



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
Mayor of Hammond's
Appointment

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
Lake County Commissioners'
Appointment

ARLENE COLVIN
Mayor of Gary's
Appointment

WILLIAM CRITSER
Governor's Appointment

STEVE DAVIS
Dept. of Natural Resources'
Appointment

ROBERT HUFFMAN
Governor's Appointment

WILLIAM TANKE
Porter County Commissioners'
Appointment

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

MEETING NOTICE

**THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION**

AT 6:30 P.M. THURSDAY, JUNE 2, 1994

**AT THE COMMISSION OFFICES
6100 SOUTHPORT ROAD
PORTAGE, IN**

A G E N D A

1. Call to Order by Chairperson George Carlson
2. Recognition of Visitors, Guests
3. Approval of minutes of May 11, 1994
4. Executive Director's Report

■ Request letter to State Budget Agency for placement
on June State Budget Committee meeting

■ Minority Contracting

- ▶ Press Conference to be held June 6
- ▶ Letter from Mayor Barnes commending Col. Reed
- ▶ Letter from Congressman Visclosky re: Commission support

■ Meeting scheduled with DNR on June 7

- ▶ Letter from Corps transmitting mitigation plan for project

■ Proposed resolution commending Col. Reed for his time of service as District Engineer, his commitment to the Little Calumet River Project and his support for area minority participation in the project.

+ May fore Juk.

5-6
7
8
9
10
Burger
week off 4-5 times
351

5. Reports of Standing Committees

A. Land Acquisition/Management Committee - Charles Agnew, Chairman

- Appraisals, offers, acquisitions, recommended actions
- Corps Real Estate meeting held 5/27/94
- Other issues

B. Project Engineering/Construction Committee - Robert Huffman, Chairman

- Wicker Park Manor construction progress report
- Federal project construction status report
- Federal Flood Control Project issues update
- Utility meeting held to be held June 3, 1994
- Other issues

C. Marina Development Committee - Bill Tanke, Chairman

- Recommended approval of NIPSCO lease document
- Marina development update
 - ▶ Sheet piling bids
- Letter from Abonmarche to Superior regarding sand blowing conditions at marina site
- Other issues

11

D. Finance/Policy Committee - John DeMeo, Treasurer

- Financial status report
- Approval of claims for April, 1994
- Corps request letter for \$50,000 from design fund escrow account
- Other issues

12
13
14

6. Other Business

7. Statements to the Board from the floor

8. Set date for next meeting; adjournment

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:30 P.M. THURSDAY, MAY 11, 1994
AT THE COMMISSION OFFICES
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman George Carlson called the meeting to order at 6:35 p.m. Seven (7) Commissioners were present. Quorum was declared and guests were recognized.

Development Commissioners:

George Carlson
Charles Agnew
Steve Davis
Robert Huffman
Robert Trelo
Arlene Colvin
William Tanke

Staff:

Dan Gardner
Lou Casale
Sandy Mordus
Jim Pokrajac

Visitors:

Rick Markley - The Times
Bill Petrites - Highland
Kenneth Smith - DNR
Emerson Delaney - Hammond
Jim Flora - R.W. Armstrong
Mark Harwood - Harwood Const.
Bruce Dixon - Landowner
Ron Schults - Abonmarche
Jeff Bartoszek - Abonmarche
Virgil Meier - Highland
Don Shapiro - Highland

The minutes of the April 7, 1994 meeting were approved by Chuck Agnew; seconded by Bob Trelo; motion passed unanimously.

Executive Director's Report - Mr. Gardner reported that the construction at Wicker Park Manor is progressing. He stated that Dyer Construction's contract is strictly for building the levee. Any additional work needs to be covered under a separate contract. Mr. Gardner referred to a letter he has sent to Col. Reed requesting the Corps commit to the second phase of the project which contains three aspects: (1) removal of the remaining excess spoilbank on property owners' side once the structural levee is completed; (2) creation and implementation of a grading and landscaping plan and (3) development and construction of interior drainage means that would convey standing water in the backyards away from the affected properties. Mr. Gardner emphasized that the old levee removal would not happen under this contract. Discussion was held on whether the residents were being informed enough as to the construction progress and whether our phone number was available to them.

Mr. Gardner referred to the technical letters in the packet regarding minority participation in the project construction. Mr. Gardner announced that a press conference is tentatively scheduled for June 6 with the Congressman, the Corps and the Mayor of Gary in attendance. A letter has been received in which the Colonel announces a 40% minority participation in the Little Calumet River construction project. He announced four 8A businesses are now certified with the city of Gary.

Mr. Gardner announced Col. David Reed will be leaving his position in July after serving his two year term. A new Colonel will be appointed.

Mr. Gardner referred to a letter he has sent to the Corps requesting the Corps to proceed with the required project data necessary for FEMA to revise the flood insurance maps for Wicker Park Manor. Once the construction is at 50% completion, it is anticipated that FEMA can change the maps to reflect the subdivision being removed from the floodplain maps; thus, they then would not have to pay flood insurance. This issue is very important to the town and the affected homeowners.

