



## Minutes

### MERRILLVILLE STORMWATER MANAGEMENT BOARD

Tuesday, May 3, 2022 at 3:30 PM

Merrillville Stormwater Resource Center, 7404 Broadway, Merrillville, IN

#### CALL MEETING TO ORDER

President L.J. “Bud” Crist called the May 3rd, 2022 Stormwater Management Board (SWMB) meeting to order at 3:28 p.m.

#### PLEDGE OF ALLEGIANCE

President Crist led the pledge of allegiance.

#### ROLL CALL

Members in attendance were, President, Bud Crist, Vice President, Vice President Ralph Simek, and Secretary, Barbara Ghoston. A quorum was established. Staff members present were Executive Director Matt Lake, Attorney James Meyers, Financial Advisor Karl Cender and secretary Adra Breclaw-Csanyi.

#### COMMENTS FROM THE PRESIDENT:

None

#### MINUTES

Stormwater Management Board Minutes (SWMB) from April 5th, 2022, approved. Barbara Ghoston made a motion to approve the minutes from the SWMB meeting held April 5th, 2022, motion seconded by vice President Ralph Simek. There were no questions. A voice vote was taken, and the motion unanimously passes with a 3/0 vote.

#### ACCOUNTS PAYABLE REGISTERS APPROVAL

Included in the agenda packet were copies of the Accounts Payable Registers from April 12th, 2022 and April 26th, 2022. There is one correction by the Clerk’s Office (Menards \$59.98) removed. Ralph Simek made a motion to accept the Accounts Payable Registers from April 12th and April 26th, 2022 including the correction., seconded by Barbara Ghoston. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Accounts Payable Register for ARP, there are no Stormwater appropriations.

#### OLD BUSINESS

Bud Crist - Matt Lake said that the Town received an agreed Order with respects to a parcel at Mesa Ridge Mesa, “Outlot A” that contains a detention pond. Designed for the subdivision when it was built. The parcel was owned by the Mesa Ridge Property Owner’s Association (POA) and we are still learning more about what transpired and why the Stormwater Utility was not informed since it appears that the case was initially heard om December 9<sup>th</sup> 2021. This seems like a lack of communication by the Town especially since we have ethe expertise to potentially assist with technical guidance by our staff and our Stormwater Attorney. According to the document, the Town Attorney was there representing the Town, so the Town decided to approve the agreed order without any provisions for maintenance. The Town may own the property at some point, after June 30<sup>th</sup>. Attorney Meyers said unless there is a redemption. Matt said that the redemption period was extended to June 30<sup>th</sup> 2022 and did not think the current owner would pay back taxes on a pond/parcel. Matt shared a copy of the agreed order to Jim Meyer. Matt asked Attorney Meyer to restate his position on this regarding the town taking this over and reducing the liability and the maintenance aspect. Attorney Meyers recommendation was to just make it clear to have it transferred to the Town of Merrillville, then the Town to the Council, and whomever, the Stomrwater Board, so that it is an agreement that the Stormwater Utility would maintain it for the town under whatever terms and conditions you would find to be approvable that way for some reason if the

Utility decides it doesn't want anything more to do with it, which would be unusual, at least you would be able to do that, plus if something crazy happens out there the primary liability would be with the Town and not with Stormwater Utility.

Matt said another thing to understand would be that we are not budgeted to do additional maintenance and prices from contactors is rising exponentially, we may need to consider a fee increase or encourage the town to pass the drafted HOA fee ordinance. Another challenge is the amount of emergency repairs we have to complete throughout the town which is not an option. This is putting lots of stress on our budget even though we bring in substantial amounts of grants and cost-share to supplement our project costs. The Town agreed to collaboratively draft a maintenance agreement, whereas we would set up the maintenance and they would cover the cost of primarily mowing and basic repairs necessary to ensure the detention pond is functional. As far as liability Matt doesn't know if the town's insurance company knows about these acquisitions. Jim Meyers said accepting additional property, since it is a basin, will have some impact to the Town's insurance. Jim said whether they reported it or not who is in charge of updating the assets to the insurance company? Matt responded, we send information to them usually once a year and these types of properties are liabilities especially older ponds that aren't designed to our current safety standards. Matt said think of the Red Roof Inn property converting it to a dry basin, because of the proximity and because it doesn't have any safety ledges or other safety provisions.

