

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

Chairman William Biller called the meeting to order at 6:15 p.m. Six (6) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

**Development Commissioners:**

George Carlson  
Bob Marszalek  
Robert Huffman  
William Biller  
Steve Davis  
John Mroczkowski

**Visitors:**

Celina Weatherwax – Senator Lugar’s Office  
Imad Samara – U.S. Army Corps  
Elizabeth Johnson – Congressman’s Office  
Steve Enger – Munster resident  
Phil Gralik – R. W. Armstrong Company  
Jomary Crary - IDNR

**Staff:**

Dan Gardner  
Lou Casale  
Sandy Mordus  
Judy Vamos  
Lorraine Kray

A motion to approve the June 1, 2005 minutes was made by Bob Huffman; motion was seconded by Steve Davis; motion passed unanimously.

**Chairman’s Report** – Chairman Bill Biller reported that there are several important issues for discussion tonight - the first item being the inter-local agreement with the city of Portage for the transfer of the marina and the newspaper articles regarding the potential selling of Woodmar Country Club. Although nothing is known at this time, we have had Woodmar appraisal (requested by the city of Hammond) completed and submitted it to the Army Corps for their approval. The review process is ongoing and, to date, we have not received approval.

**Executive Director’s Report** – Mr. Gardner added that we will communicate with the city once we receive the appraisal approval. If we need a special Executive Session prior to that, we will notify Board members.

- In addition to Elizabeth Johnson, representing Congressman Visclosky’s Office, Mr. Gardner introduced Celina Weatherwax from Senator Lugar’s Office. (Tim Sanders has left the Senator’s office and taken a position with the State as Director of the area IEDC office) He thanked her for coming.

- He then referred to the letter in the packet showing the accelerated schedule and the dollars needed that was sent to the Congressman’s office by the Army Corps. It included a chart showing the Federal dollars and non-Federal dollars needed to complete the project. There are 261 remaining real estate acquisitions and over 200 utility relocations to be coordinated over to the state line. Chairman Biller questioned how we would ever do this when this last budget approval was only for \$2 million. Within the next two years, the chart shows that we would need a total of almost \$8 million. Even if the communities can help us, it is still questionable that they could help us to that extent. Discussion ensued. Chairman Biller has scheduled a meeting with the Mayor and after that, we need to schedule additional meetings with the other communities, which would include the North Township office. Once again, it was stressed that this is a project for the residents, saving them substantial monies from paying for flood insurance once the project is completed. We need whatever assistance we can find to help this project move forward. Mr. Gardner added that we are revising the cost estimate that we developed to include the cost of a review appraiser. With the change that the Corps has instituted (we will be working with the Detroit Real Estate office), this would be an additional cost to the Commission. Commissioner Reshkin questioned the Corps as to what the savings would be from the Corps if we hired the review appraiser, instead of them. Actually, there probably would be no savings and might be even higher. With us hiring a

review appraiser, it would be a 100% cost to us. The Corps will still have to review and approve the appraisal when crediting is submitted to them at a later date.

**Finance Committee** – In Treasurer Arlene Colvin's absence, Mr. Carlson referred to the financial status report and made a motion to approve the claims for June in the amount of \$57,255.26; motion seconded by John Mroczkowski; motion passed unanimously.

- Mr. Carlson then proceeded to make a motion to approve the pending O&M claims totaling \$13.00; motion seconded by Bob Huffman; motion passed unanimously.
- Mr. Carlson then made a motion to transfer \$30,000 into the administrative budget to cover pending invoices (money will be deducted from the \$185,000 interest monies that were deposited into the O&M account); motion seconded by John Mroczkowski; motion passed unanimously.
- Mr. Gardner referred to the Governor's Executive Order (included in the agenda packet) whereby it establishes a goal for each state agency to procure ninety cents of each dollar from Indiana businesses.