Mr. Gardner referred to the letter from the Corps stating that the Commission must own land in fee title if any recreation facility is to be developed on it by the Corps. This letter was sent in response to the request letter from the city of Hammond asking the Commission to develop the Oxbow area. A meeting needs to be held to discuss ways to see the Oxbow plan funded. Chairman Carlson expressed his strong support toward seeking funding for this project.

Land Acquisition Committee - Land Acquisition Chairman Chuck Agnew had no report to make.

Project Engineering Committee - Mr. Huffman reported that the seeding and fencing is complete for Stage III. After May 27th, a walk-through inspection will be conducted by staff, the Corps and contractor.

Mr. Huffman asked when the trail system will be ready. Mr. Gardner stated that the trails will be a separate contract; he will try to get a schedule from the Corps for that section.

Mr. Huffman stated that some of the cover plates on the closure structures are going to be replaced.

An informal cost estimate to remove the bridge was given at \$25,000. The DNR permit application is processing.

A letter was sent to the Corps supporting the realignment of the levee in Griffith-Highland area. Corps is reviewing it; we have not received a written response yet.

Utility meeting was held on April 8 with NIPSCO and Marathon to discuss the issue of encasing the pipelines. The Corps has asked each utility to perform a stress analysis and submit the findings to the Corps for review. The Corps has the final decision.

Marina/Breakwater Committee - Committee Chairman Bill Tanke gave the marina report. He referred back to the last Commission meeting in which approval was given to sign the NIPSCO lease only if there were minor changes to it as approved by staff and attorney. Since then, several changes were noted. One item is still outstanding. That item is an indemnification clause which NIPSCO has required in the lease. The Commission attorney and the city of Portage disagree with its inclusion. Once this item is addressed, the rest of the lease is satisfactory. It will have to come before the Board again for approval. A special meeting will be scheduled before the next regularly scheduled meeting if a time factor is involved. Once this issue is resolved, we can go to bidding for the next phase which is sheet piling installation for the boat basin. The city will receive bids - not the Commission, as the city has \$1 million appropriated from the Indiana General Assembly for it.

Ron Schults from Abonmarche presented a status report to the members of the Board. They have asked Superior for an update on the sandmining operations cost.

Finance/Policy Committee - In Treasurer John DeMeo's absence, Mr. Gardner presented the financial status report for March as well as the claim amount of \$31,921.90 for approval. Mr. Agnew made a motion to approve the pending claims; motion seconded by Bob Huffman; motion passed unanimously.

Other Business - There was none.

Statements from the floor - Emerson Delaney questioned the Corps policy on developing park property not owned by the Commission. Discussion ensued.

Bill Petrites inquired as to how far along the contractor was at Wicker Park Manor. Staff estimated maybe 5-7% based on construction reports submitted by the local Corps office.

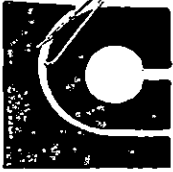
Mark Harwood inquired about levee realignment in Griffith-Highland area. Mr. Gardner presented a map which outlined the realignment.

LCRBDC Minutes
May 11, 1994
Page 4

Emerson Delaney asked about the procedure of declaring no flood insurance once the new levee is built at Wicker Park Manor. Mr. Gardner stated that once that portion of the project is at 50% construction completion, only then will FEMA accept a letter of request for removal. Staff will monitor construction.

There was no other business. The next Commission meeting was scheduled for Thursday, June 2, 1994.

/sjm



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
*Mayor of Hammond's
Appointment*

May 20, 1994

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
*Lake County Commissioners'
Appointment*

ARLENE COLVIN
*Mayor of Gary's
Appointment*

WILLIAM CRITSER
Governor's Appointment

STEVE DAVIS
*Dept. of Natural Resources'
Appointment*

ROBERT HUFFMAN
Governor's Appointment

WILLIAM TANKE
*Porter County Commissioners'
Appointment*

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

Ms. Jean Blackwell, Director
State Budget Agency
212 State House
Indianapolis, Indiana 46204
Attn. Dave Patterson, Deputy Director

Dear Ms. Blackwell:

The Little Calumet River Basin Development Commission respectfully requests to be approved for placement on the agenda of the June State Budget Committee meeting. The Development Commission is requesting Budget Committee approval to make available for claim drawdown the remaining \$2,000,000 unallocated appropriation from the 1993/95 General Assembly biennium budget. This amount is needed to allow continued Federal Corps of Engineers flood control levee construction for two segments and the bidding of three additional levee segments this upcoming fall. The Federal funds for these construction contracts are available from the \$16,000,000 appropriated by the U.S. Congress in the 1994 Federal Fiscal budget.

The approval of the \$2,000,000 is needed because of the approaching depletion of allocated funds available for claim drawdown to meet the Development Commission's contract non-Federal project responsibilities. As of this writing, the Development Commission has only \$209,500 remaining available for claim drawdown. The remaining \$2,000,000 requested will be utilized for land acquisition required for placing the Federal levees and for non-Federal costs associated with utility line relocations/modifications required to allow these levee construction segments to proceed.

