

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**  
**HELD AT 6:00 P.M. WEDNESDAY, MARCH 1, 2006**  
**6100 SOUTHPORT ROAD**  
**PORTAGE, INDIANA**

Chairman William Biller called the meeting to order at 6:05 p.m. Eight (8) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

**Development Commissioners:**

George Carlson  
Charlie Ray  
Robert Huffman  
William Biller  
Steve Davis  
Mark Reshkin  
Robert Marszalek  
John Mroczkowski

**Visitors:**

Steve Enger - Munster  
Imad Samara – Army Corps  
Chris Buono - Munster  
Tim Zorn – Post Tribune  
Sandy O'Brien - Hobart

**Staff:**

Dan Gardner  
Lou Casale  
Jim Pokrajac  
Judy Vamos  
Lorraine Kray  
Sandy Mordus

A motion to approve the February 1, 2006 minutes was made by Bob Marszalek; motion was seconded by George Carlson; motion passed unanimously.

**Chairman's Report** – Chairman William Biller gave an update on HB1095 as proposed by Representative Chet Dobis. This bill would reduce the Commission membership from 11 members to 5 members, all being Governor appointments; one each of the members must be from IDNR Division of Water; one from IDNR Department of Fish & Wildlife; one must be a resident from Gary; one must be a resident of Hammond; and must be a resident of Highland or Griffith. Each member must also hold a degree in engineering with 10 years experience or be licensed in Indiana as a real estate appraiser and have 10 years experience. It appears that the bill never got out of the House or out of committee. It should have gone to the Senate side for approval. That did not happen. There is a possibility that it could be attached onto another bill but not likely. Regardless, Chairman Biller stated to the Board members that the proposed bill does not change anything; we are still moving ahead as quickly as we can to meet the Congressman's deadline of project completion by December 2009.

**Executive Director's Report** - Mr. Gardner referred to a "Burr Street Gary Levee Contract Background & Recommendation" sheet. He explained the history and how Gary and the LCRBDC has worked together to come to an amount of money each entity can contribute to the contract price. We cannot contribute more than the 25% cost share of the project amount. Based on the award bid that was received and approved by the city of Gary, the 25% cost share would be \$623,061. Mr. Gardner asked that authorization be given to enter into a contract with the city for this amount of money. This contract must get under signature, and, although the amount was higher than what we anticipated, it is a top priority to be able to go any further in the west reach. Both sides of Burr Street must be under contract. There is a \$400,000 funding gap that the city will have to fund. Staff is meeting with the city one more time to discuss the contract. Mr. Gardner stated that any water quality MS4 will be deleted from the contract price because it is not essential for flood control. After discussion, Bob Marszalek made a motion for the Commission to fund up to \$623,061 less any deduct change orders; motion seconded by Mark Reshkin; motion passed unanimously.

- Mr. Gardner went on to emphasize the need for the Burr Street Little Cal portion of the levee to be under contract. We have had a problem working out a satisfactory agreement with the railroad. We are hoping that we have finally come to a resolution with them and will be receiving signed easements very soon. We are still hopeful in having a June award date for a contract.
- Mr. Gardner then reported that we are moving ahead on Stage V-2 (Kennedy westward to Northcote) on south side to Hart Ditch. Almost all the offers are out. Cabela's is still an issue. We have met with them on February 8 and have asked for the easements to be donated to us. Cabela's is also working with INDOT for a road entrance design.
- Mr. Gardner stated that another critical item is Wicker Park on North Township property. There may be some minor changes in real estate for Wicker Park if Cabela's design changes. If they accept the design change, that would eliminate the needed easements from Tri-State, which would be a substantial savings.
- Mr. Gardner stated that we have to acquire easements on some parcels in the Inter-State Plaza area. We are waiting on the sale of several properties that are in the hands of a bank due to bankruptcy. Once it is determined exactly who we have to contact, we will follow up with our easement request. The plan calls for some levee construction in that area but until we know for sure what Cabela's is doing, we cannot proceed. We will also need easements from the NSRR in this stage.
- Mr. Gardner stated that we appeared before the Highland Town Council on February 27 at their Board meeting. Chairman Bill Biller and Bob Huffman also attended. We gave an update on the schedule; talked about the timetable for FEMA removal from the flood plain; O&M discussion; and answered questions from residents who were concerned about ongoing construction. Residents complained about debris being left, dust, old concrete being left, etc. and unsightly areas that also presents a danger. The COE also attended the meeting so the construction field rep was able to directly talk to the residents, who did have a legitimate concern. It was pointed out to the residents that they should call the COE rep and not the town. His name and number were given. We also informed them that if any damage was done to their property, there would be compensation. Discussion ensued on what we could do better in addressing residents' concerns. Staff will develop a plan of action whereby it would state what the COE is responsible for, what the Commission presently does, and what both the COE and the Commission could do better.

