

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, MAY 9, 2007
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:

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

Visitors:

Bill Petrites – Highland resident
Imad Samara – Project Manager, Corps of
Engineers
Elizabeth Johnson – Congressman
Visclosky's Office
Traci Powell – IN Dept. Natural
Resources

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Judy Vamos
Lorraine Kray

The minutes of the meeting held on April 4th were approved by a motion from Mark Reshkin; motion seconded by Bob Huffman; motion passed unanimously.

Chairman's Report – Chairman William Biller announced that the IDNR Director Rob Carter, along with Deputy Director John Davis and Chief Counsel Dave Certo, spent a couple of hours at the Commission office to receive an updated status report on the flood control project. Mr. Gardner did an excellent job at providing some history of the project and the Commission itself, including the funding situation. They acknowledged knowing we did not receive the full \$8 million budget request and knew that we experienced funding difficulties in the past. They seemed to have a good understanding of where our dollars are being spent regarding land acquisition and utilities and why we have to have the money up front of the Corps actually letting contracts. Mr. Gardner stressed that we have no borrowing authority nor any taxing or bonding authority. We have had, and will continue to pursue, donated easements from some of the municipalities and public agencies. Other than those, we rely on funding from the State. At this point, we will continue to move forward as far as the \$2 million will take us and initiate discussions locally to identify, if possible, other sources of money to restore the \$6 million shortfall. We shared the aerials of the project area with them, highlighting some main points of interest for them to see on their helicopter tour of the river. It was a good meeting and Mr. Gardner and Mr. Biller both were glad that the Director had initiated the meeting.

Commissioner Mark Reshkin inquired whether NIRPC has the knowledge of proposed development in the river corridor that might be impacted by the flood control project if it was not completed. Mr. Gardner answered that, although some existing development is catalogued, there is no entity that keeps track of “potential” development. Inquires are made all the time and Mr. Gardner has been brought in to talk to several “potential” developers at the present time but nothing is final. He has been meeting with Highland and Hammond Redevelopment Commissions in regard to the river corridor along Kennedy Avenue. Dr. Reshkin concluded his remarks by saying that he would like to see a package of possible economic development in this area as to why our flood control project is indeed a worthwhile economic development tool – not only to local communities but to the state of Indiana as well. Chairman Biller asked Mr. Gardner to see if he can put together some kind of information regarding the economic development in the river corridor.

- Chairman Biller reiterated that the Commission only received \$2 million in this 2007/09 biennium, which is not enough money to finish the levee construction by the Congressman’s requested date of December 2009. The only thing the Commission can do is look to the local municipalities for help. We have been talking with the town of Munster and they have verbally agreed to help us in Stage VII. Mr. Biller has a call into the Mayor’s office in Hammond to try to set up a meeting to start discussions with him. All possible options will be explored.

- Mr. Biller also considered setting up a meeting with Representative Kuzman and Mrvan to see what we failed to do; what we should have done differently; are there any other options with this budget year. He asked Board members to check their calendar for a date when the Commission could meet and “brain storm” ideas on where to go from here. Mr. Gardner did distribute a news article where Representative Pat Bauer was praised for the role he played in his ability to keep the legislators voting for the budget and not against it.

- Mr. Gardner went on to say that he will set up a meeting with the town of Munster to discuss how they can help us with land acquisition. It is estimated that the easement acquisition we need from Munster residents will amount to about \$300,000. He will also begin discussions with Hammond. At one time, the Hammond Council passed an ordinance approving about \$1.9 million (out of toll road money) for the Commission; we understand it was sent to their Law Department and has never been discussed.

- Mr. Gardner also stated that the IEDC should still have \$1,250,000 that was committed for utility relocation. Staff is working on documentation to present to the IEDC; we are asking the utility companies to send us estimated costs so we can have an idea what those relocations are going to cost us. These big utility costs are in Stage V-2.