As documentation of financial need for the Budget Committee approval, I am enclosing the most recent (February 17, 1994) Corps of Engineers schedule showing dates for real estate available, contract advertisement, projected award date, projected completion date and construction cost estimate for the four upcoming project segments. These dates, which show construction contract award in 1994, will document the compressed timetable necessitating the Development Commission completing final real estate acquisitions and needed

Ms. Jean Blackwell
May 20, 1994
Page 2

utility relocation commitment agreements. Failure to be able to award contracts for those already appropriated Federal construction dollars would (1) delay real flood protection measures being constructed; (2) push back scheduling for future project segments adding cost increases; and (3) weaken the ability of Congressman Visclosky and Senators Lugar and Coats to justify timely full Federal funding in the 1995 Federal Fiscal budget. The segments directly dependent upon the \$2 million Budget Committee release are:

- 1) Stage II Phase 3B - Scheduled for construction award September 30, 1994
- 2) Stage II Phase 3C - Scheduled for construction award December 15, 1994
- 3) Stage II Phase 4 - Scheduled for construction award December 30, 1994
- 4) Stage IV Phase 2 - Scheduled for construction award September 30, 1994

Required lands, easements and rights-of-way acquisition (a prerequisite to construction contract award) are virtually complete for the first three phases listed above, with Stage IV Phase 2 still requiring some additional acquisition of private parcels. A map of the project segments described and charts of the construction schedule are included for your information.

The principal financial needs for the four construction contracts are in the area of utility relocations required to allow the Federal levee construction to proceed. A total of an estimated \$474,100 known costs are currently identified. This estimate is for less than one-third (1/3) of the listed utility relocations required, and already exceeds funds currently available to the Development Commission for claim drawdown. This complete detailed listing of required utility relocations by segment/phase is included for documentation with notations and costs on the March 3 utility report of the Commission project engineering consultant, R. W. Armstrong.

In summary, the Development Commission requests to be placed on the June Budget Committee agenda to seek release for claim drawdown of the remaining \$2 million 1993/95 appropriation to provide the sufficient non-Federal funds for utility relocations to allow award of the four Federal construction contracts of over \$15 million in available appropriated Federal FY94 funds.

Thank you for your consideration of this important matter and the Budget Committee's past support for the Little Calumet River Project. Please call if any additional information is required.

Sincerely,



Dan Gardner
Executive Director

/encl.

cc: Senator Michael Gery, Chairman, Budget Committee
Jeff Hoffman, Budget Analyst

6



CITY OF GARY

THOMAS V. BARNES, Mayor

OFFICE OF THE MAYOR

401 BROADWAY
GARY, INDIANA 46402
(219) 881-1301

FAX: (219) 886-0554

May 11, 1994


The Honorable Togo West, Jr.
Secretary of the Army
1500 Army Pentagon
Washington, D.C. 20310

Dear Secretary West:

As Civilian Aide for the State of Indiana, I express appreciation for the outstanding effort of one of your District Engineers, Lt. Col. David M. Reed. For several months Colonel Reed has worked to assure that the spirit and letter of the law, regarding local and minority involvement in Corps of Engineer construction contracts, is realized.

His efforts relative to the Little Calumet River Basin project are commendable. This entire community applauds those significant measures that will allow a much needed flood control project to also have very positive economic benefits for the citizens of our own city and this area generally.

Sincerely,



Thomas V. Barnes, Mayor
CITY OF GARY.

TVB/audra

cc: Peter J. Visclosky, Congressman
Lt. Col. David M. Reed, Chicago Dist. Corps of Engineers
Dan Gardner, Executive Director Little Cal Commission
Arlene Colvin, Board member, Little Cal Commission
George Johnson, DPED

1232/96



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

April 26, 1994

PETER J. VISCLOSKY
FIRST DISTRICT, INDIANA

Mr. Dan Gardner
Director
Little Calumet River Basin
Development Commission
6100 Southport Road
Portage, Indiana 46368

Dear Dan:

I write to thank you for your efforts to ensure minority participation from residents and businesses in Northwest Indiana with respect to the Little Calumet River Flood Control Project.

I appreciate your dedication and commitment to this effort and I commend your activities which have resulted in enhanced minority participation on this project.

Again, thank you for your continued support. I look forward to working with you on this ongoing endeavor.

Best wishes.

Sincerely,

Peter J. Visclosky
Member of Congress

DEPARTMENT OF NATURAL RESOURCES
STATE OF INDIANA
DIVISION OF WATER

DEPARTMENT MEMORANDUM

DATE: May 25, 1994

TO: Dave Hunter
U.S. Army Corps of
Engineers, Chicago
fax 312 886-2891

FROM: Kenneth E. Smith
Assistant Director
Division of Water
fax 317 233-4579

Subject: June 7, 1994 Briefing on the Proposed Little Calumet River Flood Control Project

I have reserved Conference Room ?????, in the Indiana Government Center, located at 402 West Washington Street, Indianapolis, for our June 7th meeting.

What follows is the tentative agenda that you, I and Dan Gardner have discussed. (Dave and Dan, please suggest any changes for a final draft.)