From that stand point the real solution to this is the HOA Ordinance that Jim had drafted and to send it to the town. It had gone back and forth a little bit, this would supply the HOA with reliable amount of funding to maintain their common areas for the subdivisions that are setup with HOAs. Matt said that he had several towns around wanting to copy so that they could do something similar. He is encouraging other towns to do that because if someone else does it first, we would have any idea what it would take to do that and learn from their process. This would ultimately be the best scenario, that way the HOAs would have substantial funding to take care of what needs to be taken care of, the Town doesn't accept any additional liabilities, and things are done the way the HOA would like to see them which are the residents of that subdivision and they would have full control over what's done. President Bud Crist said he thinks we should be notified when this happens. One of the biggest concerns is that we just found out about it and the date on this is last year. We need to be on the front end of something like this and the Town needs to communicate to the Board and us what is happening. Then, we can talk with Jim and figure out the best way forward in these things and not get blind-sided. Ralph Simek asked where the pond is, Matt responded Mesa Ridge behind Meijer. There are two ponds associated with the subdivision the one Outlot B is very dangerous with very steep slopes and there are townhouses close to it making it a dangerous scenario. This is not a good precedence to set, we need better communication. Matt has requested to meet with Pat Reardon and Rick Bella and is waiting for a response.

Matt did share Jim's thoughts regarding the matter so that their responses agreed to Jim's comments with regard to that. We will have to see how that agreement will work out. Ralph asked if we will be paid for use of the Marshmaster? Matt said, that or we contract the maintenance out since we have limited staff, that's the question and that's where Attorney Meyers had suggested an agreement like a maintenance contract. Jim said something in writing. Matt said he hasn't had any response back from them that's when he will reemphasize that Attorney Joe Svetenoff can draft up something and Jim can review it as an agreement. This is setting a precedence. Bud suggested an hourly rate for the use of the Marshmaster. Matt's concern is also Mike's time and how it can fit in, we have one guy to run most of our equipment so it would have to be contracted. Matt said it's not only the cost of maintenance but liability and insurance. President Crist said we will wait until an agreement is made. Matt will keep everyone updated and Attorney Jim Meyers updated as we proceed. Matt will give everyone a little time

to respond back. We've already corresponded some of these things so we will break it up and see where it goes.

Matt Lake - Meadowdale Risk Tree Removal Phase 1 update, ARP

Matt stated Clemons Tree Service is making good headway, although there has been some delays due to the weather. They have approximately 50 trees left to remove. We have had a lot of positive responses in terms of phone calls and Mr. Clemons has also had a lot of positive responses as he has been out working. People are thankful that the Town is stepping up.

## **NEW BUSINESS**

Bud Crist – Included in the members' packets was a copy of an invoice from Microbac for first quarter sampling in the amount of \$6,450.00. Matt said that this is for testing outfalls into major waterways. Barbara Ghoston made a motion to approve payment to Microbac for the first quarter sampling in the amount of \$6,450.00, 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.

Official approval of Delta III Inc invoice for work at Adams Street @ W 68<sup>th</sup> Place removal and replacement of inlet and sewer repair in the amount of \$4,410.00. Ralph Simek made a motion to approve invoice payment to Delta III for work performed at Adams Street @ W 68<sup>th</sup> Place for \$4,410.00. Ralph thought it was expensive for the amount of work that was done. Matt responded that he is going to look into this as prices are going up. Ralph said for the amount of work that was done there which is right across from his house and can see it done, he thought it was "terribly expensive." Matt said that it seems like things are three times more than what they should be right now. Barbara Ghoston seconded. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

Matt Lake - Matt stated we have sent out requests for quotes for the next phase of Meadowdale Subdivision Risk Tree Removal Phase 2 and 3. We received three quotes back, one was incomplete from Howards Tree Service for Phase 2 the other two were from Homer Tree Service and Clemons Tree Service. Homer Tree Service was \$120,800.00, Clemons was \$136,975.00 and both were lower than the engineers estimate for Phase 2. Homer was the lowest quote; they are a responsible contractor with a good reputation. Matt does not have any concerns with their ability to do the job. This is through ARPA monies. Barbara Ghoston made a motion to approve Homer Tree Service in the amount of \$120,800.00 for Phase 2 of the tree removal in the right-of-way's for Meadowdale Subdivision, Ralph Simek seconded. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote.

