

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER  
BASIN DEVELOPMENT COMMISSION  
HELD THURSDAY, NOVEMBER 19, 2020  
2:30 P.M. CST/3:30 P.M. EST**

**CONDUCTED ELECTRONICALLY UNDER EXECUTIVE ORDER 20-09**

John McNamara, Chair, called the meeting to order at 2:30 p.m. CST.

Scott Pelath, Executive Director, explained the electronic meeting procedures.

Mike Novotney, Secretary, called the roll.

*Members Present at Roll Call*

Craig Cultice	Bill Emerson	John McNamara	Ryan Mueller
Mike Novotney	James Walstra	John Shure (IL)	Andrew Wheeler (IL)

*Approved Proxies Present*

Tony Hendricks for Bill Crase

*Staff Present*

Scott Pelath

Mr. Novotney stated the presence of a quorum.

**Approval of minutes from October 8 meeting**

*Bill Emerson moved that the minutes be adopted. James Walstra seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

**Finance Report**

Mr. Pelath presented a financial report along with a list of claims that either were paid or needed to be paid since the previous meeting. A written financial report was distributed in advance of the meeting [contained in the Executive Director's Report ATTACHMENT 1].

Mr. Pelath reported that the Commission has a budget, as submitted to the State Budget Agency, that runs through June 30, 2021. However, he stated that there are discrepancies between agencies over whether the Commission can continue to budget on a state fiscal year basis, or whether the Commission must adopt another calendar year budget. He hoped to have those

issues reconciled by the beginning of the new calendar year.

Mr. Pelath also noted the challenges of projecting the receipt of assessment revenue during the first year of the new funding system. For the coming year, he tentatively planned to budget 85% of half the expected revenue. He urged fiscal caution given existing uncertainties in a new set of procedures.

*Ryan Mueller moved that the Commission approve the listed claims and accept the financial report. Craig Cultice seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

## **OLD BUSINESS**

### **Jasper County FEMA Project**

Mr. Walstra reported work has stopped due to the season. He said they may bid out two additional sections soon, including the next 1 mile stretch. Work near the mouth of Hodge Ditch may get underway this winter.

Mr. Pelath noted that they have discussed ways to hasten the right kind of vegetation growth within the riprap. He said he hoped to test hydroseeding methods on a section when whether permits next year. The goal is to compete against invasive species and further assist with bank stability.

### **Yellow River project design update**

Mr. Pelath introduced Ross St. Clair from Cardno, who reported on the project kick-off meeting to review expectations and schedules.

Mr. St. Clair said the survey work conducted by Territorial Engineering was complete. He anticipated completing the conceptual design by the middle of December, which would be presented to the Technical Advisory Committee for further input.

He said Cardno is also working on the initial phases of permitting with the relevant regulatory agencies, and was planning an onsite meeting with those agencies.

Mr. Emerson asked if there has been a drone flight of the area, and believed one would be useful. Mr. St. Clair said Cardno is striving to get aerial imagery. Mr. Emerson and Mr. Novotney both offered their offices' drone capabilities.

Mr. Pelath expressed his gratitude for Cardno's timeline and expertise thus far. He also reminded the Commission that the project site was selected not because it was easy, but because it was hard.

### **Bank stability at LaSalle Fish and Wildlife Area**

Mr. Pelath announced that he will be soliciting bids to address problem trees on approximately 2 miles of river bank at the LaSalle Fish and Wildlife Area in Newton County,

### **Sumava Resorts bank repairs**

Mr. Pelath reported that two sections of river bank at Sumava Resorts will require repair at a cost of approximately \$15,000. However, since they cannot be reasonably called an emergency, they will require permitting before any work commences.

## **NEW BUSINESS**

### **Hydroseeding pilot in Jasper County**

Mr. Pelath met with a contractor, and said it would cost approximately \$3,750 per acre to test the results of hydroseeding on the Jasper County FEMA bank repair project.

