

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, JANUARY 4, 2006
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman William Biller 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:

George Carlson
R. Kent Gurley
Robert Huffman
William Biller
Steve Davis
Mark Reshkin
Arlene Colvin
Robert Marszalek

Visitors:

Jomary Baller - IDNR
Steve Enger - C.P.W.W.
Elizabeth Johnson - Congressman's Office

Staff:

Dan Gardner
Lou Casale
Jim Pokrajac
Judy Vamos
Sandy Mordus

Motion to approve the December 7, 2005 minutes was made by Bob Huffman; motion was seconded by Arlene Colvin; motion passed unanimously.

Chairman's Report – Chairman Biller referred to the Nominating Committee, consisting of Bob Marszalek (Chairman), George Carlson, and Steve Davis. Mr. Marszalek informed the members that the committee had met and proposed that the Commission retains the same four officers to serve in 2006 as in 2005. Chairman Biller asked if there were any nominations from the floor and there were none. Mr. Marszalek proceeded to make a motion to elect William Biller as Chairman; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Marszalek made a motion to elect Robert Huffman as Vice Chairman; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Marszalek made a motion to elect Arlene Colvin as Treasurer; motion seconded by Mark Reshkin; motion passed unanimously. Mr. Marszalek made a motion to elect Mark Reshkin as Secretary; motion seconded by Arlene Colvin; motion passed unanimously.

Executive Director's Report – Mr. Gardner referred to the Memorandum of Agreement with the city of Gary for the construction of the Gary segment of the Burr Street levee. It has been approved and signed by the city and we will sign the agreement tonight. Mark Reshkin made a motion to approve and enter into the agreement with the city; motion seconded by Bob Marszalek; motion passed unanimously. This segment of construction will be bid out through the city's process. The first pre-bid meeting took place on December 19; a second pre-bid meeting is scheduled for January 5. The city has advertised and bids are due on January 18. Regarding the Little Cal portion of Burr Street Phase 2 construction, it appears that we have reached an agreement for the engineering design with the NSRR. Easement offers have been sent to the railroad. Once they are approved, signed, and returned to us, we can sign a right-of-entry for the Corps.

- Mr. Gardner reported that surveys, title work, appraisals and review appraisals are ongoing in Stage V-2 (Kennedy to Northcote). Staff met with the North Township Trustee, Frank Mrvan Jr, to talk about the easements we need at Wicker Park and their willingness to donate them. Mr. Mrvan asked for a list of all donations we've received so far from other various entities so he can present it to the North Township Board. They also indicated that they would like to have another meeting whereby we could discuss issues with the Board. We are confident that he will work with us. Mr.

Gardner also stated that staff met with Bill Wellman from WHITECO, regarding potential donations of easements that are needed in the Cracker Barrel and Lake County Visitors Center area, west of Kennedy Avenue, north of the little Calumet River. Mr. Wellman indicated that they would work with us on easement donations. The willingness of these entities to donate, rather than accept the appraised price of the easements, will help us to move further westward and stretch available resources.

Outstanding Issues – Mr. Gardner discussed the issue regarding Lawson-Fisher doing a Phase 1 inspection to determine what will be required by FEMA to certify the Griffith levee. He talked to them about lowering their proposed cost of \$9,700. Although several members still thought their fee schedule was high, Lawson Fisher was approved to proceed with the work. There is no commitment for work other than the initial phase 1 study. A coordination meeting, including FEMA, will be scheduled to discuss certification.

Finance Committee – Treasurer Arlene Colvin referred to the Financial Statement for December. She made a motion to approve the transfer of \$5,701.98 from Administrative Budget Line Item 5821(Travel/Mileage) to Administrative Budget Line Item 5812 (NIRPC Services), in order to pay for NIRPC administrative services through 2005; motion seconded by Bob Huffman; motion passed unanimously.

