

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, FEBRUARY 4, 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. Eight (8) Commissioners were present. Pledge of Allegiance was recited. Secretary John Mroczkowski recognized the guests present.

Development Commissioners:

John Mroczkowski
Robert Huffman
Mark Reshkin
George Carlson
Mark Lopez
Charlie Ray
Bob Marszalek
Steve Davis

Visitors:

Phil Gralik – R.W.Armstrong Co.
Kelsee Waggoner – Congressman's Office
Sandy O'Brien - Hobart
Imad Samara - COE
Dan RePay – Hammond City Council
Jomary Crary - IDNR
Steve Enger - Munster

Staff:

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

A correction to the minutes of the January 7, 2004 meeting was made by Bob Huffman. On the first page regarding the motion of nominating Mark Lopez as Treasurer, it was stated that there was one abstention by Curt Vosti. He corrected the minutes to read that Curt Vosti voted against the motion. With that correction, a motion to approve the minutes of the January 7th meeting was made by George Carlson; motion seconded by Bob Huffman; motion passed.

Chairperson's Report – Vice Chairman Bob Marszalek referred to the committee list distributed to all members. He asked the committees to select their chairman and let Sandy know who it is. Mark Lopez added his name to the Public Relations committee. George Carlson made a motion to approve the committee list as presented; motion seconded by Bob Huffman; motion passed unanimously. Mr. Carlson questioned why the Treasurer automatically doubled as the Finance Committee Chairman. Mr. Gardner explained that it made sense that the treasurer would head the Finance committee because the same tasks/duties would be performed by both positions. It has traditionally been the same person.

Executive Director's Report – Mr. Gardner referred to the letters in the agenda that were sent to the town of Highland and the Highland Parks Department regarding town property that is needed for the flood control project. Approximately 60 acres of land will be needed for Stage VI-1 construction. (There will be additional town land needed for the Stage VI-2 construction at a later date.) We did request the property be donated to the Commission for two reasons: (1) it would stretch our ability to speed up west reach construction and (2) we can show the State Budget officials that the local municipalities are supportive of the project by contributing where they can. There is a concern that the "locals" are not doing enough monetarily. Mr. Gardner added that the property has been appraised at approximately \$50,000.

• Mr. Gardner stated that there was a town concern that some recreation features that they had thought were in the original COE plans have been eliminated. Imad Samara explained to the town that those recreation features were moved from Highland because the original design for the levee and the recreation area along the south side of the river from

Liability to Cline was on the old Highland landfill. Accordingly, they were shifted to Hammond. Staff will pursue this with the COE to see if something can be changed or added to the Highland side to satisfy the town's concern. The town is still willing to work with us because they do understand and support the transfer of the easements to the Commission as a "local donation". It was also discussed that property owned by the Highland Parks & Recreation Dept. with two (2) ballfields will be impacted by our permanent levee easement. The easement line is adjacent to both infields, which eliminates both outfields. Highland is currently in the process of re-locating both fields. Staff will also pursue this issue to see if some compensation could be made to the Highland Parks & Recreation Dept. .

- Bob Huffman questioned the value of the easements and the process regarding COE approval. Mr. Gardner answered by saying the COE appraiser reviewer determined that the value of the Highland easements is very low. Because of this evaluation process, we will probably encounter many refusals from future west reach property owners. Mr. Huffman concluded by saying that we should look closely at the three court-appointed appraisers on condemnations to see what the difference is for future appraisals.
- Mr. Gardner stated that we will be requesting easements from the city of Hammond very soon and will ask for donation of needed properties. He had a brief discussion with the new mayor, Tom McDermott Jr., who appeared to be very supportive of our project.
- Mr. Gardner referred to the letter sent to the town of Griffith in which the Commission donated two (2) acres of property which will be required for mitigation as part of the Cady Marsh project. He indicated that this property is not creditable to us. The Cady Marsh Ditch project will be beneficial to our project and our participation shows local cooperation.
- We are still working with Marty Maupin of IDEM to identify mitigation property for us.
- Mr. Gardner distributed a news article about development in the city of Gary along 25th Avenue. Discussion ensued on the FEMA process of removing Gary from the floodplain. Dr. Reshkin also discussed future I.U. development.