**Land Acquisition/Land Management Committee** – Committee Chairman Bob Marszalek made a motion to approve the condemnation of DC598 if necessary; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Marszalek made a motion to approve using the review appraisal services of Heritage Appraisal Service at a cost of \$750 per parcel; motion seconded by Bob Huffman; motion passed unanimously. Mr. Huffman added that they are an Indiana company. Heritage will perform the review appraisals for the remaining easement acquisitions to the state line, which would be about 261 properties. For the 26 easement acquisitions in Stage V-2, the approximate cost would be \$174,000.
- Mr. Marszalek then made a motion to approve using the appraisal services of Integra Realty Resources to do the appraisals on Stage V-2; motion seconded by Bob Huffman; motion passed unanimously. Approximate cost would be about \$60,000. Although Integra is an Illinois firm, they have an office in Indiana.
- Mr. Marszalek reported that we have been made aware that there are some properties that we have in the Unclaimed Holdings Division of the State. These were properties from condemnations court awards that the landowners did not retrieve from court. We will petition for the money and try to find the landowners. We think it amounts to about \$22,000.
- Judy Vamos reported that a real estate team meeting was held on June 13 to identify the process of the appraisal services, review services, real estate procedures, crediting process, etc. It was felt that everyone needed to be on the same page and understand the process. In attendance, was Integra, Professional Appraisal Services, Heritage Appraisal, Chief of Detroit Real Estate, Detroit Appraisal Reviewer and staff. It was a very good meeting.
- Mr. Marszalek presented two quotes received to do the levee mowing. He proceeded to make a motion to approve C&H Mowing to do two mowings (one to be completed by July 22 and the second to be completed by October 21) at a cost of \$13,799.31; motion seconded by Bob Huffman; motion passed unanimously. C&H Mowing is also an Indiana company.
- Mr. Marszalek stated that the agreements have been signed with VIEW OUTDOOR ADVERTISING. We understand that the permit process is proceeding.

**Project Engineering Committee** – Committee Chairman Bob Huffman referred to the picture of what the new stone formliner will look like which will be used on the I-wall in Stage VI-1 South. The finish is much more attractive than just the plain concrete and the residents should be happy with it.

- Staff is proceeding with the utility relocation coordination. We are awaiting to hear from the utility companies.
- Discussion was held on the proposal received from J. F. New to do the corrective drainage design for MS4 issues for Burr Street II (Gary) in the amount of \$18,250. It was the consensus of the Board to draft a letter to the Gary Stormwater Board asking them to contract J.F.New to do this work, with the monies being deducted from Gary's portion of the \$1.4 million for Burr Street levee construction. They have J.F.New on contract; we would have to bid out and it would be a much longer process. It is important to move forward on this.

- Mr. Huffman reported that there is a possibility of INDOT participating in a portion of levee on Indianapolis Blvd. so they can build their pump station in Stage V-2. Their pump station would not be functional without our levee in place. If INDOT determines that building the pump station is a priority in their list of projects, there may be some money available to do this segment of construction. They may even be able to purchase real estate in the area and transfer it to the LCRBDC. We will continue to meet with them to pursue this.
- Discussion was held regarding a meeting on June 30 at the Griffith Town Hall to discuss the levee certification of the River Road levee. When that levee was built, the town of Griffith, through Lawson Fisher engineers, built it to the 100 year IDNR standards. Recently, FEMA has raised questions regarding certification of the levee as it relates to the Little Calumet River Betterment levee and the Town's previous work. The town of Griffith's engineer, Dennis Zebell, indicated that the levee has deficiencies to meet FEMA standards. At the meeting, the Commission, as the local sponsor along the Little Calumet River, was looked to fund an assessment of short comings for levee certification. The Corps of Engineers committed to doing a detailed survey of the levee condition and Commission staff will seek estimated engineering costs and work scope from Dennis Zebell. The Commission will be kept informed at the next meeting of the recommended course of action.
- Imad Samara stated that the bid opening for Stage VI Phase 2 construction has been rescheduled to July 6.

