

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

**FRIDAY, OCTOBER 28, 2022
9:30 A.M. CST/10:30 A.M. EST**

**LAPORTE COUNTY PUBLIC LIBRARY EXCHANGE
THE CLASSROOM, 2ND FLOOR
807 INDIANA AVENUE
LAPORTE, IN 46350**

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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.

Bill Crase, Secretary, called the roll.

Members Present at Roll Call

Bill Crase	Craig Cultice	Bill Emerson	John McNamara
Ryan Mueller	James Walstra	Dick Welsh	

Approve proxies present

Beau Watkins for Rob Churchill

Members Present via Videoconference

Andy Wheeler (IL)

Staff Present

Scott Pelath

Guests Present Physically and via Videoconference

John Fetherling	Ross St. Clair	Angel Crawford	Duane Hovorka
Jennifer Tank	Jennifer Thum	Jon Stolz	Stephanie Kuziela

Scott Lincoln	Siavash Beik	Julie Morris	State Rep. Jim Pressel
Christine Keil	Tony Hendricks	Rich Mrozinski	Grant Poole
Jacob Tosch	Ross St. Clair	Ian Hahus	Charlie Dewes
Jennifer Lute			

Mr. Crase declared the presence of a quorum.

Approval of minutes from June 23, 2022, meeting

Bill Emerson moved that the minutes be adopted. Craig Cultice seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – 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 an augmentation in the assessment fund budget of an additional \$100,000 for channel maintenance, \$79,000 (with stipulations) to complete Section F on the Kankakee River, \$75,000 for Yellow River logjams, and \$20,000 for technical services.

Mr. Emerson moved that the Commission approve the finance report and budget augmentations. James Walstra seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – Y

Accounting Services

Mr. Pelath urged approval of a draft agreement [ATTACHMENT 2] with Duneland Accounting

for accounting services. The proprietor, Stephanie Kuziela, already has provided accounting services to the Commission as an employee of the regional planning commission.

Mr. Crase moved that the Commission approve the draft agreement for accounting services with Duneland Accounting. Mr. Cultice seconded the motion.

MOTION ADOPTED.

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – Y

OLD BUSINESS

Yellow River, Phase I, bank reconstruction

Ross St. Clair from Stantec updated the Commission on the progress of the Yellow River bank reconstruction. Mr. St. Clair, Mr. Pelath, and the contractor coordinated to add approximately three-hundred feet to the length of the project within the Commission's budget. Various cost savings throughout construction allowed for the project augmentation.

Yellow River Bank Reconstruction, Phase II, design update

Mr. St. Clair explained the status of the Phase II Yellow River reconstruction design. Meetings with affected property owners already have commenced, and he reported that all permit applications are being processed.

Introduction of distinguished guest

Mr. Pelath introduced State Rep. Jim Pressel. Rep. Pressel thanked the Commission for its work, and members of the Commission expressed their appreciation to him for his leadership.

Aukiki water control structure design update

Charlie Dewes of Burke Engineering reported on the progress of the planned water control structure in Jasper County. Permits are in process.

Downstream logjam management

Mr. Pelath described logjam management efforts and said he would share further details during his full presentation of recent Commission work.

State Line Bridge

Mr. Pelath explained the recent regulatory history of State Line Bridge. He also reported on recent meetings between Lake County officials, regulators, and himself regarding the possible relocation of the bridge.

To advance efforts to relocate the bridge, Mr. Pelath asked for retroactive approval of a written pledge of Commission funding [ATTACHMENT 3] to move the structure. The amount would supplement Lake County's investment in bridge mitigation.

Mr. Crase moved that the Commission approve the written pledge of funding to Lake County. Mr. Emerson seconded the motion.

MOTION ADOPTED

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – Y
Beau Watkins for Rob Churchill – Y

Ryan Mueller offered DNR's assistance and consultation in the matter as it progresses.

Kankakee FWA physical configuration planning

Mr. Pelath shared recent correspondence [ATTACHMENT 4] with DNR intended to coordinate a hydrological analysis of the property's physical assets. He reported that DNR had consented to the requests contained in the letter.

Regional Conservation Partnership Program (RCPP)

Mr. Pelath offered a brief update. The U.S. Department of Agriculture approved funding for the Indiana Department of Agriculture's RCPP application.

Other projects

Mr. Pelath reported on Illinois' initiative to removed sediment at the public boat launch in Aroma Park, Illinois. He stated that it was an example of the type of interstate cooperation made possible by the Commission.

Mr. Pelath also noted the completion of spillway installation at the Thayer Farm. The project was the result of a lengthy collaboration between the Commission and DNR at the property.

NEW BUSINESS

Jasper County FEMA project augmentation (*TAC Rec. 7-2022*)

Mr. Pelath presented Technical Advisory Committee Recommendation 7-2022 [ATTACHMENT 5] regarding Jasper County FEMA Project augmentation. He explained that the recommendation included dividing the project into smaller annual pieces and re-evaluating the original design for material cost containment.

Mr. Crase moved that the Commission adopt TAC Recommendation 7-2022. Dick Welsh seconded the motion.

MOTION ADOPTED

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – Y
Beau Watkins for Rob Churchill – Y

USGS contract renewal

Mr. Pelath presented a draft contract renewing the Commission's U.S. Geological Survey (USGS) gages on the Kankakee and Yellow Rivers [ATTACHMENT 6]. The contract includes a nominal, overall cost increase of approximately three percent with an offsetting reduction in the cost for monitoring at the Dunn's Bridge gage.

Mr. Emerson moved that the Commission approve the new contract with USGS. Mr. Mueller seconded the motion.

MOTION ADOPTED

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – Y
Beau Watkins for Rob Churchill – Y

OTHER BUSINESS

Logjam Management for Section F on Kankakee River

Mr. Crase addressed the approved, remaining \$79,000 in work contracted to Allsop Excavating for Section F.