- Ms. Colvin then made a motion to approve the transfer of \$43,529.82 from Land Acquisition/Project Development Budget Line Item 5882 (Utility Relocation Expenses) to Land Acquisition/Project Development Budget Line Item 5840 (Professional Services), in order to cover services through 2005; motion seconded by Bob Huffman; motion passed unanimously.
- Ms. Colvin made a motion to approve the claims for December in the amount of \$68,719.96, motion seconded by Bob Huffman; motion passed unanimously.
- Ms. Colvin then presented the O&M claims for approval in the amount of \$5,402.87 and made a motion for approval; motion seconded by Bob Marszalek; motion passed unanimously.
- Ms. Colvin made several transfers of money into the Administrative Budget to cover anticipated shortfalls we may incur in 2006. She made a motion to transfer \$100,000 from monies remaining from the 2005/07 budget; motion seconded by Mark Reshkin; motion passed unanimously. She then made a motion to approve the transfer of current interest monies from Savings into the Administrative Budget totaling \$18,634; motion seconded by Bob Huffman; motion passed unanimously. She then made a motion to approve the transfer of current escrow interest monies into the Administrative Budget totaling \$19,787; motion seconded by Bob Huffman; motion passed unanimously.
- Ms. Colvin made a motion to approve and enter into a contract for administrative services with the Northwestern Indiana Regional Planning Commission; motion seconded by Bob Marszalek; motion passed unanimously. The contract for 2006 reflects an approximate 4% increase in overall expenses.
- Ms. Colvin then made several motions approving contracts for independent contractors. Since 2004 and 2005 contract amounts were the same, modest increases were reflected for the 2006 contracts. Ms. Colvin made a motion to approve the contract for James Pokrajac with a 2% increase, amount increasing to \$54.35 an hour; motion seconded by Bob Huffman; motion passed unanimously. Ms. Colvin then made a motion to approve the contract for Judith Vamos with a 2.5% increase, amount increasing to \$39.30 an hour; motion seconded by Bob Huffman; motion passed unanimously. Ms. Colvin then made a motion to approve the contract for Lorraine Kray with a 3.5% increase, amount increasing to \$19.85 an hour; motion seconded by Bob Huffman; motion passed unanimously.
- Ms. Colvin then made a motion to approve and enter into a contract for legal services with CASALE, WOODWARD & BULS, with Attorney Lou Casale, for an increased hourly rate to \$100/hour (from \$95/hour) with the monthly retainer fee remaining at \$283.33; motion seconded by Bob Huffman; motion passed unanimously.
- Ms. Colvin made a motion to enter into a contract with Sandra Mordus at the same rate of \$25/hour for ongoing crediting services; motion seconded by Bob Huffman; motion passed unanimously.
- Ms. Colvin made a motion to approve the 2006 Operating Budget, as presented, with a total budget amount of \$2,852,906; motion seconded by Bob Huffman; motion passed unanimously. All the previous transfers of monies are reflected in the approved budget.

- Commissioner Bob Marszalek complimented the staff and independent contractors on the excellent job they perform every day. For the minimal increase they received, he felt they were dedicated and well worth the increase.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek gave the report. He reported that there were no increased offers or no condemnations.

- Mr. Gardner added that easement offers are starting to go out on Stage V-2 (Kennedy to Northcote). There are 36 parcels in V-2 and donations will be requested.
- An agreement to lease the property at 35th & Chase was given to the city for approval at their Board of Public Works meeting on January 4. The Gary Fire Department will occupy the building at a leased rate of \$1 a year. It is expected to be approved.

Project Engineering Committee – Committee Chairman Bob Huffman reported the status of construction for Stage VI-1 South (Kennedy to Liable, south of the river). Work is approximately 60% complete. Illinois Constructors is working on pre-construction submittals for Stage VI-1North (Cline to Kennedy, north of the river). Dyer Construction has their submittals approved for Stage VI-2 (Liable to Cline, south of the river). Construction should start in mid January. A kick-off meeting and walk-thru will be scheduled shortly for Stage V-2 (Kennedy to Northcote) with the new Army Corps design team.