### **Tree mitigation/purchase of seedlings for next year**

Mr. Pelath requested funds to replace severely leaning trees removed from the bank. He reminded the Commission that it also has made mitigation commitments to the regulatory community, particularly the Corps of Engineers.

He stated recommended the DNR Division of Forestry as the best source of tree seedling, and believed that the order of approximately 2,000 was not unreasonable. He expected that pin oak would be a likely selection.

The chair said it sounds like a nice thing to do as long as they do not get in our way in the future.

Mr. Pelath said the intention was for any plantings to go on the landward side of the bank.

The chair suggested that \$1,500 was a reasonable allowance.

*Mr. Emerson moved that \$1,500 be allocated for the purchase of tree seedlings from DNR. Mr. Cultice seconded the motion.*

MOTION ADOPTED BY VOICE VOTE.

### **Renewal of accounting contract with NIRPC**

Mr. Pelath reported that the Commission's accounting contract with NIRPC was up for renewal. He said the document was not yet complete, but that the Commission should expect a reduction in cost since the electronic accounting system is not in place. He expected to present the new contract at the next meeting. Mr. Pelath stated that NIRPC does a good job for the Commission.

## **OTHER BUSINESS**

Tony Hendricks asked for additional funds to continue LaPorte and Starke Counties' logjam management work.

Mr. Pelath assured Mr. Hendricks and the Commission that sufficient funds are available in the current budget to continue work, and that approximately \$250,000 remained for those purposes.

Mr. Hendricks asked if they could keep moving ahead with work. Mr. Pelath said that as long as they remain in consultation, funds remain available. If additional funds are requested or require augmentation, the Commission can consider the request once the current funds are drawn down.

Mr. Hendricks then requested additional funds to maintain a sediment trap near U.S. 6. He said he would like to begin the maintenance for a cost of approximately \$12,000.

The chair asked if an additional, separate allocation was necessary.

Mr. Pelath said funds were available and not excessive, but would require some guidance over the preferred line item it would affect.

*Mr. Emerson moved that the Commission authorize \$12,000 be allocated for the maintenance of the sediment trap. Mr. Hendricks seconded the motion.*

### **MOTION ADOPTED BY VOICE VOTE.**

Mr. Hendricks strongly encouraged the prompt planting of new trees on the landward side of the banks. He said the Commission is serious about replacing trees, and not simply about removing them.

Mr. Novotney affirmed that it was not the Commission's goal to denude banks. He supports the trees being placed where they will support the stream system.

## **EXECUTIVE DIRECTOR'S REPORT**

A written report [ATTACHMENT 1] was distributed prior to the meeting.

Mr. Pelath noted his intention that public information meetings would resume once the public health situation permits.

Mr. Pelath extended his deep condolences to the family of John Coulter, Jr. John Coulter, Sr. is a respected member of the Commission, and he expressed his grief on behalf of the Coulter family.

## **PUBLIC COMMENT**

Jeff Frey of the U.S. Geological Survey announced that the watershed has qualified for a program to spur new stream gages and monitoring technology. He said more details would be forthcoming.

Mandy Glanz of the Southern Indiana Cooperative offered her assistance for invasive species management.

Mr. Pelath noted the possibility of some early floodplain reconnection opportunities. He wanted to assure the public that the Commission is being mindful of tenants of the work plan.

#### **NEXT MEETING**

The next meeting date, location, and format was to be determined.

#### **ADJOURNMENT**

The meeting adjourned at 3:42 p.m. CST.

## ATTACHMENT 1

### EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members  
From: Scott D. Pelath, Executive Director  
Date: November 16, 2020

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There is no way I can begin this report without addressing the pandemic, which continues to affect the operations of public everywhere.

The Commission is fortunate in that the nature of its work is less reliant on public health conditions than many other service organizations. However, the return of in-person public meetings will be welcome, and the resumption of traditional communication opportunities will be a relief. I look forward to speaking in front of PowerPoint presentations again soon.

