



City of New Albany, Indiana

Jeff M. Gahan

Mayor

October 17th, 2024

Members of the New Albany City Council,

I am writing to address the ongoing matter involving the Glenwood Park Dam. This century-old historic dam provides valuable recreational opportunities such as fishing and also plays an important role in flood protection, wildlife conservation, and community enjoyment.

The City has been in prolonged litigation with Origin Park, as well as Ecosystems Connections Institute, over the future of the site. This legal dispute has been ongoing for several years, and while it remains unresolved, the City continues to uphold its responsibilities and defend the interests of its citizens.

The Council has recently requested an accounting of expenses related to this matter, but given that the litigation is still active, it would be inappropriate to release such information at this time. The premature disclosure of these costs could potentially compromise the City's legal position and hinder its ability to negotiate or litigate effectively. Therefore, I respectfully urge the Council to defer any action regarding the disclosure of litigation expenses until the matter has been fully resolved.

It is also important to note the following:

1. All costs associated with this legal case have been appropriated under current budgets.
2. No budgets have been overrun as a result of this important legal matter.
3. The City of New Albany continues to have an excellent financial rating thanks to prudent stewardship of finances.
4. For 12 years, this administration has not overspent any budget.

Additionally, the City of New Albany has several concerns related to ceding public lands and infrastructure to an out-of-county private corporation. For 13 years, this administration has worked to improve access to its public waterways for the people of New Albany. The City of New Albany's stance remains that privatizing a public, natural waterway is a disservice to the people of New Albany, and we will continue to push for open, free access to all natural amenities in New Albany – because no one in our city should be charged a fee for accessing public lands.

There are also numerous questions surrounding Origin Park's plans for Silver Creek, including rumors that they intend to install an "outdoor adventure center" and an "Olympic-qualifying white water rafting facility" that would be a "global recreation destination." Given that Origin Park's leadership has refused to meet with both the City Administration as well as the New Albany City Council, rumors are the only information we have from them.

Based upon the information we have pieced together from Origin Park, we believe they intend to develop something similar to the man-made White Water Express along the Chattahoochee body of water in Tennessee: you can read more about that here:

<https://chattahoochee.whitewaterexpress.com/>

Here is another news article describing the Chattahoochee experience:

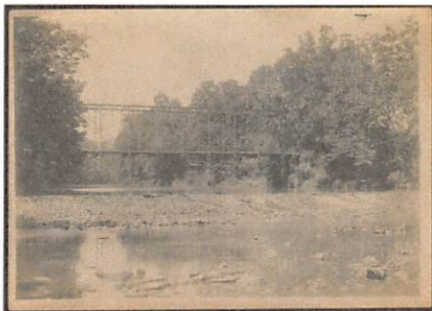
<https://businessalabama.com/whitewater-rafting-right-downtown/>

Finally, attached are the two resolutions passed by the City Council that ask for the preservation of and/or modifications to improve safety at the historic Dam. These are the guiding documents that the administration has been adhering to. The administration restored the dam to its original condition, and eliminated the dangerous hydraulic roller effect that was present at the dam. The attached pictures show a historical photo of the originally approved condition of the dam, as well as a present-day picture post-emergency maintenance.

We have been, and will continue working with the Indiana Department of Natural Resources and the United States Corps of Engineers to resolve this matter in a way that protects the citizens of New Albany. I hope that the Council will consider the broader implications of any premature disclose of information related to ongoing legal matters, and the potential harm it could cause to the City's ability to reach a fair and just resolution for the people of New Albany. I look forward to continued discussions with members of the council on this important topic.



Mayor Jeff Gahan



Resolution No. **R-24-04**

A RESOLUTION ENCOURAGING THE REMOVAL AND/OR SAFETY MITIGATION OF THE
LOW-HEAD DAMS IN SILVER CREEK

WHEREAS, the Indiana Department of Natural Resources (IDNR) has stated that low-head dams can be deceptively dangerous, and the National Weather Service reported 111 deaths nationally between 2018 and 2020 due to incidents caused by low-head dams;

WHEREAS, there are two existing low-head dam structures on Silver Creek (accessible from the City of New Albany): the Providence Mill Dam at Silver Creek Landing and the Blackiston Mill Dam near Blackiston Mill Road (collectively, the "Low-Head Dam Structures");

WHEREAS, both Low-Head Dam Structures have been the scene of rescues and loss of life, including the tragic drowning of Andre Edwards Jr. on May 27, 2024 near/at the Providence Mill Dam;

WHEREAS, the IDNR has granted a permit to remove the Providence Mill Dam;

WHEREAS, the IDNR awarded a \$75,000 grant to River Heritage Conservancy and Ecosystems Connections Institute for the removal of the Providence Mill Dam as part of the Origin Park project;

WHEREAS, the City of New Albany has spent about three years and an undisclosed sum of money on matters regarding the Providence Mill Dam; and

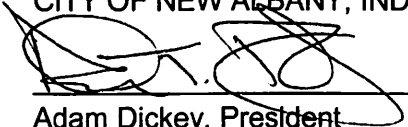
WHEREAS, the Common Council has previously called for parties invested in the Providence Mill Dam structure and its safety to meet to discuss options for modification or removal in order to serve the best interest of the citizens of New Albany; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA:

- 1) It is recommended that the City of New Albany, Ecosystems Connections Institute, and River Heritage Conservancy meet and implement an immediate plan for the removal and/or safety mitigation of the Providence Mill Dam structure; and
- 2) It is also recommended that the City of New Albany, Floyd County Commissioners, Clark County Commissioners, and Town of Clarksville open proceeding for the acquisition and expedited removal of and/or addition of safety mitigation measures for the Blackiston Mill Dam.

