

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

Chairman William Biller called the meeting to order at 6:15 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

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

Visitors:

James Petsas – Ogden Dunes resident
Bill Petrites – Highland resident
Cpt. Kelsey Lavicka – Corps of Engineers
John Sowinski – Griffith resident
Michelle Quinn – Post Tribune
Barbara Whitaker – Munster resident
Carolyn Marsh – Sand Ridge Audubon Society

Staff:

Dan Gardner
Jim Pokrajac
Sandy Mordus
Lou Casale
Lorraine Kray

The minutes of the September 6, 2006 meeting were approved by a motion from Bob Marszalek; seconded by Bob Huffman after a correction was made on the first page to the Development Commissioners present, changing Gent Gurley to Kent Gurley; motion passed unanimously.

Action Required – Treasurer Arlene Colvin referred to page 6 & 7 in the agenda packet listing the claims for approval in the amount of \$120,736.08 and made a motion for approval; motion seconded by Steve Davis; motion passed unanimously.

- Ms. Colvin then presented the O&M claims (revised) for September in the amount of \$15,418.28 and made a motion for approval; motion seconded by John Mroczkowski; motion passed unanimously.
- There was no action for Land Acquisition or Land Management.

Chairman's Report – Chairman Biller reported on the storm event on September 13 in which areas in Highland, Griffith, Hammond, and Gary received as much as 6-8" in a couple of hours time. He referred to a report prepared by the Corps of Engineers regarding the event. The report refers to the amount of rain as a 600 year flood event. There have been several informational meetings with the Corps and the town of Highland, where discussions took place regarding the event. The report concludes that flooding was caused by insufficient storm sewer systems and insufficient pump capacity. Mr. Gardner added that everyone responded to the situation very quickly, i.e. the local municipalities, county, state, and federal response groups. Within two days, the Governor had sent a letter to President Bush asking for a declaration of a major disaster, seeking to make federal funds available for property owners. It was

stated that the Little Calumet River did not flow over the banks and did not cause additional landside flooding due to the installation of our flood features. Mark Reshkin added that with urban growth, the tributaries need as much attention as the river. It is the tributaries that carry the rain water to the river. George Carlson added that once the rain stopped, the water receded quickly. It was stressed that our flood control project protects municipalities from river flooding; it does not address landside drainage or infrastructures; it does not address local storm water management.

Executive Director's Report – Executive Director Dan Gardner referred to a letter he wrote to Kyle Hupfer, Director of IDNR, asking to make \$2.5 million available to the LCRBDC for drawdown in order that we can keep funding available for ongoing construction. \$1 million is needed for continuing land acquisition and \$1.4 million is needed for Burr Street Phase II – Little Cal levee portion. The low bid for this project came in higher than estimated. In order for the Corps to award this contract, the funding needs to be in place. They cannot award the contract without all funds in place. Mr. Gardner referred to the IEDC letter committing up to \$6 million from the State. This was the estimated amount it would take to get Cabela's built and advertised (Stage V-2). We are hoping to get the funds approved at the next Budget Committee hearing (end of October).

- Mr. Gardner stated that he did send out the \$8 million budget request to the State Budget Agency for the 2007-09 biennium. We have requested to be in the Governor's budget.
- Mr. Gardner also referred to a newspaper article that named Senator Frank Mrvan to the State Budget Committee. Senator Mrvan has always been supportive of the flood control project and this is positive.

Finance Committee – Treasurer Arlene Colvin referred to the financial status report on page 12 in the agenda packet. She also informed Board members that the first payment of our 25% cost share of the Burr Street Gary project has been made to the City as per the Interlocal Agreement signed by the City and the LCRBDC.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek stated there were no action items. Appraisals are complete in Stage VII, north of the river.

- A meeting was held on September 26 with Don Ewoldt and LEL's attorney to discuss the 32 acre parcel of land east of Clay Street in Lake Station. They are interested in purchasing the property in fee. Attorney Casale stated we would need to go through the Disposal of Property Act to do this. LEL exercised the option on this area but have not pursued anything on the property. We have a concern that it could revert to a wetland if not maintained. They seem amenable to releasing the contractual obligation by exercising the option and would allow the Commission to advertise the property to see if there is other interest. Mark Reshkin asked if wetland development on this site would occur or in there would there be any negative impact on the drainage. He felt we should not declare the property surplus, or to pursue any changes, until we find out if there would be any implications to the LCRBDC. Staff will develop a "pros & cons" list on the 32 acres.

Project Engineering Committee – Committee Chairman Bob Huffman reported that staff met with the Buffalo District of the Army Corps, who are going to be doing Stage VIII engineering. SEH completed previous engineering to the 50% level about six years ago. Captain Lavicka added that the Corps does resource sharing with other districts, which is why Buffalo will be doing engineering for the Chicago District.

- Mr. Huffman referred to the construction project report. Mr. Carlson questioned why the percentage complete on Stage VI-1 North levee project is lower than it was last month. Mr. Pokrajac answered that there may have been change orders but he will check with the Corps for a definite answer.
- Charlie Ray inquired about new rulings that he heard FEMA was going to institute. He asked if we had heard anything. Mr. Gardner answered that FEMA is taking a very detailed and conservative look at all projects and floodplain removals because of "Katrina". Steve Davis said that a FEMA representative at the meeting did say something about completing the total project before any areas could be removed from the floodplain. Mr. Gardner added that we are operating under the same directives we were given before. If there are new FEMA rulings for floodplain removal, there will be extensive meetings, if needed. At this point, we have received nothing official.

