

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, September 1, 2004
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairperson Arlene Colvin called the meeting to order at 6:10 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Arlene Colvin
Mark Reshkin
Robert Huffman
Charlie Ray
George Carlson
Bill Biller
Steve Davis

Visitors:

Sandy O'Brien - Hobart
Jomary Crary - IDNR
Dale Gick - IDNR
Paul Ehret - IDNR
Imad Samara - COE

Staff:

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

A motion to approve the minutes of August 4 was made by Bill Biller; motion seconded by Bob Huffman; motion passed unanimously.

Chairperson's Report – Chairperson Arlene Colvin reported that the Gary Council will meet on September 7 to consider the approval of the ordinance for the city to finance the Burr Street levee – Gary portion in the amount of \$1.4 million. Ms. Colvin will let staff know if they need to be present at the meeting.

Executive Director's Report – Mr. Gardner reported that he has met with the Hammond city engineer to discuss Hammond easements needed for the area between Kennedy and Cline. As early as September 2, the Hammond Board of Public Works could approve the Kennedy Avenue road closure easement needed from Hammond so it can be included in the Stage VI-1S project.

- In regard to the other easements needed from the city of Hammond, Hammond Sanitary District, and the Hammond Parks Department, the respective entities have agreed to reject our Uniform Land Offer and we will proceed with the same procedure as Highland did in a “friendly” condemnation. The City has been very supportive to obtain credit for true value.

- A Munster town work study session meeting took place on August 9 in which the Little Calumet River Flood Control/Recreation project was the main discussion item. A number of residents that have attended our Commission meetings requested a meeting with the town of Munster and North Township to describe the project, the schedule, the impacts and benefits, especially the area along Hart Ditch at Hawthorne and River Drive. They are concerned that the construction project will remove the trees, thus lowering property values. We have committed to the residents that we will work with the Army Corps, as well as the residents, to minimize the impact of tree removal. The project is still several years away so there is time to have input into the design. A future meeting will be set to include discussions with the North Township Trustee, as the township owns the underlying property.

Outstanding Issues – Mr. Gardner reported that the process for the donation of Highland easements through condemnation is over and they have signed the easements over to us for construction. The appraisal on the relocation of

the ball fields at Homestead Park should be completed shortly. The Parks Dept. will be compensated for the loss of the ball field.

- Mr. Gardner talked about our continuing efforts to work with INDOT in regard to highway credits. Laurie Maudlin from INDOT has been very helpful in keeping this documentation moving. We have received a letter with some supporting material for bridge work. We will also work with John Wright from INDOT to get appropriate credit for the Cline Avenue interchange.
- Mr. Gardner stated that we will be meeting again with the city of Gary and we are prepared to share Resolution 04-01 with them. We are hoping to have the mayor at the next meeting.

Finance Committee – Treasurer Bob Huffman presented the financial report and the claim sheet. He proceeded to make a motion to approve the financial claim sheet and the claims for August totaling \$116,985.51; motion seconded by Bill Biller; motion passed unanimously.

- Mr. Huffman then made a motion to approve the O&M claim of \$45.26; motion seconded by Bill Biller; motion passed unanimously.

Land Acquisition/Land Management Committee – Committee Chairperson Arlene Colvin gave the Land Acquisition report. She made a motion to use eminent domain on three (3) properties. They were DC617, DC1002, and DC1009 – although offers are being prepared, we will use condemnation as a last resort if a negotiated settlement cannot be reached; motion seconded by mark Reshkin; motion passed unanimously.

- Staff is still looking at options on how to proceed on 3120 Gerry Street. Only one bid came in and at a much lower amount than the appraised price. Ms. Colvin made a motion to reject the bid because it did not meet bid qualifications and to authorize staff to proceed with a second appraisal and then re-bid again; motion seconded by Bob Huffman; motion passed unanimously.

Operation & Maintenance Committee – Committee Chairman Bob Huffman stated that a final inspection for the east reach project features is scheduled for September 13, 17, and 22. The pump stations and sluice gates will be inspected first. There will be more inspections later – this is just the beginning of inspections. After we take over O&M, the ACOE will make annual inspections.

- Mr. Huffman also reported that notes from the June 28 O&M meeting with Gary have been finalized.

Environmental Committee – Committee Chairman Mark Reshkin recapped the acreage needed for mitigation – 411 acres are needed in Hobart Marsh; 173 acres have been acquired; 238 acres are still needed; TPL is in the process of trying to acquire an additional 188 acres; 50 acres would still be needed to satisfy mitigation requirements.

- Dr. Reshkin referred to attorney Lou Casale for an explanation of TPL's request for some reimbursement costs. Mr. Casale referred to their request letter addressed to us. Attorney Casale informed the Board that TPL has requested we agree to reimburse them for some fixed hard costs for their expense in securing lands for the Commission. He went on to say that TPL is in the process of working on five parcels, three of which they are not receiving any charitable donations on. They will be asking for reimbursement of some title work, survey work, appraisal cost, closing costs, professional fees, etc. A motion was made by Mark Reshkin to approve an agreement with TPL to reimburse them, documenting hard costs with itemized fees; motion seconded by Bob Huffman; motion passed unanimously. Dr. Reshkin went on to say that TPL has been doing a good job and is very supportive of their efforts. Steve Davis asked whether we wanted to add a not-to-exceed amount in the motion but Attorney Casale did not think it was necessary. Documentation would be provided and once all the property can be purchased by willing sellers, TPL's job will be completed.
- Dr. Reshkin informed the Board that IDNR will be donating the land and house on the Bailey property to the city of Hobart.