Mr. Crase moved that 1) Allsop Excavating be allowed to complete \$40,000 worth of work; 2) once completed, the work shall be inspected by the Director or his designee; and 3) if the Director deems the work satisfactory, the final \$39,000 of work shall be permitted. Mr. Welch seconded the motion.

MOTION ADOPTED

Bill Crase – Y
Craig Cultice – Y
Bill Emerson – Y
John McNamara – Y
Ryan Mueller – Y
James Walstra – Y
Dick Welsh – Y
Beau Watkins for Rob Churchill – Y

Director compensation

Mr. Crase noted that the Commission has made no adjustment in the Director's salary compensation throughout his nearly four years of service.

After some discussion, the chair appointed a subcommittee consisting of himself, Mr. Crase, and Mr. Emerson to recommend adjustments to the Director's compensation for the 2023 budget.

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 7].

PUBLIC COMMENT

Jennifer Lute from the LaPorte County Soil and Water Conservation District thanked the Commission for its support of the River Days educational program for school children.

NEXT MEETING

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

ADJOURNMENT

The meeting adjourned at 10:41 a.m. Central.

ATTACHMENT 1

EXECUTIVE DIRECTOR'S REPORT

To: KRB-YRBDC Members
From: Scott D. Pelath, Executive Director
Date: October 26, 2022

Since the Commission has not met since late June, there is more than ever to report. Let us get right to it.

Finance Report

Balances. We currently have a balance of \$668,903 in our General Fund and \$1,427,191 in our assessment account. However, we have outstanding and anticipated claims toward both.

Budget Augmentation. I strive to budget conservatively. My goal is to ensure we meet essential obligations, and if things go well, have extra money available to enhance our plans.

To date, we have remained under-budget in several areas, and July revenue came in ahead of the original forecast in January. The anticipated surplus of July revenue in the assessment account exceeds \$600,000. For that reason, I am going to request that through the remainder of the calendar, the Commission authorize from the assessment fund an additional \$100,000 for channel maintenance, \$79,000 (with stipulations) to complete Section F on the Kankakee River, \$75,000 for Yellow River logjams, and \$20,000 for technical services.

I do not expect that all budgeted dollars will be expended. Any remaining funds would be added to the surplus and the December revenue distribution to carry over into CY2023.

Other Revenue. Since the last meeting, we have received state administration allocations and NIPSCO gage reimbursements for the second quarter. Third quarter payments from both sources are being processed. Several weeks ago, I deposited a rent payment for the River's Edge Farm. Our budgeted General Fund, non-assessment revenue is remarkably close to the amounts projected in January.

Accounting Services. Our contract with NIRPC for accounting services expires at the end of the calendar year. At the same time, our accountant, Stephanie Kuziela, is departing NIRPC to start her own accounting business.

Given the alignment of these occurrences, I recommend that the Commission contract with Stephanie directly to continue our current accounting services. NIRPC has served us well, but it will not be easy for them to promptly fill position and train the new

employee. They have their own challenges and priorities. Furthermore, as they are a recipient of federal funds, we are bound by regulation to pay certain overhead costs as part of their expense structure.

I have nothing but praise for Stephanie's expertise, work ethic, and interest in our mission. She is a former Clerk-Treasurer of Chesterton, she primarily developed our current accounting system, and she will continue to provide the same high level of service at a reduced cost. I believe the move is in the best interests of all parties.

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:

