

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, MARCH 7, 2007
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman William Biller called the meeting to order at 6:10 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Charlie Ray
Robert Huffman
Steve Davis
Bill Biller
Dr. Mark Reshkin
Arlene Colvin
Robert Marszalek

Visitors:

Traci Powell – IDNR, Div. of Water
Imad Samara – Project Manager, Corps of
Engineers
Bill Petrites – Highland resident
Elizabeth Johnson – Congressman
Visclosky's Office
Barbara Whitaker – Munster resident

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

The minutes of the February 7, 2007 meeting were approved by a motion from Bob Huffman; motion seconded by Mark Reshkin; motion passed unanimously.

Chairman's Report – Chairman Bill Biller announced that Arlene Colvin has been re-appointed to the Development Commission. Ms. Colvin is a Mayor of Gary appointment that will run through December 2010.

• Chairman Biller announced that the Commission is in the Governor's recommended 2007/09 budget for \$2 million; the House budget contained the \$2 million. Our original request was for \$8 million; this was the estimated amount that was needed to complete the project construction to State line. Chairman Biller and Dan Gardner talked with several legislators a few weeks past and we are hopeful that we can receive an additional \$6 million in conference committee. Staff will send additional correspondence to Senator Frank Mrvan reiterating our need for the entire \$8 million to complete the construction by December 2009 and outlining the implications of how far it would take us if we receive only the \$2 million. The end of the session is early May, with the new biennium starting July 1st. The first release of new money will be in August.

Action Required – In Treasurer Kent Gurley's absence, Mr. Gardner presented the claims for approval in the amount of \$135,891.50. Mr. Huffman made a motion to approve the claims as presented; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Gardner then presented the O&M claims for approval in the amount of \$413.40. Mr. Huffman made a motion to approve the O&M claims as presented; motion seconded by Arlene Colvin; motion passed unanimously.

- After an explanation of why condemnation was needed on two parcels (DC-1203 & 1206) in Stage VII, Mr. Marszalek made a motion to file condemnation proceedings on DC-1203, 1206 and 1204. Condemnation would only be used on DC1204 if necessary as a last resort. Motion seconded by Steve Davis; motion passed unanimously.
- A motion was made by Bob Marszalek authorizing the attorney to advertise the RFP for development, operation & maintenance of a wetland mitigation bank and to form a study group to oversee the project. Motion was seconded by Mark Reshkin. Discussion was held. Attorney Lou Casale distributed a draft copy of an RFP. Mark Reshkin expressed concern that if we establish this activity, we need to assure that the revenues generated from it would be directed to O&M and then have it structured so that whatever continuing body would be in place to oversee the project, these funds would be available. Given that we are working toward a construction complete date of December 2009, this will extend beyond that date. This is one of the reasons a study group needs to be formed to look at some of these options. Staff will proceed with sending out a solicitation to organizations that do this type of business. Mr. Gardner stated that with LEL opting out of the option, there is no legal relationship we have with them at this point.

Executive Director's Report – Executive Director Dan Gardner reported that the State Budget Committee did approve the release of the \$2,142,583 that we requested. Of that amount, \$1,442,583 will be used for the cost share of the Burr Street II Little Cal portion of levee construction and \$700,000 will be used for critical path for Stage V-2 (Cabela's). Mr. Gardner referred to the letter we sent to Charles Schalliol, State Budget director, thanking him and his staff. Mr. Gardner added that with the Corps receiving our cost share of the project, the contract can be awarded and construction should be underway by May.

- Mr. Gardner talked about the Burr Street II Gary portion of levee construction. \$493,399 has been paid to date. We have about \$129,662 remaining monies. The project should be completed in the very near future.
- Mr. Gardner reported that he, Jim Pokrajac, and Lou Casale attended a meeting with the mayor of Gary regarding the O&M turnover. Also in attendance was Arlene Colvin, Joe Rodriquez, Hamilton Carmouche, and Deputy Mayor Geraldine Tousant. They have scheduled a follow-up meeting on March 14. The attorneys are working on an agreement for acceptance of O&M and the turnover of Commission lands. We have a model with the city of Portage; and hope we can move it through the State as quickly as the Portage marina land transfer.
- Mr. Gardner informed the board members that the Corps will provide cost estimates to perform the next step of engineering for the Griffith levee portion. They have the expertise in knowing what needs to be addressed. There will be a cost to us for their work but it will be more cost effective than hiring an engineering firm with no familiarity. Bob Huffman questioned whether we knew exactly what we wanted in this phase. Mr. Gardner indicated that the Corps knows what needs to be done. He added that we will have a FEMA contact involved so we make sure we are doing what we need to do. Mark Reshkin questioned whether we could get approval before we start construction. Imad Samara did not think so; he stated that the Corps should be the expert in defining what needs to be done – that is not FEMA's job. Mr. Gardner added that we have identified an estimated amount of money in our \$8 million request to do the additional work on the Griffith levee.

Finance Committee – Finance action was already taken. The financial statement for this period can be found on page 12 of the agenda packet.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek referred to Judy Vamos for an update of land acquisition activity. Mrs. Vamos reported that the action needed has already been done. She is coordinating 162 total acquisitions in various stages.

