

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**  
**HELD AT 6:00 P.M. WEDNESDAY, December 11, 2002**  
**6100 SOUTHPORT ROAD**  
**PORTAGE, INDIANA**

Chairman William Tanke called the meeting to order at 6:00 p.m. Eight (8) commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

**Development Commissioners:**

William Tanke  
Robert Huffman  
Mark Reshkin  
George Carlson  
Steve Davis  
Curt Vosti  
Emerson Delaney  
Robert Marszalek

**Visitors:**

Jim Flora – R.W.Armstrong Company  
Kelsee Waggoner – Congressman Visclosky's Office  
Imad Samara - COE  
Dan McDowell – Hobart, IN  
Sean Fahey - IDNR  
Jomary Crary - IDNR

**Staff:**

Dan Gardner  
Sandy Mordus  
Lou Casale  
Jim Pokrajac  
Judy Vamos

The minutes of the November 7 and November 13 meetings were approved by a motion from Curt Vosti; motion seconded by Bob Marszalek; motion passed unanimously.

**Chairman's Report** – Chairman Bill Tanke stated that the Nominating Committee has not met yet. They will report back to the Commission at the January meeting.

- Chairman Tanke announced that he is not seeking re-appointment to the Commission. Mr. Tanke was one of the original members appointed to the Basin Commission in 1980. After serving for so many years, he has decided to give someone else a chance to contribute. He has turned in a resignation letter to his appointing authority, the Porter County Commissioners. He will continue to serve until replaced. Mr. Carlson thanked Mr. Tanke for all his hard work and important contributions he has made to the Commission over the years and he will be sorely missed.

**Executive Director's Report** – Executive Director Dan Gardner reported that we have been in communication with DNR to ensure the accuracy of the public notice that was mailed to the residents in the west reach. He has also sent a letter to the three communities (Hammond, Highland, and Munster) notifying them of the mailing to their residents and offering to meet with their respective Boards or Councils to keep them updated on the project status. He also mentioned in the letter that local participation/contributions will be necessary in the future due to greatly limited State funds.

- Mr. Gardner reported that he met with Mayor King regarding Burr Street Phase 2 levee. The Mayor will be setting up a follow-up meeting with Dan and State Representative Earl Harris. Dan also offered to assist the city with FEMA in remapping toward removing Gary from the floodplain.

- Commissioner Vosti questioned the cost amount of Hammond's Hohman Avenue pump station contribution. Mr. Gardner replied that it was about \$1.2 million, coupled with the Hammond built levee (Hohman to Stateline). He inquired who else has made any significant contributions. Mr. Gardner stated that the county has donated some land, as well as the Lake County Parks & Recreation Board. Lake County Parks also donated the clay from Big Maple Lake that was used for levee material. At this point, Munster and Highland has not contributed anything because property needed had not been surveyed and appraised. This is now underway in Highland. Highland residents did contribute their property at no cost when the Wicker Park Manor sub-division flooded and the levee was reconstructed. Mr. Pokrajac added that we have just recently signed an agreement with Highland for their operation and maintenance of the 81<sup>st</sup>

Street pump station, which has saved, and will continue to save the Commission about \$50,000 a year. Mr. Gardner is in the process of documenting all local contributions.

**Land Acquisition/Land Management Committee** – In Committee Chairperson Arlene Colvin's absence, Curt Vosti gave the report. He reported that there were no increased offers or condemnations.

- Mr. Vosti reported that staff is working on getting appraisals and offers completed on the Hobart Marsh properties. Available State funds will soon be committed pending offer acceptance.

- Mr. Vosti reported that one of the homes we have purchased for the betterment levee has had a fire, which damaged the home adjacent to this property. The vacant houses were not demolished because they are in the betterment area and the State has denied claims for this area. The adjacent homeowner has submitted an insurance claim for fire damage to his house and the attorney has forwarded it to our insurance company. Mr. Gardner has spoken with Mayor King about their assistance in demolishing the remaining vacant houses.

**Environmental Committee** – Committee Chairman Mark Reshkin reported that the status on the Hobart Marsh area has already been discussed.

- Regarding the project mitigation land lease with have with LEL, the attorney is working with LEL counsel on developing a position paper for future agreements with LEL.

