

**MINUTES OF THE
MERRILLVILLE STORMWATER MANAGEMENT BOARD MEETING
TUESDAY, AUGUST 6, 2013**

President Barbara Ghoston called the August 6, 2013 Merrillville Stormwater Management Board (SWMB) meeting to order at 4:38 p.m. The other members in attendance were Dorinda Gregor and Leonard White. Staff present was Executive Director Matt Lake, Compliance Officer Joe Fish, Attorney James Meyer, Damon Tsouklis for Karl Cender from Cender & Company, and Secretary Liz Bushemi. Others present were Robert Csanyi from Robinson Engineering, Mark Kaiser from Christopher Burke Engineering, Scott V. Cherry from The Skillman Corporation, Darren Olson from Christopher Burke Engineering, Town Manager Bruce Spires, Town Councilman Tom Goralczyk, Chas Reilly from *The Times* and Karen Caffarini from the *Post-Tribune*.

Included in the agenda packet was a copy of the minutes from the July 2, 2013 monthly SWMB meeting and a copy of the July 9, 2013 Special SWMB meeting. A brief discussion was held about the July 2 meeting minutes and the Robinson Engineering contract for the work at Southmoor Park Subdivision. Matt will provide members with a copy that he just received. The Board asked that they be given an itemization of invoices received to date regarding the topo survey; Liz will get them copies of the invoices. Leonard White made a motion to approve the minutes from the July 2 and July 9 meetings, and it was seconded by Dorinda Gregor; there were no questions or corrections, and the motion was approved and unanimously carried.

Also included in the agenda packet were the accounts payable registers from July 9, 2013 and July 23, 2013 and appropriation reports for funds 626 and 627. Dorinda Gregor made a motion to approve the accounts payable registers from July 9 and July 23, 2013, and it was seconded by Leonard White. There were no questions, and the motion was approved and unanimously carried.

OLD BUSINESS

Regarding the 54th Avenue project, Matt said Scott Pruitt from First Group Engineering provided an update that the storm sewer work has been completed, and Gough, Inc. is fine grading the sidewalk. Scott will advise as to the pave date as soon as it is available. Matt said Gough, Inc. submitted their pay request #2 in the amount of \$83,683.37, a copy of which all members previously received in their packets. Dorinda Gregor made a motion to pay Gough, Inc. the amount of \$83,683.37 for their pay request #2, and it was seconded by Leonard White. A voice vote was taken, and all three members voted yes, and the motion was approved and unanimously carried.

All members had received a copy of the letter from Christopher Burke Engineering (CBBEL) regarding the Taft Street Drainage Improvement Project delay due to AT&T locates. Mark Kaiser from CBBEL said the project is progressing well, and all storm sewers have been installed between Taft Place and Taft Street. He said the Indiana Department of Transportation (INDOT) gave Dyer Construction Company the approval to do work at night; however, the day before the night work was to begin, Dyer found an AT&T line where the culvert was to be installed. Mark said AT&T has not responded to them since the problem was determined. Mark discussed the options described in his August 2 letter to the Board. Option One: Require AT&T to relocate their telephone ducts so the proposed storm sewer can be installed as originally planned, with conditions. Option Two: Keep the AT&T telephone ducts as is and raise the proposed storm sewer

inverts over the existing utilities, with conditions. Leonard asked if Dyer Construction knew this area was “flagged”, and Mark said the contractor was unaware of it until they exposed their ducts for this work. Matt said that it is unfair with either option that Stormwater Utility will have to pay Dyer Construction additional mobilization and demobilization costs. He said he hopes that the project continues now so as to not lose any benefits of the project and in order to have the final road work done before asphalt plants close. Barbara agreed that Option One was best but questioned if AT&T did their work but didn’t finish before asphalt plants closed; Mark said the final work would have to be done in the spring. Mark Kaiser advised the Board that only a few homes would be affected. Barbara asked if CBBEL intended to pressure AT&T to get the job done, and Mark assured her they would. Town Manager/Public Works Director Bruce Spires said the U.S. 30 project had problems, too, and since NIPSCO caused delays to that project, the town is asking NIPSCO to pay the costs for the delay. He suggested that Stormwater pass along any increase to AT&T, like they are doing for the U.S. 30 project. Dorinda asked that Attorney Jim Meyer prepare a letter to AT&T demanding that the work be completed this year, and Mr. Meyer said he will get a letter to Mark Kaiser tomorrow.

Matt said a second invoice was sent to INDOT for \$121,509.05 as part of INDOT’s cost-share for the Taft Street project. INDOT has agreed to a total \$750,000.00 cost share.

