

**MINUTES OF THE KANKAKEE RIVER BASIN AND YELLOW RIVER
BASIN DEVELOPMENT COMMISSION**

**THURSDAY, JUNE 23, 2022
9:30 A.M. CST/10:30 A.M. EST**

**PORTER COUNTY COMMISSIONERS CHAMBER
155 INDIANA AVENUE, SUITE 205
VALPARAISO, IN 46383**

**FOR MEMBERS PARTICIPATING ELECTRONICALLY
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John McNamara, Chair, called the meeting to order at 9:30 a.m. Central, and the Pledge of Allegiance was recited.

Mike Novotney, Secretary, called the roll.

Members Present at Roll Call

Bill Crase	Craig Cultice	John McNamara
Mike Novotney	Dick Welsh	John Shure (IL)

Approved Proxies Present

Dan Gossman for Bill Emerson
Beau Watkins for Rob Churchill

Members Present via Videoconference

Andy Wheeler (IL)

Staff Present

Scott Pelath

Guests Present Physically and via Videoconference

Kim Peterson	Julie Morris	Adam Bales	Mark Wunderink
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Tim Kroeker	Jodie Overmyer	Jim Earl	Siavash Beik
Ray Crawford	Angel Crawford	Jen Birchfield	Courtney Anderson
Ross St. Clair	Jacob Tosch	Jon Stolz	Kevin Breitzke

Mr. Novotney declared the presence of a quorum.

Approval of minutes from March 31, 2022, meeting

Jim Walstra moved that the minutes be adopted. Craig Cultice seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

Election of Officers

Mr. Pelath noted that the current officers expressed willingness to continue in their volunteer roles, with the exceptions of Mike Novotney agreeing to serve as Treasurer and Bill Crase agreeing to serve as Secretary.

Mr. Cultice moved that the Commission elect by acclamation John McNamara as Chair, Bill Emerson as Vice-Chair, Bill Crase as Secretary, and Mike Novotney as Treasurer. Dick Welsh seconded the motion.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

Finance Report

Mr. Pelath presented the financial report and a list of claims that either were paid or needed to be paid since the previous meeting. A written report was contained within his Executive Director's Report [ATTACHMENT 1]. Mr. Pelath also requested the addition in the budget of \$50,000 for fall hydroseeding and \$25,000 for the Kankakee Fish and Wildlife Area.

Mr. Walstra moved that the Commission 1) adopt the proposed budget amendment with the and 2) approve the claims list with the later addition of a \$192,000 claim from The Stanger Group.

Mr. Cultice seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

OLD BUSINESS

Yellow River, Phase I, bank reconstruction

Ross St. Clair from Cardno, now Stantec, reported on the progress of the Yellow River bank reconstruction. Due to favorable weather conditions, the project is approximately two weeks ahead of schedule.

Yellow River Bank Reconstruction, Phase II, design update

Mr. St. Clair reported on the progress of the Phase II Yellow River reconstruction design. He said the survey work is complete, a concept design has been submitted to the Commission, and an SEA 368 meeting with regulators has been requested. Mr. St. Clair said the design is similar to Phase I, although there proportionally are fewer in-channel rock structures.

Mr. Pelath noted that additional flexibility and two severable sections are integrated in the design.

Aukiki water control structure design update

Jon Stoltz of Burke Engineering reported on the design progress. Mr. Pelath noted that he already has signed pre-permitting documentation.

Downstream logjam management

Mr. Pelath reported the amphibious excavator is about to be removing major logjams in isolated areas between Shelby and US 41. He noted that Wiltjer Excavating must remove a major logjam at the Norfolk Southern Bridge upstream of the Dehaan Ditch.

Mr. Pelath said he intended to request reimbursement from Norfolk Southern for the cost of removing the bridge's logjam.

NEW BUSINESS

State Line Bridge

Mr. Pelath presented a letter he sent to the Lake County Commissioners directing the demolition or removal of State Line Bridge [ATTACHMENT 2]. Mr. Pelath suggested that to add weight to the document, the Commission retroactively approve the letter.

Mr. Novotney moved that the Commission approve the written directive to remove or demolish State Line Bridge. Mr. Welsh seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

The chair noted that Mr. Pelath consulted with the Executive Committee prior to issuing the directive.

Drive-Through Spillway

Mr. Pelath described the need to restore the original function of the Yellow River's drive-through spillway at the Kankakee FWA. He said some permits already have been issued, and he hopes to begin work in August or September.

He asked for an allocation of \$25,000 to complete the work.

Mr. Welsh moved that \$25,000 be allocated to restore the drive-through spillway. Mr. Cultice seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

Kankakee FWA physical configuration planning

Mr. Pelath summarized past concerns and speculated solutions to issues pertaining to the Kankakee FWA's physical structure.