We also have Phase 3 for the Meadowdale Subdivision, this is a smaller area. We have some areas that are left over in the Meadowdale area. We received three quotes, Howard Tree Service was incomplete, we tried to add everything up on both Phase 2 and 3 and it was still beyond so it didn't matter anyway. We had Homer Tree Service at \$59,075.00 and Clemons Tree Service \$65,855.00 both of these are below the engineers estimate of \$73,045.00. Barbara Ghoston made a motion to approve Homer Tree Service in the amount of \$59,075.00, Ralph Simek seconded. There were no questions. A voice vote was taken, and the motion unanimously passed with a 3/0 vote. Barbara Ghoston asked if there was a start date. Matt responded hopefully soon, Homer is bigger outfit and have a lot of trucks, along with a lot of staff, they do a lot of line clearing for utilities, once we give them the go ahead then they would start. Once they get started and underway, we will start looking at Meadowland that will be our next subdivision to look at and solicit quotes. Clemons is doing a good job; he is a smaller outfit and has to compete with the bigger outfits. Meadowland will be competitive.

Project Updates:

Kaiser Ditch/Taney Ditch Lateral Project – There is only a little permitting left. DLZ is gearing up to solicit bids for this. This will be a sealed bid process.

101<sup>st</sup> & Clay Street Drainage Project – This is a Winfield project; a meeting was just held with Hickory Ridge Lake apartment Regional Basin Design – Christopher Burke will be out tomorrow to start surveying. Matt will meet the surveyors out there. This is the beginning of the full design for the project and will get them started.

Southmoor Park Drainage Project – Robinson Engineering is in process; they have all of the Independence Street Drainage Phase 2 – This really just an update with Robinson. They had designed it many years ago and just need to tweak it based on current conditions. Then we will see where we are at financially to put it out for bid, that will be under ARPA as well.

Georgia Heights/Marcella ROW Drainage Replacement Project – DLZ is working on the design. Grassfield Subdivision/9401 Randolph St Drainage Coordination with NRCS – This is a farm field is adjacent to Grassfield, there is a bunch of flooding in the field and in the subdivision. There is another spot near Auburn Hills encroaching on some backyards. Matt talked to the farmer Bud Hayes and Ken Hayes; it is in trust but they have control of the trust. They agreed to if we put the drainage going in a specific direction it would not only help Grassfield but Auburn Hills. They would allow us to put an easement on their property, a permanent easement.

Christopher Burke is preparing a proposal to do the easement, Christopher Burke would charge us for the survey work but the owner wouldn't charge us for the easement, it would be a free easement. Attorney Jim asked if he was going to drain any of his field into the easement. Matt said he is going to get about four acres of additional property that he can farm without losing his crops, this is his advantage. Right now, there is several areas that are ponded. It affects Randolph Street; it does not encroach into 97<sup>th</sup> St but it does pond into the Grassfield subdivision. It outlets west of Randolph but there is already an easement where there is already an old clay tile so we want to bring it out all the way out to the outlet, we already have the easement. Christopher Burke is coming out with a proposal to do the survey work for an easement which will come off of 97<sup>th</sup> and comes around and out to Randolph, once this is recorded then we can look at design and make it simple, a couple of structures, some 8' to 10" drain tile, this will help out. To try and run drains through backyards, septic fields, utilities, 12 different owners at least, it is difficult going that way, we have three pluses going this other way. We help two subdivisions and a farmer and we help our roads. Attorney Meyer said, this way you have maintenance capability, Matt said there is nothing in our way. Christopher Burke already gave a number of what it would take to do the survey work and get it recorded, \$5,397.00. Matt said he doesn't have a proposal for the Board today. They will be out tomorrow; they might look at it and check it out tomorrow with their survey team because they will already be out for Hickory Ridge Lake Apartments. This is a rare opportunity and take it while we can. This is a two for one deal if we can get it all done.

Matt did meet with NRCS to see if there is any cost share but since it didn't have an environment protection element to it, it didn't fit within any of their programs. The Farm Bill has also changed over the years and it is not as well funded as it used to be. They use to do 80%, cost share and other practices, now it is 50% with other provisions. When the Farm Bills passes it will be different every time. Matt did try and met with the Districts' Conservationist and their tech team out there, along with the farmer, we looked at

everything. He can get some money for no till but not as much because he is already no tilling. If he was abusing and not using no till, they would pay him some type of stewardship price which is not the same as if he was converting from conventional till to no till.

Arbor Day Event Discussion – Proclamation was read at the Town Council Meeting on 4-26-22. We would like to do a small Arbor Day Event with some kids and do a planting of some trees. This qualifies us for Tree City USA and it's great for kids to be involved.

