

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, NOVEMBER 5, 2003
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairperson Arlene Colvin 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:

Arlene Colvin
Robert Huffman
Mark Reshkin
George Carlson
Mark Lopez
Charlie Ray
Bob Marszalek
Curt Vosti
Steve Davis

Visitors:

Bill Petrites – Highland resident
Kelsee Waggoner – Congressman's Office
Jerry Ewen – Lake Station
Don Ewoldt - LEL
Sandy O'Brien - Hobart
Don Ewen - Hobart

Staff:

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

The minutes of the October 1, 2003 meeting were approved by a motion from Curt Vosti; motion seconded by bob Marszalek; motion passed unanimously.

Chairperson's Report – Chairperson Arlene Colvin referred to Executive Director Dan Gardner to speak about the upcoming meeting to be held November 7 with FEMA, IDNR, city of Gary, COE, and the Commission. The meeting will address the time table for removing the city of Gary from the floodplain. Mr. Gardner added that he has been in contact with IDNR and has also asked Imad to confirm that he has made all the documentation needed available to IDNR. He invited any Commissioners to attend. He thanked Kelsee Waggoner for setting up the meeting with FEMA. Commissioner Vosti asked the status of the betterment levee and about how cost overruns would be addressed. Mr. Gardner replied that the last communication on this subject was the conference call he had with Jim Meyer and the COE. It was discussed that the phase 2 portion of the levee could be built with 2 contracts (one contract by the city and the other contract by the COE). The removal of the floodplain designation relies on the construction completion of the Burr Street levee in a timely manner.

• Chairperson Colvin stated that a Nominating Committee needs to be selected. The by-laws call for 3 members to form the committee. Ballots were distributed to the Board members for them to select 3 names and the top 3 vote getters would form the Nominating Committee. They will meet, select a slate of officers and report back at the January Board meeting. Commissioner Vosti asked that his name be removed as he has served several times before on the Nominating Committee and proceeded to ask if any other member had a strong desire to serve. Commissioner George Carlson replied that he did have a desire to serve.

Executive Director's Report – Mr. Gardner referred to the letter on hydric soils. He is hoping that the COE and IDEM can identify other lands owned by the Commission instead of the 200 acres between the levees between Grant and Chase. The Commission feels these 200 acres would better serve the community as a public wetland mitigation project. He stated that Greg Moore from the COE and Marty Maupin from IDEM, plan to investigate several other

pieces of property that the Commission owns to determine if these lands meet IDEM's requirements for use as hydric soils. Several Commissioners expressed an interest in accompanying them on their inspection. Commissioner Mark Lopez asked if there would be any negative impact to Gary. Mr. Gardner replied that all properties being considered are within the line of protection and they would only be using the land we own that will be periodically flooded.

- Mr. Gardner informed the board members that he and Imad Samara attended a meeting at INDOT on October 10 regarding bridge credits. He thanked Kelsee Waggoner for setting up the meeting with INDOT. He felt the meeting was very helpful. We will be working with the Chief of Finance & Policy of INDOT to identify the design elements relative to flood control and the monies apportioned thereto. We realize that the amount of \$19 million originally mentioned in a previous letter from INDOT that would be available for credit is probably not going to be all applicable – but only if the amount of state money spent on needed flood control measures could be identified, it would still be a sizable amount. Mr. Gardner went on to say that we have sent a letter to Lake County Highway Dept and asked them to identify costs associated with flood control in regard to the county bridges they have re-constructed.
- Mr. Gardner referred to several articles in the agenda packet on the Illinois Thorn Creek Reservoir project.
- Mr. Gardner informed the Board members that Don Ewoldt has filed a request for administrative review of the mitigation permit. A hearing date has been set for December 10 at IDNR in Michigan City, with Steve Lucas being the hearing officer for DNR. Attorney Casale went on to explain that Mr. Ewoldt has filed a complaint with IDNR saying the permit we originally received for the east reach has been violated without proper procedure being followed. The mitigation portion of the project that was originally identified within the project area has been moved outside the impacted area into the Hobart Marsh area. Mr. Ewoldt has filed the complaint as an individual, not representing LEL. Attorney Casale has entered an appearance on behalf of the Commission.