10:00 am
to Project history and overview by Dan Gardner
Highlights of project changes by Dave Hunter

10:30 am

10:30 am
to Open Discussion of Fish and Wildlife aspects
11:30 am

11:30 am
to Break
12:30 pm

12:30 pm
to Discussion on Hydraulic Issues

- Explanation of UNET model by Corps
- UNET use on the Little Cal Project
- Differences between the UNET model and HEC1 and HEC2
- East Phase and West Phase stage predictions
- Predicted stage relationship to Flood Control Act permit constraints
- Issue at the State Line relating to the Thorn Creek Project
- Revision to FEMA maps

3:30 pm

pc: Dan Gardner

memocal/pd



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

April 19, 1994

Planning Division
Environmental Analysis Branch

Mr. Gary Doxteter
Director
Department of Fish and Wildlife
Indiana Department of Natural Resources
402 West Washington Street
Room W273
Indianapolis, Indiana 46204

Dear Mr. Doxteter:

Enclosed please find a copy of the current 1994 mitigation plan for the Little Calumet River Flood Control Project. We would appreciate your approval of this entire plan so that we may proceed with our National Environmental Policy Act (NEPA) documentation. A letter requesting approval had been sent earlier to Mr. Keith Poole; his response implied approval, but we would appreciate a more explicit reply.

Your approval will not conflict with our continuing coordination with both the Lake County Parks and Recreation Department and also with the Fish and Wildlife Service. These agencies recently requested that we consider an alternative for a portion of the plan; this alternative appears to be reasonable. We will evaluate this alternative and, if possible, will use it as a substitute for the appropriate portion. If time permits and the alternative is adopted, the NEPA document will include the change; if not, and the change is considered significant, a supplemental NEPA document will be prepared.

I appreciate your prompt consideration, since we must continue with other activities relating to the Project. Should you have any comments or questions, please call Ms. Barbara Williams, Chief, Environmental Branch, at 312-353-6464.

Sincerely,

Philip R. Bernstein
Chief, Planning Division

COPY FURNISHED:
w/o encl

Mr. Dan Gardner
Mr. Robert Nickovich
Ms. Liz McClosky

10



THE
ABONMARCHE
GROUP

95 West Main Street
P.O. Box 1088 - Zip 49023
Benton Harbor, MI 49022
616-927-2295
FAX 616-927-4639

Granger, Indiana
Michigan City, Indiana

Architecture • Engineering • Land Surveying • Natural Resources • Construction Management

May 13, 1994

Mr. Tom Largura
Superior Construction Co.
2045 E. Dunes Highway
P.O. Box M-888
Gary, IN 46401

Re: Portage Municipal Marina
Project No. 93-294

Dear Mr. Largura:

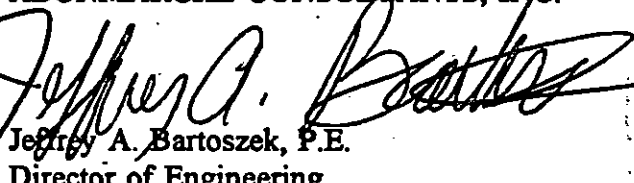
On Wednesday, May 11, 1994, we made a visit to the Portage Municipal Marina site. At that time we observed large amounts of blowing sand from the site.

To date, one fence row has been placed along US-12, however, an additional row is required along US-12 to reduce the blowing sand. Also, fencing rows should also be placed at the top of the bluff in the vicinity of Crisman Road, as well as along Burns ditch. Additionally, the silt fence along Burns ditch has not been repaired or extended, as previously requested.

Your promptness is appreciated regarding these items.

Should you have any questions or concerns, please do not hesitate to contact our office.
Sincerely,

ABONMARCHE CONSULTANTS, INC.


Jeffrey A. Bartoszek, P.E.
Director of Engineering

JAB/jeg

cc: John Hannon

Dan Gardner

//

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 1994 - APRIL 30, 1994

CASH POSITION - JANUARY 1, 1994

CHECKING ACCOUNT

LAND ACQUISITION	76,807.73	
GENERAL FUND	163,792.37	
TAX FUND	1,493.97	
INVESTMENTS	1,016,000.00	
ESCROW ACCOUNT INTEREST	32,799.47	
		<hr/>
		1,290,893.54

RECEIPTS - APRIL 1, 1994 - APRIL 30, 1994

LEASE RENTS	11,045.00	
INTEREST NOW ACCOUNT	9,392.57	
LAND ACQUISITION	321,198.61	
MISCELLANEOUS INCOME	7,889.35	
ESCROW ACCOUNT INTEREST	10,116.98	
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE	856.01	
TAXES	504.88	
TOTAL RECEIPTS		<hr/>
		361,003.40

DISBURSEMENTS - APRIL 1, 1994 - APRIL 30, 1994

1993 EXPENSES PAID IN 1994	50,804.57	
LEGAL SERVICES	849.99	
NIRPC	20,076.50	
TELEPHONE EXPENSES	2,193.02	
TRAVEL & MILEAGE	156.50	
PRINTING & ADVERTISING	253.24	
BONDS & INSURANCE	15,517.63	
MEETING EXPENSES	2,269.76	
LAND ACQUISITION		
LEGAL SERVICES	9,650.81	
APPRAISAL SERVICES	2,700.00	
ENGINEERING SERVICES	8,097.49	
LAND PURCHASE CONTRACTUAL	46,577.24	
LAND MANAGEMENT SERVICES	21,841.75	
PROPERTY & STRUCTURE	24,625.29	
MOVING & RELOCATION	650.00	
TAXES	221.58	
PROPERTY & STRUCTURE INSURANCE	17,567.00	
UTILITY RELOCATION COSTS	134,973.68	
LAND CAP IMPROVEMENT	39,965.00	
TOTAL DISBURSEMENTS :		<hr/>
		398,991.05