Stormwater Ordinance Update/New IDEM Permit Regulations – Thursday Matt is meeting with Daren Olsen from Christopher Burke. We are at the tail end of revising the Stormwater Ordinance. Matt confirmed with Attorney Meyer if we should present the Ordinance here. Attorney Meyer said, yes, this way the Board approves it and recommends it to the Council. Matt is anticipating to have the Ordinance for next meeting.

Attorney Meyer asked when Notice of Intent (NOI) is due, July? Matt said yes, we do not want to wait, once the Ordinance is close to done then we submit the paper work so it is official, then we will pass it after.

Matt Lake said that he talked to Stacy Goodwin, State Coordinator for IDEM for all of the MS4s, he setup and audit date with her, she called the other day. Matt said he is always excited to do those. It will take about a day, she will come in and look at public education, outreach, illicit discharge, pollutant elimination, and good housekeeping. On the construction side he said he will probably do the audits later.

## **OTHER BUSINESS**

The MS4 Annual Meeting will be May 9<sup>th</sup> and 10<sup>th</sup> Bud Crist and Matt Lake will be attending. Matt will be a speaker and talk about illicit discharge. Stacy will be talking about TMDLs, everyone is coordinating.

Matt received a call today from Cliff Duggan who is the new MS4 Coordinator for Lake County, he is working for Bill Emerson in the Surveyor's office.

### **Other projects**

Proposal from Several Contractors come in as follows: (Solicited contractors)

9730 Randolph Street-Driveway Culvert  
Dyer Construction did not respond  
Delta III reponded with \$6,300.00  
Austgen responded with \$12,947.00

Barbara Ghosten noted price differences for the same job, Matt agreed. Ralph Simek made a motion to approve 9730 Randolph proposal to the low bidder Delta III in the amount of \$6,300.00, 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.

321 N County Line Rd-Culvert  
Dyer Construction did not respond  
Delta III reponded with \$8,500.00  
Austgen responded with \$14,898.00

Barbara Ghoston made a motion to approve proposal to Delta III, the lowest bid in the amount of \$8,500.00, 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.

Randolph @ 101<sup>st</sup> St-72” Culvert under Randolph Street.

Matt noted that this is surprisingly low and doesn't know why. Matt expected this to be twice as much but noted that we do already have the 72” culvert.

Dyer Construction did not respond

Delta III responded with \$15,750.00

Austgen responded with \$52,890.00

Matt Lake noted costs and ranges saying this is an old 72” CMP and has rip rap associated with it. It is hard to get quotes from people sometime, especially right now. President Crist asked if Matt wanted to check the number first, he responded that Joe checked and he asked him to check and make sure. Joe did validate, this is a bargain. Barbara Ghoston made a motion to approve Randolph @ 101<sup>st</sup> St proposal to the low bidder Delta III in the amount of \$15,750.00, 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.

### **PUBLIC COMMENT**

Resident Bob Cotton asked if there was any progress on Bon Aire Lake Survey, Matt responded, VS Engineering is still working on it and that he believes he copied Mr. Cotton on a few of the emails. If Mr. Cotton would like to talk directly to them, he can feel free to reach out to them as it will affect him and several others in the area.

Matt Lake said our Tilapia Algae Control Program will continue this year and we will re-stock Bon Aire Lake the first week in June. Matt said that he wanted them to let him know ahead of time so that he can have the news come out and do a story on it.

Mr. Cotton said that today the flow going thru the culvert is really going through it so there will need to be a gate on it again this year until they disperse. Ed was saying he might want to go down to one of the other access points and put them in down there. Matt said maybe put them in further on the other end by the school and come in that way. Mr. Cotton said maybe by the school or even were they used to go and get the fountains. Matt said last time they put like a fence or net there for only a couple of days, Mr. Cotton confirmed so that they could disperse as evenly as possible.

Mr. Cotton said the other thing was that Matt mentioned the possibility of putting more rip-rap along where the railroad tiles are washed out. Matt said, we would like to do that but access maybe limited since it would be difficult to get heavy equipment to the location.

Mr. Cotton had one more thing, he said they had a blockage at Roosevelt Place, the culvert. Matt asked if it was further down, Mr. Cotton said it is the next one down. It held the Lake up about a foot for about a week, someone came and cleared it out, he wondered if it was County. Matt said Joe probably called, he asked if he should call here if that happens, Matt said yes and we can call County and have them go out there. Technically it is Lateral 7 which is a Lake County Regulated Drain. Mr. Cotton said it dropped down in a day, he stated that he didn't know who to call. Matt restated that he can call us for this. Mr. Cotton said the flow had just stopped.