Claims List for Commission Meeting 10/28/22

DATE	TO	DESCRIPTION	AMOUNT	CHECK #	Bank Account
6/30/2022	Mint City Tree Service	Invoice # 1475 River Clearing crews with boat usage	\$ 4,964.00	1637	GENERAL
6/30/2022	Scott Pelath	2nd JUNE Payroll	\$ 3,608.91	ACH	GENERAL
7/1/2022	Northwestern Indiana Regional Planning Commission	Invoice # 1182 2022 June Accounting Service Fee	\$ 1,313.25	1638	GENERAL
7/1/2022	Ambetter	Health Insurance	\$ 1,819.57	ACH	GENERAL
7/2/2022	Mint City Tree Service	Invoice # 1490 River Clearing crews with boat usage	\$ 2,310.00	1637	GENERAL
7/6/2022	IRS	Tax Payment	\$ 1,097.12	ACH	GENERAL
7/7/2022	Christopher B Burke Engineering, LLC	Invoice # 26142 Professional Services May 29-June 25, 2022	\$ 3,772.20	2053	Special
7/11/2022	INPRS	2ND JUNE RETIREMENT	\$ 221.03	ACH	GENERAL
7/12/2022	American Express	Quickbooks subscription, adobe, docusign, christos, UAV Coach	\$ 444.32	ACH	GENERAL
7/12/2022	INPRS	1st July Retirement	\$ 221.03	ACH	GENERAL
7/15/2022	Scott Pelath	1st July Payroll	\$ 3,608.93	ACH	GENERAL
7/18/2022	Mint City Tree Service	Invoice # 1494 River Clearing crews with boat usage on 7/8/22	\$ 2,168.75	1637	GENERAL
7/18/2022	Mint City Tree Service	Invoice # 1502 River Clearing crews with boat usage on 7/16/22	\$ 3,029.25	1637	GENERAL
7/20/2022	Indiana Dept of Rev	Payroll Taxes	\$ 386.68	ACH	GENERAL
7/20/2022	IRS	Tax Payment	\$ 1,097.08	ACH	GENERAL
7/25/2022	Delta III INC	Invoice # 11687 Tree Removal East & West side of 421 La Crosse	\$ 5,800.00	2054	Special
7/25/2022	Mint City Tree Service	Invoice # 1509 River Clearing crews with boat usage on 7/22-7/23	\$ 3,175.50	1637	GENERAL
7/25/2022	Northwestern Indiana Regional Planning Commission	Invoice # 1183 2022 July Accounting Service Fee	\$ 1,313.25	1638	GENERAL
7/25/2022	Wiltjer Excavating, Inc.	Invoice # 15320 Logjam removal at Norfolk Southern Bridge 6/27/22-6/28/22	\$ 11,250.00	1640	GENERAL
7/25/2022	Wiltjer Excavating, Inc.	Invoice # 15321 Logjam removal at Wildwood Shores 7/5/22	\$ 4,500.00	1640	GENERAL
7/26/2022	Starke County Highway Department	Invoice # 2022-26-003 Riprap	\$ 4,240.87	2057	Special
7/26/2022	Starke County Highway Department	Invoice # 2022-28-002 Riprap	\$ 428.46	2057	Special
7/26/2022	The Stanger Group, Inc.	Pay app 3 removal of trees, mulch, earthwork	\$ 188,131.71	ACH	Special
7/27/2022	Kevin Misch Excavating	Move clay, install geo-grid & rip rap	\$ 14,440.00	2055	Special
7/27/2022	Scott Pelath	Administrative Mileage Reimb June 18- July 26, 2022	\$ 65.95	1639	GENERAL
7/27/2022	Scott Pelath	Operations Mileage Reimb June 18- July 26, 2022	\$ 218.99	2056	Special
7/27/2022	INPRS	2nd July Retirement	\$ 221.03	ACH	GENERAL
7/31/2022	Scott Pelath	2nd July Payroll	\$ 3,609.91	ACH	GENERAL
8/1/2022	LaPorte County Soil and Water Conservation District	Canoemobile Sponsorship	\$ 15,000.00	1641	GENERAL
8/1/2022	Mint City Tree Service	Inv 1517 River Clearing crews with boat usage on 7/29-7/30	\$ 5,193.00	ACH	GENERAL
8/1/2022	Ambetter	Health Insurance	\$ 1,819.57	ACH	GENERAL
8/5/2022	American Express	Quickbooks subscription, adobe, docusign, new laptop, laptop migration exp	\$ 1,569.61	ACH	GENERAL
8/5/2022	IRS	Tax Payment	\$ 1,097.12	ACH	GENERAL
8/8/2022	Christopher B Burke Engineering, LLC	Inv 26294 Misc Professional Services- June 26-July 30, 2022	\$ 504.00	2058	Special
8/8/2022	Hill Excavating	Inv 183 Logjam removal	\$ 2,400.00	2059	Special
8/8/2022	Hill Excavating	Inv 186 Logjam removal	\$ 1,500.00	2059	Special
8/8/2022	Hill Excavating	Inv 204 Logjam removal	\$ 2,900.00	2059	Special
8/8/2022	Mint City Tree Service	Inv 1524 River Clearing crews with boat usage on 8/5-8/6	\$ 3,118.50	ACH	GENERAL
8/8/2022	Varro Services, LLC	Removal of logjams	\$ 6,892.00	1643	General
8/12/2022	INPRS	1st August Retirement	\$ 221.03	ACH	GENERAL
8/15/2022	Scott Pelath	1st August Payroll	\$ 3,608.93	ACH	GENERAL
8/15/2022	Mint City	Invoice 1533 River Clearing Crews, boat usage 8/12/2022	\$ 2,541.00	ACH	Special
8/17/2022	Christopher B Burke Engineering, LLC	Inv 26295 Aukiki Professional Services- June 26-July 30, 2022	\$ 3,260.50	2058	Special
8/18/2022	Indiana Dept of Rev	Payroll Taxes	\$ 386.68	ACH	GENERAL
8/19/2022	The Stanger Group, Inc.	Pay app 4 removal of trees, mulch & earthwork	\$ 248,539.52	ACH	Special
8/19/2022	IRS	Tax Payment	\$ 1,097.08	ACH	GENERAL
8/22/2022	Department of Natural Resources Division of Water	Permit Fees	\$ 200.00	2061	Special
8/22/2022	Mint City Tree Service	Inv 1542 River Clearing crews with boat usage on 8/19-8/20	\$ 4,920.63	ACH	GENERAL
8/25/2022	Scott Pelath	Operational Mileage July 27-Aug 24, 2022 at \$0.49 a mile	\$ 430.52	2060	Special
8/25/2022	Scott Pelath	Administrative Mileage July 27-Aug 24, 2022 at \$0.49 a mile	\$ 85.03	1642	GENERAL
8/29/2022	Mint City Tree Service	Inv 1552 River Clearing crews with boat usage on 8/26-8/27/22	\$ 5,079.50	ACH	General
8/30/2022	INPRS	2nd August Retirement	\$ 221.03	ACH	GENERAL
8/31/2022	Scott Pelath	2nd August Payroll	\$ 3,608.93	ACH	GENERAL
9/1/2022	Ambetter	Health Insurance	\$ 1,819.57	ACH	GENERAL
9/2/2022	Northwestern Indiana Regional Planning Commission	2022 August Accounting Service Fee	\$ 1,313.25	1644	General
9/2/2022	Hill Excavating	INVOICE 222	\$ 3,500.00		Special
9/8/2022	IRS	Tax Payment	\$ 1,097.08	ACH	GENERAL
9/9/2022	Mint City Tree Service	River Clearing Crews, boat usage 9/2-9/3/22	\$ 5,195.00	ACH	General
9/12/2022	Northwestern Indiana Regional Planning Commission	2022 September Accounting Service Fee	\$ 1,313.25	1644	General
9/12/2022	American Express	Quickbooks subscription, adobe, docusign, CVS, USPS	\$ 230.98	ACH	GENERAL
9/13/2022	Christopher B Burke Engineering, LLC	Inv 26736 Aukiki Professional Services- July 31- August 27, 2022	\$ 2,136.50	2062	Special
9/13/2022	Christopher B Burke Engineering, LLC	Inv 26735 Misc Professional Services- July 31- August 27, 2022	\$ 636.50	2062	Special
9/13/2022	Mint City Tree Service	River Clearing Crews, boat usage 9/9/2022	\$ 3,245.63	ACH	General
9/13/2022	INPRS	1st September Retirement	\$ 221.03	ACH	GENERAL
9/14/2022	Dirt Works Excavating	Spill way 10 Mile Road	\$ 23,800.00	2063	Special
9/15/2022	Scott Pelath	1st September Payroll	\$ 3,608.91	ACH	GENERAL
9/19/2022	Tandem Solutions	Postage	\$ 0.54	1646	General
9/20/2022	Indiana Dept of Rev	Payroll Taxes	\$ 386.68	ACH	GENERAL
9/21/2022	IRS	Tax Payment	\$ 1,097.12	ACH	GENERAL
9/22/2022	Wiltjer Excavating, Inc.	Removal of logjams 9/14/22-9/19/22	\$ 12,000.00	2065	Special
9/22/2022	Scott Pelath	Operations Mileage Aug 25 - Sept 21 2022 at \$0.49 a mile	\$ 560.77	2064	Special
9/22/2022	Scott Pelath	Administrative Mileage Aug 25 - Sept 21 2022 at \$0.49 a mile	\$ 218.76	1645	General