CASH POSITION - APRIL 30, 1994

CHECKING ACCOUNT

LAND ACQUISITION	96,153.47	
GENERAL FUND	96,108.26	
TAX FUND	1,727.71	
INVESTMENTS	1,016,000.00	
ESCROW ACCOUNT INTEREST	42,916.45	
		<hr/>
		1,252,905.89

12



NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

6100 Southport Road
Portage, Indiana 46368

Phone: 219/763-6060
Fax: 219/762-1653

To: LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION

For: FOR SERVICES PERFORMED DURING APRIL 1994

Date: MAY 11, 1994

Contract Code: PARTP214

Internal Code: 214

Invoice No: 4/4

INVOICE

SALARIES AND FRINGE BENEFITS: DAN GARDNER & SANDY MORDUS	\$ 5,775.00
ROOM RENTAL FOR ADDITIONAL LCRBDC STAFF	500.00
ACCOUNTING SERVICES	425.00
FACSIMILE MACHINE @ \$5.00/MO PLUS ATTACHMENTS	14.54
POSTAGE: MARCH & APRIL 1994	157.22
COPYING CHARGES @ \$5.00/MO PLUS \$.06/COPY (3,081)	189.86
GRAPHICS/PRINTING TIME @ \$20/HR (ATTACHMENTS) 1 HR	20.00
STAFF MILEAGE/EXPENSES:	-0-
OTHER CHARGES (ATTACHMENTS) (PETTY CASH \$56.21) (CASH (CREDIT CARD CALLS \$85.64)	141.85
TOTAL: APRIL 1994	\$7,223.47
OUTSTANDING PAYMENT DUE:	7,069.54

TOTAL DUE: \$14,293.01

13



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

REPLY TO
ATTENTION OF

MAY 20 1994

Programs and Project
Management Division
Project Management Branch

Ms. Patricia M. Rench
Operations Officer
INB National Bank, N.A.
1801 Kennedy Avenue
Schererville, Indiana 46375

Subject: Little Calumet River Project Design Fund
Escrow Account Number 7500-0441-5892

Dear Ms. Rench:

The Department of the Army hereby issues a written demand for withdrawal of \$50,000 from the referenced escrow account in accordance with the escrow agreement entered into on May 20, 1992.

Please provide the amount requested above in the form of a bank draft, payable to "FAO, U.S. Army Engineer Division, North Central". Please mail or otherwise deliver to this address to the attention of Ms. Patricia A. Lawlor, CENCC-PP-PO, within 10 days of receipt of this letter.

Sincerely,

David M. Reed
Lieutenant Colonel, U.S. Army
District Engineer

Copy Furnished:

Mr. Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission ✓

14

Feds won't fund Hammond park rehab

BY RICK MARKLEY
Times Correspondent

PORTAGE - Plans to improve 89 acres in Hammond known as Oxbow Park have snagged on a policy of the U.S. Army Corps of Engineers.

The Little Calumet River Basin Development Commission announced Wednesday that it had received, only hours before the meeting, a letter from the corps stating that it could not fund the project because the land is owned by the city rather than the commission.

Hammond officials are hoping the Corps will foot the bill for some of the renovations as part of

its Little Calumet River flood control and recreation project. The park is located south of the Borman expressway and east of Kennedy Avenue.

"It's not very encouraging, I must say," said commission President George Carlson, who has been lobbying for the renovation. Carlson said he has sat in meetings with Corps representatives who "freely discussed what the Corps can do to help. Why didn't (the Corps) bring this up then?"

Hammond officials are planning to convert the lake and surrounding land, now used for fishing and often for illegal dumping,

into a recreational nature preserve. The project is estimated to cost nearly \$363,000 - \$100,000 of which was hoped to come from the Corps.

Curtis Vosti, a consultant to Hammond, had said that the Corps had given him a verbal agreement to fund the project.

Dan Gardner, executive director of the commission, said he was optimistic that the project can still be completed. "We're hopeful for either relief from that provision or a legal mechanism," he said.

Gardner said that in the past, the Corps has not granted exceptions to its ownership requirements for funding projects. But he said the commission might side-step the provision by taking ownership of the land and leasing it back to Hammond.

Gardner said he will schedule a meeting with representatives from the Corps, the commission and the city in the near future. He said he is confident that a solution can be reached once the sides meet.



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

RECEIVED MAY 31 1994

REPLY TO
ATTENTION OF

Programs & Project
Management Division
Project Management Branch

5 MAY 1994

Ms. Arlene Colvin
Chief Operating Officer
Office of the Mayor
City of Gary
401 Broadway, 4th Floor
Gary, Indiana 46402

Dear Ms. Colvin:

I am writing in regard to the City of Gary's determination that a building permit and payment of a fee are required for the construction of the Little Calumet River, Indiana Local Flood Control and Recreation Project within the City of Gary.

Except as required by Federal law, the U.S. Army Corps of Engineers does not obtain permits from non-Federal agencies to implement civil works projects. We have reviewed this issue and are not aware of any Federal law which waives the sovereign immunity of the Federal Government and its agents to non-Federal regulation.