SO RESOLVED by this Common Council of the City of New Albany, Indiana, this 1st day of July, 2024.

COMMON COUNCIL OF THE
CITY OF NEW ALBANY, INDIANA


Adam Dickey, President

Attested by:

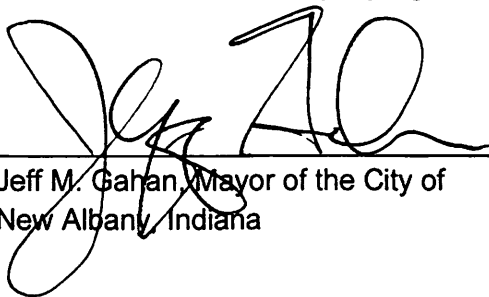

Vicki Glotzbach, New Albany City Clerk

The undersigned hereby certifies that on the 2nd day of July, 2024,
the above resolution was PRESENTED by me, as the duly elected Clerk of the City of New
Albany, Indiana to the Mayor of the City of New Albany, Indiana.

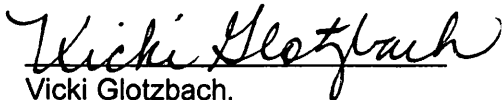

Vicki Glotzbach,
New Albany City Clerk

APPROVAL BY MAYOR

The undersigned, as of this 17th day of July, 2024, and as the
duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above
resolution as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature
affixed below.


Jeff M. Gahan, Mayor of the City of
New Albany, Indiana

Attested by:

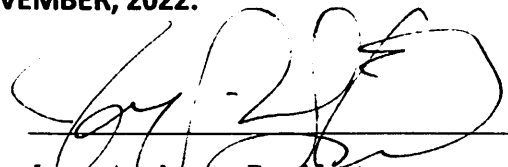

Vicki Glotzbach,
New Albany City Clerk

Res. No. R-12-22

RESOLUTION RECOMMENDING MEDIATION
ON REMOVAL OF HISTORIC GLENWOOD PARK DAM

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Albany that the Council wishes to recommend that all parties, including the City of New Albany, Ecosystems Connections Institute, Inc., Department of Natural Resources ("DNR"), and River Heritage Conservancy meet to mediate a solution and consider alternative options before removal of the historic Glenwood Park Dam.

SO RESOLVED AND PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA, ON THIS THE 15th DAY OF NOVEMBER, 2022.



Jason Applegate, President
Common Council of the City of New Albany

ATTEST:


CITY CLERK

PRESENTED BY ME TO THE MAYOR OF THE CITY OF NEW ALBANY, INDIANA ON THIS THE
16th DAY OF November, 2022.


CITY CLERK

ACCEPTED AND APPROVED BY ME THIS THE 16th DAY OF
November, 2022.



Jeff M. Gahan, Mayor of the City of
New Albany, Indiana

ATTEST:


CITY CLERK

A LETTER TO NEW ALBANY MAYOR JEFF GAHAN

October 17, 2024

We, the undersigned members of the common council for the City of New Albany, are writing to express our disappointment and frustration with the City administration's recent failure to respond to a request for additional information relevant to the council's consideration and approval of the City's annual budget.

At a meeting of the council on September 5, 2024, a majority of the council voted to request additional information from the administration regarding the total cost the City has incurred to prevent River Heritage Conservancy and Ecosystems Connections Institute from removing the Glenwood Park Dam on Silver Creek. Specifically, the council requested information regarding internal billed legal fees, fees paid to outside legal counsel, fees paid to other professional consultants, such as environmental consultants and engineers, and any other fees paid in connection with the litigation since its inception (approximately three years ago). The council requested the information be provided no later than October 7, 2024 so that the information could be considered in conjunction with the review and approval of the proposed budget.

No information was provided by the administration prior to or at the meeting on October 7, 2024. In fact, the administration did not respond to the request at all. It was suggested at the meeting that the lack of a response was based on the administration's position that the information requested was protected by a legal privilege, given that there is active litigation still pending regarding the removal of the Dam. However, the request was for the total cost incurred; not for the actual bills themselves. Additionally, if this was indeed the position of the administration, it was never communicated or explained – formally or informally – to the council as a whole.

We, as elected representatives of New Albany, have a duty and responsibility to our constituents to adopt a budget that is in the best interest of the residents of New Albany. In order to do so, it is imperative that we receive accurate and complete information regarding the expenditures of the City administration.

As a co-equal branch of government for the city, we expect the administration to be as open and transparent with us as possible and practicable. If legal or other concerns prevent the administration from providing us with certain information, we expect that to be communicated promptly.

We look forward to continuing to work together in the best interests of the citizens of New Albany.

Sincerely,

[Signatories to be inserted]