

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, April 7, 2004
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

In Chairperson Arlene Colvin's absence, Vice Chairman Bob Marszalek called the meeting to order at 6:10 p.m. Six (6) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Bob Marszalek
Robert Huffman
Mark Reshkin
George Carlson
Mark Lopez
Steve Davis
Bill Biller

Visitors:

Dorreen Carey – City of Gary Env. Affairs Dept.
Kelsee Waggoner – Congressman's Office
Sandy O'Brien - Hobart
Imad Samara - COE
Emerson Delaney - Chesterton

Staff:

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

A motion to approve the minutes of the March 3, 2004 meeting was made by Bob Huffman; motion seconded by Mark Reshkin; motion passed.

Chairperson's Report – Bob Marszalek referred to Emerson Delaney, who addressed the Board members. Mr. Delaney read his letter of resignation to the members. He is resigning because he has become a member of the Board of Zoning Appeals for the town of Chesterton and the town attorney has advised him that he has to resign from the Development Commission. He will send the letter to the Governor's office informing them of his resignation. Commissioner Marszalek thanked him for his dedicated service that he has shown to the Commission and he will be missed by all.

- Mr. Marszalek introduced our newest member to the Commission, William Biller. Mr. Biller replaces Curt Vosti. He is a Governor's appointment from the city of Hammond and works for the Hammond Sanitary District.
- Mr. Marszalek also informed all members of the re-appointments of Bob Huffman, John Mroczkowski, Mark Reshkin, and himself as Governor's appointments.

Executive Director's Report – Mr. Gardner introduced Dorreen Carey from the city of Gary Environmental Affairs Dept. Ms. Carey gave a presentation on the Gary Green Link project, which is a proposed project linking the Little Calumet River corridor, Grand Cal, and Lake Michigan to protect and enhance the corridors to be people friendly, whose goal it is to develop through the public process to connect and enhance the corridors to a green link. The presentation was for information only. Mr. Gardner asked Dorreen to write a memo to the Commission summarizing the project and stating how the Commission could support it. Bob Huffman volunteered to be the liaison from the Commission.

- Mr. Gardner stated that we are continuing discussions with the town of Highland. We are entering into a "friendly condemnation" with the town. This has been mutually agreed upon because the value of the easements offered to Highland were lower than the town felt they are worth. Since the COE regulations restrict us from offering any more than the approved appraisal amount, the only avenue open to them to establish a higher value is through the court process. Attorney Casale is working with the town attorney, Rhett Tauber. They are hoping they can move the process along quickly and all parties are mindful of the schedule needed to award Federal contracts.

- Mr. Gardner informed the Board members that he, Jim Pokrajac, and Imad Samara met with Jim Meyer, attorney representing the city of Gary, to review plans and specs for Burr Street Betterment Phase 2 for levee construction. The COE will be the "construction manager" but the city will let the contract for construction. The city has committed \$1.4 million toward construction.
- We are still talking with INDOT regarding bridge/highway credits where INDOT has used state dollars to reconstruct bridges. We are waiting for a letter from INDOT listing out the state monies that were spent. It is also anticipated that we would receive about \$700,000 in additional crediting for the Cline Avenue interchange project. The FHWA has written a letter approving the process. Mr. Pokrajac asked Imad Samara to submit copies of their agreements they had with INDOT to show what was paid for by the COE.
We are also pursuing county bridge credits with Lake County Highway Department.

Outstanding Issues – Attorney Casale stated that a hearing date of April 29 has been set to pursue the eviction of Mr. Askew from Commission property. Once we obtain a court order, staff will pursue having the barn demolished. This will eliminate the possibility of anyone trespassing on the property again.

Finance Committee – Treasurer Mark Lopez gave the financial report. He proceeded to make a motion to approve the financial status and the claims for March; motion seconded by George Carlson; motion passed unanimously. Mr. Lopez then made a motion approving an O&M claim for \$1,750; seconded by Bob Huffman; motion passed unanimously.

Land Acquisition/Land Management Committee – In Committee Chairperson Arlene Colvin's absence, Dan Gardner gave the Land Acquisition report and Jim Pokrajac gave the Land Management report. Attorney Casale reiterated to the Board members that we are entering into a friendly condemnation with the town of Highland in order for the court process to set the value of the easements we are requesting from them. The town is reviewing the offers now and when they have officially rejected them at their public board meeting, Mr. Casale will file them at the court. Bob Marszalek proceeded to make a motion to enter into a friendly condemnation with Highland for easements known as DC 1006, 1007, 1008, 1025, 1031, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, and 1050; motion seconded by Bob Huffman; motion passed unanimously. The easements total about 62 acres in all. The easements include those easements needed by the Park Department also.