Mr. Pelath asked for consent to being soliciting a quote for technical assistance at the FWA. Bill Crase emphasized how important consideration of adjustments at the FWA.

Mr. Welsh described how Yellow River water is diverted to the Kankakee River while the Kankakee is flooding. He noted the two Kankakee seawalls that are necessary to absorb the force of the water entering the river from the FWA.

Mr. Pelath recognized the general consent of the Commission to initiate the acquisition of technical services. He expressed his opinion that solutions may be less costly than expected.

Illinois initiatives

Andy Wheeler reported that Illinois has allocated \$8 million for the Kankakee River. \$1 million is earmarked for a dredging project in Aroma Park. Kankakee County intends to invest the remainder in major equipment and physical assets to begin clearing logjams and maintaining the river.

Draft HR policy

Mr. Pelath expressed his discomfort with discussion himself as an employee of the Commission. However, he explained the need for long-term disability coverage for the protection of both him and the Commission in the event of a serious illness or injury. The purpose is to free-up revenue to sustain operations during a period of disability.

The acquisition of coverage necessitated the drafting of a formal personnel policy [ATTACHMENT 3] that further formalized the Commission's current employment practices while adding a provision for disability insurance.

Mr. Crase moved that the Commission adopt the draft policy and acquire the long-term disability policy in an amount not-to-exceed \$4000. Mr. Welsh seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

Budget augmentations for remainder of CY2022

Mr. Pelath requested an additional \$50,000 for fall hydroseeding.

Mr. Crase moved to allocate an additional \$50,000 for fall hydroseeding. James Walstra seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
John McNamara – Y
Mike Novotney – Y
Dick Welsh – Y
Dan Gossman for Bill Emerson – Y
Beau Watkins for Rob Churchill – Y

OTHER BUSINESS

None

EXECUTIVE DIRECTOR'S REPORT

In addition to his written report, Mr. Pelath made a Power Point presentation to the Commission and the viewing public [ATTACHMENT 4].

Mr. Pelath also emphasized matters contained in his written Executive Director's Report [ATTACHMENT 1].

The chair noted that the Commission is approaching its third anniversary and expressed his amazement regarding the amount of progress in that period.

PUBLIC COMMENT

A representative of Allsop Excavating asked about when they would be able to begin work on the Yellow River.

Mr. Pelath made clear that no bids were awarded for the Yellow River, and the Commission decided to explore alternatives for logjam management work. He said the remainder of Section F on the Kankakee River is a separate matter to be considered for further funding later.

Angel Crawford expressed her appreciation for the members and staff of the Commission. Kim Peterson added her gratitude.

NEXT MEETING

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

ADJOURNMENT

The meeting adjourned at 10:48 a.m. Central.

ATTACHMENT 1

EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members
From: Scott D. Pelath, Executive Director
Date: June 21, 2022

This morning, the Shelby gage showed a river height of under 5'. With no rain in the forecast, we may have an extended period of favorable working conditions.

Finance Report

Balances. We currently have a balance of \$744,406 in our non-assessment account and \$808,943 in our assessment account. However, the latter is beginning to receive assessment revenue deposits.

Assessments. Newton County officials worked hard to iron out last year's disparities, and this year they were the first county to remit collections. Likewise, Porter County has already forwarded collections from its incorporated areas of the county. Jasper County has made its semi-annual \$95,000 payment, although half will be returned to retire the loan for their FEMA project.

I expect more major deposits through the remainder of the month.

Other Revenue. To date, six of the eight counties have paid their shares of administrative support.

Possible "Rainy Day" Fund. Like anyone else, I am concerned about the impact of inflation on our fixed costs and revenue sources. For that reason, I asked the Attorney General's office if the Commission has the authority to make longer-term deposits in a higher-yielding account.

After researching our statute, the AG's office advised that we likely cannot establish such an account for assessment revenue, but we could responsibly place non-assessment dollars in a "rainy day" account with a large rate-of-return.

I suggest that the establishment of such a fund would be responsible stewardship of these dollars. One vulnerability of the Commission is that our revenue is almost entirely contingent upon fixed dollars amounts. That means their purchasing power erodes over time even with normal inflation. Improved returns would be a partial hedge against this phenomenon.

There are banking institutions in Northwest Indiana that provide this service to local governments throughout the region. However, I would need Commission authority to establish such an account and authorize amounts be transferred.

Budget Augmentation. I expect that our first 2022 draw of assessment revenue will exceed the budgeted levels. Given that I already budgeted a responsible surplus, I will suggest that we add budget authority for the drive-through spillway maintenance, fall hydroseeding, and at least one sediment trap pending the permits. At the next meeting, I will recommend if additional dollars are needed for ongoing maintenance such as logjam removal.