Legislative Committee – Committee Chairman George Carlson referred to the budget request letter sent to State Budget Director Marilyn Schultz. Mr. Gardner added that we did not send it earlier because we waited for accurate figures from the COE so we could base our request upon federal figures. We are now going into new area (west of Cline Avenue) in addition to completing the Gary stretch. It is exciting that, before too long, residential areas will start to come out of the flood plain. We are still working with the city of Gary to get an agreement in place for them to accept the O&M responsibilities. We are also working with Hammond to start the process of a “friendly condemnation” for the needed easements. Mr. Gardner then went on explain the Budget Expenditures Chart that was submitted to the State Budget Agency as part of our request for the needed \$5 million. We will work with Representative Earl Harris, who has been instrumental in the past in helping us and the other area legislators whose districts the project is located within.

- Mr. Gardner will be making a request for the remaining \$2 million to be allocated for claim draw-down. These were monies remaining from the 2003-05 biennium. It is needed to make further offers.
- Commissioner Steve Davis inquired whether the budget request would be enough money to see us through with the Federal funds. Mr. Gardner replied that it would be enough but we do need to gain access to the remaining \$2 million.
- Commissioner George Carlson inquired whether the re-assessment problems that Lake County is experiencing will have any impact on our request to the state. Mr. Gardner replied that, although it certainly has had a tremendous impact on Lake County and even on our acquisition costs; it should not have any impact on our request. A lengthy discussion was held in regard to the re-assessment problem.

Project Engineering Committee – Committee Chairman Bob Huffman reported that the notes from the Pump Station 1A contract meeting have been finalized.

- The pre-bid meeting for stage VI-1 South was held on August 12. The bid opening is presently scheduled for September 9. Anticipated construction start will be the spring of 2005.
- We have informed the COE that R. W. Armstrong will not do the Independent Technical Review for the Burr Street Phase II project. The COE will have to coordinate the review.
- A meeting with the Munster Town Council members and interested residents west of Hart Ditch along River Drive and Hawthorne was held on August 9.

Recreation Committee – Jim Pokrajac stated that when levee inspections are performed, part of that review will be the trail system. Problems like we have had on the trail by Harrison Street will be noted and addressed prior to Gary taking over O&M. He will let Committee Chairman Bob Huffman know when we check those particular trails on the levees. All deficiencies will be noted. Mr. Huffman asked whether an elevation survey would be done. Mr. Pokrajac will check with the COE.

Marina Committee – Committee Chairman Charlie Ray stated that he and Mr. Gardner met with Mayor Olsen today. The mayor is interested in building out the marina. The Mayor is proposing that the city would build out the marina (to satisfy our obligation with the COE) if we would turn the marina over to the city. He is not proposing that the city reimburse the Commission for any monies spent on the marina development. Attorney Casale added that we do have an existing contract with the city of Portage. Continuing discussions will be pursued, as well as state guidance. .

Policy Committee – There was no report.

Public Relations Committee – Bob Huffman asked staff to follow up on his request for some updated information so he can incorporate it into the web site he has created for the Commission.

- Commissioners will be notified when a date is scheduled for the dedication of Charles Agnew Handicapped park.

Other Issues – Mr. Gardner referred to a Times article on the Deep Tunnel project. He stated that the COE is modeling all of these projects; they are aware of all project conditions. With Illinois' Deep Tunnel project, it is actually

helping us with our flood water situation. The article stated that our project would be completed by 2005; that is not correct.

- Bob Huffman referred to an article he had seen in the Chicago Tribune regarding the flood control project failing in Richmond VA. They received a 14" rainfall and, although the levee system was in place, the flood gates were not closed. He asked that if the COE gets any inside information on this incident, he would like to receive a copy. We may be able to learn something from this.

- Mr. Huffman asked what we can do about the two vacancies we have on the Commission. Mr. Gardner replied that we can make the Lake County Commissioners aware of their vacancy. Paul Ehret from IDNR said that the Governor's Office is working on all Board appointments now. He offered that he would check with them. It is a lengthy process.

Statements from the Floor - Sandy O'Brien commented to the Board that she thought it was a misconception that retention and detention ponds really helped storm water and alleviate flooding. Legally it only brings it back to the original runoff condition and, therefore, does not really help with storing additional water. She also commented that additional development is increasing and it is her belief that an infiltration approach to keeping water on the land is a better way to go. Commissioner Charlie Ray commented that it is true that detention ponds only slow the rate of flow of storm water but that does help in reducing the size of the downstream measures needed to be constructed to address flooding. He added that water is being metered out at a 10 year rate and it takes the large surge out of the flooding. He agreed infiltration of storm water was desirable in design but that retention and detention has a role also.

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