Outstanding Issues – Regarding the USGS agreement for the Hart Ditch gauge station, Mr. Gardner stated that we have checked our past records to how much we have paid in the past for financing the operation of the gauge stations and it has been considerably more than the current amount they have requested. Mr. Gardner recommended to the Board that we sign the USGS agreement to pay the \$5,470 for the operation of the Hart Ditch gauge station. Mr. Vosti made a motion to sign the agreement with USGS for this amount for the operation of the station for the period of October 1, 2003 through September 30, 2004; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Gardner referred to the information we received from Imad regarding the road closure locations and requirements. It included information such as the height, width, number of sand bags, estimated installation time, locations, etc. Jim Pokrajac added that this is the updated version that will be included in the O&M manual. He will simplify this information and respond back to Spike Peller (who originally requested the information). We will speak further with Imad and have him clarify it at the next meeting.
- Mr. Gardner referred to the INDOT scheduling regarding the letting of the interchange work at Grant and Broadway. He stated that the COE will provide money to their project for construction related to the flood protection system. Jim Pokrajac added that he has the plans and specifications for these INDOT projects that are scheduled. The interchange work at Grant and at Broadway will be similar to the layout as the Burr Street interchange.

Land Acquisition/Land Management Committee – After discussion, Committee Chairperson Arlene Colvin made a motion to agree to the cost of fencing at the Mansards (for the lowest quote received of \$6,395) contingent upon (1) indemnification of the Commission, (2) they would agree to sell us a permanent easement at the appraised fair market value price, and (3) be responsible for the maintenance of the fence; motion seconded by Curt Vosti; motion passed unanimously.

- Ms. Colvin reported that on October 31 we received bids for the advertised farm land. The low bidder for Area #1 (Chase to Grant outside the levees and south of 35th) was Don Ewen at a price of \$70/acre. The low bidder for Area #2 (Chase to Grant between the levees) was Tim & Ed Bult at a price of \$74/acre. Ms. Colvin made a motion to accept these bids subject to staff having a bid clarification meeting with the bidders to get particulars worked out. Bidders need to understand the pumping situation and the charges for the pumping and irrigation of the land. Motion seconded by Bob Huffman; motion unanimously.

- A Gary resident, Mr. Joe Askew, addressed the Board. He has asked the Board members for consideration to rent a barn on Commission property (flowage easement in the East Reach Remediation area) to board his horses. He is currently trespassing and has no permission to be on the premises. The property was transferred to us on a tax sale from the Lake County Commissioners and Mr. Askew was on the property at that time. We had 4 structures on 4 separate properties in this area and the other 3 have been demolished; this is the only remaining structure. Mr. Askew stated that he had made some repairs to the barn at his expense. After a lengthy discussion, the matter was referred back to staff to obtain more information and report back at the next Commission meeting. Arlene Colvin made a motion to allow Mr. Askew to stay on the property for the next 30 days if he would sign a liability waiver; motion seconded by Bob Huffman. Staff was asked to inspect the property to determine what kind of repairs were made on the barn. Jim Pokrajac stated that he has seen the barn and believes that very minimal repairs were made and the barn is still sub-standard. Commissioner Bob Marszalek expressed his concern that once we give him permission to stay, we assume the liability. Attorney Casale said that if Mr. Askew agrees to sign a waiver, he could not sue us if something happened. Staff will check further into the issue of the insurance. Mr. Marszalek amended the motion to include that he must sign a waiver and include the reference to the liability insurance issue; motion seconded by Curt Vosti; motion passed unanimously.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to the COE's response to our request for the investigation and removal of settlement gauges. There are about 10 gauges that remain to be removed and filled. It is proposed that it would be done in the next contract (VI-1). Commissioner Steve Davis stated that he would ask staff to follow up on his previous request of needing surveys and elevations of the tops of the levees in order to protect ourselves from any future liability on this issue. Jim Pokrajac stated that he has sent an email to Imad and will follow up.

- Bob Huffman stated that he went on a bike ride on the levees and noticed that a section of the levee (east of Harrison Street and south of the river) is in very poor condition. Since that is where the rotational failure was and since it is in such poor condition, there must be a connection. Staff will inform the COE. Jim Pokrajac referred to the October, 1998 COE letter explaining the levee failure.

Environmental Committee – Committee Chairman Mark Reshkin reported we are moving along with the acquisition process of the mitigation property. TPL has ordered the survey and revised title work for the 173 acre parcel we wish to acquire. DNR is currently writing up an offer which would have to be approved by the Attorney General before it goes to the owner. TPL will then pursue other properties. Mr. Gardner added that since the Commission does not have the authority to acquire property in the Hobart Marsh area, the Attorney General is required to review it.