Recent claims. The list on the following page shows claims for river work and administrative expenses requiring either advance or retroactive approval by the Commission:

Processed Claims March 19-June 20, 2022						
PO #	DATE	TO	DESCRIPTION	AMOUNT	CHECK #	Bank Account
59-22	3/18/2022	Cardno, Inc.	Roost tree survey	\$ 4,496.61	2038	Special Assessment
60-22	3/28/2022	U.S. Geological Survey	1st Qtr. CY2022 gages	\$ 30,975.00	EFT	Special Assessment
61-22	3/29/2022	Hill Excavating	Invoice #136 materials and seeding	\$ 13,225.00	2041	Special Assessment
62-22	3/29/2022	Allsop Excavating	Invoice #2271 logjam management Section F	\$ 55,000.00	2037	Special Assessment
63-22	3/29/2022	The Stanger Group	Invoice #1281 Bremen bank reconstruction	\$ 63,493.50	2044	Special Assessment
64-22	3/29/2022	Delta III INC	Invoice #11555 logjam management Clay Street	\$ 30,000.00	2040	Special Assessment
65-22	3/28/2022	Christopher Burke Engineering	Inv 24976 Shady Shores Hydraulic Study	\$ 3,366.90	2039	Special Assessment
66-22	3/31/2022	INPRS	2nd March Contribution	\$ 221.03	EFT	General
67-22	4/12/2022	American Express	Docusign, QB, Adobe, Go to Meeting, Christos	\$ 427.72	EFT	General
68-22	4/14/2022	INPRS	1st April Contribution	\$ 221.03	EFT	General
69-22	4/14/2022	Scott Pelath	Mileage Reimb 3/16/22-4/7/22 Admin	\$ 142.22	1627	General
70-22	4/14/2022	Scott Pelath	Mileage Reimb 3/16/22-4/7/22 Operations	\$ 275.37	2042	Special Assessment
71-22	4/14/2022	Delta III Inc	Inv 11560 Pay App #2 log management in Lake County	\$ 20,000.00	2040	Special Assessment
72-22	4/5/2022	Christopher Burke Engineering	Inv 25008 Aukiki Controlled Breach design	\$ 6,148.30	2039	Special Assessment
73-22	4/14/2022	Starke County Highway Dept	Riprap from US Aggregates	\$ 6,997.85	2043	Special Assessment
74-22	4/20/2022	IRS	Fed Taxes 1st part of April	\$ 1,097.12	EFT	General
75-22	4/19/2022	INPRS	2nd April Contribution	\$ 221.03	EFT	General
76-22	4/19/2022	Northwestern Indiana Regional Planr	2022 Accounting Service Fee Catch up	\$ 114.75	1628	General
77-22	4/19/2022	Northwestern Indiana Regional Planr	April 2022 Accounting Service Fees	\$ 1,313.25	1628	General
78-22	5/3/2022	Dirt Works Excavating	Repair Kankakee Riverbank 450 N Starke County	\$ 8,917.50	2046	Special Assessment
79-22	5/10/2022	Cardno, Inc./Stantec	Yellow River Phase II Stream Design Inv 331325	\$ 16,611.52	EFT	Special Assessment
80-22	5/12/2022	INPRS	1st May Contribution	\$ 221.03	EFT	General
81-22	5/31/2022	INPRS	2nd May Contribution	\$ 221.03	EFT	General
82-22	5/16/2022	Christopher Burke Engineering	Inv 25429 Aukiki Controlled Breach Design	\$ 5,407.24	2045	Special Assessment
83-22	5/16/2022	Hill Excavating	Inv 156 Excavator move, removal of logjam on Kankakee River	\$ 2,000.00	2047	Special Assessment
84-22	5/16/2022	Hill Excavating	Inv 157 transport excavator, removal of logjam on Yellow River	\$ 2,000.00	2047	Special Assessment
85-22	5/17/2022	Scott Pelath	Admin-Mileage Reimbursement April 11-May 16, 2022	\$ 326.34	1630	General
86-22	5/17/2022	Scott Pelath	Operations-Mileage Reimbursement April 11-May 16, 2022	\$ 252.36	2048	Special Assessment
87-22	5/17/2022	Postmasters	April 2022 Print Services	\$ 0.51	1629	General