Operation & Maintenance Committee – Committee Chairman Bob Huffman requested that Attorney Casale read the proposed resolutions to enter into a contract with Gary to assume the O&M on the two pump stations that are ready to be turned over as part of the Stage III Remediation contract (Marshalltown pump station and 32nd & Cleveland pump station). The resolutions will be forwarded to Gary with the accompanying O&M pump station agreement and attachments. Bob Marszalek made a motion to approve the resolutions and send O&M package for the two pump stations to the City; motion seconded by Bob Huffman; motion passed unanimously. Jim Pokrajac added that we have made a commitment to bring the other four pump stations up to “as built” condition and turn them over as well. It has already been approved that we will turn over surplus property to the City once they have accepted all O&M within the city.

Environmental Committee – Committee Chairman Mark Reshkin reported that a \$10,000 grant was secured by Lee Botts to inventory natural areas that are being restored. He added that it is important that the Commission make her aware of the Hobart Marsh mitigation area, as well as the Commission’s in-project mitigation lands.

Legislative Committee – Committee Chairman George Carlson reported that staff was developing a year end report to be sent to area legislators, local elected officials, Governor’s Office, and IDNR to document what was spent and the schedule ahead. Mr. Gardner added that the report will list out the three contracts that were awarded this year between Kennedy Avenue and Cline, which will include color construction photos and map. He reported that over \$5 million has been donated to the project through easements, properties, construction cost, corporate, etc. from local sources.

Recreation Committee – There was no report.

Marina Committee – Mr. Gardner referred to the approved, completed Interlocal Agreement for the transfer, development and operation of the Portage Public Marina between the Commission and the City of Portage. Attorney Casale added that the deed signing still needs to happen; he is waiting to see if it will be a public signing or private signing. Commissioner Davis added that it seemed like the transfer went relatively smooth and quickly; he would hope that this procedure has set a precedence so that when the time comes for the Commission to transfer surplus properties to the City of Gary in return for O&M, it will also be a smooth & quick turnover process. Ms. Johnson replied that she thought the Congressman would be happy to assist.

Policy Committee – There was no report.

Other Issues/New Business – Chairman Biller inquired about new committee structure for 2006. Staff will mail something out to all Commissioners prior to the next meeting.

- Mr. Huffman congratulated staff for their efforts in working with the NSRR to acquire needed easements for our Burr Street Phase 2 Little Cal portion of construction. The railroad and the Corps have agreed on a design.
- It was mentioned that there is still a Governor's vacancy on the Board. Also, it was discussed whether attendance sheets of Commissioners should be shared with the appointing authority.

Statements from the Floor - Munster resident Steve Enger, representing Citizens for the Preservation of Wicker Woods, expressed his opinion about the Corps not working quickly enough to address area concerns along Hart Ditch in Stage V-2. He stated that he sent a letter to the Commission over 2-1/2 months ago for the Corps to respond to and he is still waiting for a reply. He is worried that the Corps is not looking at this area in an attempt to save money but only to meet a deadline. He felt that some money could be saved at the control structure on Hart Ditch; he is afraid that the comment period for residents will run out of time and their concerns will not be addressed. Jim Pokrajac added that the Corps is focusing on completing assurance of the real estate requirements for Stage VIII; then they will look at design for V-2. He will distribute the plans & specs to affected parties to review and comment, the Corps review process, and the intent of design. Mr. Enger felt that a 3-week turn-around review process is not long enough. Mr. Pokrajac added that he is hopeful that some of the concerns will be addressed in the 50% BCO specs. The Commission will contact the Corps to commit to a time certain for a response. Mr. Gardner stated he was certain the Corps was concentrating on the hydrology analysis as this is a critical location being at the jurisdiction of Hart Ditch and the Little Calumet River as well as at the flow control device. Structural and hydrology issues require care be taken in any design changes to ensure performance of the protection system.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, February 1, 2006.