Our Office of Counsel has determined that if sovereign immunity were to be waived under a Federal law or court decision, the fee that would be applicable to this Federal project, as stipulated in Section 151.10 of the Code, is the minimum fee of \$100.00. Any fee above this amount would constitute a taxation upon the Federal Government by a non-Federal entity, which has been ruled by Federal courts to be illegal.

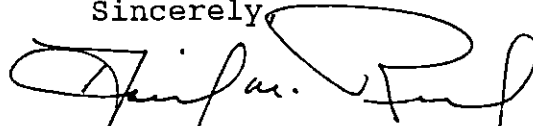
With regard to Gary's Code requirement for the Building Commissioner to review plans and specifications (P&S) and perform inspections, the Corps of Engineers has an extensive review process and the design requirements of the Code do not apply to the type of structures being constructed in this project. The Corps of Engineers also conducts construction management and quality assurance on each project being constructed. We have been submitting the P&S through the Little Calumet River Basin Development Commission

-2-

(Commission) to the City Engineer for review and will continue to do so. However, we do not propose to submit the P&S to the Building Commissioner for approval. Inspection by the City of the construction activities will be permitted when the City Inspector is accompanied by a representative of the Corps and the Commission. This inspection will be conducted in accordance with the Local Cooperation Agreement between the Corps and the Commission.

I trust that we can proceed under the above arrangement. Please contact me at (312) 353-6400 if you have any questions.

Sincerely,



David M. Reed, P.E.
Lieutenant Colonel, U.S. Army
District Engineer

Copy Furnished:

Mr. Dan Gardner ✓
Little Calumet River Basin
Development Commission

NATURAL AREA DEED RESTRICTION AGREEMENT

Little Calumet River Basin Development Commission (LCRBDC)
6100 Southport Road
Portage, Indiana 46368

WHEREAS, LCRBDC, the property owner, has a permit from the USCOE with respect to certain property located in the City of Portage, County of Porter, State of Indiana, which property is to be developed as a marina in accordance with the applicable City and State ordinances and statutes, which property is described as Exhibit A attached hereto and which property is referred to herein as "Marina Property"; and

WHEREAS, the Marina Property contains an area which has been identified to be established as a "natural area" as defined in said permit.

WHEREAS, LCRBDC, has agreed to establish a natural area as prescribed in the natural landscaping plan, that the area will remain in an undisturbed condition (no clearing, mowing, or thinning of vegetation) and will be referred to herein as the "Natural Area" as shown on the drawing attached hereto as Exhibit "B"; and

NOW, THEREFORE, LCRBDC agrees to establish a Natural Area Deed Restriction as follows:

1. Natural Area. No clearing, mowing, or thinning of vegetation of the Natural Area shall be undertaken, except to re-vegetate barren areas, remove naturally fallen trees, and re-vegetate the site of a fallen tree.
2. Development Work. LCRBDC shall cause the Natural Area to be established according to the natural landscaping plan. A suitable control site along the waterway bank has been designated and will be used as a success standard.
3. Binding Effect. The deed restriction created herein shall be a perpetual restriction, so long as it remains a marina, for the benefit of LCRBDC, and its successors, legal representatives, and assigns, with the provisions herein also to be binding upon the parties hereto and their respective successors, legal representatives and assigns. The USCOE, by its acceptance of this Agreement, shall have the right to enforce any of the provisions herein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

Witnesses:

Little Calumet River Basin Development
Commission

BY: _____

ITS: _____

5/19/94

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

On this _____ day of _____, 1994, before me a Notary Public in and for said County personally appeared _____ of the LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

Notary Public
Porter County, Indiana
My commission expires: _____

United States Army Corps of Engineers Approval to Natural Area Deed Restriction for Permit

BY: _____

ITS: _____

5/19/94

NOTICE TO BIDDERS

Notice is hereby given that the Board of Public Works and Safety of the City of Portage, Porter County, Indiana, will receive sealed bids for the following items at the Clerk-Treasurer's Office, 6070 Central Avenue, Portage, Indiana 46368, up to the hour of 3:00 P.M. on the 27th day of June, 1994, at which time bids will be opened and read aloud during the meeting of the Board.

MARINA BASIN SHEET PILING

The project includes approximately 1,700 linear feet of lightweight sheet piling, including appurtenances.

Complete Specifications and bid forms may be obtained from the City Engineer's Office during normal business hours upon payment of a non-refundable fee of \$25. All bids shall be on forms prescribed by the State Board of Accounts and shall be accompanied by a non-collusion affidavit. To guarantee that the successful bidder will enter into a contract with the Board of Public Works and Safety according to the terms of his bid, a certified check or bid bond in an amount equal to ten percent (10%) of the bid and payable to the City of Portage must be submitted with the bid. The right is reserved to reject any and all bids, or parts thereof.

No bid shall be withdrawn for a period of ninety (90) days after the scheduled opening, without the consent of the Owner. The contractor shall comply with the prevailing wage rates to be paid in connection with this project in accordance with Chapter 319 of the Acts of the General Assembly of Indiana. The wage rates as set forth by the committee shall not prevent the Contractors or subcontractors from paying a higher rate of wage, and if any classifications are omitted, the prevailing wage rate shall be paid.

