

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

Chairman George Carlson called the meeting to order at 6:40 p.m. Six (6) Commissioners were present. Quorum was declared and guests were recognized.

Development Commissioners:

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

Visitors:

Herb Read - Izaak Walton
Bill Petrites - Highland
Ruth Mores - Hammond
Jim Flora - R.W.Armstrong
Rick Markley - The Times
Mike Vander Heyden - Dyer
Construction
Dave Taborski - Black Oak
Ken Smith - Div.of Water, IDNR
Pete Zak - South Shore Marina
Denis Buksa - Munster resident
Charles Siar - Izaak Walton
Don Shapiro - Highland
Stanley Petrites - Highland
Mara Candelaria - Congressman
Visclosky's staff
Mike Doyne - Portage

Staff:

Jim Pokrajac
Dan Gardner
Lou Casale
Sandy Mordus

The minutes of the September 1, 1994 meeting were approved by a motion from Chuck Agnew; motion seconded by Robert Huffman; motion passed unanimously.

Executive Director's Report - Mr. Gardner spoke on the upcoming State Budget hearing scheduled for October 19. This next session a key session - we will either keep up with the federal government or fall back. \$8 million has been requested in this 95/97 biennium and Mr. Gardner has brought to their attention the \$4 million in the Build IN funds previously allocated but never received. Col. Slockbower will be present at the hearing; Congressman Visclosky has been invited (if the Congressman cannot attend, his staff will) It is a 1/2 hour presentation. Ken Smith added that a significant comment he thought Dan Gardner made was the shared amount - some state money to match the federal money. He will portray as strong a case as possible.

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Mr. Gardner spoke on the status of the Gary Park Board easements. Although we have obtained some needed easements for the levee construction from the Park Board, there is still much land to be acquired - much of which will be flowage area. For that significant amount of land, they want compensation in the form of a greenhouse and driving range. We have not come to a definite conclusion to obtain the signed easements. The Corps of Engineers has now stated in a letter that we will obtain credit for what is needed equal to the value of the easements interest only. The easements that have been requested thus far are being appraised to set a value on them. Another coordination meeting needs to take place in which the Commission's committee members of Chuck Agnew, Arlene Colvin and Nathaniel Leonard, staff, Corps officials, and Gary Park Board staff, attorney and board members need to get together. A lengthy discussion was held on the quantity of Gary Park Board property we need and the value placed on them from the appraisal and on the need to bring this to a conclusion to avoid project construction stoppage or legal action.

Land Acquisition Committee - Land Acquisition Chairman Chuck Agnew made a motion to approve and sign the NIPSCO relocation agreement for Stage II - 3B; motion seconded by Robert Trelo; motion passed unanimously.

Mr. Agnew then made a motion to authorize a relocation agreement with NIPSCO for the power line on Delaware St. in Stage II Phase 4; motion seconded by Robert Huffman; motion passed unanimously.

Mr. Agnew reported that the NIPSCO agreements for electrical and gas lines in Stage II 3B have been signed & received by NIPSCO.

Mr. Agnew made a motion to approve appraisals DC441, DC442, and DC444 and make an offer to the property owners for fair market value and to proceed with condemnation if necessary; motion seconded by Bill Tanke; motion passed unanimously.

Mr. Agnew made a motion of intent for staff to pursue the necessary negotiations with Chicago Tower Corp. to produce a satisfactory lease to be ratified at next meeting making sure that Chicago Tower would secure all necessary state, federal and local permits to construct a tower; motion seconded by Bob Trelo; motion passed unanimously.

Project Engineering Committee - Mr. Huffman reported that the construction at Stage II Phase 3A is about right on schedule and anticipated to be done earlier.

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He reported that a meeting has been scheduled at Black Oak School at 29th & Burr at 6:30 Tuesday October 18th with the residents whose property is affected by the culvert or drainage ditch that will be constructed from Colfax to Burr. The Corps will also be present to help describe the drainage system to them.

