

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. THURSDAY, OCTOBER 4, 2001
AT THE COMMISSION OFFICE
6100 SOUTHPORT ROAD
PORTAGE, INDIANA**

Chairman William Tanke 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:

George Carlson
John Mroczkowski
Mark Reshkin
William Tanke
Steve Davis
Bob Huffman
Curt Vosti
Arlene Colvin
Marion Williams

Visitors:

Bill Petrites – Highland resident
Betsy Blossy – Sierra Club, Hobart
Imad Samara - COE
Louise Karowoski – Sierra Club, Hobart
Sandy O'Brien - Hobart
Jim Flora – R.W. ARMSTRONG CO.
Don Ewoldt – Lake Erie Land Company
Elizabeth McCloskey – U.S. Fish & Wildlife

Staff:

Dan Gardner
Sandy Mordus
Jim Pokrajac
Judy Vamos
Lorraine Kray
Lou Casale

Commissioner Bob Huffman made a motion to approve the minutes of September 12, 2001; motion seconded by Curt Vosti; motion passed unanimously.

Chairman's Report – Chairman Tanke reported on the September 26th meeting held with the Finance and Legislative Committee Chairmen Curt Vosti and George Carlson, with Mark Reshkin and staff in attendance. The purpose of the meeting was to discuss the public information effort the Commission needs to make before the next biennium. A joint effort has to be made by all members and further discussion will take place in the near future.

Chairman Tanke also reported on the October 1st meeting held at the COE office with the Congressman's staff in attendance. A meeting will be scheduled in Indianapolis with the Governor's office very soon. After that meeting, staff will meet with the COE again – about mid November (before the District Deputy Engineer John Sirles leaves the COE). One of the topics of that meeting was how we can mesh our current funding with the COE schedule.

Executive Director's Report - Executive Director Dan Gardner gave a project mitigation status update. He referred to the COE letter in the agenda packet that transmitted the COE mitigation plan to IDNR for their approval and then distributed a mitigation timetable outlining mitigation acquisition. The schedule

starts with a third party agreement. We have to have a third party in place to purchase property in the name of the Commission. We are awaiting a response from Shirley Heinze Environmental Fund (SHEF). Attorney Casale pointed out that their attorney is reviewing it. Mr. Gardner stated that we have earmarked about \$500,000 for mitigation acquisition. He then read a letter from Bill Maudlin, Director of IDNR which gives overall general approval of the plan and its acceptance. Commissioner Vosti stated that we have been waiting for progress for quite some time now and asked if a third party contract is the only solution. Mr. Gardner replied that it is because of the distance of the Hobart Marsh area (out of our take area), it mandates another party to purchase the lands. We are still in need of in-project mitigation lands but those lands will not need a third party. Mr. Vosti asked whether we had a backup plan in case SHEF is not agreeable to a third party contract. Mr. Gardner stated that there may be some other entities that are willing but first we should continue to work with SHEF, until they express non-interest. Mr. Vosti was concerned about keeping up the momentum now since the mitigation plan is actually officially submitted.

Mr. Gardner informed the Board members of the staff's continuing effort in documenting credit. About \$1.6 million more credit has been submitted and/or approved by the COE within the last 2 months. Staff will continue the effort. Mr. Gardner also stated that he has been talking to Federal Highway Administration and he feels significant progress has been made relative to the FHA writing an approval letter that would allow the COE to give credit on highway bridges that have been constructed. This amount could be in excess of \$8 million. Steve Cecil, INDOT, has committed INDOT staff to itemize the bridge costs and we will pursue with the FHA as soon as we receive those costs.

Mr. Gardner stated that the Governor's staff from Washington will be in Indianapolis next week and we will meet with them to talk about progress made, funds available, future funding, credit and scheduling.

Mr. Gardner reported that we have just received a copy of the COE Washington letter that the review of the recommendation for the reauthorization of the Little Calumet River flood control project has been completed and approved. The letter expressed concern about the significant cost increase for preconstruction engineering and design activities and encouraged a higher appropriate level of management oversight during the remainder of the project. Commissioner Vosti asked whether a timeframe was given for the monies earmarked for it and if the life of project is extended, doesn't that cost increase? Mr. Gardner replied that the ceiling the Congress placed on the project does not go up. Inflation only is adjusted each year. We both have to watch our costs – both Federal and State.

Land Acquisition/Management Committee – Committee Chairperson Arlene Colvin made a motion to approve increased offers on DC69-B and DC70-A; motion seconded by Bob Huffman; motion passed unanimously. There are no condemnations.

A Real Estate meeting with the COE was held on September 25th.

Commissioner Colvin announced that a demonstration of the closure structures at 35th & Chase will take place on October 12th. A training video will be made of the demonstration for future use/training.

Miss Colvin reported that final agreements were signed and approved for the 2 LAMAR outdoor signs at I-65 and I-80/94 and will generate \$6,600 in revenue each year. LAMAR has requested approval for 2 additional signs in this area but the city does not approve of erecting the additional signs due to building codes limiting the signs to be constructed no closer than 1200' to other signs. Miss Colvin will secure a letter from the Gary Planning Dept. stating their position.

Project Engineering Committee – Committee Chairman Bob Huffman gave the engineering report. He reported that the Stage VIII review with the communities, SEH (COE A/E), COE and staff was held on October 3rd and 4th. The meeting accomplished the 50% review of the area between Columbia and the State Line in Hammond.