Dyer Construction Company submitted its Pay Request #6 in the amount of \$142,057.55, a copy of which members previously received. Mark Kaiser recommended that the Board approve payment. Dorinda Gregor made a motion to approve Dyer Construction’s Pay Request #6 in the amount of \$142,057.55, and it was seconded by Leonard White. A voice vote was taken, and all three members voted yes, and the motion was approved and unanimously carried.

Matt discussed the contract addendum with Christopher Burke Engineering for the Taft Street project, a copy of which members previously received. He said due to the delays in this project, CBBEL is requesting an additional \$22,000.00 for Mark Kaiser to continue construction observation. Attorney Jim Meyer said CBBEL needs to present an itemized bill to show hours worked and explain why the additional hours are needed. Matt asked for a Board vote due to the AT&T delay; Jim Meyer said a vote would be appropriate if CBBEL can show all prior hour used and suggested a provisional vote on the addendum. Dorinda Gregor made a motion for provisional approval of the Christopher Burke Engineering contract in the amount of \$22,000.00 for continuation of the Taft Street project observation provided itemized bills are presented and due to the AT&T delay, and it was seconded by Barbara Ghoston. A voice vote was taken; initially Leonard White voted no, but after consideration and more discussion about contingencies that itemized bills are provided, he changed his vote to yes, and all three members voted yes, and the motion for provisional approval of the Christopher Burke Engineering contract in the amount of \$22,000.00 for continuation of the Taft Street project observation provided itemized bills are presented and due to the AT&T delay was approved and unanimously carried. Matt said this additional CBBEL work can be invoiced to INDOT as part of their cost-share. Barbara asked that all bills state actual

work hours and asked Matt to keep the Board apprised. Matt said he can email the Board with a listing of the bills. Attorney Meyer said he realizes the delays and problems due to the Calumet Park Cemetery culvert and AT&T, and he believes the CBBEL addendum is a good-faith estimate of additional time to be spent on the Taft Street project.

Included in the members' agenda packets was a copy of the Dyer Construction Company bill submitted to Stormwater in the amount of \$22,422.50. Matt said this is for labor, material and equipment for an aluminized culvert at 75th Avenue and Taft Street. He said this unforeseen dangerous emergency situation existed, and the work has been performed by Dyer Construction. Dorinda Gregor made a motion to pay Dyer Construction the amount of \$22,422.50, and it was seconded by Barbara Ghoston. Attorney Jim Meyer asked if this bill is different from the \$2 million bid that was awarded, and Matt said yes, and it would be paid out of line item 394 contractual services. A voice vote was taken, and all three members voted yes, and the motion was approved and unanimously carried.

Matt said the groundbreaking for the new Stormwater Resource Center was held on July 24th, and work began on July 29th. He took some pictures today and distributed them to the Board. He said he anticipates quick construction of the new building.

All members had received a copy of The Skillman Corporation Amendment #1 regarding their construction management services for the new Stormwater Resources Center. Scott Cherry from Skillman was present to answer questions. Mr. Cherry said in March, 2012, Stormwater entered into a contract with them for \$21,675 as their basic fee for pre-bid work and \$25,000 for construction site observation because then-president Bud Crist had indicated he would be present every day during construction. He said Skillman has gone through the bid process two times for Stormwater, developed plans to fit the current needs, bid the construction, and they have been asked to act as agent for six to eight months during construction since the makeup of the Stormwater Board has changed, and Bud Crist will no longer be there on a day-to-day basis to supervise construction. He noted an error in the amendment document and stated that \$104,000 should cover all items. He said today there was a problem regarding excavation that had to be rectified. He promised Skillman's continued commitment to the project. Attorney Meyer asked Mr. Cherry if he felt someone needed there to be eight hours per day; Mr. Cherry said the contract is for all phases of Skillman's work -- site personnel, project manager time, processing of change orders and closing out the job; he hopes they have demonstrated their commitment to Matt. Discussion was held about how Skillman would be paid and terms of the contract, possibly changing the contract to an hourly basis and not exceeding a certain amount. Mr. Cherry said it helps having a good contractor in The Pangere Corporation, who is the contractor for the building. The matter was tabled until the September 3 meeting, until Skillman can prepare a new contract for the Board's approval.

Regarding the 54th Court rain garden, Matt said a sign was installed identifying the native plants planted, and flowers are blooming. He is in the process of submitting the final grant paperwork to the Indiana Department of Natural Resources (IDNR) and to the *Green Streets Guidebook*. He distributed pictures of the sign and rain garden in bloom.

