

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**  
**HELD AT 6:00 P.M. THURSDAY, MAY 1, 2003**  
**6100 SOUTHPORT ROAD**  
**PORTAGE, INDIANA**

In Chairperson Arlene Colvin's absence, Vice Chairman Emerson Delaney called the meeting to order at 6:10 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

**Development Commissioners:**

Charlie Ray  
Robert Huffman  
Mark Reshkin  
George Carlson  
Steve Davis  
Mark Lopez  
Emerson Delaney  
Bob Marszalek  
Curt Vosti

**Visitors:**

Don Ewoldt - LEL  
Kelsee Waggoner – Congressman's Office  
Imad Samara - COE  
Bill Petrites – Highland resident  
Sandy O'Brien - Hobart  
Jomary Crary – Div. of Water, IDNR

**Staff:**

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

The minutes of the April 3, 2003 meeting were approved by a motion from Mark Reshkin; motion seconded by Bob Marszalek; motion passed unanimously.

**Chairperson's Report** – Dan Gardner reported that an updated 2003 Committees/phone list will be distributed at the next Commission meeting.

**Executive Director's Report** – Executive Director Dan Gardner reported that staff has contacted Board members to try to find a new meeting date, other than the first Thursday of the month. Only one date surfaced that no Commission member had another commitment for and that date is the first Wednesday of the month. Mr. Vosti proceeded to make a motion to adopt the first Wednesday as the established meeting date for the Commission; motion seconded by George Carlson; motion passed unanimously. It was pointed out that it will take 2 monthly meetings to adopt it, according to the new by-laws adopted by the Commission. The next meeting will still be on Thursday, June 5 where a second motion will be made regarding the meeting date change. The new meeting date will take effect in July, so the meeting then will be on Wednesday, July 2.

• Mr. Gardner referred to the "incomplete application notices" received from IDNR. They are considered incomplete due to missing information on the hydrology. Jomary Crary stated that Imad has given her the hydrology information tonight so she will take it back to Indianapolis. Upon review of the material, we should receive word back from IDNR that they consider the application complete. Mr. Gardner stated that we still have the issue of purchase of mitigation property. Staff is pursuing and working with TPL to acquire some lands. Curt Vosti added that he is hopeful that the Hammond Parks Department will make the land available at the Carlson Oxbow Park available to the Commission for mitigation property. Mr. Vosti referred to a statement that Sean Fahey had made in regard that it was his opinion that we need to move on mitigation purchase within 60-90 days. Mark Reshkin explained further that Sean said that for him to recommend to the people who have to make the decision on "good faith effort", he feels it is important to show tangible evidence of mitigation land purchase. The people who make that decision cannot set a precedent because of

other permit applications in the state. Bob Huffman asked about the in-project lands and Mr. Gardner replied that the 140 acres of the in-project lands is in addition to the mitigation property needed for the permit.

- Commissioner Curt Vosti requested a copy of the IDNR east reach permit we have on file. Staff will follow up.
- Mr. Reshkin stated that 10 more properties have been added in the Hobart Marsh area for consideration for purchase. Mike McCurdy from TPL is aware of the 10 properties and he is pursuing them. Mr. Gardner added that within the next 90 days we will have a meeting with the IDNR, COE, and the Congressman's office to keep everyone informed of the progress. Mr. Gardner reiterated that 2 IDNR permits were needed – one for the Little Calumet River and one for Hart Ditch.

**Land Acquisition/Land Management Committee** – In Committee Chair Arlene Colvin's absence, Curt Vosti gave the report. He proceeded to make a motion to increase the offer on DC-1013-D to \$8,510 (from \$7,400); motion seconded by Mark Lopez; motion passed unanimously.

- Mr. Vosti then made a motion to increase the offer on DC1012-B to \$17,250 (from \$15,000); motion seconded by Bob Huffman; motion passed unanimously.
- Mr. Vosti stated that LAMAR has exercised their option to extend their leases for another 10 year period, with the rental having a rate increase of 3-1/2%/year that will be implemented every 3 years.
- Regarding Berkheimer property, they have ordered a survey of the exact acreage we are selling to them and it should be completed soon. After the acreage is established, we can move to close on the property.
- Discussion took place on the Charles Agnew Handicapped Park and the dedication date. Once a date is set, staff will notify the Board members.

**Operation & Maintenance Committee** – Committee Chairman Bob Huffman stated that there have been no further meetings regarding O&M. He anticipates a coordinated meeting with the CE on May 7 or 8 to discuss outstanding GSD issues.

**Environmental Committee** – Committee Chairman Mark Reshkin reported his report will stand based on remarks made under the permit discussion.