Finance Committee – Treasurer Mark Lopez gave the financial report. He commended the staff, as well as R. W. Armstrong, for doing a great job for the Commission. He proceeded to make a motion to approve the contract for administrative services with NIRPC; motion seconded by Mark Reshkin; motion passed unanimously.

- Mr. Lopez then made a motion to approve the contract for legal services with Lou Casale at a cost increase of \$5 per hour, raising the amount to \$95 per hour with the retainer fee of \$283.33 per month remaining the same; motion seconded by Bob Huffman; motion passed unanimously.
- Mr. Lopez then presented the proposed contract with R. W. Armstrong. After a previous discussion, it was determined that the rate charged by Phil Gralik would be \$145 per hour whereas Jim Flora's hourly would be \$158 per hour. Discussion ensued on whether this hourly was consistent with other engineering firms. It was determined that the contract amount/hours worked would be reviewed again in 3-4 months, with a possibility of revisions if deemed appropriate. With that, Mr. Lopez made a motion to approve the contract as presented by R. W. Armstrong; motion seconded by George Carlson; motion passed unanimously.
- Mr. Lopez proposed a 2% increase for independent contracts, being consistent with state employees receiving a 2% increase (a 5% increase was originally proposed). This was made in the form of a motion; motion seconded by George Carlson. An amendment was made to the motion by Bob Huffman to allow these independent contractor agreements to be retroactive to January 1; motion seconded by Charlie Ray; motion passed unanimously.
- Mr. Lopez then made a motion to provide a compensation adjustment amount to Executive Director Dan Gardner in the amount of \$5,500 and Business Coordinator Sandy Mordus in the amount of \$4,000 (consistent with prior years); motion seconded by George Carlson; motion passed unanimously. Bob Marszalek added that the Commission has excellent staff and contractors working for them and was very supportive of the increases.
- Mr. Lopez proceeded to make a motion to approve the O&M claim of \$200 to cover 3 months of insurance on 3120 Gerry Street (rental property); motion seconded by George Carlson; motion passed unanimously.
- Mr. Lopez then made a motion to approve the financial status sheet and the claims as presented for January in the amount of \$64,571.12; motion seconded by George Carlson; motion passed unanimously.

Land Acquisition/Land Management Committee – In Committee Chairperson Arlene Colvin's absence, Bob Marszalek asked Judy Vamos to give the report. Ms. Vamos proposed one (1) increased offer be made for DC69-A from \$9,000 to the 15% allowed COE increase to \$10,350. A motion was made for approval by Mark Lopez; seconded by Bob Huffman; motion passed unanimously. Steve Davis asked if they do not accept this offer, do we then go to condemnation. Judy answered that we would and we already have approval for condemnation at the last meeting just in case we need it.

- Judy also stated that there are 18 flowage and fee acquisitions in the East Reach that we have not acquired. We need to check with the COE, and possibly FEMA, to determine if these acquisitions must be completed before FEMA allows Gary to be removed from the floodplain.
- Jim Pokrajac stated that INDOT has scheduled a meeting on February 10 that will serve as a public hearing for the widening of I-80/94. He will attend the meeting as the INDOT project does affect some of our property.
- Jim reported that a meeting was held at the Ironwood pump station on January 21 to review access to the pumps during a flood event.
- It was also reported that the COE has verbally indicated that we could use approximately 57 acres west of the Chase Street "In-Project" mitigation area for hydric soils, which would be applied toward our total mitigation requirement.
- Mark Lopez made a motion authorizing the attorney to proceed with notification of eviction as early as possible and proceed with required legal proceedings on DC739 (Joseph Askew 's unauthorized use of the barn with his horses); motion seconded by Mark Reshkin; motion passed unanimously.

