

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, APRIL 6, 2005
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

In Chairman William Biller's absence, Vice Chairman Robert Huffman called the meeting to order at 6:10 p.m. Eight (8) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Charlie Ray
Arlene Colvin
Robert Huffman
Sam Dimopoulos
George Carlson
Steve Davis
Robert Marszalek

Visitors:

Sandy O'Brien - Hobart
Elizabeth Johnson – Congressman's Office
Jomary Crary, IDNR
Chris Slattery - TPL

Staff:

Dan Gardner
Lou Casale
Sandy Mordus
Jim Pokrajac
Judy Vamos

A motion to approve the March 2, 2005 minutes was made by Arlene Colvin; motion was seconded by Steve Davis; motion passed unanimously.

Chairperson's Report – Vice Chairman Bob Huffman introduced Chris Slattery, Executive Director of Trust for Public Lands, who reported on the completion of the mitigation acquisition in Hobart Marsh.

Ms. Slattery proceeded with the announcement that the properties needed for project mitigation in Hobart Marsh has been completed. Of the potential 12 properties originally looked at, TPL negotiated with 10 of them, and ended up with signed agreements on five of the properties. Those five properties total 446 acres in the Hobart Marsh area (which is nine acres more than IDNR requires to meet permit requirements). The five properties will all be in IDNR's ownership. Ms. Slattery proceeded to thank the Congressman's office, as well as IDNR, our office, attorney Casale, and Sandy O'Brien. She announced that TPL is planning to have a dedication ceremony in Robinson Park, where the Congressman will speak and the news media will cover. She will set a date after talking to the Congressman's office and inform us of the date. Ms. Slattery stated that they will keep in touch with the other landowners in the area but will not actively pursue acquisition because there is no money in place for that purpose. The Army Corps will plan to do restoration in about two years. Discussion was held on whether or not there are any signs posted. Jomary Crary, from IDNR, offered to check and let us know. Commissioner Bob Huffman extended the Commission's thanks to Dr. Mark Reshkin for all his help and expertise in this matter.

Executive Director's Report – Mr. Gardner referred to the Corps letter in the packet regarding information they received from FEMA relative to the completion of floodplain revisions in protected areas of the project. Mr. Gardner stated that FEMA has determined the best that can be achieved until Burr Street levee is built is an A99 designation. This entitles a substantial reduction in flood insurance costs and would apply to areas completed at this point in time. With the mitigation acquisition now completed, we are almost ready to sign a ROE for Stage VI-2 and VI-1N. We then need to focus on completion of Burr Street, then move westward from Kennedy to Northcote. Mr. Gardner has updated the Congressman's office on the status of the summary sheets for the mitigation properties, which will be completed shortly. We are working with INDOT in trying to resolve the last remaining easement acquisitions for Stage VI-2 (Liable to Cline, south of the Little Calumet River).

Commissioner Carlson questioned if we would be constructing both sides of the river with VI-1N and VI-2. Jim Pokrajac answered that construction of both segments would be complete in the summer to fall of 2007.

Environmental Committee – In Committee Chairman Mark Reshkin's absence, Dan Gardner stated that he talked to Jay Niec from Greeley & Hansen, regarding water quality issues relative to the Burr Street Phase 1 levee and that this project could not be advertised until this issue is resolved. Greeley & Hansen was to contact J. F. New to determine what the technical recommendations are for the Corps to consider.

Finance Committee – Treasurer Arlene Colvin presented the financial report and the claim sheet for March. She proceeded to make a motion to approve the claims totaling \$210,133.06; motion seconded by George Carlson; motion passed unanimously. She indicated that we will be using our investment money now as we move west of Kennedy Avenue. .

- Ms. Colvin then proceeded to make a motion to approve the pending O&M claims totaling \$5,865.46; motion seconded by George Carlson; motion passed unanimously.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek gave the report. He reported that there are no condemnations or no increased offers. Mr. Marszalek made a motion to approve the attorney filing exceptions to the recent court awards on DC1010-E, DC617, DC1002, and DC1022-1024. Filing exceptions may take the case to a jury unless a settlement is reached. Motion seconded by Arlene Colvin; motion passed unanimously.

- Bob Marszalek stated that another committee meeting needs to be scheduled to continue the discussion regarding the 30 acres east of Clay Street and north of Burns Ditch in Lake Station. Commissioner Bob Huffman asked to be invited to the committee meeting when scheduled.