**Finance Committee** – In Treasurer Arlene Colvin's absence, Mr. Gardner gave the financial report. He presented the financial status sheet and claims for approval in the amount of \$77,474.13. Mr. Huffman made a motion to approve the claims for February; motion seconded by Charlie Ray; motion passed unanimously.

- Mr. Gardner then presented the revised sheet listing O&M claims for approval in the amount of \$25,185.66. Mr. Huffman made a motion for approval; motion seconded by Steve Davis; motion passed unanimously.

**Policy Committee** – Committee Chairman Bob Marszalek informed the Board members that the Policy Committee met on February 13. The purpose of the meeting was to discuss and recommend ways to maximize usefulness of materials received and time spent in meetings to reduce redundancy and provide critical information and enable the best decisions to be made by the Board. After discussion, the committee has recommended five points to be adopted. These recommendations do not change the bylaws; they merely change the policy. Chairman Bob Marszalek made a motion to adopt the five recommendations. They are (1) continue to have a public work study session prior to the public Commission meeting but limit it to one-half hour and consider only those items of action or major policy to be discussed at the public meeting; (2) re-organize the Commission meeting agenda to move action items early in the meeting and committees that had no reports did not need to be listed; (3) the one-half hour work study session material would be sent along with the Commission agenda packet approximately one week before the meeting and additional committee progress reports would be updated monthly but not mailed in the packet; (4) presentation of the action items and any progress reports would be made by the appropriate staff as directed by the committee chairman and the reports should be concise and provide necessary information only; and (5) agendas should be structured to include, to the extent possible, only action items and policy issues imparting the project's pursuance. Motion was seconded by Mark Reshkin; motion passed unanimously.

**Land Acquisition/Land Management Committee** – Committee Chairman Bob Marszalek referred to Judy Vamos to give the report.

- Mrs. Vamos asked for approval for condemnation for seven properties, only if needed. These are properties in Stage V and are offers that have expired. We are currently negotiating with the owners. If we cannot reach agreement with them, we would like approval now so we do not have to wait another month to obtain approval. We are following the time schedule. Condemnation would only be used if absolutely necessary; we are still hopeful to settle on some of these properties. Bob Marzsalek proceeded to make a motion to approve condemnation if necessary on DC-1101, DC-1103, DC-1107, DC-1120, DC-1130, DC-1172, and DC-1174. Motion was seconded by Bob Huffman; motion passed unanimously. Mr. Gardner added that these are easements only and that there is no loss of utility to the properties. Mrs. Vamos stated that there are 37 acquisitions; we are negotiating with 24; we have accepted offers on 13 properties;
- Ms. Vamos reported that there are 54 acquisitions in Stage VII (Northcote to Columbia). This stage is in two sections: Hammond (north of the river) is presently under appraisal. Munster (south of the river) – appraiser is now completing a gross appraisal to obtain approximate total land values for budgeting purposes and discussions with town of Munster officials.