88-22	5/10/2022	Newton County & Municipay	Assessments + Service Fee	\$ 48.75	EFT	General
89-22	4/18/2022	Indiana DOR	March Payroll Taxes	\$ 386.68	EFT	General
90-22	5/12/2022	American Express	USPS, Docusign, QB, Christos, Adobe, Indy Parking	\$ 370.21	EFT	General
91-22	6/2/2022	Stanger Group	Yellow River Bank Reconstruction & Sediment Mitigation Starke Co	\$ 155,762.55	EFT	Special Assessment
92-22	6/2/2022	Cardno, Inc.	Yellow River Ph 1 Marshall County Inv 333158	\$ 3,404.82	Will be EFT	Special Assessment
93-22	6/2/2022	Cardno, Inc.	Yellow River Phase II Stream Design Inv 333156	\$ 11,381.22	Will be EFT	Special Assessment
94-22	6/16/2022	NIRPC	May 2022 Accounting Fees	\$ 1,313.25	1632	General
95-22	6/16/2022	Hill Excavating	Inv 166 Excavator Move, logjam removal	\$ 1,500.00	2049	Special Assessment
96-22	6/21/2022	IRS	Fed Taxes	\$ 1,097.08	EFT	General
97-22	6/16/2022	Christopher Burke Engineering	Inv 25666 Misc Support May 1-May 28, 2022	\$ 98.50	2051	Special Assessment
98-22	6/16/2022	Christopher Burke Engineering	Inv 25667 May 1-May 28, 2022 Aukiki Controlled Breach Design	\$ 11,712.75	2051	Special Assessment
99-22	6/15/2022	Stanger Group	Inv 1300 MOB/DEM, Erosion & sediment control, tree/shrub planting	\$ 6,726.00	EFT	Special Assessment
100-22	6/15/2022	U.S. Geological Survey	Bill# 90986989 April-June 2022 Streamgages	\$ 30,975.00	Will be EFT	Special Assessment
101-22	6/11/2022	American Express	QB, Docusign, Drone, Drone FAA reg., Adobe, Christos	\$ 1,739.90	EFT	General
102-22	6/20/2022	Scott Pelath	Operations-Mileage Reimbursement May 17-June 17, 2022	\$ 458.79	2050	General
103-22	6/20/2022	Scott Pelath	Admin-Mileage Reimbursement-May 17-June 17, 2022	\$ 152.96	1631	Special Assessment
104-22	6/20/2022	Mint City Utility Services	River Clearing Crew & Boat Usage	\$ 4,273.50	1633	General
105-22	6/20/2022	Hill Excavating	Hydroseeding	\$ 43,771.35	2049	Special Assessment
106-22	5/6/2022	IRS	Fed Taxes 2nd part of April	\$ 1,097.08	EFT	General
107-22	5/20/2022	IRS	Fed Taxes 1st part of May	\$ 1,097.12	EFT	General
108-22	6/15/2022	INPRS	1st June Contribution	\$ 221.03	EFT	General
109-22	4/15/2022	Indiana DOR	Unemployment Tax	\$ 152.00	EFT	General
110-22	6/20/2022	Jasper County	1/2 of semi-annual distribution per MOU 5(h)	\$ 47,500.00	2052	Special Assessment
111-22	6/15/2022	Indiana DOR	State Payroll taxes	\$ 386.68	EFT	General
112-22	5/16/2022	Indiana DOR	April Payroll Taxes	\$ 386.68	EFT	General
113-22	5/2/2022	Ambetter	May Health Ins	\$ 1,819.57	EFT	General
114-22	6/2/2022	Ambetter	June Health Ins	\$ 1,819.57	EFT	General
115-22	6/20/2022	Hill Excavating	Hydroseeding-Kankakee River in Newton County	\$ 6,228.60	2049	Special Assessment
116-22	3/31/2022	Scott Pelath	Payroll 2nd March	\$ 3,608.93	EFT	General
117-22	4/15/2022	Scott Pelath	Payroll 1st April	\$ 3,608.91	EFT	General
118-22	4/29/2022	Scott Pelath	Payroll 2nd April	\$ 3,608.93	EFT	General
119-22	5/13/2022	Scott Pelath	Payroll 1st May	\$ 3,608.91	EFT	General
120-22	5/31/2022	Scott Pelath	Payroll 2nd May	\$ 3,608.93	EFT	General
121-22	6/15/2022	Scott Pelath	Payroll 1st June	\$ 3,608.93	EFT	General
122-22	6/16/2022	The Hartford	Worker's Comp Premium	\$ 324.00	EFT	General
				\$ 631,553.39		