- Dr. Reshkin reported that Dr. Spencer Cortwright spoke at the Environmental Committee meeting held on October 23. Present at the meeting were Steve Davis, George Carlson, Bob Huffman, Mark Lopez, Greg Moore, Imad Samara, Jim Pokrajac, and himself. He stated that Dr. Cortwright has been managing/restoring a 10 acre prairie just north of 33rd Avenue by IUN and described the work he has been doing. Dr. Cortwright asked about participating in the future landscaping planning in the east reach of the project. He will work with Imad and Greg Moore. After discussion, it was decided that a working group would be formed consisting of Dr. Cortwright, Imad Samara, Greg Moore, Jim Pokrajac and possibly others.

Legislative Committee – Committee Chairman George Carlson stated there was no report.

Project Engineering Committee – Committee Chairman Bob Huffman informed the Board that the Pump Station 1A coordination meeting was held on October 30 to review the status of the contract. The Baring Avenue pump station would be operational by December 1, 2003.

- An INDOT coordination meeting was held on August 12, 2003 to review their projects in northwest Indiana. Discussion ensued on INDOT's stating they could not release Phase 1A (Ridge Road to 81st Street) until 2005. Because the flood protection system in that area has to be built before the installation of the INDOT pump station, they cannot

proceed with their construction. The INDOT pump station will not be functional until the total line of flood protection is installed. While it would be desirable to have this pump station construction moved up, we cannot commit to it until we determine that sufficient funds remain after our immediate obligations are met in Stages VI-1 and VI-2, which are our top priorities.

- GSD has not yet signed off as owners for the installation of electric service with NIPSCO for the 2 new lift stations in the Stage III Remediation contract. They still have some concerns and will not sign until the issue of water quality is addressed. IDEM is being brought in on the discussion. A conference call needs to be scheduled.

Recreation Committee – In Committee Chairman Emerson Delaney's absence, Bob Huffman reported that on October 25 there was an organized bike ride on the levees by the Gary Green Link which was organized by Doreen Carey. About 30 people were involved. There were many positive comments about the trail. Discussion was held regarding some of the work that the group hopes to accomplish.

Marina Committee – In Committee Chairman Emerson Delaney's absence, Mr. Gardner referred to the financial status report on the marina. He talked about the income and expenditures. It is hoped that we can begin discussions with the city of Portage again in regard to the build out of the marina.

Finance Committee – Committee Chairman Curt Vosti gave the financial report. He referred to the financial status sheet and current claims. He made a motion to approve the financial status sheet and the claims for the month of October; motion seconded by Bob Marszalek; motion passed unanimously. He then referred to a proposed 12 month budget for the completion of 2003. With no commitment of continued state funding at the beginning of 2003, we originally started out the year with a 6 month budget. We then went to a 9 month budget and now have proposed a 12 month budget, showing the allocation of the \$5 million from this biennium. Mr. Vosti made a motion to approve and accept the proposed 12 month budget for the administrative budget; motion seconded by George Carlson; motion passed unanimously. Mr. Vosti then made a motion to approve and accept the proposed 12 month budget for the land acquisition budget; motion seconded by George Carlson; motion passed unanimously.

- Mr. Vosti announced that the COE has requested a local cash contribution amount of \$400,000 for fiscal year starting October 1, 2003.
- Mr. Vosti made a motion to transfer the amount of \$63,069.65 into the administrative account in order to cover anticipated expenses until the end of the year. These monies comprise the sale of the Berkheimer property at \$32,859.45 and the \$30,210.20 interest money earned from several savings account. Motion was seconded by George Carlson; motion passed unanimously. Commissioner Mark Lopez asked whether all financial matters require Board action and Mr. Gardner replied that they did.
- A Finance Committee meeting will be scheduled before the next Board meeting.
- Mark Lopez asked about what engineering services are procured and how much of the approved claim amounts comprise engineering charges. Staff will work with him to explain the breakdown.
- Mr. Vosti made a motion to approve 2 invoices to be paid out of O&M funds. They are (1) \$200 to Don Powers Insurance for 3 months coverage on Commission owned property at 3120 Gerry Street and (2) \$19,100 to Congress Enterprises for the demolition of 3 structures on Commission owner property in the East Reach Remediation area. Motion seconded by Mark Lopez; motion passed unanimously.

Policy Committee – There was no report.

Public Relations Committee – There was no report.

Other Issues – Chairperson Arlene Colvin announced that the Nominating Committee will consist of George Carlson, Steve Davis, and Mark Lopez. They will meet, select a chairman, and propose a slate of officers at the January meeting.

Statements from the Floor – There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, December 3, 2003