- Jim Pokrajac reported that we have received a request from INDOT for a right-of-entry on Commission property for a temporary 12' strip of land. Mr. Pokrajac has been working with INDOT for a clarification of exact legals describing the needed land. He now feels comfortable with the legals provided to him and would ask the Board members for approval to sign the right-of-entry for INDOT. Bob Marszalek made a motion granting approval to INDOT for the needed easement; motion seconded by Bob Huffman; motion passed unanimously.
- Mr. Pokrajac informed the Board members that the renters at 3120 Gerry Street have vacated the house, leaving behind personal belongings and leaving the house in deplorable condition. They also are in arrears of least \$1100 back lease money. Bob Marszalek made a motion authorizing the attorney to pursue legal action to collect back rent and the incurred cost of cleaning up the house; motion seconded by Mark Lopez. After discussion, Bob Huffman amended the motion to say that legal action would only be taken if staff deems legal pursuit is worthwhile and cost effective. If legal costs would be higher than the money collected, it is not worth pursuing. Motion seconded by Bill Biller; motion passed with Mark Reshkin opposing.
- Mr. Pokrajac informed the Board members that we received a request from the town of Griffith to sign a right-of-entry on lands we own to allow construction for the Cady Marsh Ditch project. Bob Marszalek made a motion to approve their request for the right-of-entry contingent upon attorney approval and engineering concurrence; motion seconded by Bob Huffman; motion passed unanimously.

Operation & Maintenance Committee – Committee Chairman Bob Huffman talked about the O&M funding meeting that was held on March 24, in which the topic was the discussion of ways of funding. Utilizing the Gary Sanitary District and the Gary Storm Water Management Board will help with the funding issue. The Commission will pursue agreements with other similar parties as the construction moves westward. To wait is not an option as the COE is mandating turnover of the Gary portion for O&M.

- An O&M Committee meeting will be scheduled soon.

Environmental Committee – Mark Reshkin reported that the tenants have moved from the 173 acre parcel in Hobart Marsh. Now that this acquisition is completed, TPL is looking at about 121 acres of other properties and will continue to pursue acquisition of additional acreage in the Hobart Marsh area. There is significant funding in place for further acquisition but still not enough to acquire all the acreage needed.

- Mr. Gardner added that with TPL actively pursuing additional property, the timing is right to approach the State Budget Committee in early summer to have the additional \$2 million allocated to the Commission for drawdown. We are continuing to work aggressively with the mitigation purchase. We would also hope that we can get the permit extended to the full west reach and not just for Stage VI.
- Mr. Gardner also added that the mitigation team is looking at the credits that we will obtain with the property purchase. We need to be assured that any land purchased will yield the best ratio of credits needed for our west reach permit.

Legislative Committee – Committee Chairman George Carlson stated that he, Dan, Lou, Jim Pokrajac, Judy Vamos, and Bob Huffman met with Mayor McDermott on March 16. Several council members were also present. Mr. Gardner explained why he gave the Mayor a firm's name as a point of contact in regard to getting Hammond out of the floodplain earlier. The firm of Christopher Burke was hired by the town of Highland to work with FEMA to get the Wicker Park Manor sub-division out of the floodplain back in the early 90's. They were able to accomplish this because they convinced FEMA that utilizing the railroad track embankment to serve as a flood protection levee accomplished a complete protection for the sub-division. The COE has stated that Hammond cannot come out of the floodplain until all levee construction is completed. This is unacceptable to the city. If the railroad embankment was utilized as protection for Highland, it should be the same scenario for Hammond, enabling a portion of Hammond to come out of the floodplain once that portion of levee is constructed. Mr. Gardner advised the city of contact Siavash Biek, from Christopher Burke company, and just talk to him to see if he can advise the city how to proceed. Mr. Gardner also talked to Stan Dostatni, city engineer, about this. He was interested and is planning to pursue the conversation with Siavash. Imad is supportive of the idea. A follow-up meeting will be scheduled soon.

Commissioner Reshkin proceeded to make a motion when the time is appropriate, the Commission supports the application of Hammond coming out of the floodplain, as Highland did, utilizing the railroad embankment as flood protection, to bring portions of the community out of the floodplain at an earlier date pending completion of the construction project; motion seconded by George Carlson; motion passed unanimously. It was clarified that funding just needs to be identified and in place, it does not have to actually have construction completed.

Project Engineering Committee – Bob Huffman summarized the situation regarding the INDOT Tri-State pump station. The problem is that the line of protection for the river must be completed between Indianapolis Blvd. and Hart Ditch prior to INDOT installing the pump station. INDOT stated that they would pay 85% of the cost (Highland and North Township would pay the other 15%). Our problem is that we probably won't have the money to build this stage, nor the permit for this stage, when INDOT is ready to build. We need to build Stage VI-1&2 first and that is what the west reach permit covers, at this point. Mr. Gardner stated that once some of the court awards come back with the appraised value set for the Stage VI-1S properties, we will have a better idea on how far our current funds will take us.

- Mr. Huffman also reported that plans and specifications for Stage VI-1S have been received on April 6 for 100% review.

Recreation Committee – Dorreen Carey has already given a presentation on the Gary Green Link project.

Marina Committee – There was no report.

Policy Committee – There was no report.

Public Relations Committee – There was no report.

Other Issues – There were none.

Statements from the Floor - There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, May 5, 2004