9/22/2022	Eulora	Annual Subscription	\$	299.00		Special
9/26/2022	K & L Excavating, LLC	Log removal Quote 395	\$	3,850.00		GENERAL
9/27/2022	INPRS	2nd September Retirement	\$	221.03	ACH	GENERAL
9/30/2022	Scott Pelath	2nd September Payroll	\$	3,608.93	ACH	GENERAL
10/1/2022	Ambetter	Health Insurance	\$	1,819.57	ACH	GENERAL
10/4/2022	Christopher B Burke Engineering, LLC	Aukiki engineering	\$	210.00		Special
10/5/2022	Hill Excavating	INVOICE 228	\$	15,000.00		Special
10/5/2022	IRS	Tax Payment	\$	1,097.08	ACH	GENERAL
10/5/2022	Starke County Highway Department	Invoice # 2022-5-004 Riprap	\$	3,446.91		Special
10/5/2022	Wiltjer Excavating, Inc.	Invoice #15405 Logjam Removal 9/23-9/24, 9/26-9/27, 9/29-10/1, 10/3/22	\$	32,000.00		Special
10/10/2022	INPRS	1st October Retirement	\$	221.03	ACH	GENERAL
10/12/2022	American Express	Quickbooks subscription, adobe, docusign, christos, Dollar general, usps	\$	379.69	ACH	GENERAL
10/12/2022	K & L Excavating, LLC	Log removal Quote 392	\$	16,300.00		GENERAL
10/14/2022	Department of Natural Resources Division of Water	Permit Fees App #FW-31810	\$	200.00		Special
10/15/2022	Scott Pelath	1st October Payroll	\$	3,608.91	ACH	GENERAL
10/17/2022	Hill Excavating	INVOICE 214	\$	60,000.00		Special
10/17/2022	Hill Excavating	INVOICE 230	\$	1,250.00		Special
10/19/2022	Indiana Dept of Rev	Payroll Taxes	\$	386.68	ACH	GENERAL
10/19/2022	U.S. Geological Survey	July-Sept 2022 River Gages	\$	30,975.00	ACH	Special
10/21/2022	IRS	Tax Payment	\$	1,097.12	ACH	GENERAL
10/25/2022	Scott Pelath	Administrative Mileage Sept 22-Oct 24 2022 at \$0.49 a mile	\$	125.61		General
10/25/2022	Scott Pelath	Operational Mileage Sept 22-Oct 24 2022 at \$0.49 a mile	\$	538.64		Special
10/25/2022	The Stanger Group	5th Pay app	\$	130,353.82	ACH	Special
10/26/2022	The Stanger Group	2021 Retainage	\$	31,824.58	ACH	Special
10/26/2022	Northwestern Indiana Regional Planning Commission	October Accounting Services	\$	1,313.25		GENERAL
TOTAL:			\$	977,587.48		

Yellow River Project, Phase I

At the end of September, our Technical Advisory Committee held a field meeting at the Yellow River project site. Since then, the Stanger Group has made substantial progress on the final leg of this year's project. We expect that the final details of this year's work will conclude right before Thanksgiving.

The project is a remarkable achievement. At the end of August, about a dozen U.S. Department of Agriculture employees toured the work. The project is a credit to the Commission, and anyone would be proud to show it to area officials and members of the public.

Yellow River Project, Phase II

Phase II of the Yellow River bank reconstruction is well into the permitting phase, and we already have started meeting with affected property owners.

The design is divided into two, severable sections – one at 500 East and one at 1100 East in Starke County. We are on track to bid the sections separately this winter.

Yellow River Project, Phase III

Last week, Cardno (now Stantec) and I began information gathering and inspections of possible Phase III locations.

Logjam Management

Since the last meeting, Wilcher Excavating worked for more than ten days between Lake and Newton Counties. The amphibious excavator cleared the Norfolk Southern bridge upstream of the Dehaan Ditch and removed major blockages between IN-55 and US 41.

On the Yellow River, Mint City Services cleared logjams between IN-17 and 13th Road in Marshall County – a river distance of several miles. Hill Excavating removed large wood and severely leaning trees on the Yellow River between English Lake and IN-39.

Mint City has tentatively agreed to continue logjam-cutting work between IN-17 in Upas Road on the Yellow River in Marshall County. I have asked Misch Excavating to again clear the abandoned Norfolk Southern Bridge by US 41. We have contracted with Delta III to make another pass between the Clay Street bridge and I-65 in Newton County. We currently are evaluating contractor options to work on the Yellow River between Range Road and Knox. Allsop Excavating remains under contract for Section F on the Kankakee River.