Project Engineering Committee – Committee Chairman Bob Huffman reported that the preliminary clearing and grubbing started for Stage VI-1 South (Kennedy to Liable, south of the river)

Operation & Maintenance Committee – Committee Chairman Bob Huffman reported that Austgen Electric completed diagnostics for the four remaining pump stations in Gary. We will get the Corps and GSD's inspection results and complete a final punch list of items to bring the stations up to "as-built" condition. We will then have to decide how to pay for the repairs.

- The Commission is working with the Corps to establish dates to finish the sluice gate inspections. We are trying to coordinate with Gary; we are waiting for a response from them.
- Mr. Huffman reported that the instructional video for the closures on Chase Street is completed. A second drill to do both closure structures simultaneously will be scheduled this summer.

Legislative Committee – Committee Chairman George Carlson referred to a letter in the agenda packet that we sent to the House members thanking them for the inclusion of \$4 million in the House version of the State biennial budget. Since then we have learned that the Senate version has only included \$2 million for project use. Mr. Gardner spoke to several legislators at a meeting last week and although they felt somewhat constrained in what they could do for us, they said they would do what they could. The cities and towns have been supportive and accommodating in doing what they can. We need to explore if there are any other sources of funding which could help us. The communities have their own individual projects within their community they need to fund so it is not probable that they can help out financially. Mr. Gardner stated that it is a tough session and we need all the help we can get. Attorney Casale inquired whether it would be a good idea to go down state and try to meet with the Governor's Office and/or legislators. Mr. Gardner did not think we could do anything more in person down state than we are doing up here.

Recreation Committee – Committee Chairman Bob Huffman reported that a contract has been signed with Dennis Cobb of First Group Engineering to provide services to help in securing an INDOT permit to cross at Cline Avenue and NIPSCO right-of-way for a recreational trail.

- Mr. Huffman reported that a letter has been sent to EJ&E on March 11 requesting current railroad requirements to construct an at-grade crossing east of Cline Avenue.
- Mr. Huffman spoke about the elevation of the trail changing dramatically at the EJ&E trail crossing site. He felt a different alternative needed to be discussed for the area. He asked staff to provide some prints on the Corps plans for that area; staff will get them to him.

Marina Committee – Committee Chairman Charlie Ray give the Marina report. He talked about the city of Portage wanting the marina property transferred to them. The Marina Committee met to discuss the issue. Mr. Gardner showed a map of the marina relative to the property. What Mr. Gardner is asking for is a resolution for the attorney and staff to take the necessary steps transferring Commission-owned land at the marina to the city of Portage for the explicit purpose that would allow the city to finish the marina slip development. A lengthy discussion was held regarding items which included (1) responsibilities to the Federal government regarding the breakwaters, handrails, and the building and operation of the appropriate public marina facilities; (2) transfer of the responsibility of payment of the revenue bond from the Commission directly to the City; (3) the State of Indiana Disposal of Surplus Property Act regarding the transfer of State property to a municipality and the repayment/waiver of State dollars invested in the project; and (4) release from responsibility of the ground lease with NIPSCO as the result of the ownership transfer. All pertinent issues will be addressed to the city regarding the completion of the marina slips. The city would assume responsibility for everything; the Commission would be released from all previous responsibility. A motion was made by Charlie Ray authorizing the staff and attorney to begin the process of transfer to the city of Portage for the explicit purpose for the city to finish the marina slip development; motion seconded by Arlene Colvin; motion passed unanimously. Attorney Casale added that the transfer is not a simple matter. He has prepared a memo for the Attorney General's Office in which he has made an argument that the Commission should not have to follow the IN Disposal of Property Act. He will work with the city of Portage.

Policy Committee – Committee Chairman Bob Marszalek stating there was no report at this time. He stated that he would be calling a Policy Committee meeting in the near future.

Public Relations Committee – No report.

New Business – None

Statements from the Floor – For the Commission's information, Judy Vamos reported that the completion of the acquisition in Hobart Marsh has yielded 352 acres and we have 94 acres of in-project land for a total of 446 acres (we were only required to purchase 437 acres); entire cost of properties was \$2,437,247; this is an average of \$6,900 per acre in Hobart Marsh. Hobart Marsh properties are currently held in IDNR's name. Discussion was held on whether signs were posted on the properties. Jomary Cray from IDNR will talk to John Bacone about sign posting.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, May 4, 2005