with their tax bill; the stormwater fee must be paid in order to appeal. Attorney Meyer said the Ross Township Assessor completed its work on the parcel combination. Members received a copy of Karl Cender's determination of \$2,160.00 to be the refund amount. Ralph Simek made a motion to approve the \$2,160.00 refund to Amma Properties, and it was seconded by Barbara Ghoston. Mrs. Ghoston asked if this had ever happened before, and Matt said it is a unique scenario where there were businesses in the lower level and condos in the upper level, but said it was a legitimate appeal of the stormwater fee since the new owner combined parcels. There was no further discussion. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Members received a copy of Christopher Burke Engineering's contract regarding the Taft Street Drainage and Calumet Park Cemetery Design for a box culvert in the amount of \$15,400.00. Matt said the culvert was blocked during the February rain event, and a new 4'x8' box culvert would be designed and installed for Taft Street and connected to the existing concrete pipe that drains to Kaiser Ditch. Mr. Simek asked how long Taft Street would be closed to do the work, and Matt said last time they worked on Taft Street, the work was done at night and one lane was kept open. Matt said Calumet Park Cemetery did not want to give the town a drainage easement, and he approached them recently again but they were not responsive. Matt said they would take the existing plans and modify them for the box culvert and then put it out for bid. Ralph Simek made a motion to approve Christopher Burke's contract and Exhibit A-4 for engineering in the amount of \$15,400.00, and it was seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

OTHER BUSINESS

Matt has been meeting with FEMA officials regarding the February flood event and assistance available, and he is encouraging residents to apply for assistance. Brochures were available.

Matt said the 2018 MS4 Annual Meeting went well, with close to 400 attendees there. He thanked the board members for attending and participating. Matt also said the Northwest Indiana GIS forum will be meeting at the Stormwater Resource Center in June.

Attorney Jim Meyer reminded members that it's budget preparation season for next year and asked them to start thinking about the 2019 budgets.

Members had in their packets copies of Bon Aire Lake documents - the Bon Aire Lake history, 2018 expenses to date and year 2017 expenses for Bon Aire Lake, and the full listing of expenses from 2003 through 2017 (not including NIPSCO expenses from 2003 through February, 2016).

PUBLIC COMMENT

Bob Cotton, from 5854 Taft Place, said he lives next to the culvert at Bon Aire Lake and asked when the lake will be lowered. Jake Dammarell from Butler Fairman & Seufert said they are 80% done with engineering, and permits need to be obtained from the Army Corps of Engineers, the Indiana Dept. of Environmental Management (IDEM) and Dept. of Natural Resources (DNR). He said a public meeting will be held, hopefully in September. Matt said the lake level was raised years ago prior to the formation of the utility, and he wants to restore it back to help protect properties adjacent to the lake from flooding by providing additional stormwater storage

volume. By lowering the outlet six inches down, it could provide up to an additional 10 acre-feet (3.2 million gallons) of stormwater storage.

Mr. Cotton also asked about the fish kill at Bon Aire Lake. Matt said DNR came out and found no conclusive evidence; he said that since there was hydrant flushing going on around the lake at that time, the abrupt change may have caused it since there has never been a fish kill at Bon Aire Lake before that we can recall.

Mr. Cotton asked about algae on the lake without fountains, and Mr. Donahoe said they treat the lake for algae on a regular basis (\$1,050.00 per application). Matt said by law, they are restricted on the amount of chemicals they can apply to Bon Aire Lake, and this is prescribed by Aquatic Weed Control based on water testing; if there is heavy rain after treatment, some of the chemicals may be flushed downstream. He said Aquatic Weed Control tests the water before applying any chemical treatment. He said the fountains were removed last fall and are in disrepair so they cannot be re-installed, and the chemical treatment is all the town can do to minimize algae and duckweed growth. Mr. Donahoe said the last treatment was on June 1st; he said phosphorous fills up in a lake, and the more phosphorous there is, the more algae there is; he said they treat the symptoms, not the cause. Matt asked Mr. Donahoe if fountains helped with algae control, and Mr. Donahoe said it only aerates the top two feet of water. Mr. Cotton asked about an aeration system for the lake, and Matt said most lakes like Lake George and Cedar Lake do not have aeration systems or fountains, and with the cost of almost \$46,000.00 for this system and perpetual cost of electricity, the town will not install an aeration system, and the lake will be natural from this point on.