Operation & Maintenance Committee – Committee Chairman Bob Huffman reported a final punch list is being put together for the pump station turnover. Once it is finalized, we will make those corrections. We will meet with Gary so everybody is in concurrence. Remaining items, at this point in time, appear to be relatively smaller costs to remediate. We are hoping that by the end of November, all items can be complete.

Gary wants to do all six pump station turnovers at one time, not individually. All items on the punch list must be taken care of in "as-built" condition. We have agreed with Gary and they have been working very well with us.

- Mr. Huffman reported that sluice gate/flap gate inspections were held on September 19-21. Jim Pokrajac added that there are approximately 43 sluice gates in Gary (4 could not be inspected due to high water, 8 did not seal, and 31 were able to seal and were lubricated). Of the 49 flap gates, 21 were under water and could not be inspected, 9 were stuck open, and 15 were acceptable and sealed.
- Jim Pokrajac stated that he did a post flood inspection of the area with the Army Corps. They only inspected the gates – not the levees. They drove all the levees and saw no effects to landside impacts due to our installation of the line of protection.

Environmental Committee – Committee Chairman Mark Reshkin referred to Mr. Gardner who reported that a date has been set for a meeting with John Castrale of IDNR Fish and Wildlife to meet with the town of Highland, Army Corps of Engineers, U.S. Fish and Wildlife, and the Audubon Society representatives. That date is at 9 a.m. on Friday October 27. Any interested party is invited. Commissioners Reshkin and Huffman both expressed an interest in attending. Mr. Gardner reiterated that the "Blue Heron Rookery" consists of three separate properties. One property we own; the other two properties we only have an easement upon. Both of those properties required condemnation in order to obtain easements to construct; and although we have the easements, the amount of monies is being contested by the property owners so they are still in court.

Legislative Committee – Committee Chairman George Carlson stated that Mr. Gardner already talked about the Commission's budget request. He commented that, because of Cabela's coming into the area, it helped the LCRBDC secure some of the needed funding earlier than has been scheduled.

Recreation Committee – There was no report.

Policy Committee – There was no report.

Other Issues/New Business – There was none.

Statements from the Floor – Highland resident Bill Petrites passed around a few pictures of the flooding near his business. He inquired about the status of the INDOT lift station on Indianapolis Blvd. Jim Pokrajac replied that last month he sent a letter to INDOT encouraging their lift station project be moved up because we anticipate that we will have the funds in place for our project. INDOT took that letter to their superiors to see if there are sufficient state funds in place for them to move it up. We will follow up to see what they are doing. Neither INDOT's project or our project will work efficiently unless they are both done at the same time. Mr. Gardner added that he is sure that INDOT is aware of the flooding situation that just took place so the urgency is there. Some of the information in the Governor's letter that went to the President asking for federal aide came from INDOT.

- Carolyn Marsh from the Sand Ridge Audubon Society, expressed concern in several areas. She contended that there was raw sewage being dumped into the river and is the Commission doing any e.coli testing. Mr. Gardner informed her that we are not a regulatory body and do not have the authority to do testing, or the funds available, to do any testing. Commissioner Steve Davis stated that IDEM would be the agency to do any testing.

Ms. Marsh then inquired about residents being removed from the floodplain once the project is complete. Chairman Biller stated that the project is to prevent the river from overflowing. When the project is complete, FEMA will be petitioned to be removed from floodplain designation. Sewer backup flooding can still happen. Jim Pokrajac added that there are several insurance policies that can be purchased; i.e. a policy for contents, a policy for river flooding, and a policy for sewer backup. Although an area is removed from the floodplain, a resident can still choose to keep a flood insurance policy.

Ms. Marsh asked where she could obtain information on why the Commission bought mitigation property in Hobart Marsh. Mr. Gardner explained to her that we were directed by the Army Corps to purchase the property there. Although the Commission offered all property already owned by us, the regulatory agencies determined it was not suitable for mitigation. He offered Ms. Marsh full access to our public files regarding the Hobart Marsh acquisition of 411 acres.

Ms. Marsh then inquired about LEL wanted to purchase the 32 acres west of Clay Street in Lake Station. Mr. Gardner explained that in order for the Commission to sell any surplus land, we have to go through the State Property Disposal Act to do so. It is a lengthy process. We can only license out surplus property, which we are presently doing. LEL currently has an option on this property. Ms. Marsh expressed her concern in doing business with LEL.

- Barbara Whitaker, a Munster resident, expressed her concern about the levees and floodwalls that would be constructed along Hart Ditch in Munster. The area did not flood in the 9/13 flood event but she voiced a concern about the Commission moving forward too quickly because of Cabela's coming in. Mr. Gardner stated we are moving forward because of a schedule developed by the Army Corps and the Commission to honor a request by the Congressman to complete the entire project by December 2009. That is our goal. Ms. Whitaker stated that she and other neighbors are meeting with the Corps and the Commission tomorrow night at 5:30 at the Wicker Park Social Center to discuss the project. She conveyed several questions she would like answered at the meeting; i.e. completion date of the design, has footprint of the floodplain been changed from what it was years ago, wants a better understanding of what it will look like when completed, concerned about the impact of project on the natural setting, why we just didn't consider dredging, etc.

- John Sowinski, Griffith resident, inquired about the Cady Marsh project. Mr. Gardner informed him that our project is on the main stream of the Little Calumet River. There is a separate diversion project on the Cady Marsh with the Army Corps and the town of Griffith.
- James Petsas, Ogden Dunes resident, inquired about lake levels in Lake Michigan. Commissioner Steve Davis, IDNR Div. of Water appointee, gave him a map of Lake Michigan levels and explained it to him.

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