Barbara Ghoston had a comment for Matt, that he is going to meet with the officials of the Town to discuss that we don't want to keep buying properties at the next meeting. Attorney Meyer said he assumes it was Attorney Joe but someone supposedly submitted an objection in the name of Merrillville Stormwater Management District and it wasn't Jim. Jim said it was okay for him to do it for the Town which is more appropriate anyway but why they threw in the Merrillville Stormwater Utility he doesn't

know. Matt said he should be contacting us to meet and talk about anything legal. Matt said he will emphasize this. Attorney Meyer said anything that might lead to liability we should be contacted. Matt said his first contact was to Attorney Meyer. We need together to work on what's best for the Town, Attorney Meyers said we would be maintaining every basin in Town, no Town does that for a reason. This goes against our Ordinance; it says the Town is not supposed to accept any property from an HOA. It does go against and ordinance and we need to be on the front end of these things and informed about what is going on.

President Crist asked if it was the same thing that was going on in Innsbrook. Matt said a lady attended the last council meeting, they had been calling Matt about their basin and what they can do. Some people like the water some people don't like the water, if you don't like the water, you can convert it into a dry basin, we certainly won't do that but if we have a job in town and the HOA wants do something like that we can see if the Contractor is willing to work with the HOA and maybe they can save some money on their end of the project. It is not Town owned property. The HOA ultimately has the say so since they are the one who own it, that's it. She stipulated the same thing, that we're the HOA and we should be in charge of this but one of the other property owners there has been calling sending mixed signals to her saying the Town is going to come in and do this. We are not going to something like this. Matt did get an estimate from a contractor to see what it would take to convert the Innsbrook pond to a dry basin which is about an acre, three feet deep or so, maybe a little less here and there. It's about \$100,000 to do that. We wouldn't gain anything out of that, there is no storage added to that. Attorney Meyer said your loosing it. We don't improve our liabilities because we don't own it. Like the Red Roof Inn Pond for example we are getting that converted for free, that's almost like a site where I have a Contractor lined up for different jobs and they are doing a job in Hobart and they need a place to add some clean fill. They're about half way done, that pond is three times or four times the size of the Innsbrook pond. You can imagine what that would cost to convert it to a dry basin, again we are about half way there right now. Sometimes its opportunity, we are getting some rental payments from the bill board which we put towards maintenance. We are going to save that revenue for when we need to do final seeding and do a dress up once all the fill material is in there. We will get a final grading and seeding then it will be just mowing and be much safer because we'll have a hotel/motel pond in the middle which was a dangerous scenario and we are trying to reduce liability for the town. The other level of this is insurance for the Town. Attorney Meyers said as long as you don't need it for storage then there is no go reason to have it.

Bob Cotton said County is using Tilapia and Matt said it is better maintenance for him because the tilapia is working 27/7 keeping it balanced. When you add chemical and there are spikes and is time dependent. It has been a good experience for us so far. Mr. Cotton said we've had three good years. Attorney Meyer asked, what happens to the dead ones? Matt said that we don't know. Mr. Cotton mentioned that there are a lot of turtles in the lake, some are snapping turtles and soft-shell turtles and they eat them. If they are sinking to the bottom then they are probably getting eaten. Matt said its surprising we don't get a hundred floaters. Mr. Cotton said we don't see them. Matt said that Ed said they will die off, and would look like fish kill every year. Ralph asked if the lake freezes to the bottom every year, Mr. Cotton said no, we don't know where they go. Ralph asked if they survive the winter, Mr. Cotton said no, they do not survive below 45, they are tropical fish. This is why we can put them in our lake, even though they can escape, they will die off and not become a problem at another site, they are not like a carp. Matt said they are not invasive. This helps the wildlife to, it's better than applying chemicals. President Crist asked if he had an eagle, Mr. Cotton said no, he had an osprey today and has seen them carry fish off but doesn't know where, there must be a nest somewhere around here. Bus said that he had one a few weeks back and they are huge.

SWMB Meeting Minutes

May 3, 2022

Page #8

**ANNOUNCEMENTS**

President Crist said the next SWMB meeting is set for June 7th, 2022, at 3:30 pm at the Stormwater Resource Center.

**ADJOURNMENT**

The meeting was adjourned at 4:19 pm.

Respectfully submitted,

Adra Breclaw-Csanyi, Staff Secretary