Mr. Huffman made a motion for staff to pursue facilitating a contract with Norfolk & Southern R.R. stipulating the Commission will pay for costs not to exceed \$19,727 for them to employ a consultant to review the Corps plans and specs for Stage IV Phase 1 and 2; motion seconded by Bob Trelo; motion passed unanimously.

Mr. Huffman spoke on the ongoing levee construction project at Wicker Park Manor. Although originally the Corps stated that the old levee material could not be used for the new levee, it has today been determined by the Corps that some of the material is suitable and can be used for the new levee. The quality of clay became unsuitable at Merrillville Crossing so being able to use the existing clay at the site should expedite the project. It is about 50% complete. He also stated that the paperwork for hydrology review is in the hands of the Dept. of Natural Resources. Staff will contact DNR to check status. The Congressman's Office has already contacted DNR also to try to rush review through so it can be sent to FEMA for their review. The ultimate goal is to have the area removed from the floodplain area so as to allow residents to rebuild without having to carry flood insurance.

The Erie R.R. bridge at Indianapolis Blvd. and the river has been removed. Mr. Gardner added we have received a bill today from Dyer Construction and it will be listed on next month's claim sheet for approval. We will contact both Hammond and Highland to receive their share of the funds. 10% retainage will be withheld until the rip-rap can be placed on the banks (that cannot be done until levee construction is complete in that area).

Mr. Huffman made a motion for staff to write a letter to the Corps requesting a benefits analysis be done for the Highland/Griffith levee to bring it up to a 604' level of protection, as supported by the Commission, instead of the 602' which currently exists; motion seconded by Chuck Agnew; motion passed unanimously. If the Corps would not agree to such, for us to go ahead with the modification, it would be a betterment cost and therefore be a direct cost to the Commission and not creditable.

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Marina/Breakwater Committee - Committee Chairman Bill Tanke gave the marina report. Mr. Tanke reported that approximately 292,431 cubic yards of sand has been removed to date. A letter was received from Dyer Construction requesting an additional 50,000 c.y. for the Port of Illinois project. Mr. Tanke made a motion authorizing the additional amount of sand contingent upon it goes to that project only. Any other project must come back before the Board. Motion was seconded by Bob Huffman; motion passed 4-2 with 2 nay votes from Chuck Agnew and Steve Davis.

Mr. Tanke asked Mike Vander Heyden from Dyer Construction, who is doing the sandmining at the site, to clean up the north slope. He replied that Superior originally was going to do it and they have just asked Dyer to do it so it will be done in the very near future.

Mr. Gardner referred to a letter received from J. B. Lawrence in regard to a request for approximately 5,000 c.y. of sand. It was stated that he should work with the contractor and purchase the sand from him. The contractor should allow this. He must work with the contractor and not be on the site on his own. Mr. Gardner will put them in touch with the contractor.

In regard to sand needed by Ogden Dunes before this fall, they have received a release up to \$50,000 to be made available to them as settlement with the Port. Mr. Gardner has talked to Ted Illegio from Ogden Dunes and although there is no direct request before the Board tonight, there probably will be very shortly. They are attempting to secure some matching funds, thus allowing them to maximize the \$50,000 to the highest extent. Mr. Tanke made a motion to donate the money this Commission would receive from Ogden Dunes subject to them working with the contractor on the site; motion seconded by Bob Huffman; motion passed unanimously.

A request has come to us from Save the Dunes Council to ask Chicago Corps District to use whatever influence they have with Detroit Corps District to modify the NIPSCO dredging permit to allow the disposed sand to be placed as close as possible to the beach and to the west breakwater so it will be beneficial to the Ogden Dunes residents. . Mr. Gardner will pursue investigating permit stipulations and see if Corps can assist.

Mr. Tanke stated that Portage has received bids on the sheet piling construction project. The sheet piling work will start upon receiving the Corps permit. Dave Gesl of the Detroit Corps office informed us that the permit went out yesterday to the Congressman's Office. Mr. Tanke made a motion authorizing the city to proceed with the award of the sheet piling contract with no monies coming