

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, SEPTEMBER 7, 2005
6100 SOUTHPORT ROAD
PORTAGE, INDIANA**

Chairman William Biller called the meeting to order at 6:10 p.m. Nine (9) 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
Arlene Colvin
Mark Reshkin
Sam Dimopoulos

Visitors:

Spike Peller – GSD/GSWMD
Imad Samara – U.S. Army Corps
Elizabeth Johnson – Congressman's Office
Mark Lopez – Congressman's Office
Phil Gralik – R. W. Armstrong Company
Sandy O'Brien - Hobart

Staff:

Dan Gardner
Lou Casale
Jim Pokrajac
Sandy Mordus
Judy Vamos

A motion to approve the August 3, 2005 minutes was made by Bob Huffman; motion was seconded by Bob Marszalek; motion passed unanimously.

Chairman's Report – Chairman Bill Biller announced that we will hold our October board meeting at the Jean Shepherd Community Center in Hammond. Directions will be included in the October agenda packet. Media will be notified.

- Chairman Biller also announced that we will be having a Work Study Session for Board members on Saturday, October 15 at the Hammond Sanitary District. Members will be notified
- A discussion took place on the meeting that was held on August 5 with Gary representatives to discuss pump station turnover, O&M, land transfers, and Burr Street II construction. Mr. Gardner added that the COE also attended the meeting. The focus of the meeting centered on the upgrading of deficiencies of pump stations so that Gary can take over the O&M. The Commission will have the pump stations brought up to "as-built" condition before turnover. It is anticipated that we will turn over the first two pump stations shortly. Attorney Casale is drafting a comprehensive agreement that will address the turnover. The agreement will also have an element to cover the transfer of surplus properties from the Commission to the city of Gary. It was previously agreed upon that we would transfer those surplus properties as part of the exchange for their accepting O&M. Attorney Casale stated that he would have the agreement done in a few weeks and will send it to Jim Meyer, city of Gary attorney, for concurrence. Mr. Gardner thanked Mr. Peller for attending the meeting. Jim Pokrajac added that draft minutes of the August 5 meeting is in the committee report.
- Also discussed was the contract that the city of Gary has with J. F. New, for the development of specs that will address the MS4 issue.
- Attorney Casale stated that we have not been able to reach an agreement with NSRC for railroad easements needed as part of the Burr Street II LCRBDC portion. He has filed condemnation proceedings.

Executive Director's Report – Mr. Gardner talked about the meeting on August 24 with the residents of Munster in the area west of Hart Ditch as part of V-2. We are keeping the residents informed as the project moves forward. Imad Samara stated that more detailed engineering would be done after Stage VIII is done, and that the current schedule shows engineering start for V-2 in March 2006 with a March 2007 completion. The residents want to make sure we have their input before that final engineering is done. At the meeting, the Commission agreed to stake out the west toe of the levee as is currently designed to see what the impact will be (Jim Pokrajac said it would be staked out by September 9). The levee has already been moved as far east as possible with minimal impacts to Wicker Park. North Township has been very cooperative in working with us. The town of Munster will have a tree assessment done. We will work with the COE to review design concepts. Chairman Biller added that he thought it was a very good meeting and that it is important that we work with the residents.

- Discussion was held on whether the bike path could be relocated. Commissioner Huffman thought it would be possible with Cabelas coming in and it would not be a golf course any longer. Imad Samara also thought that it would be possible. The residents on Hawthorne Drive have a problem with the bike path anyway. There is also potential that the center line of protection could be moved further north, and a levee could be constructed rather than an I-wall, which could be more appealing to Cabelas. The impacts to Tri-State Bus Terminal could be minimized if Cabelas comes in. As it stands, about 66 parking spaces are impacted with our temporary construction easements.
- Mr. Gardner said that we will continue to meet with Hammond to keep them informed as we move forward. They are very interested in the economic development potential when the floodplain designation is lifted. Chairman Biller asked if we have a list of Hammond residents in the floodplain, and that he would see if he could obtain a list.

Finance Committee – Treasurer Arlene Colvin referred to the financial status report and the claim sheet. She proceeded to make a motion to approve the claims for August totaling \$50,174.73, motion seconded by George Carlson; motion passed unanimously.

Ms. Colvin then proceeded to make a motion to approve the pending O&M claims totaling \$7,207.74; motion seconded by Bob Marszalek; motion passed unanimously.

- Ms. Colvin then presented a request from U.S.G.S. for the partial funding of the O&M of the Hart Ditch gage station. We have funded this gage station in prior years. The proposal runs from October 2005 to September 2006 at a cost of \$5,500. She proceeded to make a motion approving the funding of the station (monies to come out of O&M fund); motion seconded by George Carlson; motion passed unanimously. Imad Samara added that this station provides data that is used for early response as part of the emergency response plan during flooding conditions. The COE also funds other stations. Jim Pokrajac asked about the status of the COE updating the existing, outdated equipment for Little Cal. Imad Samara said it was ongoing.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek reported that there are no increased offers and no condemnations.