Election of Officers

This is entirely a Commission decision, of course, but the current officers are willing to remain in their current roles except for Mike Novotney serving as Treasurer and Bill Crase moving to the Secretary's position.

I can personally attest that the officers dedicate extra time, often at an inconvenience. In every instance, they had something else they needed to be doing, and it isn't even recorded on letterhead somewhere. I'm continually grateful for the folks willing to do it.

Yellow River Project, Phase I

Work on the Starke County section of Phase I commenced in May, and given the favorable conditions, The Stanger Group is over two weeks ahead of the construction schedule. Bank clearing and substantial re-grading are already complete. The contractor is reinforcing sections of the toe with rock and toe wood, and at least one enhanced riffle structure is finished.

The project originally was expected to end in November, although that could be adjusted if condition persist for extended period.

Yellow River Project, Phase II

Cardno, now Stantec, has finished a preliminary design and submitted it to the regulators for on-site consultation and review. We expect the project walk-through will take place in July or August. That would keep us on track to complete at least one of the two major project sections in 2023.

Logjam Management

After the last meeting, Delta III completed logjam removal from Clay Street in Lake County to about a mile downstream of I-65. Mint City currently is removing logjams on the Yellow River between 13th Road and IN-17 in Marshall County.

Next week, the amphibious excavator will begin at the Norfolk Southern Bridge upstream of the Dehaan Ditch and tackle major logjams and heavy wood in remote areas between Shelby and US 41. I also authorized the contractor to remove a nearly total blockage from the Norfolk Southern Bridge. I will ask the Commission to consider submitting a claim for reimbursement to the railroad.

State Line Bridge

After consulting with our members, I issued a directive for the removal of State Line Bridge on behalf of the Commission. The bridge's removal or relocation already has been urged in our adopted work plan and through Commission resolutions.

Our partners in Lake County reacted favorably to the order. The next step is to pursue feasible and cost-effective options in conjunction with county officials.

Kankakee FWA Drive-Through Spillway

We already have received permits from IDEM and the Corps of Engineers to remove 2500 yds³ of from the drive-through spillway lead-up at the Kankakee FWA. Pending approval by the DNR Division of Water, we will seek to restore the originally intended function of the spillway, which now prematurely diverts turbid water from the Yellow River.

The target for work is in August or September. Excavated material will be moved to the FWA's material storage location on IN-39 for future DNR needs at the property.

Sediment Traps

The Starke County Surveyor's office has submitted from an SEA 368 review of Commission-sanctioned trap upstream of the Robbins Ditch on the Kankakee River. DNR presently is scheduling a date for a site visit with various regulators. A separate SEA 368 review request will be submitted for the trap immediately upstream of IN-39 on the Yellow River.

Partners in Illinois

In late May, I met with Commission member Andy Wheeler and our partners in Illinois regarding their plans for the \$7 million appropriation Kankakee County received for the river. I was extremely encouraged. At the county level, they intend to invest in their own equipment to conduct channel maintenance, including logjam removal. Their degree of vision and planning was impressive.

Wheatfield Power Plant Transition

The NIPSCO and DNR legal teams are still working on access and eventual transfer agreements. DNR continues to address its funding piece but has expressed confidence about its viability. There is motion forward on both fronts, but the process is expected slow and

Formal Flood Response/Flood Resilience Plans

The Corps of Engineers has submitted its application to fund our plan development. During the question and comment period, I submitted historical information regarding the Kankakee's flood frequency. Corps officials told me this week that they expect a determination in July or August.

Thayer Farm Transition

Installation of water control structures is now slated for July. However, DNR did request that Mark Wunderink move his pump prior to the start of construction, so the construction period is nearing.

Aukiki Wetland Conservation Area

Burke Engineering continues to work on the design and permitting of the new water control structure at the Aukiki Wetland Conservation Area. Just last week, I signed applications to initiate the permitting process.

During a recent site visit with Bob Barr and Charlie Dewes from Burke, we could discover no evidence that the existing water control structure is connected to the channel at all. That might explain why a wetland is not wet. We speculated that the original intent of the structure may have just been to manipulate ground water.

Regional Conservation Partnership Program (RCPP)

The Indiana Department of Agriculture informed me that they expect a funding determination in August. According to the Department, the application received no comments or questions during the public review period.

The Department reports that the application garners \$7.9 million in in-kind and direct support from various partners. If the application is approved, the U.S. Department of Agriculture would match that amount with \$7.9 million. Dollars would be employed over a number of years.

Drone

At the Commission's urging, I purchased a drone for the organization. I have registered it with the Federal Aviation Administration, can operate it on a basic level, and am beginning FAA-required training for regular public safety use.

Disability Coverage

At our January meeting, I reported my view that the Commission was highly vulnerable to me having an unforeseen and disabling illness or injury. If the Commission carried a long-term disability policy, it would protect me, protect the Commission, and free up funds to allow the Commission to obtain additional assistance during the period of disability.

I drafted a policy to this effect, which I will share separately. The first option would option simply would be to determine if an employee could continue to work through the disability period with modified duties.

As always, should you have any questions or suggestions, please email me at sdpelath@gmail.com or (219) 861-7999. To maintain focus and brevity during our meeting in Porter County, I welcome any issues I can resolve in advance.

