

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, DECEMBER 6, 2006
6100 SOUTHPORT ROAD
PORTAGE, INDIANA**

Chairman William Biller called the meeting to order at 6:15 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

William Biller
Robert Huffinan
Arlene Colvin
Dr. Mark Reshkin
George Carlson
Steve Davis
Robert Marszalek

Visitors:

Jomary Baller – IDNR, Div. of Water
Traci Powell, IDNR, Div. of Water
Bill Petrites – Highland Resident
Ronald Albin – Munster Resident

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac

The minutes of the November 1, 2006 meeting were approved by a motion from Bob Huffinan; motion seconded by Arlene Colvin; motion passed unanimously. It was stated, for record purposes, that members of the Nominating Committee announced at the November meeting were Arlene Colvin, Steve Davis, and Mark Reshkin. They will report back at the January meeting.

Action Required – Treasurer Arlene Colvin presented the claims for approval in the amount of \$182,001.18; motion seconded by Steve Davis; motion passed unanimously. Ms. Colvin then presented the O&M claims for approval in the amount of \$5,733.86; motion seconded by Bob Huffinan; motion passed unanimously.

- Land Acquisition/Management Committee Chairman Bob Marszalek presented several items for action. He proceeded to make a motion to approve the low bidder, South Shore Marina, to clean out the log jam at Martin Luther King Drive in Gary in the amount of \$8,950; motion seconded by Arlene Colvin; motion passed unanimously. Work will be initiated in a day or two.
- Mr. Marszalek then made a motion authorizing the attorney to write a letter to LEL and ask them to terminate the option we have with them on the 32 acre parcel east of Clay Street in Lake Station, outside the project area. Once the agreement option is terminated, staff will publicly advertise the property for a land management proposal. The property is suitable for wetland mitigation. As it now stands, we are receiving no income on the property and we need to be able to generate some income from the property. Motion was seconded by Bob Huffinan; motion passed unanimously.
- Mr. Marszalek made a motion to approve the existing 2006 farm license agreements for the farming season of 2007 at a per-tillable-acre increase for each of the three agreements; motion seconded by Bob Huffinan; motion passed unanimously.
- Mr. Marszalek made a motion to authorize the attorney to file condemnation on Dc-1175; motion seconded by Bob Huffinan; motion passed unanimously.

Chairman's Report – Chairman Bill Biller announced that he, as well as Dan Gardner, Bob Huffman, and Jim Pokrajac, attended a public open house held by Cabela's on November 13, 2006. The meeting was held to answer questions from the area residents regarding their business, design, layout plans, and impacts to the community. He stated the open house went very well and the general public in attendance seemed supportive. Approximately 40 people attended. Mr. Gardner added that staff has been in communication with Brian Poland, Hammond city planner, to keep up-to-date on plans as the Cabela's project moves forward. He also added that it is expected that Cabela's will donate the needed project easements to us.

- Chairman Biller added that we have received the approved easements from North Township, who also donated the easements. WHITECO has recently donated easements to us that we needed from them also.
- Mr. Biller added that we continue to meet with any area residents who request information regarding our project.

Executive Director's Report – Executive Director Dan Gardner stated that he attended a joint meeting held by Hammond and Highland Redevelopment Commissions on November 16. The communities are working together toward a coordinated plan to develop the acreage where the Kennedy Park apartments stood (they were demolished) on Kennedy Avenue. The redevelopment districts were expanded to both sides of Kennedy Avenue to allow for future development. Hammond and Highland have developed a MOU to maximize the flood control project enhancements, including recreation. They will keep us informed as they move forward.