- Dr. Reshkin referred to an article in the Chesterton Times relative to a public meeting being held to request public input regarding TMDLs. Much of this sediment was discharges from former landfills or leftover wastes from former companies. A lot of this is found in the area of the Gary Sanitary District. It will be discussed if there is any assistance we can give them.

**Legislative Committee** – Committee Chairman George Carlson gave the legislative report. He reported that he, along with Mr. Gardner, Mr. Casale and Arlene Colvin, met with State Representative Earl Harris to talk about our budget request and what assistance he can give us to insure continued funding. He stated that even though the Governor proposes the budget, it is the legislators that have final word. We really need to rely on Rep. Harris to carry the ball for us. He speculated on how we have come under scrutiny about the length of time the project is taking when, in fact, we've only averaged \$1 million a year in funding for a \$180 million project. Rep. Harris stated he will certainly try to get the \$2.5 million restored to the Commission as well as some additional monies. Mr. Gardner added that he has had brief contact with Rep. Dan Stevenson, Rep. John Aguilera and Senator Earline Rogers. He added that we need to meet with Rep. Chet Dobis, Rep. Linda Lawson. Securing State funds is essential to our existence to complete this needed flood control project.

**Project Engineering Committee** – Committee Chairman Bob Huffman gave the engineering report. He reported that inspections of levee segments for Stage II Phase 4, Stage II Phase 3B, and Stage IV Phase 1 South are scheduled for December 18. With the COE turning over these segments to the Commission, O&M becomes a critical issue. The new committee will be meeting shortly.

- Mr. Huffman reported that there are still some outstanding issues with the COE resolving concerns expressed by Gary Sanitary District.

- There is still an issue of improving the drainage in the Tri-State/Indianapolis Blvd. area in Highland. LCRBDC sent INDOT the mapping and property identifications for this area. Jim Pokrajac pointed out that the LCRBDC is only facilitating this and are not responsible. It is not known, at this time, whether the town of Highland and North Township are able to participate in the funding of an upgrade to the pump station.

- A meeting was held with the COE to discuss the Landscaping Phase 2 design. The A/E (St. Paul Army Corps) scope of work includes all the remaining area of the east reach construction currently not landscaped, and we anticipate a mid-summer 2003 preliminary review.

**Recreation Committee** – Committee Chairman Emerson Delaney stated that no recreation construction is going on at this time. Everything is done that had to be done.

**Marina Committee** – Committee Chairman Bill Tanke reported that several meetings have been held recently with the city of Portage. We do have a commitment from Bank One to finance the revenue bond. We have also received a proposal from Horizon Bank. The city is reluctant to back the bond because the Mayor says there are only about 30 Portage residents that are renting out slips in the Portage Public Marina. He proposed that the city take over the marina and incur the cost for the remaining slips build-out if we would transfer it to them, with no reimbursement to us. The Commission has invested over \$1 million in the marina, with the understanding that we would be paid back over a period of time once the marina could sustain itself. We will meet again with the Mayor and try to convince him to sign on. If the Mayor agrees, a special Board meeting may be needed. The city is presently advertising for bids, with bid opening on December 31.

Commissioner Vosti asked what the cost is to the Commission. It was explained that there is no actual out-of-pocket expense to us. When the payment for the existing revenue bond is due (it is due twice a year), we ask the city for the payment and they cut a check for the amount. The Commission, in turn, makes the payment to the bank. The city signed on with us for payment of the bond for the existing slips. It is this second phase of slip construction that the city does not want to endorse. The marina has a waiting list so filling the slip rentals should not pose a problem. The concern is that the longer it takes to pay off the bonding, the longer the Commission will wait for its payback of monies. The attorney is drafting a marina bonding resolution.

- Emerson Delaney made a motion to make payment to South Shore Marina for the breakwater handrail removal; motion seconded by Bob Huffman; motion passed unanimously. This will be paid out of LEL funds.