ATTACHMENT 2



May 24, 2022

Hon. Kyle W. Allen, Sr.
Hon. Michael C. Repay
Hon. Jerry Tippy
Lake County Board of Commissioners
2293 North Main Street
Crown Point, IN 46307

Dear Commissioners Allen, Repay, and Tippy:

Under IC 14-13-9-18(a)(2) and (b)(7), the Kankakee River Basin and Yellow River Basin Development Commission's ("the Commission"), in furtherance of its authority to implement drainage and flood control activities within the channels of the Kankakee River, directs the removal of Bridge #36, also known as State Line Bridge, from its exclusive easement on the Kankakee River. The Commission stands ready to support and assist Lake County in the removal, demolition, or relocation of this ongoing hazard to public safety.

The Commission's forty-year work plan adopted under IC 14-13-9-18(a)(1) specifically calls for the removal of State Line Bridge. Not only is the structure palpably unsafe for even foot traffic, it presents a direct impediment to effective flood mitigation and a barrier to navigation.

The bridge has not been open to vehicular traffic since the 20th Century, and serves no purpose for commerce, transportation, or emergency response vehicles. It does, however, act as a magnet for heavy debris and logjams during frequent flood events. Given its overall condition and close proximity to the ordinary high-water mark, large wood trapped by the bridge substantially aggravates flood conditions through the entire Kankakee River Basin.

In 2021 alone, the Commission removed heavy debris on three separate occasions at significant expense. Unfortunately, because floodwaters surround the bridge during flood events, the emergency removal of logjams is impossible at the very moment it is most necessary. Moreover, amid extreme water levels, the bridge itself is a barrier to the egress of floodwater. Under such conditions, there is a risk of the bridge becoming dangerously dislodged from its current location.

With the exception of emergency responses, under IC 14-13-9-18(c) a county must obtain authorization from the Commission before performing any work within its exclusive easement. The Commission intends to authorize work on State Line Bridge only as it pertains to removal, demolition, relocation, or minor repairs of immediate safety hazards such as holes in its surface. Specific authorization requests will take into account financial feasibility for both Lake County and the Commission.

Lake County is a key and valued partner to the Commission. For that reason, the Commission knows that county officials fully understand the risks that State Line Bridge poses to residents, property, and commerce throughout Northwest Indiana. This directive is intended to further the alignment of our shared objectives, and to advance the public interest and safety of those we mutually serve.

Should you have any questions or require further information, please do not hesitate to contact me at (219) 861-7999. On behalf of the Commission, I remain grateful for your partnership.

Sincerely,

A handwritten signature in black ink, reading "Scott D. Pelath". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Scott D. Pelath
Executive Director

ATTACHMENT 3

*****KRB-YRBDC POLICY 01-2022 *****

Title: **Personnel Policy**
Date Adopted: June 23, 2022
Date Amended: N/A

POLICY

In order to carry out its primary mission, the Kankakee River Basin and Yellow River Basin Commission ("the Commission") requires a qualified workforce committed to excellence. This policy and following procedures are one tool of the Commission to recruit, retain, and support an outstanding team of executive and workers.

The Commission further adopts a non-discrimination policy. As such, it strictly adheres to, among other laws, the Civil Rights Act of 1964, the Americans with Disabilities Act, the Uniformed Services Employment and Re-Employment Act, Indiana civil rights laws, local ordinances within its jurisdiction, and all relevant federal, state, and local regulations pertaining to non-discrimination. The Anti-Discrimination/Harassment policy contained in State of Indiana Employee Handbook as adopted by the Indiana State Personnel Department in 2018 [ATTACHMENT] shall serve as the official policy of the Commission.

DEFINITIONS

"Employee": A worker under the direct control of the Commission for which the Commission is subject to payroll tax withholding and reporting.

"Salaried employee": An employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis and qualifies for exemption from the Fair Labor Standards Act.

"Hourly employee": An employee subject to the Fair Labor Standards Act who receives an hourly rate of pay for services rendered and is eligible for overtime pay under federal law.

"Key employee": The Executive Director or any of the ten-percent (10%) most highly compensated employees.

"Contract worker": An individual hired for a specific project or a certain timeframe for a set fee.

