

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
HELD AT 6:00 P.M. THURSDAY, MAY 6, 1999  
AT THE COMMISSION OFFICE  
6100 SOUTHPORT ROAD  
PORTAGE, INDIANA**

Chairman Emerson Delaney called the meeting to order at 6:30 p.m. Eight (8) Commissioners were present. Pledge of Allegiance was recited. Quorum was declared and guests were recognized.

**Development Commissioners:**

Emerson Delaney  
Charles Agnew  
William Tanke  
George Carlson  
Robert Huffman  
Marion Williams  
Arlene Colvin  
Steve Davis

**Visitors:**

Jim Flora – R.W.Armstrong Co.  
David Hendrix – The Times  
Pete Zak – South Shore Marina  
Mary Jane Zak - “ “  
Don Ewoldt – Lake Erie Land Co.  
Eloise Gentry – Urban League  
Lee McGill - Portage

**Staff:**

Lou Casale  
Dan Gardner  
Jim Pokrajac  
Judy Vamos  
Sandy Mordus

The minutes of the April 7th, 1999 meeting were approved by a motion from Bill Tanke; motion was seconded by Bob Huffman; motion passed unanimously.

**Chairman's Report** – Chairman Emerson Delaney referred to the public meeting on the east reach remediation area that was held last night. He asked Judy Vamos to report on it. She stated that the meeting was well attended with about 60 people. The meeting was about 2 hours long concluding with a question-and-answer period. Many good questions came up and they were answered as best we could. Commissioner Arlene Colvin added that she felt that staff addressed the questions completely. The residents have put together a committee and staff will meet with them periodically starting in 2 weeks.

**Executive Director's Report** – Executive Director Dan Gardner referred to the letter in the packet from Bill White, Chief of COE Real Estate Div., further explaining language in the Addendum to the LCA that the COE is requesting the Board to approve tonight. Mr. White and Imad were present at the study session to answer any questions Board members may have. Mr. Gardner further stated that the wording in the Addendum has been approved by the COE attorney as well as the Commission's attorney. Mr. Carlson made a motion to approve and sign the Addendum to the LCA; motion seconded by Chuck Agnew; motion passed unanimously.

Mr. Gardner presented Resolution 99-01 (attached hereto as part of the minutes) for approval by the Board. The resolution is an initial step toward a land management plan for the Commission's property along the corridor. He proceeded to read the Resolution. Mr. Agnew made a motion to approve Resolution 99-01; motion seconded by Bill Tanke; one abstention vote; motion passed. Mr. Bob Huffman further justified his abstention vote by

stating he was a NIPSCO employee and since Lake Erie Land Company is a sister company, he felt he should abstain. Mr. Gardner also stated that he and the Chairman attended a ceremony this afternoon in which Gary Neale, President and CEO of NIPSCO, received the Blue Heron award for their commitment on environmentally restored projects.

Mr. Gardner informed the Board members that he spoke on April 15<sup>th</sup> to a group of local city and town professional engineers. He and Judy Vamos attended the meeting and were able to show the Little Calumet River video presentation, which was very well received.

**Land Acquisition Committee** – Committee Chairman Chuck Agnew made a motion to approve increased offers on DC546 (\$22,230 increased to \$25,000) and DC818 (\$2,601 increased to \$4,000); motion seconded by George Carlson; motion passed unanimously. Mr. Agnew then made a motion to approve two condemnations – DC476 and DC526; motion seconded by George Carlson; motion passed unanimously. Mr. Agnew further stated that the committee met on April 12<sup>th</sup> with the attorney to start laying the groundwork to establish a property disposal procedure. As the Commission's legislation is now written, we cannot dispose of property. There are a few cases where we have surplus property outside the levees that we may be able to sell off for development. Attorney is pursuing.

Mr. Agnew made a motion to approve an additional amount of \$1800 to Fluid Pump Service to complete work on the Gleason Park pump installation. (This money will be deducted from the current balance due to Gary Parks & Rec for easements previously given to us); motion seconded by George Carlson; motion passed unanimously.

Mr. Agnew then referred to a letter received from the Lake County Highway Dept. requesting a permanent easement of 0.179 acres to complete the Colfax bridge construction over the river. They need a right-of-entry from us as soon as possible to proceed. Mr. Agnew made a motion to approve the 0.179 acres pending working out the agreement to the attorney's satisfaction; motion seconded by George Carlson; motion passed unanimously.