#### Finance Report

**State Budget.** The next legislative session is expected to be historically challenging. A new, two-year state budget must be crafted amid revenue shortfalls. For the first time in memory, the legislative bodies are preparing to meet at an alternate location. These are unusual times.

**Commission Budget.** We are in a bit of regulatory quandary between agencies. The State Budget Agency views us as a state agency – which would suggest fiscal year budgeting practices – and the State Board of Accounts has compelled us to submit calendar year budgets as a local unit of government.

If we can budget on a fiscal year basis, I would prefer that the finance plan we adopted in July serve as our budget until next year. However, I do not yet have a conclusive determination to that question. If the agencies do not communicate or agree, then the safest method is to comply with SBOA and reconcile the overlap in a calendar year context.

**Assessments.** The regional drainage assessment under IC 14-13-9 takes effect on January 1, 2021. Counties currently are at varying stages of applying the new law to next year's bills. I have offered myself to county governments to assist with this task in any way I am capable. In some cases, they have requested my help to obtain guidance from the state, and have gladly sought the information, shared my knowledge, and provided context.

As next year will be the first time to collect assessments, it is reasonable to assume the occurrence of unforeseen issues and some incongruity with the state revenue estimates. Budgeting these dollars for next year will require measured expectations until the system is fully operational, and I expect to take a conservative approach until the theory meets reality. I also intend to be in close contact with policymakers as the system develops.

**Balance.** As of November 16, the Commission has a current balance of \$2.04 million.

**Recent claims.** We had paid a quarter ahead on the river gages, but the July 1 – September 20 installment is now due for approximately \$30,000.

Cardno submitted their first, minor invoice for the Yellow River design, and Craig Cultice coordinated the removal of a significant logjam on the Yellow for a reasonable cost. Allsop Excavating is continuing the work they began on the upper Kankakee prior to bat-roosting season, and are drawing down the allocated amount by \$73,600.

Below is the current list of claims requiring either advance or retroactive approval by the Commission:

<b>CLAIMS AS OF 11/17/20</b>					
<b>PO #</b>	<b>DATE</b>	<b>TO</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>CHECK #</b>
124-20	10/7/2020	Internal Revenue Service	3rd Quarter Federal Payroll Taxes	\$7,486.77	ACH
125-20	10/12/2020	American Express Blue Business Cash	Dollar General, Food for Meetings, Quickbooks Charges, Adobe & CVS	\$341.54	ACH
126-20	10/13/2020	Postmasters	Print & Mail service	\$0.47	
127-20	10/15/2020	Scott Pelath	Payroll Oct 1-15	\$3,643.48	ACH
128-20	10/20/2020	Indiana Dept of Rev	September Payroll Taxes	\$357.48	ACH
129-20	10/21/2020	Internal Revenue Service	Federal Payroll Taxes	\$1,103.24	ACH
130-20	10/31/2020	Scott Pelath	Payroll Oct 16-31	\$3,643.46	ACH
131-20	11/2/2020	Indiana Dept of Rev	September Payroll Taxes	\$357.48	ACH
132-20	11/5/2020	INPRS	ER Contribution for 1st October Payroll	\$143.76	ACH
133-20	11/5/2020	INPRS	ER Contribution for 2nd October Payroll	\$143.76	ACH
134-20	11/11/2020	Ambetter Health Ins	November 2020 Health Insurance	\$2,185.15	ACH
135-20	11/13/2020	Scott Pelath	Payroll Nov 1-15	\$3,643.48	ACH
136-20	11/13/2020	American Express Blue Business Cash	Quickbooks Charges, Food for Meetings, Adobe, USPS	\$297.62	ACH
137-20	11/16/2020	Indiana Dept of Rev	October Payroll Taxes	\$386.68	ACH
138-20	11/16/2020	Langfeldt Excavating, LLC	Log jam removal on Yellow River near Peach Road	\$6,331.00	
139-20	11/16/2020	Cardno	Permit Design & Concept Design	\$2,702.50	
140-20	11/16/2020	Scott Pelath	Mileage Reimbursement Sept 15-Oct 27	\$648.87	
141-20	11/16/2020	INPRS	ER Contribution for 1st November Payroll	\$143.76	ACH
142-20	11/16/2020	USGS	Invoice 90852147- Streamgages- Oak Grove, Knox, Brems & Davis	\$5,680.00	
143-20	11/16/2020	USGS	Invoice 90852148- Streamgages- Yellow River, Dunn & Kouts	\$25,294.00	
144-20	11/16/2020	Rob Churchill	July 31st & October 8th Meeting Attendance per Diem	\$70.00	
145-20	11/16/2020	John Coulter	October 8th Meeting Attendance per Diem	\$35.00	
146-20	11/16/2020	Craig Cultice	July 31st & October 8th Meeting Attendance per Diem	\$70.00	
147-20	11/16/2020	Bill Emerson	July 31st & October 8th Meeting Attendance per Diem	\$70.00	
148-20	11/16/2020	John McNamara	July 31st & October 8th Meeting Attendance per Diem	\$70.00	
149-20	11/16/2020	Mike Novotney	July 31st & October 8th Meeting Attendance per Diem	\$70.00	
150-20	11/16/2020	Bill Crase	July 31st Meeting Attendance per Diem	\$35.00	
151-20	11/16/2020	Internal Revenue Service	Federal Payroll Taxes	\$1,103.24	ACH
152-20	11/17/2020	Indiana Dept of Rev	October Payroll Taxes	\$386.68	ACH
153-20	11/17/2020	Allsop Excavating	Invoice 1991- Logjam removal	\$73,600.00	
				\$140,044.42	

