

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, OCTOBER 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:

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

Visitors:

Jomary Cray – IDNR, Div. of Water
Kelsee Waggoner – Congressman's Office
Imad Samara - COE
Don Ewoldt - LEL
Sandy O'Brien - Hobart
Don Ewen

Staff:

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

The minutes of the September 3, 2003 meeting were approved by a motion from Bob Huffman; motion seconded by George Carlson; motion passed unanimously.

Chairperson's Report – Executive Director Dan Gardner referred to and explained the response letter he sent to Marilyn Schultz, Director of the State Budget Agency. He felt that he had answered their areas of concern regarding the funds being used for identified purposes; acquisition of mitigation properties; total current figures available for project completion; and the development of an outline for an operation and maintenance approach. Commissioner Vosti asked when we need to start drawing down the monies. Mr. Gardner answered that we still have some available funds we are currently drawing on from the 2001-03 budget but we will begin accessing these new funds as soon as the need arises. Commissioner Reshkin added that once an offer is accepted in the Hobart Marsh area, those funds will need to be drawn. Hobart Marsh would probably be the first to be drawn.

Executive Director's Report – Mr. Gardner stated that Kelsee Waggoner from the Congressman's Office, is working to schedule a meeting with FEMA.

- A conference call was held between the LCRBDC, the COE, and Jim Meyer (the city's identified person to work with regarding Burr Street Phase 2 levee contracting coordination) on September 9. Mr. Gardner felt the conference call was a good one and it laid out an identified path to follow. Since the Mayor has a concern with City minority participation being used for the levee construction, it was discussed that perhaps the City could let their own contract with their portion of the monies being used and then the LCRBDC would let a contract with State funds (still acquiring the 40% minority participation goal now in place). The overall project construction will have oversight by the COE, especially since it has to be accepted by them. They will continue discussions.
- Commissioner Vosti expressed his concern about Burr Street levee construction not exceeding the estimated amount of money that the Commission has for this use. We have limited funds; the City has limited funds; the COE needs to recognize this and make sure that the contract and contractor recognize this also. The money that the Commission puts

in is not creditable. He asked that staff really monitor the situation once construction begins. Mr. Gardner stated that he is aware of this concern and will work to insure construction within available funds.

- Mr. Gardner stated that he and Imad Samara will meet with INDOT in Indianapolis on October 10. This meeting has been arranged by Kelsee Waggoner, Congressman's staff. The topic of discussion will be highway bridge credits. Although a total dollar amount has been identified for the bridge construction, that total must be broken down to reflect only the portion that used state money for directly-related flood control construction.

Outstanding Issues – Discussion was held on the soil storage that had been noticed at Wicker Park in Highland adjacent to Hart Ditch. Jomary Crary from IDNR stated that a IDNR inspector visited the site and determined that approximately 750 lineal feet of dumping had been done in the floodway. There is no current permit so it is unauthorized. She stated that DNR will be sending a letter to the North Township office and the matter should be resolved shortly. Mr. Gardner added that the Lake County Drainage Board also has jurisdiction along the floodway of Hart Ditch and Dan Gossman was made aware of the situation. Curt Vosti added that if it is clean fill that needs to be hauled away, the Hammond Parks Dept. would have a use for it. Mr. Vosti also asked staff to communicate to Munster resident Steve Enger of the current situation at the park since he had asked us to look into it. Staff agreed to write a letter.

- Regarding the USGS agreement for the Hart Ditch gage station, Mr. Gardner stated that we have checked their web site to determine how many gage stations there are and who is using them. They are needed for monitoring purposes of water levels. Imad Samara stated that the COE is currently paying on gage stations that are necessary for emergency response purposes, but eventually will become a cost that will be turned over to the Commission as part of O&M responsibility. After a lengthy discussion of who else uses the gage stations and if they could help pay for them, staff was directed to continue to pursue other affected entities. Mr. Huffman added that we need to keep this item as an outstanding issue before us.

Land Acquisition/Land Management Committee – In Committee Chairperson Arlene Colvin's absence, Emerson Delaney gave the report. He stated that approval is needed to increase an offer on DC1010-E (from \$25,250 to \$29,037.50, an allowable 15% increase) Curt Vosti made a motion to approve the increase; motion seconded by Bob Huffman; motion passed unanimously. There are no condemnations.

- Mr. Huffman stated that we have some farm land that needs to be advertised for the farm season of 2004. He referred to the attachment of the properties for lease. Jim Pokrajac clarified that only the first 2 properties need action to advertise. One property is from Chase to Grant (both sides of 35th Avenue); and the second property is Chase to Grant between the levees. Bob Marszalek proceeded to make a motion authorizing staff to advertise these 2 pieces of property; motion seconded by Curt Vosti; motion passed unanimously. Staff will advertise quickly so that bids can be received prior to our next Commission meeting so an award can be made at that meeting.

- Mr. Huffman stated that we have several structures that need to be demolished in the East Reach Remediation area. Staff met with a demolition contractor who will work up a quote and get back to us. The structures will be demolished because the insurance company is requiring that we either insure the structures or demolish them. Mr. Huffman asked about the time frame we were looking at. Mr. Pokrajac stating we are hoping the quote is under \$25,000 which is our cap; otherwise, we will have to bid it out. We anticipate a start no later than November 1 and 2 weeks to complete. The structures are only partial buildings so we are expecting the quote to be under \$25,000. This is a minority contractor from the city of Gary who is licensed and bonded. We will also require all manifest forms to be filed properly.