State Line Bridge

On November 1, Lake County officials and I will meet with historic review staff from the Indiana Department of Transportation (INDOT). At that meeting, Lake County intends to unveil its proposal to move the bridge to a location in Hendricks County. Part of this plan entails the Commission covering any funding gaps between Lake County's financial commitment and the actual project cost. Right now, the potential shortfall is projected to \$112,000. I already issued correspondence reflecting the Commission's intention to supplement Lake County's funds to ensure the bridge's removal from its present location.

Kankakee FWA Drive-Through Spillway

For the first time since the early 1980's, the Yellow River "drive-through spillway" is now free of accumulated sediment. As soon as the permits were issued in recent weeks, Dirt Works Excavating worked to restore the spillway to its original 1982 design.

Kankakee FWA Redesign Recommendations

As called for in our work plan, DNR has consented to Commission procuring technical services, modeling, and physical redesign recommendations for the Kankakee FWA. DNR pledged to review any recommendations and consider their implementation.

River Gages

Our USGS gages are up for renewal. Our current, three-year agreement expires at the end of the current calendar year.

Since NIPSCO will continue to reimburse us for Kouts and Dunn's Bridge, we are able to continue with the current gage alignment. The expected cost increase is about three percent, although this includes a savings for the elimination of orthophosphate monitoring at Dunn's Bridge. Manufacturer technical support no longer exists for the service.

Sediment Traps

The Corps of Engineers and IDEM have authorized the maintenance of the sediment trap downstream of the Robbins Ditch on the Kankakee River. The DNR permit is not yet complete. We could do the trap yet this year from the LaPorte County side, yet the local preference is to work on Starke County side to improve some existing low spots in the bank. The latter option will have to wait until next year to avoid conflicts with hunting season.

The new Starke County Surveyor has requested an SEA 368 review of the sediment trap maintenance immediate upstream of IN-39 on the Yellow River.

Partners in Illinois

Kankakee County officials have announced their plan to remove substantial accumulated sediment from the public boat launch at Aroma Park. In early September, I was honored to attend the press conference along with representatives from Burke Engineering, who are providing technical services for the project. The State of Illinois is funding the effort through \$1 million in state appropriations. The amount supplements the \$7 million that Kankakee County already has received to improve its leg of the channel.

Thayer Farm Transition

Construction of the spillways is complete. Between the Thayer Farm and the adjacent Blackberry Marsh area, we now have over 400 acres of floodwater storage that did not previously exist. After nearly three years of planning and work, the area is a true credit to DNR and the Commission.

Aukiki Wetland Conservation Area

Burke Engineering continues to work on permitting of the new water control structure at the Aukiki Wetland Conservation Area. I hope we will be able to bid the work over the winter, with construction of a vegetated spillway slated for next year.

Regional Conservation Partnership Program (RCPP)

The Indiana Department of Agriculture recently announced that it has received a commitment of \$7.9 million from the Natural Resources Conservation Service (NRCS) for conservation programs through the Kankakee River Basin. This amount is matched with \$7.9 million in support from various partners, including the in-kind match of our ongoing Yellow River improvements. Lt. Gov. Suzanne Crouch shared the new via press release in late this summer.

Disability Coverage

After medical exams, medical records reviews, and weeks of processing, the Commission now has a Long-Term Disability policy in force.

Indiana Natural Resources Commission

I was grateful that Ryan Mueller and the DNR team invited me to appear before the recent Indiana Natural Resources Commission meeting at Dunes State Park. I always value to chance to share our story to a statewide audience.

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 LaPorte County, I welcome any issues I can resolve in advance.

ATTACHMENT 2



1531 S. Calumet Road Ste 13
Chesterton, IN 46304
(219) 395-4989

Ongoing Accounting Services

October 17, 2022

Scott Pelath
Kankakee River Basin & Yellow River
Basin Development Commission

Dear Executive Director Pelath:

We are pleased to confirm our understanding of the terms and objectives of our engagement as well as the nature and limitations of the services we will provide for the Kankakee River Basin & Yellow River Basin Development Commission (Commission).

Our Responsibility

On December 1, 2022, we will provide you with the following bookkeeping services:

- Deposit funds in the designated depositories by the Commission.
- Aid the Commission in the preparation of its budget
- Prepare the Annual Financial Report as required by the Indiana State Board of Accounts (submission of the report would be executed by the Commission's designee, typically the Executive Director)
- Provide accounting services for the receipt, disbursement, and investment of its funds in accordance with the applicable Indiana State Board of Accounts guidelines, statutes and the internal control policy and guidelines set out by the Commission herein or otherwise.
- Reconcile all bank accounts and check registers to the bank statements each month for proper account balance and to identify any errors. We will make correcting entries directly to QuickBooks® and identify the source of each adjustment. We will tell you of these adjustments and make you aware of any corrections.
- Reconcile credit card accounts to statements each month for proper account balance and reflection of interest expense.
- Commission funds shall only be disbursed upon the authorization of the Commission and presentation of a State Board of Accounts standard claim form signed by at least two (2) Commission members and approved by the Commission. Checks shall be drawn from an account in the Commission's name and signed by two authorized officials.
- Standard turnaround time for check production is 3 business days.