Karen Billick, who lives on the south side at 2504 West 59th Place, said water comes into the middle of her yard when it rains. Matt said when the lake is lowered, it will help her property. He said she lives near the creek and asked Mr. Donahoe if anything can be done about the flow of algae; Mr. Donahoe said they have not yet sprayed for duckweed (\$2,000.00 per application). She said she used to rake the algae and duckweed near the shoreline and asked if the town could rake it; Matt asked Mr. Donahoe if there is any recommended mechanical way to remove algae, and he said he is not aware of any practical way to remove it mechanically. Bob Cotton said there is a lot of algae near the culvert. Matt said there are no plans for the town employees to physically remove the algae after it's treated with chemicals.

Ed Perosky, 2736 West 60th Drive, said in 2005, he did a calculation using Google and a CAD program, and there were 6.8 acres of surface area. He said in 2010 when the culvert was changed, there were 7.3 acres, which he said reduced the stormwater storage by 4 million gallons when the outlet was elevated, and 10 years of sediment accumulated into the lake; and he asked about how much marsh there would be after the culvert is lowered, and Mr. Dammarell said he didn't have an answer to that but understands that with lowering the lake, some areas may be marshy, and this can be sampled and discussed prior to the public meeting. He said they anticipate there to be 6.8 acres of water and said the lake will have more capacity for stormwater detention once it's lowered.

Lawrence Sinclair, 2430 West 59th Place, asked if there will be changes to flood zone lines since he is required to have flood insurance. Matt said the town is trying to restore the lake back to provide more stormwater storage. He said residents can submit a letter of map amendment (LOMA) to FEMA, which requires hiring a registered land surveyor for \$300-\$500 and

challenge the flood zone map. Mr. Cotton said he challenged the map previously and was denied and asked if he would have to challenge it again, and Matt said yes. Matt said because of all the natural disasters, the federal government is raising flood insurance rates. Matt said Merrillville is a FEMA Community Rating System (CRS) community -- one of only two in Lake County -- where he has been able to obtain a 15% discount and reduction in flood insurance rates for residents of the town.

Mr. Crist gave a brief history of Bon Aire Lake, stating the town acquired it in October, 1986, when it was transferred from Lake County Commissioners. He said Stormwater prepared an itemized list of expenses for Bon Aire Lake, and over \$191,000.00 has been paid by the town for Bon Aire Lake since that time (that amount does not include NIPSCO bills for the fountains from 2003 through February, 2016); he said it costs about \$1,000.00 per month for NIPSCO electric bills for the fountains. Matt said Stormwater initiated routine maintenance of Bon Aire Lake when the department was formed in 2010. Mr. Crist said Bon Aire Lake residents had incorporated a property owner association (POA) – Bon-Aire Lake Civic Assn. Inc. – in 1963, but it was dissolved on January 1, 1978, per Indiana Secretary of State records.

David Walton, 2548 West 59th Place, asked if residents can “pitch in” to pay for fountains or hold fundraisers on the lake like motorized boat racing or fishing contests; Matt said there would be some legal hurdles. Matt recommends they form a homeowners’ association (HOA) or POA, collect monthly or annual dues from all residents to maintain the common areas and pay for the embellishments that they want; he said there would be ongoing costs like purchase of fountains, installation and removal of the fountains, the NIPSCO electric bills, etc. Mr. Walton asked if they form an association and raise the money by holding events on the lake, if they can get fountains. Attorney Meyer said they would have to form a legal organization (corporation), have recorded covenant and by-laws stating residents would pay x-amount per month/year, and fountains on the lake would have legal ramifications because the town owns the lake, the organization would have to have covenants, would have to present an agreement to the Stormwater Board for approval, would be required to have insurance and would have various other legalities to comply with; he said the town could transfer the lake over to the HOA or POA. Mr. Walton said people enjoy events on the lake. Mr. Crist said if anyone would like a copy of the list of expenses for Bon Aire Lake, that a copy would be provided; no resident asked for a copy.

ANNOUNCEMENTS

There being no further comments, Mr. Crist said the next SWMB meeting will be held on Tuesday, July 3, 2018, at 4:30 pm at the Stormwater Resource Center.

Ralph Simek made a motion to adjourn; a voice vote was taken, and the motion unanimously passed with a 3/0 vote; the meeting was adjourned at 5:25 pm.

Respectfully submitted,
Liz Bushemi
Staff Secretary