

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. THURSDAY, JULY 3, 1997
AT THE COMMISSION OFFICE
6100 SOUTHPORT ROAD
HIGHLAND, INDIANA

Chairman Bob Huffman called the meeting to order at 6:10 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Quorum was declared and guests were recognized.

Development Commissioners:

Robert Huffman
Robert Trelo
William Tanke
Steve Davis
Emerson Delaney
Charles Agnew
George Carlson
Roger Chiabai
Marion Williams

Visitors:

Jim Flora - RWarmstrong
Ken Smith - IDNR, Div. Water
Jomary Crary - IDNR, Div. Water
Pete Zak - South Shore Marina
Mary Jane Zak - " "

Staff:

Dan Gardner
Lou Casale
James Pokrajac
Judy Vamos
Sandy Mordus

The minutes of the June 5, 1997 meeting were approved by a motion from Bill Tanke; motion seconded by Chuck Agnew; motion passed unanimously.

Chairman's Report - Chairman Bob Huffman thanked those who attended the tour of the properties on June 21st as well as staff for organizing. Mr. Carlson added that the tours are very helpful and important to Commissioners in order to see how everything is progressing. He was very impressed with the marina and Big Maple Lake. Security at the borrow sites was discussed. The removed clay is being used for the east reach levee construction now; it will become a lake for recreational purposes for the Lake County Parks Department afterwards. Land Acquisition Chairman Chuck Agnew also thanked staff for setting up the tour.

It was clarified that the excavation area being dug at Burr Street with the pump station will serve as a detention pond. It is not a borrow site. It will collect water drainage from the Black Oak area but it will be pumped out into the river. It is not intended to be a recreational lake; it is intended for flood control only. Commissioner Marion Williams questioned the safety factor involved. It was stated that safety is the top priority here and at the

borrow sites. Mr. Huffman asked whether there was a development plan in place for the Clark-Chase borrow site. Although there is not a plan in place at present, the Commission will address all concerns and obtain all necessary approval, permits, etc. We are working with the Gary Planning Dept.

Mr. Huffman stated he personally tested the bike trail with his bike this past week. He felt most of it was really good; some parts could be better.

Executive Director's Report - Mr. Gardner referred to a letter in agenda packet/editorial regarding an ecological park feasibility study to identify ecological resources along the Grand Calumet River and the Little Calumet River. Notice has been mailed out and public hearings scheduled. If contacted, we will provide whatever information to them that they need. Mr. Gardner stated that this came out of Congress last year from Congressman Weller from Illinois.

COE information regarding minority participation on contracts is provided in packet. At last meeting, Commissioner Arlene Colvin stated she had received a call from a contractor that was dissatisfied with not enough work being given to him when he thought he had a sub-contract to do the work needed. We had asked the COE to provide us with minority participation data. Mr. Gardner informed the Commission that 5 firms qualify for the 8A set aside programs. Once a firm is selected, we cannot mandate the quantity of work they will receive. We are only legally obligated to supply the lands needed and the COE is the contracting authority. We can only ask the COE to further expand on the information given to us and break out who has work right now and the amount of work that has been given out to date and the dollar value on a particular project.

Mr. Gardner referred to an article in the packet regarding the town of Highland's agreement to stop a federal lawsuit relative to past dredging and disposal of that dredging in wetlands area.

Mr. Gardner referred to a letter in the packet from the Illinois Dept. of Natural Resources to the COE office transmitting an application for the removal of a log jam on the Little Calumet River in Illinois.

Land Acquisition Committee - Committee Chairman Chuck Agnew made a motion authorizing the increase of offers on DC455 to \$3,000; DC478 to \$1,300; and DC511 to \$1,000; motion seconded by Bill Tanke; motion passed unanimously. Mr. Agnew then made a motion to approve

the filing of condemnations for DC513, DC514 and DC522 (all in Stage II-4); motion seconded by Bill Tanke: motion passed unanimously.

Mr. Agnew referred to a request letter received from Dyer Construction to use an area at 32nd & Clark for a temporary construction office. The contract for this Stage IV-2B has already been awarded to Dyer. Mr. Agnew made a motion to allow Dyer to use this area contingent upon a written license agreement by the attorney to follow at the next meeting.