Mr. Agnew reported that farm bids were opened on April 20<sup>th</sup> to farm the 88 acres north of 35<sup>th</sup> St. and the 45 acres south of 35<sup>th</sup> St. Two bids were received. (1) The first bid was from the Bult brothers for \$65 per acre for tillable land north and south of 35<sup>th</sup>; with the land on the south side needing considerable prep work. The costs incurred there would be deducted from the total amount for that portion of land. (2) Second proposal would be for \$1 per year with The Committee for Improvement of Emerson. This is a newly formed group that would train minorities in the process of marketing and business and would create jobs to sell to a Chicago European Market. They requested the following on the 88 acres: (40 acres to farm the first year; 60 acres the second year; and then all 88 acres the third year). Arlene Colvin added that she felt this would be a good entrepreneurial tool for Gary's youth and a real benefit to the community. After discussion, Chuck Agnew made a motion to grant the Bult brothers the right to farm 48 acres of the 88 on property north of 35<sup>th</sup>, and then grant the Emerson Group the remaining 40 acres this year and not the entire 88 acres. The motion was seconded by George

Carlson; motion passed unanimously. Motion is subject to attorney's preparation of documents and acceptance of the parties involved.

Mr. Agnew also directed staff to write a letter to the city of Gary requesting written documentation that they agree to accept the monetary value for the 179 acres for the city easements and that they would make that money available to the Gary Parks & Recreation Dept. for continuing development of the proposed driving range.

Mr. Agnew announced a date of May 15<sup>th</sup> to tour the Commission recreation property. Details to be worked out and all members will receive notification.

Mr. Agnew talked about his idea for a handicapped accessible park in Lake Station on property the Commission presently owns. Mr. Carlson made a motion to proceed with the plan/proposal for a handicapped park; motion seconded by Arlene Colvin; motion passed unanimously.

**Project Engineering Committee** – Committee Chairman Bob Huffman referred to, and discussed, the current schedule of project construction for the remaining east reach phases. Those areas are the east reach remediation area, Burr Street levee and Stage IV-1.

Mr. Huffman announced that a pre-bid construction meeting was held on April 29<sup>th</sup> for the east reach remediation area. It was very well received. Commissioner Marion Williams initiated the meeting and staff will assure with the COE that a pre-bid construction meeting will be held on future construction projects.

Mr. Huffman also stated that an upcoming technical meeting will be held on May 19<sup>th</sup> with the COE and GSD and the City to discuss the turnover of the four east reach pump stations and ongoing hydrology concerns. The consultant for the GSD has legitimate concerns and the COE must address these before GSD accepting the pump responsibility.

Mr. Huffman proceeded to approve 3 proposals for development of the Gleason park driving range which would provide funds to Gary Park & Rec, which would be made available from the easements' value. They were as follows:

- (1) Motion by Bob Huffman to accept proposal from Martin Design for engineering design & supervision for a total of \$22,500; motion seconded by Chuck Agnew; motion passed unanimously.
- (2) Motion by Bob Huffman to accept proposal from Porter Lakes Engineering to provide survey services for a cost of \$4,500; motion seconded by Arlene Colvin; motion passed unanimously.
- (3) Motion by Bob Huffman to accept proposal from J. F. New & Assoc. for \$35,500 (individual permit application and mitigation design \$24,000; hydrologic study \$8,000; construction in floodway permit \$3,500). Motion seconded by Chuck Agnew; motion passed unanimously.

All proposals have been approved and recommended to us by Gary Park & Recreation.

Mr. Tanke made a motion to add 2 survey groups to the Commission list of approved surveyors. They were Duneland Group from Chesterton and the Bonar Group from Valparaiso. Staff will secure necessary data information on each respective firm. Motion seconded by Chuck Agnew; motion passed unanimously.

**Legislative Committee** – Committee Chairperson Arlene Colvin referred to a letter in packet jointly signed by Senators Lugar & Bayh in support of our \$4 million budget request. The Congressman had also written a support letter. Mr. Gardner has talked to Rep. Earl Harris, who has assured us that, although the Commission was not listed in the budget, the Commission would be approved for up to \$4 million from a “special BIF Fund” of \$10 million. This is a different process that we have never faced before but Rep. Harris stated that he would work with the Budget Agency to define the allocation process. Staff will write thank-you letters to appropriate people. Mr. Gardner added that all our legislators have shown exceptional support and continued commitment to our project.

**Marina Committee** – Committee Chairman Bill Tanke reported that although the Lake Michigan Marina Development Commission (LMMDC) had requested \$1.2 million just for the city of Portage marina, the total amount approved for the LMMDC was \$500,000. Mr. Gardner will attend the LMMDC marina meeting on the 13<sup>th</sup> and see if he can see how this money will be dispersed. Mr. Tanke also stated that staff would be scheduling a marina committee meeting with the City soon. Portage will be getting a new mayor on January 1, 2000. It has been said that the probable incoming mayor, Doug Olson, would like to see the operation of the marina under the Portage Port Authority.

**Finance Committee** – Committee Chairman Arlene Colvin presented the financial status report and claims for approval and made a motion to accept the financial report and approve claims; motion seconded by George Carlson; motion passed unanimously.