**Finance Committee** – Committee Chairman Curt Vosti gave the financial report. He stated that the Finance Committee met on December 9. He proposed the approval on several items. They are: (1) approval for a 6 month proposed budget for 2003 utilizing only existing available dollars (this will be amended once it is known what future funding will be); (2) approval of 2003 NIRPC services contract that includes about a 5% increase in personnel, space and support services; (3) approval of renewal of contracts for independent contractors Jim Pokrajac, Judy Vamos and Lorraine Kray with a 3% increase and a change of the existing 14 day notice termination provision to be changed to a 30 day notice termination provision; (4) approval of compensation adjustment for Dan Gardner in the amount of \$5,500 and Sandy Mordus in the amount of \$4,000. He stated that the contracts for Attorney Lou Casale and engineering consultant Jim Flora will remain at the same 2002 rate but will be approved at the January meeting with a change of the existing 14 day notice termination provision to be changed to a 30 day notice termination provision and the contracts will continue to be in force until then; (5) approval/ratification to transfer \$20,011 of earned interest money to Gary Parks & Recreation Dept. for the final payment for appraised easements we obtained from them (final payment is \$236,431.40 - \$20,000 was borrowed by us that was used for a COE escrow payment for Burr Street on 7/6/01 and \$11 was a check printing fee). Mr. Vosti proceeded to make a motion approving all items; motion seconded by George Carlson. Commissioner Mark Reshkin asked how NIRPC arrived at the 5% increase and what it entails. Mr. Gardner explained where the increases were at and that normally we do incur an increase each year from NIRPC. Dr. Reshkin felt that 5% was above the cost of living increase and wanted further explanation of the increase. Mr. Vosti amended the motion by withdrawing the approval of the NIRPC contract until further explanation is given at the next meeting. Motion passed with 1 no vote expressed by Steve Davis.

- Mr. Vosti then made a motion approving the payment of \$5,470 to USGS for the Hart Ditch gage station; motion seconded by Bob Huffman; motion passed unanimously. Monies will come out of LEL funds. Commissioner Reshkin inquired why IDEM was not paying for this since this gage station is necessary for TMDL's. Mr. Gardner replied that they have refused to pay for it. Future discussions toward next year's payment and IDEM's involvement will take place.

- Mr. Vosti continued to make a motion approving the financial claim sheet and the claims for November; motion seconded by Bob Marszalek; motion passed unanimously.

**Policy Committee** – Committee Chairman George Carlson informed the Board members that the Sunshine law prohibits secret ballots so the bylaws need to be amended. The changing of the bylaws requires 2 meetings so actual approval to change the wording will be done at the January meeting. The section in the bylaws under PROCEDURE

OF NOMINATING COMMITTEE currently reads "The policy of this Commission shall be that the Presiding Officer, or Chairperson, shall not appoint the Nominating Committee. Instead, a Nominating Committee is to be chosen by the full Commission at its November meeting by secret ballot." Mr. Carlson proposed the bylaws be corrected to read "~~The policy of this Commission shall be that the Presiding Officer, or Chairperson, shall not appoint the Nominating committee. Instead, a Nominating committee is to be chosen by the full Commission at its November meeting by secret ballot.~~ Mr. Carlson made a motion to approve the first reading; motion seconded by Curt Vosti; motion passed unanimously.

**Public Relations Committee** – Committee Chairman Bob Marszalek informed the members that the park equipment for the Charles Agnew Handicapped Park arrived today at the River Forest Elementary School. It will be put up within the next few days and he will take some pictures to show the Commission members.

**Other Issues** – Mr. Gardner clarified that the 2003 Operating Budget just adopted is for a 6 month period only, utilizing only existing available dollars.

- Mr. Gardner referred to a request we received from NAFSMA for \$500 annual membership dues. At this point in time, the invoice will not be paid due to financial cutbacks.
- Chairman Tanke asked Sean Fahey, IDNR, if he could see what he could do down state in regards to demolishing the structures on properties the Commission has acquired for the Burr Street Betterment levee due to the fact that they are a safety and public nuisance hazard. He asked if Mr. Fahey could report back at the January meeting.
- Imad Samara stated that he has updated the COE web site. They have a site for the Little Calumet River project and have added some aerals to it. The project map is also there. He asked us to look it over and make comments.
- Jomary Crary from IDNR stated that no petition for a public hearing has been formally received – only phone calls.

**Statements from the Floor** – There were none.

Being that the next first Thursday falls on the day after New Year's Day, the next scheduled meeting will be at 6:00 p.m. Wednesday, January 8, 2002.