- Prepare payroll on a bi-weekly basis and ensure PERF retirement payments to INPRS are completed on a timely basis.
- Review and reconcile payroll records and corresponding tax returns.
- Prepare and present financial statements monthly or quarterly based on your preference.
- Annually, prepare forms 1099. We will also prepare any 1096 forms or will e-file the equivalent data on your behalf.
- We will also store un-audited records for the Commission onsite until the State Board of Accounts completes the audit. (Last audit completed was for 2015-2018 filed in 2019)
- Assist with document presentation for State Board of Accounts Audits

Scope and limitation of our services

1. Our engagement is limited to the accounting services indicated above.
2. This engagement does not include business management. We will not review the payment of any invoices or bills. If an amount appears unusual or out of the ordinary, we will call it to your attention, but we do not take any responsibility in the discovery of any errors, irregularities, or fraud.
3. This engagement will not audit or review your financial statements, or any other accounting documents and information you provide, in accordance with generally accepted auditing standards. Accordingly, we ask that you not in any manner refer to this as an audit or review.
4. We will not verify the data you submit for accuracy or completeness. Rather, we will rely on the accuracy and completeness of the documents and information you provide to us. Accordingly, our engagement cannot be relied upon to disclose errors, fraud, or other illegal acts that may exist. However, it may be necessary to ask you for clarification of some of the information you provide, and we will inform you of any material errors, fraud or other illegal acts that come to our attention, unless they are clearly inconsequential.
5. We have no responsibility to identify and communicate significant deficiencies or material weaknesses in your internal controls as part of this engagement, and our engagement cannot, therefore be relied upon to make disclosure of such matters.

Company Responsibility

1. Responsible for adopting sound accounting policies, for maintaining an adequate and efficient accounting system, for safeguarding assets, for authorizing transactions, for retaining supporting documentation for those transactions, and for devising a system of internal controls that will, among other things, help assure the preparation of proper financial statements. Furthermore, you are responsible for management decisions and

functions, for designating a competent employee to oversee any of the services we provide, and for evaluating the adequacy and results of those services.

2. Responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Company involving (a) management (b) employees who have significant roles in internal control, and (c) others where the fraud could have a material effect on the financial statements.

3. You are also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Company received in communications from employees, former employees, regulators, or others.

4. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

5. Responsible to provide us the following documents:

- a) Cash receipt reports and deposit slips.
- b) Cash disbursements, bank statements.
- c) Check register.
- d) Credit card statements.
- e) Payroll records and quarterly payroll reports.
- f) Articles of incorporation, partnership agreements, formation records.
- g) Copies of purchase/lease contracts and loan agreements.
- h) Other documents necessary for correct account reporting.

6. For us to complete this engagement, and to do so efficiently, we require unrestricted access to the following documents and information concerning your company:

- a) Copies of basic documents reflecting your financial transactions, including check stubs, summaries of cash receipts and sales (cash and credit), bank statements and canceled checks, listings of accounts receivable and accounts payable, and documentary support of property and equipment transactions-purchases, trades, sales, and other dispositions;
- b) Identification of all cash receipts as to source (i.e., loans, sales, etc.), and information concerning all transactions that are consummated with cash.
- c) Accountant access to all necessary State of Indiana online payment accounts
- d) Link QuickBooks Online account to the appropriate business bank account

Any failure to provide such documents and information, and to do so on a timely basis, will impede our services, and may require us to suspend our services or withdraw from the engagement. You agree to accept responsibility for any effect on your accounting records and

financial statements of basic financial information or transaction documents not submitted to us for processing and entry, or losses that may result from their absence. For purposes of entry of the financial information from your basic transaction documents, classification according to the agreed-upon chart of accounts will be performed by you or your employees. As business conditions change, we may mutually agree to change/modify this arrangement. Client agrees that these documents should be forwarded to our office on a periodic basis, such as monthly, as this will enable us to provide you with a current, meaningful, and useful financial statement.

Retention Policy:

Retention policies for governmental units are outlined by the Indiana Archives and Records Administration. When records are returned, it is your responsibility to retain and protect them for future use, potential examination by any government or regulatory agency.

Our Fee Policy:

Our fees for this accounting service will be a flat rate fee of \$875 per month plus out of pocket and travel expenses if applicable. Mileage will be reimbursed at the current State of Indiana mileage rate. This fee includes a base of 15 hours per month of bookkeeping services and a monthly subscription to QuickBooks Online. Based upon your business needs, we have concluded that QuickBooks Online Essentials and QuickBooks Online Premium Payroll are the best fit for your company. The payroll cost is currently set for 1 employee, each additional employee shall be an additional \$8 a month. QuickBooks Essentials allows for 3 users. If services exceed 15 hours in a month's time, each additional hour will be billed at \$45/hour.

Ongoing bookkeeping services will be billed on a monthly basis. Any additional accounting services requested will be billed separately. This may include, but is not limited to, any compliance services including handling licenses, cost reporting for state agencies, audit representation or filing renewals. Income tax returns will be billed separately.

All invoices are due and payable upon presentation. Billings become delinquent if not paid within 30 days of the invoice date. If billings are past due in excess of 45 days, we will stop all work until your account is brought current, or you withdraw from the engagement. The client acknowledges and agrees that we are not required to continue work in the event of failure to pay on a timely basis for services rendered as required by this engagement letter. The client further acknowledges and agrees that in the event we stop work or withdraw from this engagement as a result of the client's failure to pay on a timely basis for services rendered as required by this engagement letter, we, Duneland Accounting, LLC., shall not be liable for any damages that occur as a result of ceasing to render services. If a dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by an appropriate body. The client shall pay actual attorney fees and costs incurred while attempting to collect delinquent payments.

Liability:

The Commission agrees to indemnify and hold Duneland Accounting, LLC harmless against any or all claims of loss or damage, save for cases of gross negligence or willful misconduct. Duneland Accounting, LLC is not responsible for any late fees charged to the company due to untimely information submissions by the client.

Period of Agreement

This agreement shall be effective December 1, 2022 and concludes two years after the start date.


Either party may cancel this contract by providing 30 days' written notice to the opposite party. If this engagement is canceled, any services rendered (but not yet invoice) will be invoiced per the payment terms of this agreement. By the end of those 30 days, all materials will be returned to the client, and it shall be the client's responsibility to pay the monthly subscription fees to QuickBooks®.

The Commission shall have the option to extend this agreement for the period of one year with the monthly base rate increased to \$900 and hourly overage rate shall remain at \$45.