- Mr. Huffman referred to a request from Stan Stann who leases the land on 35th & Chase for his tower. Mr. Stann's letter inquired about the possibility of him purchasing the property rather than leasing it. After discussion, it was recommended that we continue to lease to him until a comprehensive O&M approach is identified and put in place. The Finance/O&M Committee will be looking at this until a plan is in place. We do not want to sell any property. Bob Huffman made a motion to continue to lease the property to Mr. Stann; motion seconded by Curt Vosti; motion passed unanimously. Staff will inform Mr. Stann of the Commission's position. Mr. Vosti added that if there is a good reason why it is needed by him, we would reconsider it at that time. Mr. Pokrajac was directed to write a letter to Mr. Stann.

- Mr. Huffman reported that all levee mowing has been completed. Spraying of herbicide has been done on the levee tops adjacent to existing stoned recreational trails. Jim Pokrajac will be taking some pictures for record purposes.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to a memo sent to the COE requesting the removal of settlement gages from several constructed levee areas (about 5-10 areas). We have a concern about local responsibility after O&M turnover to the Commission. Mr. Huffman stated this item should continue to be kept as an outstanding issue. Commissioner Steve Davis asked whether COE geotec people have looked at it yet and Imad Samara responded no. Mr. Davis requested that the geotec people investigate the gage, especially at the area east of Harrison. He requested that elevations be taken on the gage and adjacent levee before the Commission takes it over. He wants the elevations recorded and documented. Mr. Samara agreed to provide us that information.

- Mr. Huffman also referred to a letter to the COE requesting road closure information during a flood event as to which roads would be sand bagged and which roads would be opened. When we receive information from the COE, it will be shared with the City. Spike Peller requested the information on behalf of the city. This will be incorporated into the Gary Civil Defense plan.

Environmental Committee – Committee Chairman Mark Reshkin was happy to report that the Commission is making progress in the Hobart Marsh area. Trust for Public Lands is working on closing negotiations for a 173 acre parcel in the Hobart Marsh area. The appraisal is being reviewed by the COE; a survey remains to be done; owner has basically approved the acceptance offer.

- Dr. Reshkin announced that a Committee meeting is scheduled for October 23 at 1:30 p.m. Dr. Spencer Cortwright, Associate Professor of Biology at Indiana University N.W., will be the guest speaker. He will speak on the native species that would thrive in the northwest IN climate; review and comment on the Landscaping Phase 2 plans; and discuss his ability to do a controlled burn on the existing levees. Dr. Reshkin invited all Commission members to attend.
- Dr. Reshkin announced that a meeting was held with LEL on September 16. Mr. Gardner added that he and Attorney Casale met with them regarding the possibility of a new proposal agreement with them since the existing agreements will expire this year. If a new agreement is not entered into, the Commission will probably re-advertise and solicit new proposals. Attorney Casale added that the wording in the existing agreement is not appropriate now and needs to be changed. LEL will send a letter indicating their intent.
- Commissioner Vosti asked whether an Executive Session would be appropriate for the next meeting. Dr. Reshkin thought that if something is received from LEL prior to the next meeting, an Executive Session may be in order. Staff agreed. Staff will determine at a later date and let Board members know.

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

Project Engineering Committee – Committee Chairman Bob Huffman informed the Board members that a meeting was held at the Baring Avenue pump station in Munster on September 22. Several Munster Councilmen attended as well as the COE to review the current pump station contract situation. One pump is working and the 2nd pump should be operational by the end of October, with it being totally completed by December 1. Imad added that progress is being made at all the pump stations.

- Mr. Huffman stated that there are still several outstanding issues with GSD. Staff will try to schedule a meeting with them before the end of the month.
- We received a public notice from INDOT announcing the re-construction of Grant Street & Broadway I-80/94 interchanges. The COE is currently reviewing INDOT plans and specifications for impacts to our project. Jim Pokrajac added that they have also sent specs to the city of Gary for their review. Mr. Gardner added that they are adding an extra lane but all within their right-of-way. Mr. Gardner will share the INDOT layout at the next meeting. Imad Samara added that the new ramps should eliminate any need for future sandbagging.

- Discussion ensued on potentially removing sections of completed west reach levee projects. Mr. Samara agreed that they would provide the Commission with a memo on this issue.

Recreation Committee – Committee Chairman Emerson Delaney stated there was no report.

Marina Committee – Committee Chairman Emerson Delaney reported that the October marina payment has been made. He requested staff to contact the city to obtain a current credit status sheet on expenditures/profit 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 September; motion seconded by Bob Huffman. He then referred to 2 claims to be paid out of O&M funds and amended the motion to include the total financial approval; motion seconded by Bob Huffman; motion passed unanimously.

• Mr. Vosti stated that a Finance Committee meeting was held on September 10. Topics discussed were the Burr Street Phase 2 levee funding concern and ongoing O&M issues regarding funding. He stated that he thought the State Budget Agency made it clear that they have no intention of providing funds for the maintenance of the levees. Mr. Vosti referred to the draft of the O&M approach distributed earlier. He said his goal is 1 year to have an approved plan in place. The Committee will work with the attorney. Commissioner Mark Reshkin stated he was glad to hear that; it is a good step forward.

Policy Committee – There was no report.

Public Relations Committee – There was no report.

Other Issues – Bob Huffman stated that he asked staff to share the COE letter from Greg Moore that was written to Curt Vosti regarding the 89 acres at the Carlson Oxbow Park area. Although the letter did not accept the acreage as a suitable mitigation site, he felt it was a very good letter and needed to be shared. Commissioner Delaney stated he was disappointed that this park area could not be given credit as a mitigation area. It is an area that he is very proud of. Commissioner Carlson added that he also was disappointed. He felt that the wet conditions viewed by Greg Moore are not the normal condition. Frequent and heavy rains made the area wetter than usual. The COE's assumption was that this is a normal condition and that is not true. Commissioner Reshkin added that we are obligated to listen to the experts.

Statements from the Floor – There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, November 5, 2003.