**Revenue.** Other than earned interest, no new revenue arrived since the last meeting. However, before the end of the calendar year the Commission should receive 1) a quarterly administrative distribution from the state; 2) a rent payment on the River’s Edge Farm; and 3) NIPSCO reimbursement for the Kouts and Dunn’s Bridge gages.

**Yellow River project**

On October 27, representatives from Cardno and the Commission had a field kickoff meeting for Phase I of our Yellow River project.

Cardo currently is overseeing a survey of the project area, which includes sections of the river in both Marshall and Starke Counties. A preliminary design should be completed during December, and tentatively will be presented to a meeting of the Technical Advisory Committee during the week before the Christmas.

### **Logjam Management**

Allsop Excavating has resumed the removal of fallen, severely leaning, and diseased trees between State Road 8 and State Road 39 under existing county guidelines. As referenced previously, a major Yellow River logjam was removed in Marshall County.

On Friday, November 20, I am hosting a pre-bid meeting at the LaSalle Fish and Wildlife Area for work to commence early next year. The property management has approximately 1.8 miles of bank with fallen and severely leaning trees. I hope to present bids at the next Commission meeting before the end of the year or in early January.

### **Emergency Bank Repairs**

**Newton County.** Although the emergency bank repair upstream from the Dehaan Ditch is complete, the after-the-fact permitting and the resolution of an NRCS directive to remove an access path are not.

I have engaged Burke Engineering to help complete the remaining portions of the permit applications. While I completed substantial portions, a few remaining portions such as wetland delineating require technical assistance. Bob Barr and Charles Dew of Burke completed a field visit with me last week, and they have notified agencies of their engagement on the remaining portion.

NRCS has not retracted their demand for complete removal of the access path, which was previously in existence and we still believe is necessary for future work. However, Burke has requested a meeting to finalize a plan and any specifics for resolution of the matter. We of course intend to comply with any directives, but we have requested a response to some additional considerations for this and other similar properties.

**Sumava Resorts.** I received a quote for approximately \$15,000 to repair two sections of bank at Sumava Resorts. However, permits will first have to be acquired. Non-emergency work prior to next year is unlikely.