**Project Engineering Committee** – Committee Chairman Bob Huffman stated that the Burr Street II Gary portion and Cabela's in Stage V-2 has already been discussed.

- Mr. Huffman reported that a meeting was held with North Township on February 2 to make a presentation to their Board. Some of their concerns were sent to the COE for answers. We are still awaiting for the COE to address.
- A meeting was held with FEMA, Lawson-Fisher, COE, the LCRBDC, and IDNR (on conference) on February 9 to discuss what will be required for Lawson-Fisher to certify the Griffith levee. Mr. Pokrajac added that Lawson-Fisher has received the information they needed from FEMA so they can proceed with Phase 1 to address certification of the levee.

**Operation & Maintenance Committee** – Committee Chairman Bob Huffman reported that we have about five items left that need to be addressed on the four Gary pump stations. Austgen Electric has made some repairs while the pumps were pulled out. There will be minimal work remaining, if any. We have saved a lot of money by authorizing Austgen to proceed with repairs.

- We have had legal descriptions and drawings prepared for the Stage III Remediation pump stations to address giving Gary the rights to the land that the pump stations sit on. We are pursuing an agreement with them.
- We are in the process of turning over the North 5<sup>th</sup> Street pump station to the town of Highland for O&M. They have received all the manuals; we are awaiting "as built" drawings. A final inspection was held and it was determined that there are three items remaining for completion. They are (1) receiving "as-built" drawings, (2) demobilization of Overstreet, and (3) miscellaneous electrical spare parts. Staff is pursuing.

**Environmental Committee** – Committee Chairman Mark Reshkin reported that staff has submitted information to Lee Botts, who is doing an inventory of natural areas that are being restored. Over 500 acres are included. It would include our in-project lands used for mitigation, and Hobart Marsh lands.

**Legislative Committee** – Committee Chairman George Carlson referred to the letter addressing the Commission's financial position that was personally addressed and mailed to area legislators and others. The letter states the Commission's need for \$12.9 million. The more easement donations the Commission can secure, the less monies will be needed to finish the project. Mr. Carlson commended Mr. Gardner on a very well written letter.

- Steve Davis asked about our 25% project contribution. If the approved crediting is less than 25% of the total project cost, does that mean the Commission will have to contribute a higher cash contribution amount. Mr. Gardner replied that is the case; to date we are not at 25%. We are working toward it and we are hopeful that, in the end, we will reach the 25%.

Marina Committee – Attorney Casale informed the members that the transfer of the marina property is complete. The deed has been signed and submitted to the city of Portage. The city will have to refinance for the remaining monies due on the bond. Mr. Gardner added that there are several other items that have to be addressed with the city; i.e. handrails (on the breakwaters) being removed in the fall and then put back in place in the spring, and the NIPSCO lease agreement.

Recreation Committee – Committee Chairman Bob Huffman stated that a meeting with the COE will be scheduled shortly.

Other Issues/New Business – Jim Pokrajac presented the SEH proposal for virtual reality imaging. At the last meeting, there was discussion on possibly securing a firm who could develop some pictures or video showing how the existing property would look with a levee/floodwall in place. They can digitally enhance to show exactly what the change would look like. It would be a good working tool to show residents how their property would look. This is especially a concern through Munster, where back yards will abut the new levee. Overall, Board members thought the cost per image was high. They asked staff to pursue other avenues; i.e. does the COE have a department that could do this; could NIRPC graphics department do this; can we buy a computer package. Staff will pursue.

- Chairman Biller stated that he is trying to contact Dan Repay, Hammond Council President, so we can set a meeting with him to update him on the project status and offer to meet with local citizenry.
- Mr. Gardner added that he has been in contact with the town of Munster. We have started some appraisals in Munster; we are hoping the town can help us with some monetary donations, especially when we need the 5% cash escrow payment to the COE or acquisition in Stage VII.
- Commissioner Bob Marszalek reminded everyone of the new protocol starting with the April meeting.

Statements from the Floor - There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, April 5, 2006