Mr. Agnew informed the Board that the contract for Recreation Phase 1 has been awarded. Mr. Gardner added that the permit to allow the recreation construction has been approved by IDNR.

Discussion took place relative to a letter we wrote to the COE requesting a meeting to review the COE policies and procedures for crediting lands acquired before 1985 (prior to LCA) and lands acquired before 1990 (actual start of construction).

Relative to Chase Street borrow site, Commissioner Marion Williams questioned whether the Commission was exempt from needing a permit to excavate. Attorney Casale stated we are working with Arlene and the City Planning Office and even if we do not actually require a permit, we will still have to present a plan for development before actually excavating. A copy of the ordinance is contained in the packet.

Project Engineering Committee - Committee Chairman Bob Huffman discussed a meeting held July 2nd with the town of Griffith regarding the proposed levee from Cline to the EJ&E RR. It was concluded that the town of Griffith and a private developer, Richard Kortenhoven will accept the responsibility to construct the levee and the town to maintain it.

Mr. Huffman informed the Board of the upcoming construction segments scheduled for this construction season. They are: Recreation Phase 1 (Gleason Park, Lake Etta, Ox-Bow, and Stage III trails); Stage II Phase 3C2 (Grant to Harrison south levee); and Stage IV Phase 2B (Clark to Chase north of river). Also scheduled is the completion of Stage II Phase B (Harrison to Georgia south levee) and Stage IV Phase 2A (Lake Etta, Burr to Clark, north of river). The only remaining construction east of Burr Street after this season will be the east reach remediation area and a small portion of the betterment levee.

A question was asked to whose responsibility it is to repair the roads if damage is done by contractor during construction. It was stated that the contractor would be responsible and there are city ordinances in place that address that.

Legislative Committee - Committee Chairman George Carlson reported that the State Budget Committee met June 20th and has allocated the \$2 million from 95/97 Build Indiana funds for draw down. There still remains \$2 million from 91/93 funds and then the current \$2 million that was just appropriated from 97/99 biennium. There were some questions asked about the project and Mr. Gardner was in attendance at the budget meeting and was able to address them.

Marina Committee - Committee Chairman Bill Tanke referred back to a letter we had written to Abonmarche relaying some concerns and problems that needed to be addressed with the marina. They did respond to that letter but we were not completely satisfied. Since then, the City has moved forward without our concurrence and retained Abonmarche to prepare design documents for Phase II. We wrote a letter to the City asking them for their confirmation in writing that they were moving ahead on their own with the marina construction costs for Phase II solely at their expense. We have since received a return letter from the City stating that although Abonmarche will be entirely compensated for this work using LMMDC funds, it is their expectation that the review and approval process for design and development of Phase II will be consistent with the previous process followed for Phase I. They have also given us a copy of the contract they signed with Abonmarche. Attorney Casale has prepared and read a resolution stating therein that the (1) design and development be paid for solely by the city and not the Commission, (2) that the Commission retain full review and approval of plans, specs and construction consistent with Phase I and the LCA, (3) the LCA remain in full force and effect and unmodified, and (4) the Commission and the City jointly continue efforts to remedy any defects in Phase I construction. Mr. Tanke made a motion to adopt the resolution; motion seconded by George Carlson; motion passed unanimously.

Mr. Tanke referred to a previous issue that has not been resolved regarding the marina sign. Mr. Tanke made a motion to proceed with putting up a new sign for an estimated cost of \$16,000 and put the old sign at the entranceway; motion seconded by Chuck Agnew. An amendment to that motion followed stipulating that the attorney would write a letter to the City telling them of our intent and give them 15 days to respond if they oppose. Mr. Tanke made a motion adding the amendment; motion seconded by George Carlson; motion passed unanimously.

Finance/Policy Committee - Treasurer Chuck Agnew gave the financial report. Mr. Agnew made a motion to approve the financial status statement for May and approve the claims for payment totaling \$247,368.31; motion seconded by Roger Chiabai; motion approved unanimously.

Other Business - There was none.

Statements from the floor - There were none.

There being no further business, the next regular Commission meeting was scheduled for 6:00 p.m. Thursday, August 7, 1997.