- Chairman Biller talked about the newly-constructed Kennedy Avenue bridge over the Little Calumet River. Originally, when the Lake County Highway Dept. announced reconstruction of the bridge, the Corps of Engineers was going to coordinate with the contractor to construct new cantilevered walkways onto the existing bridge structure as well as to install the concrete closure slabs on Kennedy Avenue to avoid closing Kennedy Avenue twice for construction. Since that time, the Corps did not follow through on plans to construct the walkways or closure structures in conjunction with the County contract, but will do these items as part of Stage V-2 construction. Because of that, bridge was built with no walkways. Mr. Biller expressed concern about the safety factor and talked to city/town officials about installing signs alerting pedestrians that there are no sidewalks at the bridge. Commissioner Mark Reshkin asked the attorney if there would be any legal actions brought against the Commission if an accident happened; the attorney answered that we would have no legal jeopardy. Jim Pokrajac added that he has coordinated with the Corps person who will be doing the design work for Stage V-2. Mr. Gardner will write a letter to the Corps emphasizing the safety problem and that the walkways should be included as part of the Stage V-2 project, and not at a later date as part of a separate recreation contract.

Legislative Committee – Committee Chairman George Carlson referred to Dan Gardner for an update on any forthcoming state funds. Mr. Gardner stated that he has been on numerous phone calls with the State Budget Agency and IDNR. He has expressed his concern regarding the time factor and has emphasized the immediate need for the \$1,442,583 in order to award the Corps contract for the Burr Street levee completion. The low bidder has already extended his bid past the 30-day extension to allow time for the Commission to get the funds in place. If the Corps has to re-bid the project, time and money will be lost. Mr. Gardner informed the members that he will keep pressing for a specific release mechanism and date.

Finance Committee - Treasurer Arlene Colvin stated that a finance committee meeting will be scheduled before the next meeting. Members will be notified.

Land Acquisition/Land Management Committee - Committee Chairman Bob Marszalek stated that the majority of easements are acquired for Stage V-2. The easements left to acquire are those that have problems or are in condemnation. He stated that Stage VII easements north of the river are ready to be sent out but we are waiting to make sure we receive state funds to cover those offers before we make them; appraisals south of the river are ongoing and being coordinated with the appraiser reviewer. In Stage VIII, surveys are ongoing and being reviewed by both the Buffalo and Chicago COE Districts. Attorney Casale added that NIPSCO, the Norfolk Southern railroad, and the pipeline corridor are three big problems in V-2. Jim Pokrajac added that there are 16 pipelines in the corridor on NIPSCO property. NIPSCO, the railroad, and the pipelines all want to see the design plans before approving any easements or signing agreements. The Corps has said that the pipeline corridor plans should be ready by January 15.

- Mr. Marszalek stated that a Land Management committee meeting was held on November 29. It was a very positive meeting and ongoing issues were discussed whereby future potential income may be found. Attorney Casale stated that we are looking at nine additional locations for billboards for VIEW OUTDOOR. We have given them approval to pursue permitting with the city for these nine locations; VIEW is awaiting a letter from the Corps as requested by the city, which states that they have no objection to the installation of the signs and that they are compatible with the project and do not impact any of our project features. Chairman Biller asked staff for a map showing the locations we have made available.

- It was discussed that a meeting was scheduled for November 30 with LAMAR to discuss potential sign locations. They presented a proposal to us requesting to get permanent easements for two existing billboards between Chase and Grant that would provide some O&M funding up front. In addition, we would pursue additional sign locations with them. Jim Pokrajac added that the Commission does have other locations where billboards could be installed but it would be at Gary's discretion on how many billboard permits they want to give out.

- Mr. Gardner discussed a Wetland Reserve Program that is in place with the Dept. of Agriculture through their Soil Conservation Service. It is possible that some of the Commission property (About 200 acres) might qualify. Mr. Gardner will pursue with them and obtain more information.

- The turnover of surplus lands to Gary was briefly discussed. Mr. Gardner stated that he is consistently receiving calls from a potential developer that wants to develop some of the Commission property that will be turned over to the city. Ms. Colvin said she had talked to the attorney for Gary and the Deputy Mayor. The Deputy Mayor will be scheduling a meeting with Gary legal and development representatives to meet with the LCRBDC to expedite this progress.

- Regarding 3120 Gerry Street, Jim Pokrajac talked to the gentleman who originally gave us the highest bid on the property. He is still interested in the property. Since we are not able to sell the property because of the Disposal of Property Act, he is agreeable to a long term lease arrangement. Staff will pursue.