**Legislative Committee** – Committee Chairman George Carlson gave the legislative report. He announced that the Legislative and Finance committees jointly met on April 24<sup>th</sup>. He referred to several news articles in the agenda packet. He briefly discussed how language was first going to be placed in the IN Ports bill that would allow funding for the Little Cal; then wording was going to be placed in the NIRPC bill to allow funding. It eventually ended up being put in neither bill but \$7 million appropriated to us from a line item in the DNR general budget. He credited the success of obtaining the monies to the Congressman's intervention and to Representative Earl Harris, who played a very instrumental role. We also had the strong support of the northwest Indiana delegation. He commended Commissioner Curt Vosti for seeking support at the Governor's Office in Indianapolis when he traveled there on other business. It took extreme effort on everyone's behalf to make this happen. Although the \$7 million was appropriated, Mr. Gardner will be talking to Representative Harris and others as to how to go about getting it allocated to us and approved for drawdown. The Commission is still pursuing obtaining as much local support and contributions as they can.

- Mr. Carlson stated that the committee members talked about the possibility of forming a conservancy district. This could provide funding for O&M in the future. Further research into O&M funding options will be studied.
- Mr. Gardner took the opportunity to thank everyone for their effort. He has written several thank you letters and will continue to write thanks you's to the delegation. He did mention that the \$2.5 million from the previous session is not mentioned at all. He would guess that those Build Indiana funds is just no longer available at present.
- Mr. Gardner also said there was no mention of our availability to draw funds that were not creditable either. That leaves the issue of Burr Street Phase 2 completion. He will be talking to Rep. Harris and Mayor Scott King to set up a meeting for this discussion. Commissioner Vosti added that he only sees 3 options: (1) get the State to allow us to spend funds that are not creditable, (2) get the COE to commit to making Burr St. completion not a betterment, and (3) continue with the prospect of the city of Gary paying for it. After discussion, Commissioner Mark Reshkin made a motion authorizing staff to pursue a meeting with Rep. Harris and the Mayor to confront the issue and obtain a

commitment and funding schedule when the completion could begin as this is the only feasible option; motion seconded by Curt Vosti; motion passed unanimously.

- Mr. Gardner stated that he would be working with the Finance committee to set a game plan in place to be able to draw on the \$7 million.

**Project Engineering Committee** – Committee Chairman Bob Huffman gave the engineering report. He reported that there are several construction projects currently going on. The Stage III Remediation construction will be completed about November of this year. The in-project mitigation will be starting about mid-May. The construction of the pump station 1A contract is currently about 60% complete and is anticipated for completion about July of this year. There have been problems with the contractor (Overstreet), and Jim Pokrajac reported that the COE are looking for a new contractor to finish their work for them. The North 5<sup>th</sup> Street pump station is currently approximately 78% complete and is expected to be completed in several weeks.

- The 2 upcoming construction projects are Stage VI-1 that is tentatively scheduled for October of this year and the Stage VI-2 project that is tentatively scheduled to be advertised in the fall of 2004. Imad Samara added that he hoped it would only be 6-7 months away.

- Commissioner Huffman asked staff about the status of the pump station at Tri State. Jim Pokrajac replied that he had talked to John Wright at INDOT last month but will follow up with him before the next meeting. INDOT is currently completing the engineering. Imad asked whether funding the pump station is an issue and Mr. Pokrajac replied that he didn't think so but that was one of the topics that INDOT needs to talk about.

**Recreation Committee** – Committee Chairman Emerson Delaney informed the members that a dedication ceremony at the Charles Agnew Handicapped Park at River Forest School would be scheduled soon. Bob Marszalek is coordinating with staff and the company doing the sign to set a date upon sign completion. All members will be notified. Commissioner Lopez asked that the invitation be extended to include the Governor's office and IDNR. Commissioner Huffman added that former commissioner, Bill Tanke, also be invited.

- Commissioner Delaney reported that the paving of the ramps in the east reach has been completed.

- Commissioner Huffman made reference to a letter that staff wrote to Lake County Highway Dept. regarding a cantilevered walkway proposed for the Kennedy Avenue bridge. The analysis that R. W. Armstrong did regarding the walkway was given to Lake County Highway Dept. This is a county bridge so the Highway Dept. would have to approve any proposed design. Commissioner Vosti added that the trail shifts from the south side of the river to the north side of river west of Kennedy and the existing walkway at the bridge is not wide enough to accommodate foot/bike traffic.