If the foregoing is in accordance with your understanding, please sign this letter in the space provided and return it to our office.

Thank you for this opportunity to serve you.

Sincerely,



Stephanie Kuziela

APPROVED:

Signature/Title

Date

Print Name

ATTACHMENT 3



August 23, 2022

Mr. Duane Alverson, PE
Engineer
Lake County Highway Department
1100 East Monitor Street
Crown Point, IN 46307

Dear Mr. Alverson:

I have received the financial summary of your proposal to remove and relocate Bridge #36 over the Kankakee River ("State Line Bridge"). On behalf of the Kankakee River Basin and Yellow River Basin Development Commission, I commend your work to resolve this long-standing flood control hazard.

As you know, on May 24, 2022, the Commission directed the removal of State Line Bridge consistent with IC 14-13-9-18(a)(2) and (b)(7), its forty-year work plan adopted under IC 14-13-9-18(a)(1), and several adopted Commission resolutions. The Commission deems the bridge a direct impediment to effective flood mitigation, a magnet for logjams and heavy debris during flood events, and a persistent barrier to navigation and safe movement.

As a partner to Lake County, the Commission also indicated that it stands ready to assist Lake County in the bridge's demolition or relocation. In your planned relocation proposal to the Federal Highway Administration, the Indiana Department of Transportation, and Indiana historic preservation officials, you have identified a potential funding shortfall of slightly over \$112,000.

Please be advised that in the pursuit of our shared goals, the Commission intends to contribute funding to cover this shortfall. The removal or relocation of State Line Bridge remains a Commission priority, and your finance plan is a worthwhile investment in public safety. Upon approval of your proposal, the Commission would plan to include necessary funding in its next budget cycle beginning January 1, 2023.

If figures change throughout the planning or review process, please promptly notify me so the Commission may consider additional adjustments in funding. Until then, I believe your proposal is not only technically and financially feasible, but clearly a potential benefit to all interested parties.

1 | Page

As always, 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 our ongoing partnership with Lake County.

Sincerely,

A handwritten signature in black ink, reading "Scott D. Pelath". The signature is fluid and cursive, with the first name "Scott" and last name "Pelath" clearly legible.

Scott D. Pelath
Executive Director

Cc: Lake County Commissioners
Bill Emerson, Lake County Surveyor
Matthew Fech, Lake County Attorney
KRB-YRBDC Members

ATTACHMENT 4



July 29, 2022

Amanda Wuestefeld
Director, Division of Fish and Wildlife
Indiana Department of Natural Resources
402 W. Washington Street, Room W-273
Indianapolis, IN 46204

Dear Ms. Wuestefeld:

At our April 20 meeting in Indianapolis, I enjoyed getting to discuss potential physical improvements at the Kankakee Fish and Wildlife Area (FWA). Since we last met, I wanted to offer an update on the issue and seek your advice and consent.

As you know, the FWA is home to a complex network of water control structures that predate any of our professional involvement in the area. While designers originally intended to influence the property's habitat, the original construction did not have an eye toward flood mitigation or sediment control. Most significantly, they now serve to unnaturally divert the Yellow River in the Kankakee River while the latter is at flood stage and the former is not. This dynamic is evidenced by the past need to construct a steel-reinforced sea wall where the FWA discharges into the Kankakee River.

Our forty-year flood control and sediment management work plan – which was adopted under state statute with agency input – calls for the restoration of a more natural interplay between the two rivers. More succinctly, the Commission believes it would be desirable for water to forcefully flow in a direction parallel rather than perpendicular to the two rivers. With our long-term plan as a guide, the Commission goals are 1) to adjust the physical configuration to minimize the premature diversion from the Yellow River during flood events; and 2) to maintain and enhance the inherent qualities of the FWA for hunting, fishing, recreation, natural enjoyment, and other pursuits essential to DNR's mission.

However, before evaluating improvements, formal technical advice is essential. At the Commission's most recent meeting, members sanctioned the engagement of an engineering firm to review the FWA, conduct hydrological monitoring, and make recommendations for physical improvements.

While the Commission would procure these services, we ask that DNR as our partners offer advice on consultant selection, participate in careful reviews of recommendations, and join the Commission in assessing the technical and financial feasibility of recommended action items. We also request that DNR allow necessary access to the property for consultants to gather field data, inventory the property's physical

assets, and observe existing flow patterns within the FWA. If the Department finds these entreaties acceptable, it would then be my intent to proceed to the consultant selection phase.

Should you have any questions, thoughts, or suggestions, I hope it goes without saying that I would be delighted to discuss the matter further at any time at (219) 861-7999 or sdpelath@gmail.com.

As the Commission views the Department as a highly valued partner and stakeholder, please do not hesitate to contact me whenever I may be of assistance to you or the DNR team. I remain grateful for your service to the people of Indiana.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott D. Pelath", written in a cursive style.

Scott D. Pelath
Executive Director

Cc: John McNamara, Commission Chair
Ryan Mueller, DNR Deputy Director of Regulatory Services
David Knipe, Director, DNR Division of Water

ATTACHMENT 5

RECOMMENDATION 7-2022

To: Kankakee River Basin and Yellow River Basin Development Commission
From: Technical Advisory Committee
Subject: Jasper County FEMA Project augmentation
Date: September 23, 2022

DESCRIPTION: Jasper County, in partnership with the Commission, recently completed a \$3.8 million bank repair project with Federal Emergency Management Agency (FEMA) funding. The initiative regraded and armored several miles of bank in Jasper County following severe 2018 flood damage.

LOCATION: Kankakee River in Jasper County

ISSUE: While the repair work constituted the largest Kankakee River projects in recent decades, some flood-damaged sections – particularly one immediately downstream of US 231 -- were ineligible for FEMA assistance. The Jasper County Surveyor has requested that the Commission augment the FEMA project by funding and overseeing repairs to this section of bank.