Operation & Maintenance Committee – Bob Huffman informed the Commission that R. W. Armstrong Company has been contracted by the Gary Stormwater Management District to compile GIS information which will give state plane coordinates for all infrastructure within the Little Calumet River watershed.

- The COE will provide updated O&M information to R. W. Armstrong to incorporate into an update of manpower/cost information for the East Reach. The Commission will be receiving new copies of O&M very soon from the COE.
- The COE sent a letter to Jim Meyer regarding storm water quality and that the COE would comply with IDEM regulations. This is essential to have GSD take ownership of two pump stations as part of Stage III Remediation. Phil Gralik agreed to check on MS4 compliance of all communities affected by our project for this next meeting.

Environmental Committee – Mark Reshkin reported that the 173 acre parcel in Hobart Marsh has been acquired; the purchase price was \$1,066,400. Attorney Casale has prepared a memo of agreement for the process of transferring the property to IDNR. A motion was made by Mark Reshkin to ratify the action previously taken for Dan Gardner to approve and sign the memo of agreement; motion seconded by Bob Huffman; motion passed unanimously. TPL is continuing to work on other parcels within the Hobart Marsh area.

- Judy Vamos added that we will be providing relocation benefits to tenants that are currently living on the 173 acres. Under federal law, we are required to provide relocation and moving expenses. Staff will follow up.
- Dr. Reshkin also reported that he and Mr. Gardner attended a meeting regarding the University Park development project in Gary.

Legislative Committee – There was no report.

Project Engineering Committee – Bob Huffman informed the Board that an Engineering Committee meeting was held on February 2 to discuss engineering issues and professional services contracts.

- Discussion was held in the Work Study Session regarding the COE letter to bring portions of Hammond out of the floodplain segment by segment. Staff will work with the COE to see what can be done to make this happen.
- A meeting will be scheduled with the new mayor of Hammond, Tom McDermott Jr., and Hammond City engineer, Stan Dostatni, along with staff and Commissioner Carlson to discuss the project.
- It was reported that a progress meeting was held January 15 with the COE and Overstreet (COE's contractor) for the pump station contracts. Pump Station 1A has been evaluated by the COE and they are writing an assessment report addressing how overruns and delays may be avoided in future contracts.

- Mr. Huffman referred to the sample spread sheet created by Charlie Ray that would track the Federal costs on construction projects. He felt this was in an easier reading format than what the COE is currently using. The format will be discussed more in depth at a future committee meeting. Jim Pokrajac added that he has gotten a lot of information from the COE and he will work with Charlie Ray to develop a more efficient tracking system.

Recreation Committee – There was no report.

Marina Committee – There was no report.

Policy Committee – Treasurer Mark Lopez asked the Policy Committee to alert the Commission members when engineering contracts reach a 90% level of costs that would be based the previous year's total. This would be put in place as an "alert" to the Commissioners to determine if further action is needed to allow the contracts to proceed.

Public Relations Committee – There was no report.

Other Issues – Mr. Gardner thanked Jomary Crary from IDNR for keeping him informed on the issue of the fill that was placed along Hart Ditch in Wicker Park. That fill has been removed, as requested by DNR.

- Bob Huffman referred to a list he shared with other Board members with sites that viewed color aerial photographs for Lake, Porter, and LaPorte counties.
- Jim Pokrajac added that he has distributed the current lease schedule to all Board members.

Statements from the Floor - Steve Enger, a Munster resident, talked about the property along Hart Ditch being a vibrant greenbelt with a lot of wildlife and birds. It's a beautiful area and he hopes the project considers that when they are finalizing plans in that area.

Now is the time, before construction actually starts, that items need to be addressed while there is time to consider any changes that need to be made.

There being no further business, the next meeting was scheduled for **6:00 p.m. Wednesday, March 3, 2004**

/sjm