ATTEST:

Felix C. Kimbrough
Clerk-Treasurer

Post-It™ brand fax transmittal memo 7671		# of pages >	1
To	Dan Gardner		
From	John Nannoni		
Co.	Little Cal		
Co.	City of Portage		
Dept.			
Phone #	762-1815		
Fax #	762-1653		
Fax #	762-1484		

OFFICE OF THE MAYOR
City Hall
6070 Central Avenue
Portage, Indiana 46368
Telephone (219) 762-5425



Sammie L. Maletta
Mayor

May 31, 1994

Ms. Barbara Waxman, Director
Lake Michigan Marina Development Commission
6100 Southport Road
Portage, IN 46368

Re: Portage Public Marina
Request for Release of Funds -
1993 State Appropriation

Dear Ms. Waxman:

We are in the process of finalizing our plans to begin construction of Phase 1 of the Portage Public Marina. Bids for Contract 1: Construction of Marina Walls, are to be opened on June 27, 1994. This first construction contract is budgeted at \$400,000. The final design plans for completion of Phase 1 of the marina, including launch ramps, 175 boat slips and support facilities, are to be completed in August, 1994. This design work is budgeted at \$50,000.

We hereby ask you to request release of \$500,000 from the State's 1993 appropriation, so that we can proceed with these activities. This figure includes some contingency funds for the project. It is our hope that these funds will be made available for our use by July 8, 1994, as our Board of Public Works and Safety will likely be prepared to award these contract items at their meeting on Monday, July 11, 1994.

We expect to take draws on the funds as follows:

<u>Date</u>	<u>Draw Amount</u>
August 15, 1994	\$ 75,000
September 15, 1994	125,000
October 15, 1994	200,000
November 15, 1994	50,000
December 15, 1994	50,000


city of portage

Ms. Barbara Waxman
May 31, 1994
Page Two.

This schedule is subject to revision, depending on the contractor's rate of progress with the basin wall construction.

If you have any questions, or comments, please call me or the City's project manager, John Hannon.

Very truly yours,



Sammie L. Maletta
Mayor

pc: Board of Public Works & Safety
John V. Shepherd

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

MONTHLY BUDGET REPORT

MAY 31, 1994

ACCOUNT DESCRIPTION	BUDGET AMOUNT	AMOUNT PAID PREVIOUSLY	UNPAID BALANCE	AMOUNT READ FOR PAYMENT	PROJECTED BALANCE
5119 PER DIEM EXPENSES	\$16,000.00	0.00	16,000.00	0.00	\$16,000.00
5311 LEGAL EXPENSES	7,500.00	1,133.32	6,366.68	283.33	6,083.35
5312 NIRPC SERVICES	94,000.00	27,146.04	66,853.96	7,223.47	59,630.49
5313 TELEPHONE COSTS	3,000.00	2,193.02	806.98	441.47	365.51
5323 TRAVEL & MILEAGE	7,500.00	184.50	7,315.50	0.00	7,315.50
5331 PRINTING & ADVERTISING	2,000.00	253.24	1,746.76	0.00	1,746.76
5341 BONDS & INSURANCE	7,500.00	5,527.63	1,972.37	0.00	1,972.37
5399 MEETING EXPENSES	2,500.00	1,069.76	1,430.24	0.00	1,430.24
5410 LEGAL SERVICES	50,000.00	13,726.18	36,273.82	3,472.38	32,801.44
5420 PROFESSIONAL SERVICES	250,000.00	90,157.10	159,842.90	12,805.18	147,037.72
5430 PROJECT LAND PURCHASE COSTS	2,052,517.00	36,886.26	2,015,630.74	0.00	2,015,630.74
5440 PROPERTY/STRUCTURES INSURANCE	25,000.00	18,667.00	6,333.00	0.00	6,333.00
5450 UTILITY RELOCATION COSTS	250,000.00	134,973.68	115,026.32	3,733.80	111,292.52
5460 PROJECT LAND CAPITAL IMPROVEMENT	150,000.00	39,965.00	110,035.00	0.00	110,035.00
5470 STRUCTURES CAPITAL IMPROVEMENT	40,000.00	0.00	40,000.00	0.00	40,000.00
5480 DNR/SHORELINE SAND FUND	1,053.00	0.00	1,053.00	0.00	1,053.00
5490 ESCROW ACCOUNT	1,260,087.00	0.00	1,260,087.00	0.00	1,260,087.00
TOTAL:	\$4,218,657.00	\$371,882.73	\$3,846,774.27	\$27,959.63	\$3,818,814.64