Commissioner Huffman referred to a letter received from WIND Radio Station expressing a safety concern on their property and requested we provide fencing. Mr. Huffman made a motion to approve fencing around the retention area only for a cost not to exceed \$2,500; motion seconded by Arlene Colvin; motion passed unanimously. Commissioner Marion Williams stated that there is a legal obligation for us to correct the situation if we have made the area more vulnerable to accidents or vandalism.

Mr. Huffman announced that the 1B pump stations inspection (S.E. Hessville-Hammond and the 81st Street in Highland) was held on September 18th. Both pump stations were accepted and agreements will be put in place in regard to the community accepting O&M responsibilities.

Mr. Huffman also announced that we have received some original subordinated agreements from NIPSCO for the pipeline corridor west of Kennedy on the NIPSCO R/W. Attorney Casale's office is currently reviewing these agreements to see if we can determine responsibility for payment of these relocations. If it is determined that the individual pipeline company should pay for relocation, it could save the Commission up to \$1 million.

Legislative Committee – Committee Chairman George Carlson gave the legislative report. He expressed concern that if the economy is headed to a full recession, it will be even harder to obtain future funding from the State in light of the September 11th tragedy. Commissioners Reshkin and Vosti replied that we cannot concern ourselves with that; we have a responsibility to complete this project; it is a state project and they have an obligation to fund it and see it through. Commissioner Carlson added that discussion took place at an earlier meeting in regard to how we can obtain new monies from the State. A mailing campaign was discussed; we could target those citizens that would benefit from the project completion (by having them relieved of paying flood insurance).

Recreational Development Committee – Committee Chairman Curt Vosti gave the Recreation Report. Most of the activity has focused on several meetings regarding west reachrecreational trail realignments. There is a slight realignment of trail west of Calumet Avenue to take advantage of the light at the crossing and there is also a slight realignment of trail at Columbia to bring the trail up to River Drive to allow the city of Hammond a stronger case for a stoplight in that area. Also discussed has been the height of a guard rail or fencing along the trails for safety reasons. The current design by the COE indicates a 42" height of handrail in some areas, but will investigate if it should be installed in all areas where there is a drop of over 3'. Since the COE/SEH doesn't really look at the trail as a biking trail – only a walking trail – the fencing is lower. Mr. Vosti stated that we should hold to the biking standards; we may not be compliant to biking regulations/ordinances. Commissioner Huffman added that the fencing was not an issue in the east reach.

Marina Committee – Committee Chairman Bill Tanke referred to the response letter from the COE relative to our support letter we sent them for the dredging permit application submitted by the City of Portage. We are also awaiting some costs from the city engineer as to the public marina build-out. We should be receiving some information soon and we will be meeting with the city at that time. We can then

jointly approach the financial institution that holds the current bond.

Finance Committee – Treasurer Curt Vosti gave the monthly financial status report. He presented the claims for approval and proceeded to make a motion to approve the financial status report and claims sheet totaling \$60,230.99; motion seconded by George Carlson; motion passed unanimously.

Minority Contracting Committee – Committee Chairman Marion Williams reported that staff continues to receive minority utilization update reports and are on file for viewing.

Other Business – Dan Gardner referred to the article on wetland mitigation that Commissioner Tanke brought in.

Commissioner Steve Davis shared some information with the Board members on the Indiana Lake Michigan Coastal Program. Indiana is one of the few states that does not participate in the coastal program but it is now trying to get into the program. A draft environmental impact statement has been prepared and hearings are going on now. There is about \$900,000 of available funds each year to improve the shoreline that is available through grants to local agencies. At a previous meeting, Commissioner Reshkin talked about this program and whether we would be eligible for it that may allow us to purchase mitigation lands. Mr. Davis indicated that it would not allow us to purchase mitigation lands, but perhaps we could tap into it for money to enhance the lands once they were purchased. Dr. Reshkin asked staff to review the distribution list in the EIS and the criteria involved. Since this commission is involved with flood control, natural areas, recreation, and mitigation, it seems that we would be eligible. Staff will pursue.

Commissioner Vosti mentioned that those attending the NAFSMA conference could obtain information from other communities/organizations about how they obtain money for their projects.

Statements to the Board – Sandy O'Brien stated that the draft agreement submitted to Shirley Hienze Environmental Fund (SHEF) probably needs to be reviewed and changed. She had heard that they thought they had problems with some of the legal requirements. Chairman Tanke replied that the Commission submitted the draft agreement to them about 3 months ago and are still awaiting a meeting to reach acceptance. It is our understanding that their attorney is reviewing the agreement. We will need to meet with them. Don Ewoldt stated that he thought the \$5 million insurance requirement in the agreement was probably a concern to them. Commissioner Vosti mentioned that we have only been in official contact with SHEF this last year. Commissioner Reshkin expressed his opinion that we should not look elsewhere for a third party until SHEF decides whether they want to be party to the agreement. We should continue to work with them. Mr. Gardner stated that there are other groups we can look at that purchase properties but he agreed with Dr. Reshkin, that we first would continue our efforts with SHEF.

The next meeting was scheduled for Thursday, November 1st at 6:00 p.m.

/sjm