Engineering Committee - Committee Chairman Bob Huffman reported that on the upcoming Pump Station II contract, six pumping stations in Hammond will be upgraded including

installation of new pumps, rather than rehabilitated. The Corps Huntington District is doing the engineering.

- Jim Pokrajac added that, in light of the recent rainfall/flooding in Highland, the town has decided to keep the existing North Drive pumping station to supplement the new pumping station that is part of the Stage VI-1 South contract. It would give the town about 25% more capacity in that area. The town of Highland is currently putting together a report to determine what would be required to provide a 100 year level of protection.
- Mr. Gardner and Jim Pokrajac recently met with several residents who live on Forest Avenue in Hammond to discuss the existing Hammond levee west of Hohman Avenue. It appears there are no permanent easements. Although Hammond built that levee to Corps standards, no permanent easements were taken from residents. We may have to pursue these easements west of Hohman. Corps needs to inspect the levee to determine condition of it.

Operation & Maintenance Committee – Committee Chairman Bob Huffman announced that the final summary for the pump stations is being completed, which outlines the scope of work to be completed for turnover to Gary. Jim Pokrajac added that there was an inspection on November 8 of the sluice gates/flap gates. 39 were inspected out of 44. There were some gates that remain to be inspected when the river level is lower.

- Jim Pokrajac stated that we have received “as-built” drawings for Stages IV-2A, II-3B, and North 5th pump station. The “as-built” drawings in Gary have been received and Mr. Pokrajac will work with Luci Horton for turnover.
- Jim Pokrajac stated that we are having some fence repairs made in the area of North Burr Street pumping station as part of the completion of punch list items.

Environmental Committee – Dan Gardner stated that we had received a draft MOU from Highland where the town, the Commission, and the Calumet Audubon Society would sign the agreement. After receiving it, Carolyn Marsh asked that we not approve it at the Commission meeting so it is not listed on the agenda. Mr. Gardner will remain in contact with the town. Commissioner Steve Davis said that more applications have been received than what the Coastal program has grant money for. Approval for grant money should be in about April 2007 and has to be approved in Indianapolis and then in Washington.

- Mr. Gardner stated that he is participating in the Little Cal Watershed Planning meeting on November 30. The Gary Stormwater Board is getting an IDEM 319 grant; they are engaging other agencies, including us. Mr. Gardner said money might be available for paving recreational trails and that it was a very positive meeting. This plan can include water quality and environmental improvements not included in the Corps plan.

Recreation Committee – Committee Chairman Bob Huffman mentioned that part of the recreational trail has been built from Kennedy to Parrish. He feels that the trails need to be paved.

Policy Committee - There was no report.

Other Issues - Mr. Gardner talked about the Burr Street Gary levee construction contract. We have been working with the city of Gary to try to keep costs to a minimum for change orders. Mr. Gardner reiterated that we are approved for up to \$623,061 (25% cost share of the original bid). We should be receiving an invoice for about \$18,000 for the first change order regarding

rip-rap in Ditch 5, and a second change order is still being negotiated regarding final fill calculations. Original levee cross-sections indicate an extra of approximately \$370,000. Mr. Pokrajac is working with the COE on re-calculations; should be less than 1/3 this amount.

Statements from the Floor – Mr. Ron Albin from Munster expressed concern about a proposed road adjacent to his property River Drive to the river. Jim Pokrajac answered that we have finalized the surveys and the appraisal is being done. The engineering drawings are not complete yet for Stage VII. Mr. Albin is also concerned about some of the trees being destroyed. Also, there will be a sand pile stored there and why it couldn't be across the street where there is more room. He asked about having an I-wall behind his house instead of a levee. Jim Pokrajac asked him to write a letter to us listing his concerns and he would forward this to the COE as part of their engineering review process. We assured him that we will work with the Corps to every extent possible to make changes acceptable to him and the Corps. Preliminary design should be ready for review in early summer. The Corps is doing the design internally. Once Stage V-2 design is completed, they will focus more on Stage VII.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, January 3, 2007.