PROCEDURES

- I. **Salaries and Wages.** Direct compensation is set by the Commission. In coordination with its Executive Director, the Commission's Executive Committee shall annually review each employee's salary and wages and make recommendations to the Commission regarding their levels.
- II. **Medical Insurance.** The Commission currently does not retain enough employees to qualify for a group health insurance plan. However, beginning on the first of the month immediately following the employee's first day of employment, the Commission shall pay for eighty-percent (80%) of premiums for individual medical insurance plans covering the employee and any employee dependents. While the Commission will pay the entire premium at the beginning of each month, twenty-percent (20%) of the amount will withheld from the employee's regular pay to reimburse the Commission for the employee share.
- III. **Dental Insurance.** The Commission does not currently provide group or individual dental insurance plans, although it may opt to do so.
- IV. **Employee Retirement.** The Commission is a participant in the Public Employee Retirement Fund's (PERF) My Choice program. The Commission shall contribute a minimum of three-percent (3%) of each employee's base earnings toward the employee's fund. Employees are entitled to voluntarily contribute their own earnings toward the fund.
- V. **Life Insurance.** The Commission does not currently provide life insurance.
- VI. **Workers Compensation Insurance.** As consistent with Indiana law, the Commission shall provide workers compensation coverage for its employees.
- VII. **Short and Long-Term Disability.** For key employees with more than one (1) year of service, the Commission shall maintain a Long-Term Disability policy for that employee. The policy shall take effect after a ninety (90) day evacuation period and provide a benefit equal to sixty-percent (60%) of the employee's base earnings. This amount will be subtracted from any other salary due to the key employee.

At the earliest possibility, the Commission will be notified in writing that a disability exists. The Commission may request medical documentation or confirmation of the disability. Before considering other options, it will first be considered if the key employee can continue to fulfill essential job duties through modified duties or a modified work schedule.

Once a disability exists, the key employee shall receive the regular rate of pay for a period of thirty (30) days. At the end of the thirty-day period and prior to the end of the evacuation period, the key employee shall receive eighty-percent (80%) of his or her base pay prior to the activation of long-term disability benefits.

The key employee may restore all or some of lost pay through modified work duties and work schedule consistent with the employee's medical condition. Modified duties and schedules shall be approved by the Commission and monitored by the Executive Committee.

Following the end of the evacuation period, the key employee will be eligible to receive benefits from the Long-Term Disability Policy. If permitted by the Long-Term Disability Policy, the key employee may earn all or portions of the difference between the disability payments and the key employee's regular base pay through modified duties or schedules approved and monitored by the Commission.

For key employees receiving long-term disability benefits with or without modified duties or schedules, the Commission shall continue paying its share of employee medical insurance premiums for a period of twelve (12) months from the date of disability determination or whenever the employee decides not to return to work, whichever is sooner. Continuance of medical insurance shall be contingent upon the key employee remitting to the Commission the employee's twenty-percent (20%) share of medical insurance premiums, either through payroll withholding or direct payment.

After consulting with the employee, if the Commission determines that the employee is unable to fulfill essential job functions after one (1) year from the date of disability, the Commission may end the employer/employee relationship.

During the period of disability, the key employee will make all reasonable efforts to work a modified schedule or perform duties modified to his or her medical condition. The key employee also will make all reasonable efforts to return to schedule and duties as they existed prior to the period of disability.

- VIII. **Mileage.** Employees will be reimbursed at the State of Indiana's current mileage rate for all work-related driving. To remain eligible for reimbursement, the employee must maintain an active Indiana driver's license. The employee shall provide a log of all work-related travel prior to mileage payment.
- IX. **Travel Expenses.** In-state, work-related travel expenses other than mileage such as hotel lodging and travel-related meals shall be approved in advance by the Commission chair. All out-of-state travel expenses shall be approved in advance by the Commission. The State of Indiana's travel guidelines for public employees shall serve as a guide.

- X. **Training.** Funding or reimbursement for training costs such as conference registrations, webinar fees, and test fees, are subject to Commission approval.
- XI. **Payroll Withholding.** The Commission shall withhold, remit, and report all required taxes from employees' pay, including federal and state income tax and the employee share of FICA. All employee withholding for taxes or benefits shall be substantiated by standard written authorization from the employee.
- XII. **Employer Payroll Taxes.** The Commission is obligated to remit its share of FICA, unemployment insurance taxes, and any other employer taxes required by law.
- XIII. **Family and Medical Leave Act.** As a public employer, the Commission is subject to the provisions of the Family and Medical Leave Act (FMLA). However, "key employees" as defined under FMLA regulations are exempt from the Act.
- XIV. **Paid Time-Off.**