**Operation & Maintenance Committee** – Committee Chairman Bob Huffman gave the O&M report.

- A lengthy discussion was held on how to coordinate the inspections and then combine that with previous data to assemble a bid package for advertising to bring the pump stations up to "as-built" condition to allow for Gary to accept the stations and sign an O&M agreement. The details of what repairs need to be done is what is needed. Mr. Gardner stated that Gary's position is that they have not accepted O&M because the pump stations are not operating 100%, and are not in "as-built" condition. Attorney Casale stated that he had a problem with spending a large amount of Commission monies when there are still many unknowns. He contends that we need to sit down with Gary first. Commissioner Steve Davis asked whether the Corps would also bare responsibility if some of the deficiencies were due to deficiencies of design or improper installation. The Corps position is that they completed the project, did the check list, and the contractor met with us and the city of Gary for a final inspection. Chairman Biller tabled the issue until we can set up a meeting with Gary, and in addition, have an O&M Committee meeting so all members could understand the issue and feel comfortable they are making the right decision.
- Attorney Casale is drafting an O&M agreement. All members received a copy. It is a very comprehensive agreement, covering all issues of MS4, Burr Street betterment levee construction, O&M issues, and surplus land transfer. This is just a first draft. Both Chairman Biller and Mr. Gardner said the O&M agreement must be in place this year.

**Environmental Committee** – There was no report. Dan Gardner asked Jomary Crary if she thought the Commission should officially write DNR that we have completed our mitigation obligation and have them concur. She thought it would be a good idea.

**Legislative Committee** – Committee Chairman George Carlson referred to the letter in the packet that the Corps sent to Congressman Visclosky regarding to finishing the project no later than December 2009. Mr. Gardner stated that we will use this schedule to go to the communities. Mr. Gardner continued to explain that the chart lists out \$12.9 million of non-Federal funding is needed. Mr. Carlson reiterated that we've never been able to obtain that kind money in the past so he doesn't know how we'll get it this time. Chairman Biller added that we will do everything we can to comply with the Congressman's request to finish the project in four years. Mr. Gardner added that we will look at all opportunities where we can to save money and meet with the individual communities to request help. Mr. Carlson speculated on the use of city riverboat money or their bonding ability. A conservancy district was discussed. Mr. Gardner reiterated that the chart lists out what monies it would take; it doesn't list out how we will obtain it. Mr. Gardner stated that the residents in Wicker Park Manor all donated the land for the levee construction when that segment was moved up because of the flooding situation at that time. We can ask the other residents to do the same. We will start very soon meeting with the communities, as well as some major private land owners to be benefited by the project.

**Recreation Committee** – Committee Chairman Bob Huffman stated that, although the access roadway and ramp to the trail in Stage III Remediation area has been inspected and accepted by the Corps, Mr. Huffman said the trail is unacceptable as it is. The top of the trail was dug up and now it has soft sand right in the middle of the trail and could be dangerous. Imad Samara stated that he will look into it.

- Mr. Huffman reported that the city of Gary had a bicycle rodeo on June 18 in which he participated. He shared pictures of the event.

**Marina Committee** – In Committee Chairman Charlie Ray's absence, Mr. Gardner gave the report. Attorney Casale distributed a re-draft of the inter-local agreement for the transfer of the marina to the city of Portage. The city's attorney, Greg Sobkowski, requested some changes and Attorney Casale has agreed to those changes and has incorporated them into this re-draft. He will now send it back to the city for final comments and hopeful approval. and request that it be taken to the Council. Mr. Huffman made a motion to approve the inter-local agreement for the transfer of the marina to the city of Portage, as modified; motion was seconded by Bob Marszalek; motion passed unanimously. Chairman Biller added that we are doing this transfer at the request of the Congressman. Mr. Gardner added that he has shared the document with Tim Sanders, who will help us through the Attorney General's sign-off, once the document is acceptable to the City.

**Policy Committee** – No report.

**Public Relations Committee** – No report.

**New Business** – If a special meeting is needed, we will notify the Board members and give at least 48 hours notice to the media. Also, Chairman Biller offered the Hammond Sanitary District office as a meeting place for a work study session to be held for the board members. He also suggested we meet in the west reach for our September meeting.

**Statements from the Floor** - Steve Enger, resident of Munster, reminded the Commission that we have gone beyond the six month period in which we are to meet with Munster residents and give them an update of project status. This was one of the stipulations from the administrative court hearing. Mr. Gardner stated that Mr. Enger has been attending the Commission meetings and there was little new to report to the residents regarding that stage. We have been dealing with the funding situation and the schedule change proposed by the Corps/Commission at the request of the Congressman. This schedule is just now complete and since the last resident's meeting, the Corps has not devoted time to any engineering changes. However, Mr. Gardner did state that he would contact the town of Munster and schedule a meeting for the residents. He will contact Mr. Enger as to a date acceptable to the residents.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, August 3, 2005.