- Mr. Marszalek announced that we have been in negotiations with the NSRC railroad for the last several months and no progress has been made on reaching a design that all parties find acceptable. This is the last acquisition we need to finish the Burr Street II – Little Cal portion acquisition. Since we have not reached a conclusion with the railroad, advertising for construction will not be in September, as currently scheduled. Attorney Casale added, although we don't like to file condemnation (especially with the railroad), he has filed condemnation with the court. We will continue to talk with the railroad and try to resolve the design issue. He was forced to file so we can move forward. The hearing date is scheduled for November 7.
- Mr. Marszalek reported that we are on schedule with Stage V-2 (Kennedy to Northcote). Appraisals and appraisal review process is currently ongoing. We hope to start easement acquisition in December.
- In Stage VII (Northcote to Columbia), we are two weeks behind our schedule but hope to make it up in the appraisal review process. Offers are scheduled to start going out in March of 2006.
- Mr. Marszalek referred to Dan Gardner to talk about the draw down of the first \$1,000,000. Mr. Gardner stated that, although \$2 million was appropriated to us, the State budget is set up on a tax generation basis to allow only half of the

monies to be allocated in each state fiscal year. The problem is that our schedule of acquisition was based upon using the entire \$2 million. Mr. Gardner stated that we will request the first \$1 million and provide documentation clearly justifying the amount. Mr. Gardner will continue to work with our area legislators and budget analyst to try to get the second \$1 million released earlier. Chairman Biller stated that it is important that we document how we spend this money and also show the State what the financial benefit would be for the local economy as they come out of the flood plain which would allow future development.

- There were no land management issues.

Project Engineering Committee – Committee Chairman Bob Huffman reported that Illinois Constructors Corporation was the successful bidder for Stage VI-1 North (Cline to Kennedy, north of the river). This is the same contractor that is doing VI-1 South (Kennedy to Liable, south of the river). Commissioner George Carlson expressed concern that since the same contractor was awarded both contracts, there was potential that the work on the second contract would not be started or finished as fast as if another contractor was awarded the contract. Jim Pokrajac explained that no matter what contractor was awarded the job, that they would have to complete the project within the amount of designated days to complete as stated in the specs or he would be penalized.

- Mr. Huffman reported that a pre-construction meeting was held with Dyer Construction on August 23 for Stage VI-2 (Liable to Cline, south of the river). Construction start is anticipated by the end of September 2005, and a completion date of February 2007.
- It was reported that there is a problem with material sloughing from the side slopes into the concrete ditch bottom in Stage IV-1 North. Staff will write a letter to the COE identifying the problem as an engineering deficiency and ask that they correct it.
- Mr. Gardner talked about the upcoming meeting with the Griffith Golf Center 18--hole golf course and the town of Griffith, in which the Coe will attend. The COE did write a letter to them, explaining the hydrology. The LCRBDC was never requested to obtain a flowage easement from the golf course; the COE is now saying that we will need to obtain one for storage. The owner of the golf course currently wants to sell the property and the potential developer needs to understand what guidelines he must follow to develop there.
- Mr. Huffman inquired whether we have heard from INDOT regarding potential funding ability to help with Stage V-2 so they can pursue their pump station, which is part of their construction project. Staff will check with INDOT.

Operation & Maintenance Committee – Committee Chairman Bob Huffman made a motion to ratify the action that was taken in awarding a contract to Austgen Electric to complete emergency repairs at the Grant Street and Ironwood pump stations in Gary; motion seconded by Arlene Colvin; motion passed unanimously.

- A preliminary draft of punch list items has been developed that will be used as the scope of work for the four Gary pump stations. These will be advertised by the LCRBDC. They have been forwarded to Gary for their concurrence or corrections.
- Spike Peller mentioned a Memo of Understanding would be needed (regarding property transfer). Lou Casale will prepare agreement. LCRBDC wants to turn over two stations now; the other four later.
- Staff is still waiting for "as-built" drawings from the COE so we can begin the process of turnover for the lift stations in Stage III Remediation area.

Legislative Committee – Committee Chairman George Carlson talked about the \$1 million in each year budget year. The \$2 million will not be released at one time. This new ruling has been applied to all state agencies – not just us. Mr. Gardner will get more information from the State to determine how we can get it released earlier. Commissioner Huffman brought up the fact that the last time we did not receive all of our appropriation in the first year, there was \$2 million rescinded along with numerous others.

Environmental Committee – There was no report.

Recreation Committee – There was no report.

Marina Committee – In Committee Chairman Charlie Ray's absence, Mr. Gardner presented the claim for the October 1st marina bond payment. Bob Huffman made a motion to approve the claim and request the funds from the city of Portage; motion seconded by Arlene Colvin; motion passed unanimously.

• Mr. Gardner reported that a meeting was held on August 17 at Portage City Hall regarding the agreement for transfer. The city had a problem with assuming the liability for the Midwest Steel jetty. Attorney Casale has worked out a revised agreement, satisfactory to the city's attorney that eliminates their obligation of the jetty. Attorney Casale presented and read Resolution 05-01 which approves entering into an Interlocal Agreement (as presented) with the city of Portage for the transfer, development, and operation of the portage Public Marina. Bob Huffman made a motion to approve the Resolution; motion seconded by Bob Marszalek; motion passed unanimously. Mr. Gardner added that he has given a draft copy of the agreement to Tim Sanders so he understands the matter and may be able to offer his help in getting it signed by the Attorney General's Office.

Policy Committee – There was no report.

Other Issues/New Business – No issues.

Statements from the Floor - Mark Lopez from Congressman Visclosky's Office thanked the Commission for the cooperation they've received regarding transferring the marina to the city of Portage.

There being no further business, the next meeting was scheduled for **6:00 p.m. Wednesday, October 5, 2005. Please note that this meeting will be held in Hammond at the Jean Shepherd Community Center.**