CLAIMS READY FOR PAYMENT

ACCOUNT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5311	LOUIS M. CASALE	283.33	RETAINER FEE FOR THE MONTH MAY 1994
5312	NIRPC	7,223.47	FOR SERVICES PERFORMED DURING APRIL 1994
5313	GTE	267.08	TELEPHONE CHARGES FOR APRIL, 1994 (KRBC TO PAY A PORTION)
5313	MCI	174.39	TELEPHONE CHARGES FOR APRIL, 1994 (KRBC TO PAY A PORTION)
5410	LOUIS M. CASALE	3,472.38	LEGAL SERVICES FROM 4/30 - 5/31/94
5422	R.W. ARMSTRONG	756.50	GENERAL SERVICES
5423	CHICAGO TITLE INS. CO.	4,950.00	TITLE WORK INCURRED ON VARIOUS PROPERTIES
5423	NIPSCO	263.18	UTILITY BILL FOR PUMPING EXPENSES 4/13 - 5/11/94
5423	JAMES E. POKRAJAC	2,586.25	LAND ACQUISITION/MANAGEMENT SERVICES 5/16 - 27/94
5423	JAMES E. POKRAJAC	2,178.75	LAND ACQUISITION/MANAGEMENT SERVICES 5/2 - 13/94
5424	MELISSA STEFANOVICH	279.50	LAND ACQUISITION SERVICES 5/12 - 20/94
5424	MELISSA STEFANOVICH	253.50	LAND ACQUISITION SERVICES 5/23 - 31/94
5424	ROBERT B. STOUFFER	1,537.50	LAND ACQUISITION/MANAGEMENT SERVICES 5/2 - 31/94
5450	R.W. ARMSTRONG	3,733.80	UTILITY RELOCATION SERVICES
		27,959.63	



Little Calumet River Basin Development Commission

6100 Southport Road

Portage, Indiana 46368

(219)763-0696

Fax (219)762-1653

GEORGE CARLSON, Chairman
*Mayor of Hammond's
Appointment*

CHARLES AGNEW, Vice-Chairman
Governor's Appointment

JOHN DEMEO, Treasurer
Governor's Appointment

NATHANIEL LEONARD, Secretary
*Lake County Commissioners'
Appointment*

ARLENE COLVIN
*Mayor of Gary's
Appointment*

WILLIAM CRITSER
Governor's Appointment

STEVE DAVIS
*Dept. of Natural Resources'
Appointment*

ROBERT HUFFMAN
Governor's Appointment

WILLIAM TANKE
*Porter County Commissioners'
Appointment*

ROBERT TRELO
Governor's Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

June 2, 1994

LTC David M. Reed
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Dear Col. Reed:

The Little Calumet River Basin Development Commission wishes to write you to express our deep appreciation for your service and commitment to the citizens of northwest Indiana through your active leadership as Chicago District Engineer directing the Federal construction of the Little Calumet River Flood Control and Recreation project.

Your commitment to the continued importance of this project to the Chicago District; to being open and accepting to positions important to the Development Commission in its role as non-federal project sponsor; and to your steadfast support for a mechanism to allow a major role for local minority participation in the project construction is truly notable and, we believe, exemplifies the true "spirit" and not just the letter of a successful Federal/local partnership.

Your time of service was all too brief in our eyes, but in that time, you have made a "significant" and lasting contribution to northwest Indiana through a project that is just beginning to impact the Little Calumet River corridor.

We wish you well in your new assignment and again express our gratitude for all your efforts.

Sincerely,

George Carlson
Chairman

Dan Gardner
Executive Director

ATTENDANCE ROSTER

Name of meeting: LCRBDC

Date: June 2, 1994

PLEASE SIGN

	NAME (please print)	Organization and/or Address	
1	Melanie Elisen	IDNR-Water	1
2	EMERSON DELANEY	208 Southmoor Hammond	2
3	Ruth Moers	234 Southmoor Ham'n	3
4	Pete ZAK	So. Shore Marina,	4
5	RAY Young	CONTRACT & Community	5
6	BILL PETRITES	SERVICES	6
7	McVander Hayden	HIGHLAND, INDIANA	7
8	JIM FLORA	Jyer Court Co	8
9		R.W. ARMSTRONG	9
10			10
11			11
12			12
13			13
14			14
15			15
16			16
17			17
18			18
19			19
20			20
21			21
22			22
23			23
24			24
25			25
26			26
27			27
28			28
29			29
30			30
31			31

Chairman:

Location:

DEPARTMENT OF NATURAL RESOURCES
STATE OF INDIANA
DIVISION OF WATER

DATE: May 27, 1994

FROM: Kenneth E. Smith

Assistant Director

Division of Water

fax 317 233-4579

TO: Dave Hunter

U.S. Army Corps of

Engineers, Chicago

fax 312 886-2891

Subject: June 7, 1994 Briefing on the Proposed Little Calumet River Flood Control Project

I have reserved Training Center Room 12, in the Indiana Government Center, located at 402 West Washington Street, Indianapolis, for our June 7th meeting.

What follows is the tentative agenda that you, I and Dan Gardner have discussed. (Dave and Dan, please suggest any changes for a final draft.)

Project history and overview by Dan Gardner
to
10:00 am

10:30 am

Highlights of project changes by Dave Hunter
to
10:30 am

11:30 am

Break

12:30 pm

12:30 pm

Discussion on Hydraulic Issues

- Explanation of UNET model by Corps

- UNET use on the Little Cal Project

- Differences between the UNET model and HEC1 and HEC2

- East Phase and West Phase predictions

- Predicted stage relationship to Flood Control Act permit

- constraints

- Issue at the State Line relating to the SCS Illinois

- Project and Illinois Lands

- Revision to FEMA maps

3:30 pm

pc: Dan Gardner

Gary Dorkater

Marty Maupin

Steve Davis

John Simpson

Mike Neyer

Jim Hebenstreit

Melanie Ellison

memo:cal/pd