**Recreational Development Committee** – Committee Chairman George Carlson stated that we have requested a recreation (project-type) map from the COE showing all recreation features, including trails, fishing piers, observation decks and all support facilities. Mr. Carlson also stated that a utility building will be going up at Carlson Oxbow Park next week and a park employee/employees will be stationed there. Mr. Carlson requested assistance from Steve Davis in initiating contact with the appropriate IDNR person before cutting through the river channel. Mr. Huffman added that he was at the park on Sunday and took some pictures. He passed them around to Board members.

**Minority Contracting Committee** – In Committee Chairman Marion Williams’ absence, Mr. Gardner informed the Board that a meeting was held on April 19<sup>th</sup> with Imad. Two good things were produced from that meeting – one being the language in the contracts requires contractors to sign off on minority reporting and the other being the definition of “good faith effort” is being more defined.

**Other Business** –Mr. Huffman read from a Times article regarding the Little Calumet River dated September 27, 1927.

**Statements to the Board** – Herb Read stated he is in the cheering section this time in regard to Lake Erie Land Company following through on environmental commitments they have made. He then questioned the river corridor on their straight alignments. Although he supports all recreational aspects on the project, he feels the levee looks like a railroad embankment and it is not sloped enough and too straight. Chairman Delaney answered that winding the levees around would be cost prohibitive. Hopefully, once vegetation and natural planting schemes are in place on levees, they will look more natural and attractive. Mr. Pokrajac added that emergency vehicles need to access the top of the levees also. Mr. Huffman inquired how Professor Cortwright is doing on his prairie planting on levee behind I.U.N. Mr. Gardner answered that the has started planting and we will view it on the tour.

Lee McGill, Portage resident, questioned if the year-end marina figures were correct now. Mr. Gardner answered that the Commission never doubted the accuracy of the figures given – only the form in which it was presented. Some Board members found them confusing. He further stated that the Commission is looking at engaging a CPA to work out a suitable financial statement format of marina figures that would be mutually beneficial to city and us.

Mr. McGill also asked what Portage can do to open up the mouth of Burns Waterway. Mr. Gardner answered that the COE is pursuing whether there is any emergency money to do any dredging.

Congressman originally said there was none because the federal government is not maintaining recreational harbors right now. The Portage Port Authority may have some funds available; staff will pursue.

Don Ewoldt, Lake Erie Land Management thanked the Board for the resolution.

Eloise Gentry, N.W. IN Urban League, stated her interest in the minority contracts being able to be secured by minority firms in Gary. She stated that there seems to be a renewed interest in federal contracting and hopes that it will be followed through. She has been in contact with A.J. Brown, who has also met with the COE and asked to make sure he is on plan holder list.

There being no further business, the next regular Commission meeting was scheduled for **6:00 p.m. Tuesday, June 1, 1999.** **Please note – This is not the normal meeting date.**

**RESOLUTION 99-01**

A RESOLUTION OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION, (hereinafter referred to as the LCRBDC), SUPPORTING DEVELOPMENT OF A PLAN FOR RESTORING COMMISSION OWNED LANDS ALONG THE LITTLE CALUMET RIVER CORRIDOR TO ENHANCE ENVIRONMENTAL CONDITION, INCREASE PUBLIC RECREATION SITES AND USE, AND CREATE SUSTAINABLE ECONOMIC DEVELOPMENT OPPORTUNITIES ON THE ADJACENT LANDS RECOVERED FROM THE FLOODPLAIN.

WHEREAS, a plan is being developed for restoring LCRBDC owned lands along the Little Calumet River corridor to enhance environmental condition, increase public recreation sites and use, and create sustainable economic development opportunities on the adjacent lands recovered from the floodplain, (hereinafter referred to as the PLAN); and,

WHEREAS, the LCRBDC may, in the future, enter into an agreement with some other entity to implement the PLAN.

NOW THEREFORE be it resolved as follows:

- A. The LCRBDC supports and endorses efforts to develop the PLAN provided that it adhere to the following enumerated project policy principles, to wit:
1. All enhanced lands and uses would be designed and managed to be in compliance with the requirements of the U.S. Army Corps of Engineers Flood Control/Recreation Project.
  2. The lands will remain in the ownership of the LCRBDC for the life of the project.
  3. The lands will be licensed/leased to a development/management entity, acceptable to the USEPA, IDEM and other appropriate regulating agencies dealing with programs within their jurisdiction.
  4. The LCRBDC will be compensated on an annual basis for the license/lease project lands at a negotiated fair compensation.
  5. The development/management entity will be responsible for the design, construction and management/maintenance of the lands. The LCRBDC will review and approve the plan for flood control project compliance.
  6. The development/management entity will commit to develop with the LCRBDC and local affected communities additional recreation development along the corridors. Upon consensus of a development plan, the development/management entity will fund these additional improvements.