### **Bridges**

I have written to Norfolk Southern about the potential for removing their out-of-service bridge at Schneider. Approximately three weeks have passed, although a prompt reply was not expected.

## **Sediment Traps**

The maintenance of a sediment trap near Range Road on the Yellow River is substantially complete.

## **Grand Marsh Park Bank Reconstruction and Stabilization**

Lake County received some bids for this Commission-approved project, but they were more than \$100,000 higher than expected. I have asked Burke, who did the original design, to review their plans to identify possible cost savings.

## **Corps of Engineers Logjam Management Permit**

The Corps' Detroit has submitted our long-term logjam management permit application for final review.

## **Trees and Vegetation**

The Commission intends to replace trees that are removed from its easement. I obtained seedlings from the Arbor Day Foundation for late planting this year. For next year, I have been in communication with DNR about order several thousand seedlings to plant in the spring. Both the DNR and U.S. Fish and Wildlife have recommended pin oaks, and each have suggested a differing list of other species.

As portions of the Jasper County FEMA project are now complete, Vince Urbano and I have discussed way to hasten beneficial vegetation growth through the rip-rap. Spurring the right kind of vegetation not only contributes to bank stability, but limits the opportunity for invasive or destabilizing species to take root.

I meet with a hydroseeding contactor, and he quoted me a price of approximately \$3750 per acre to inject switchgrass or native grasses into the bank. While it is too late in the year for such activity, I do intend to budget for a hydroseeding pilot. If the result is demonstrably better than hand-seeding, the value of natural project integration and beneficial vegetation growth may exceed the cost.

Finally, Dan Gumz brought to be attention to need for seeding along banks where dead and leaning trees have been removed. I agree. The cost of switchgrass seed is approximately \$12 per pound, and I recommend that banks be seeded when conditions are appropriate.

## **Newsletter**

I completed and distributed the second edition of *River News* during the month of October. Electronic copies can always be found *kankakeeandyellowrivers.org*. Simply select the “Newsletters” link at the top of the page.

### **Public Information Meetings**

My major frustration with the pandemic has been the limitations on forums, gatherings, and public events. There is nothing to be done about it, but I have lamented the lost communication opportunities.

I have asked the Attorney General’s office whether our public information requirements can be delayed, modified, or extended. The crafters of our statute simply could not have foreseen that location-specific public information meetings would run into a public health dilemma.

If they can be conducted by videoconference – a determination I do not yet have – I might be able to fulfill the remainder that way. I also have conducted a number of public presentations that were not specifically billed as public information events, but served the same purpose. Perhaps they fulfill the statute. My preference would be that we simply be allowed to finish them when conditions allow.

Downstate consideration of this matter was somewhat delayed due to uncertainty about the direction of the health numbers. Given that the end of the year is approaching, I have specifically requested that we be granted a conclusive resolution.

### **Unresolved Invoice**

Last year, the Commission was presented an invoice for work performed prior to the current Commission’s formation or statutory authority. To this point, the Attorney General’s office has not yet advised that it is an obligation of the Commission. However, our new Deputy AG, Bill Anthony, continues to analyze the matter in view of any new information.

### **Sympathies**

I wanted everyone to know that this weekend, John Coulter, Sr.’s son, John Coulter, Jr., passed away at age 56 after a lengthy illness. Along with his dad, he was a ubiquitous presence around LaPorte County, and a current member of the LaPorte County Drainage Board. Having known both of them for decades, there is much cause for sadness.

I talked to John already, and he was doing as you might expect. Please keep him, his wife Jean, and his whole family in your thoughts and prayers. I hope to pay my respects at the funeral home in Westville right after Thursday’s meeting.

As always, should you have any questions or suggestions, please email me at [sdpelath@gmail.com](mailto:sdpelath@gmail.com) or (219) 861-7999. In order to maintain focus and brevity during our electronic meeting, I welcome any issues I can resolve in advance.