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Darren Olson from Christopher Burke Engineering was present to discuss the Stormwater Master Plan, which has not been updated since 1987. He said new technology allows them to present to the Board a digital plan. He said since the September, 2008, flooding, Merrillville has been inundated with rain events, and they have identified projects like the Taft Street project that need attention. He said the master plan will identify cost estimates for future drainage projects and will provide digital reports for future planning and grant application opportunities. The purpose of the presentation was for the Board to review areas of inundation, review flood storage areas and look at reducing the risk of flooding so that residents will not pay flood insurance if they don't have to. Barbara said the Federal Emergency Management Agency (FEMA) will not have to pay claims if they see they have paid prior claims on property. As new development comes to Merrillville, Darren said the master plan will show them what has been inundated before and what projects are being proposed for the future. He said he will leave the plans with Matt for one month so that all areas are identified and residents can give input.

A rain barrel brochure about the town-wide project was given to everyone, and Matt said orders can be made online, over the phone or by mail. The pickup date is September 12, 2013, from 3:00 to 6:00 pm in the public works parking lot.

Matt was a presenter at the July 17 Construction Site Stormwater Runoff Control MS4 workshop sponsored by NIRPC. He and Jennifer Gadzala from Chesterton discussed enforcement procedures and local case studies.

The Lake County Surveyor's request for communities financial cost-share of the upgraded Ortho and LiDAR high resolution GIS equipment was again discussed; Matt received a follow-up email indicating the county had already budgeted \$70,723.00 for the equipment, and Merrillville was being asked to contribute \$1,620.00. The email indicates that every community will have access to the new GIS information, whether or not they contribute. Matt said it is up to the Board if they want to contribute. Discussion was held. Leonard said it is all taxpayer dollars, whether it comes from Lake County or Merrillville Stormwater Utility and would not be interested in contributing. Barbara asked about the benefits of the new GIS, and Matt said there will be three-dimensional viewing. Leonard asked how it is different from Stormwater's master plan that CBBEL is working on, and Matt indicated there would be additional layers of information. Barbara would like to see Merrillville pay its fair share, and Dorinda says the surveyor's office has helped Merrillville in the past. The Board decided to defer action on any contribution at this time and make a decision at a later date.

Board members were presented a copy of the Robinson Engineering contract regarding the Southmoor Park Subdivision work. Since there was no time to review it, Barbara said the matter would be deferred until September in order to give members time to review it.

NEW BUSINESS

Board members were given a copy of the new Stormwater brochure "Before You Buy: Know Your Flood Risk". He said this will help with the Community Rating System (CRS) application since it is an outreach material for residents.

Matt ordered promotional materials with the Merrillville Stormwater logo, including rain gauges, mini stress balls, a scoop the poop item for pet owners and funnels. In the past, Merrillville Stormwater used the NIRPC materials, which were regional, and these items include printed tips on how residents can help with Stormwater-related issues. He encourages every to change their practices and also get others involved.

Matt will be attending a Save the Dunes workshop on Naturalized Detention Basin on August 14th, where they will look at making detention areas more natural. He said this will also help for properties that are removed from tax sales and better managing them.

The Indiana Association for Floodplain and Stormwater Management (INAFSM) conference will be held at Pokagon State Park from September 11 to September 13, and Matt will be presenting at two sessions and moderating one. This is a technical conference on stormwater issues.

Matt said there is a drainage concern at 53rd Court near the town Stormwater lift station between Tyler Street and Pierce Court. Matt said this area can be utilized as a wetland mitigation site.

PUBLIC COMMENT

Councilman Goralczyk said he was at the north barn at Pruzin Center recently, and the Stormwater all-terrain vehicle (ATV) and Argo are dusty and need covers. He said Stormwater needs to buy covers. Leonard White made a motion to approve purchasing covers for the ATV and Argo up to the sum of \$500.00, and it was seconded by Dorinda Gregor. There was no further discussion, and the motion was approved and unanimously carried.

Dorinda said on Saturday, August 3rd, there was an Indiana American Water Company water main break on Taft Street. A Brookstone Condominium resident had called the Stormwater office and left a voice mail message. The matter was taken care of by the water company

Dorinda also suggested that a supply of the pet scoop the poop promotional items be left at the Clerk-Treasurer's office for when residents registers their dogs; Matt agreed that is a good idea since this items targets pet owners; he will get a supply to the clerk-treasurer.

Mrs. Ghoston said the town's National Night Out is being held now outside the Town Hall and suggested that people stop by. The next monthly meeting is set for Tuesday, September 3, 2013, at 4:30 pm.

Dorinda Gregor made a motion to adjourn, and it was seconded by Leonard White. The meeting was adjourned at 6:10 pm.

Respectfully submitted,

Liz Bushemi
Staff Secretary