- Commissioner Delaney asked what we were doing about vandalism on the trails. Mr. Pokrajac answered that up to this point, we have not had that problem – the COE has handled it. Mr. Vosti suggested that we contact the respective city to ask that they do any repair work (as a result of vandalism) in their respective city. Also brought up was discussion regarding protective coatings for concrete for anti-graffiti. Commissioner Huffman also asked staff about the observation deck east of Grant Street. He noticed that it had an area that was burned and felt that it posed a safety hazard. Mr. Pokrajac added that we would take care of the damage of burned boards on the observation deck between Harrison and Grant.

**Marina Committee** – Committee Chairman Emerson Delaney reported he visited the marina site and talked to several boaters about the low water level in the channel. Portage marina launch ramp is a continuous problem because of the low level. Mr. Gardner said he had talked to Don Wadleigh from the COE concerning this. With the boating season fast approaching, there is a real concern. The Portage Port Authority manages the marina. Commissioner Charlie Ray added that you cannot even launch a boat at Washington Park in Michigan City; you have to go to Trail Creek. Commissioner Reshkin added that this is the lowest water level at the Great Lakes since 1964. Commissioner Davis also said that you need a DNR permit to drop extra sand/gravel at the launch site.

- Commissioner Vosti asked if we ever received a satisfactory accounting of marina money. Mr. Gardner replied that some accounting information was provided to the bank when we were considering a second revenue bond for the build-out of the marina. We will begin discussions with the City early next year in regard to the completion of the marina.
- Mr. Gardner added that \$1.6 million was earmarked in the federal budget for breakwater reinforcement in Portage.

**Finance Committee** – Committee Chairman Curt Vosti gave the financial report. He referred to and made a motion to approve the financial status sheet and the claims for the month totaling \$64,591.22; motion seconded by Mark Lopez; motion passed unanimously.

- Mr. Vosti asked whether all the title work invoices on the claim sheet were for Stage VI and Judy Vamos replied that they were not; they were for crediting purposes.
- Mr. Vosti spoke on several different issues that were discussed at the Finance/Legislative committee meeting held on April 24. One item of conversation was the need to approach the Budget committee with Rep. Earl Harris to gain release of some monies. A Finance committee meeting will be held before the next Commission meeting. Also discussed was the need to expand the current 6 month into a one year budget. We may have to do an extension of the budget through the end of September and then another agenda through the end of the year. Also discussed was the idea of a conservancy district to be formed for the remaining levee construction cost if the State had not come through with any monies for the project. A conservancy district is still under discussion for O&M purposes. The Finance committee will continue to look at various options.
- Commissioner Vosti also talked about the Hammond Parks Dept. making approximately 89 acres east of the Carlson Oxbow Park available to the Commission for mitigation purposes. It would help fill the DNR request for mitigation land. He will draft up something for his Board members to pass at his next park meeting on May 13.
- Also reported was that the Directors & Public Officials insurance policy has been renewed. The invoice amount will appear on next month's claim sheet. Commissioner Lopez asked what the liability limit was and Attorney Casale stated it was \$1 million limit. This protects the Board members if they would be sued as an individual for any reason. That has never happened before but it is possibility and insurance is carried by the Commission for the members' protection.
- Also reported was the COE's request for \$106,000 for a share of the 7% cash contribution toward the project. We have already paid \$266,000 this year.

**Policy Committee** – Committee Chairman George Carlson referred back to the discussion earlier where Curt Vosti had made a motion about changing the Commission meeting date to the first Wednesday of each month. According to the bylaws, this requires 2 consecutive meeting with motions to officially change the date. Another motion will be made at the June meeting.

**Public Relations Committee** – Mr. Gardner stated that we will work with River Forest Elementary School to set a date for a dedication of the Charles Agnew Handicapped Park. Everyone will be notified, as well as the news media.

**Other Issues** – Commissioner Bob Huffman asked that if received \$7 million each biennium, how long would it take to finish the project. Mr. Gardner replied he would estimate about 6 years. Mr. Gardner went on to say that we are meeting with the COE on May 14 and will go over the current schedule and plug in dollars to match COE construction segments. Mr. Huffman stated he would be interested in attending that meeting.

- Mr. Gardner referred to a meeting held at NIRPC on May 7 and 8 regarding the Burns Waterway with the purpose to develop a runoff model for the watershed.

**Statements from the Floor** – Sandy O'Brien commented she was happy to see that \$7 million was appropriated for the flood control project. She and many other environmentalists wrote letters on our behalf. She expressed concern about the tight schedule for acquiring mitigation land but still believes the best land to acquire is in the Hobart Marsh area.

The next scheduled meeting was scheduled for **6:00 p.m. Thursday, June 5, 2003.**