The Jasper County Surveyor's office has prepared a tentative project area, preliminary designs, and a scope of work for consideration [ATTACHMENT].

While the FEMA project has been valuable both as a flood protection project and a sediment reduction tool, augmenting it could be fiscally challenging if the suggested project area remains undivided into smaller sections.

RECOMMENDATION: The Committee recommends that the Commission approve the project provided that 1) the project area be subdivided into annually affordable sections and 2) the Commission and Jasper County evaluate and consider effective design modifications that could reduce material costs.

ADOPTED BY COMMITTEE 9/23/2022.

ATTACHMENT 6

**Form 9-
1366
(May 2018)**

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Customer #: 6000001354
Agreement #: 23NFJFA00000019
Project #: NF00GWQ
TIN #: 35-1740360

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of the January 1, 2023 by the U.S. GEOLOGICAL SURVEY, OKI Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Kankakee River Basin and Yellow Basin Development Commission party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained for the operation and maintenance of three streamgages on the Kankakee River and Yellow River (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$242,100 by the party of the first part during the period
January 1, 2023 to December 31, 2025
- (b) \$395,100 by the party of the second part during the period
January 1, 2023 to December 31, 2025
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs,
in the amount of: 0

Description of the USGS regional/national program: N/A
- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be
determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters
between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).

Form 9-1366
(May 2018)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Customer #: 6000001354
Agreement #: 23NFJFA00000019
Project #: NF00GWQ
TIN #: 35-1740360

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name: Aubrey Bunch
Supervisory Biologist
Address: 5957 Lakeside Blvd.
Indianapolis, IN 46278
Telephone: (317) 697-1651
Fax: (317) 290-3313
Email: aurbunch@usgs.gov

Customer Technical Point of Contact

Name: Scott Pelath
Executive Director
Address: 6100 Southport Road
Portage, IN 46368
Telephone: (219) 861-7999
Fax:
Email: sdpelath@gmail.com

USGS Billing Point of Contact

Name: Damon Williams
Budget Analyst
Address: 5957 Lakeside Blvd.
Indianapolis, IN 46278
Telephone: (317) 600-2774
Fax: (317) 290-3313
Email: dlwilliams@usgs.gov

Customer Billing Point of Contact

Name: Scott Pelath
Executive Director
Address: 6100 Southport Road
Portage, IN 46368
Telephone: (219) 861-7999
Fax:
Email: sdpelath@gmail.com

U.S. Geological Survey
United States
Department of Interior

Kankakee River Basin and Yellow River Basin Development
Commission

Signature

Signatures

By _____ Date: 9/13/2022
Name: David Straub
Title: Acting Director

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

ATTACHMENT 7

COMMISSION UPDATE

October 28, 2022
KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN
DEVELOPMENT COMMISSION

Scott D. Pelath, Executive Director

YELLOW RIVER PROJECT

STARKE COUNTY

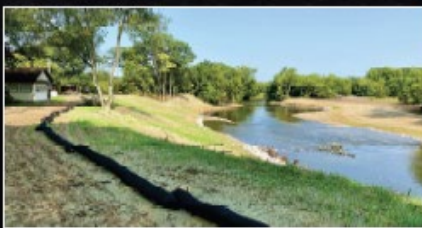
BENOIT PROPERTY BEFORE



BENOIT PROPERTY BEFORE



BENOIT PROPERTY, August 2022



BENOIT PROPERTY, September 2022



BENOIT PROPERTY, October 2022



2022 Yellow River Project (Middle Section)



2022 Yellow River Project (M-Bend Leadup)



M-Bend, January 2019



M-Bend, January 2019



M-Bend, October 2022



M-Bend, October 2022



M-Bend, October 2022



COMPLETED SECTION, ONE YEAR LATER



LOGJAM MANAGEMENT

NORFOLK SOUTHERN BRIDGE



NORFOLK SOUTHERN BRIDGE



US 231



Fish and Wildlife Area



Yellow River – Marshall County



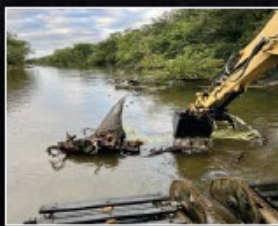
DOWNSTREAM LOGJAMS

Upstream of US 41



DOWNSTREAM LOGJAMS

Upstream of US 41



FLOODWATER STORAGE
DEVELOPMENT

THAYER FARM PARTNERSHIP WITH DNR



THAYER FARM



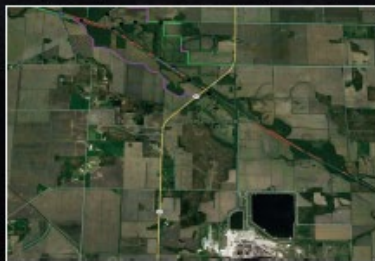
SPILLWAY INSTALLED AUGUST 2022



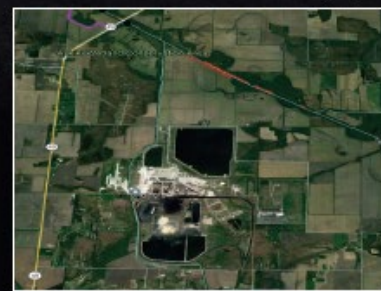
SPILLWAY INSTALLED AUGUST 2022



AUKIKI WETLAND CONSERVATION AREA
(Design and Permitting Phase)



WHEATFIELD POWER PLANT (Jasper Co.)



YELLOW RIVER SPILLWAY

DRIVE-THROUGH SPILLWAY, MARCH 2022



SPILLWAY RESTORED TO 1982 DESIGN



FRIENDS IN ILLINOIS

PARTNERSHIP WITH ILLINOIS



QUESTIONS?

Scott D. Pelath
(219) 861-7999
sdpelath@gmail.com