- In V-2, acquisition of easements is proceeding. Out of a total of 40 easements, there are six remaining. Chairman Biller asked if there were problems with these remaining six. Attorney Casale stated that we do have problems on these properties but we are hopeful that we can work thru them.
- In Stage VII, there are 52 acquisitions of easements. Those easements needed north of the river are ready to go out. When the appraisal reviews are final and ready to go out as offers, Mr. Gardner will go to Munster and ask for help in making these offers. We believe money has been set aside for helping us.
- In Stage VIII there are 90 easements; mapping should be complete by Monday. We understand that on March 19, we will receive a formal notice from the Corps directing us to acquire VIII. The next step is title work, followed by appraisals.
- Committee Chairman Bob Marszalek referred to Jim Pokrajac for a report on Land Management. Mr. Pokrajac reported that View Outdoor has received permits from the city of Gary for the construction of an additional nine locations we have given them. We currently have three license agreements with them for three billboards on our property. There is potential for another nine, making it a total of 12 billboards. Mr. Pokrajac will be meeting with field personnel to verify locations to make sure they are correct.
- Regarding the property at 3120 Gerry Street, Mr. Pokrajac reported that the attorney has worked out a draft License Agreement to be sent to Mr. Youngheim from Property Liquidators. We are hoping it will be final by the next meeting. It will come back to the Commission for approval.

Project Engineering Committee – Committee Chairman Bob Huffman asked Jim Pokrajac how Cabela's was moving along. Pictures of their ongoing construction were circulated to Board members. Mr. Pokrajac was on the site Tuesday and met with the construction superintendent. The main facility building should be ready on their target date of October 2007.

- The Corps is finalizing the real estate drawings showing the easements that we will need from Cabela's, as well as INDOT. Lawson-Fisher is coordinating the design needed on Cabela's property. INDOT plans are to advertise this fall which will include the pump station. There are some environmental concerns that are being addressed to allow access to the site.
- In regard to the V-2 pipeline corridor, no easement agreements can be put together until the utilities see final engineering. Once we receive those drawings from the Corps, we can move forward. They should be available in a couple of weeks; we will immediately

forward them onto the utility companies for their review and then schedule another coordination meeting. The Corps has allowed a 3 week review time. We will have to pay the utility companies for field work during construction and excavation. Mr. Gardner added that we do have a funding commitment of \$1.25 million from IEDC earmarked for utility relocation for V-2. We will have to go through the same process with the IEDC/State Budget Agency as we did to get the \$700,000 and carefully document the costs and the timeframe to construct. The Corps is hoping to bid out this stage in mid July.

- Mr. Pokrajac stated that all three current contracts have been extended because of weather delays. They are VI-1South, VI-1North, VI-2 and Burr II-Gary; in-project mitigation contract is ongoing.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report on O&M. Mr. Pokrajac referred to a letter on page 14 in the agenda packet from an engineering firm (representing American Water) that is designing a new water main and pump station that a portion of which will be on Commission property where the levee construction is complete in Stage III. This just reinforces the need for an entity to always be in place to deal with issues like this after the project is complete.

Legislative Committee – Mr. Gardner informed the board members that he is working with Hammond Councilman Day Repay to schedule a meeting for residents in his district to talk about FEMA and flood insurance issues. A possible date they are looking at is March 28 at Purdue Calumet. Mr. Gardner will invite an insurance expert, John Kissling, from the IN. Department of Insurance to talk with residents.

Environmental Committee – Mr. Gardner informed the Board members that the Highland Redevelopment Commission is moving forward with the IDNR Coastal Grant program and will involve all interests.

- Committee Chairman Mark Reshkin referred to Mr. Gardner on the March 1 watershed planning meeting. He attended the meeting, as well as other agencies and some environmental groups. He will have something for the next meeting identifying what their issues are and how they will be addressed.

- Mr. Pokrajac distributed a memo to the Corps in which native grasses were discussed. The Landscaping II contract calls for native grasses. In discussions with Gary, they do not want native grasses because of the controlled burns that go along with them. It would also be more cost effective to have just turf-type grass. Commissioner Mark Reshkin mentioned that there was an area at I.U. Northwest that Scott Cortwright planted native grass. Mr. Pokrajac stated that in that area, they could not do inspections because of the tall native grass. There are no native grasses in the west reach. After discussion, it was decided to leave the Landscaping II contract as is because there will be a 5-year overseeing project by the contractor so he will be responsible for all type of maintenance on the grass.

Recreation Committee – There was no report.

Policy Committee - There was no report.

Other Issues – There were none.

Statements from the Floor – Munster resident Barbara Whitaker inquired about the V-2 construction in her area. Jim Pokrajac stated that the 100% review plans are due in mid-March for final review. There is a 3-week review process. As soon as they are received from the Corps, he will get a set to Munster resident Steve Enger, as well as the town itself.

- She also inquired about the work that is going on at the bridge by River Drive. Mr. Gardner replied that there is construction work going on inside Wicker Park area. USGA is doing some work near Munster Hart Ditch also. Mr. Gardner advised that if more information is needed, Dennis Simala would probably be the contact at Wicker Park to explain in further detail.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, April 4, 2007.