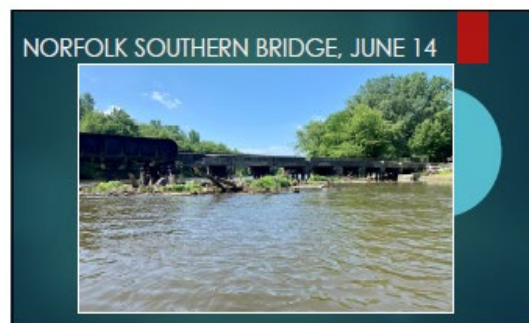
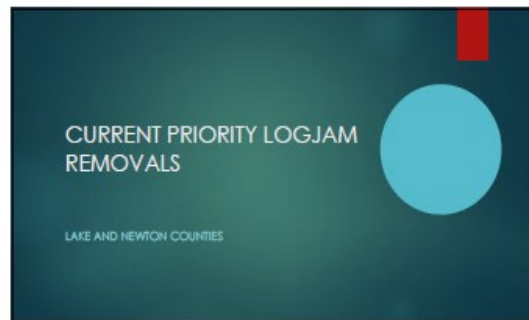
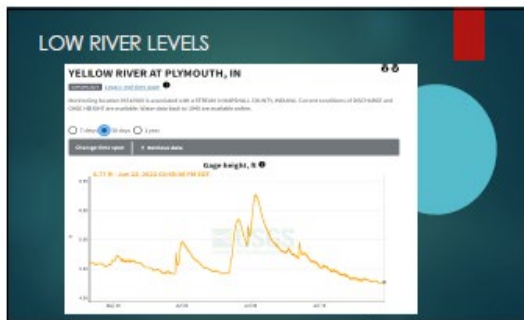
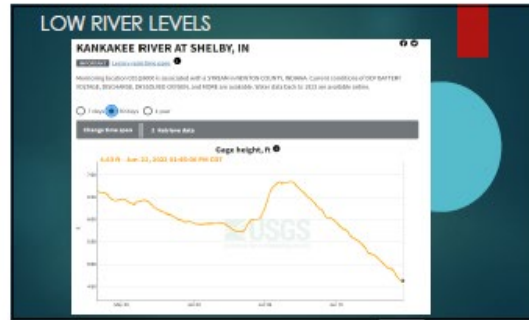
Because key employees are responsible for both the overall conduct of the organization and action during flood emergencies, the key employee's time-off for vacation, illness, or injury are determined in regular consultation with the Commission's chair and officers. The Commission recognizes that the health and well-being of key employees are essential for the conduct of the Commission's mission. For that reason, the Commission recognizes the importance of providing reasonable time to the key employee for vacation and to attend to medical, family, and personal matters. During such periods, the Commission shall make reasonable efforts to allow the key employee to be free of duty.

For salaried employees and hourly employees hired following the adoption of this policy, the Commission will intend to follow the time-off policy adopted by the Northwest Indiana Regional Planning Commission. However, the policy's provisions will be reconfirmed or adjusted prior to an offer of employment being made to any future employee.

- XV. **Holidays.** The Commission observes all holidays for Indiana state employees except for Primary Election Day and General Election Day. Employees receive their regular rates of pay on days designated as holidays. However, employees are expected to provide services on holidays in the event of a flood emergency, public safety emergency, or other pressing matter related to the Commission's mission.
- XVI. **Other Benefits.** The Commission reserves the right to provide other benefits that it deems necessary for the good of the organization.

- XVII. **Contract Workers.** These policies and procedures do not apply to independent contract workers or workers providing a specific service to the Commission for an established amount. Such workers are employed under the terms and conditions of their respective organizations.
- XVIII. **Contract Employees.** Should the Commission contract with an employee for services under the Commission routine direction, the terms and conditions of employment will be defined in the contract.

ATTACHMENT 4



UPSTREAM OF PIPELINE CROSSING



VICINITY OF WILDWOOD SUBDIVISION



YELLOW RIVER, Near Jarrah Road



COMPLETED BREMEN PROJECT

BREMEN BANK RECONSTRUCTION "BEFORE"



BREMEN BANK RECONSTRUCTION

April 2022



BREMEN BANK RECONSTRUCTION

April 2022



TARGET FOR SEDIMENT REMOVAL

"DRIVE-THROUGH SPILLWAY," KANKAKEE FWA, JULY 2, 2021



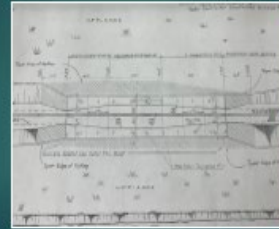
TARGET FOR SEDIMENT REMOVAL

"DRIVE-THROUGH SPILLWAY," KANKAKEE FWA, MARCH 2, 2022



AUGUST TARGET FOR SEDIMENT REMOVAL

TWO PERMITS ALREADY ISSUED



CURRENT YELLOW RIVER RECONSTRUCTION

LOCATION DOWNSTREAM OF MARSHALL-STARKE COUNTY LINE



REGRADING AND STABILIZATION IN PROGRESS



REGRADING AND BANK STABILIZATION



ROCK STRUCTURES TAKING SHAPE



LAST YEAR'S SECTION, JUNE 1