- Mr. Gardner stated that Stage VIII (Columbia to the state line, both sides of the river) is the stage that is most at risk due to the funding shortfall and only title and preliminary survey work is currently underway.

Action Required – In Treasurer Kent Gurley’s absence, Mr. Gardner presented the claims with two corrections to be made. On the first page of the claims, eliminate \$1,000 for the appraisal fee for DC59 from The Gorman Group (it was repeated twice); and on the third page of the claims, eliminate \$15.00 for the recording fee for DC1101 (it was previously approved on last month’s claim sheet). With these two corrections, a motion was made by Bob Marszalek to approve the claims in the revised amount of \$185,984.03; motion seconded by Bob Huffman; motion passed unanimously.

Bob Marszalek then made a motion to approve the O&M claims in the amount of \$13,388.67; motion seconded by Bob Huffman; motion passed unanimously.

- There were no Land Acquisition or Land Management action items.
- Project Engineering Committee Chairman Bob Huffman presented the proposal from the Corps for them to do in-house design engineering on the Griffith levee at a cost of \$32,000. There was a discussion on additional costs that may be incurred in regard to survey or borings, since all costs are not contained within the \$32,000. Staff will talk to the town of Griffith and seek whatever existing information is available so work will not be duplicated and any additional costs are kept to a minimum. Mr. Huffman made a motion authorizing the attorney to enter discussions with the Corps based on their proposal outline that would bring the levee up to FEMA certification and bring back a MOA at next month's meeting for Commission's approval.

Executive Director's Report – Executive Director Dan Gardner stated that a series of conference calls has taken place with the Norfolk Southern Railway Company. There are still some outstanding engineering issues that have not been resolved. He felt that all parties are talking in good faith and that we are coming close to an agreement. The Corps has hired an expert in railroad engineering, Bergman Associates, to answer all the railroad's questions. The engineering department has to approve the design before they will sign the easements. Another call is scheduled for May 15th. The attorney has requested a call with just the Corps & Bergman prior to the railroad call on the 15th.

Finance Committee – Finance action was already taken. The financial statement for end of March can be found on page 18 of the agenda packet.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek referred to Judy Vamos for an update of land acquisition. She stated that the Uniform Land Offers for Stage VII would go out to Munster residents for easements total \$261,983 and with a 15% contingency if needed, it would be \$301,280. This is what we will ask Munster to help us fund. She also expressed concern with the June 30 deadline for Stage V-2 since we are just now being asked to acquire some additional property that is needed for Kennedy bridge area. A discussion was held on the timeliness of obtaining this additional property. It may be easier if it is from the city of Hammond but if it is a private resident, we cannot assume we can acquire it that quickly. Staff will pursue with the Corps to determine exact locations and what will be needed.

- Under Land Management, Imad Samara informed the Board members that when View Outdoor constructed some of their billboards on Commission property, the landscaping was damaged. Mr. Gardner replied that any damage that was done by them would be restored by them as specified in our agreement with them.

Project Engineering Committee – Committee Chairman Bob Huffman reported that a meeting was held with Cabela's and INDOT. It appears everything is moving along on schedule.

- Staff had an engineering coordination meeting on April 20 with NIPSCO regarding the pipeline corridor. Staff is proceeding with outlining utility and pipeline contacts and they are submitting estimated costs for utility relocation work.
- Staff met with the CPWW group on April 23. Everything seems to be agreed upon in this area along Hart Ditch based upon previous meeting and what was discussed. They have had the 90% for review, as well as the town of Munster. Final comments on the 90% review were due by April 25. Munster Town Manager Tom DeGuilio attended the meeting and was extremely helpful in assuring the residents concerns would be addressed.
- “Plan in Hand” meetings were held with the municipalities and the pipelines/utilities on May 3 and May 8, respectively.
- Burr Street II – Gary portion final inspection was held on May 1.

Operation & Maintenance Committee – Committee Chairman Bob Huffman stated that staff is working with Austgen Electric for the repair work on sluice gates/flap gates, and pump stations. We are trying to complete everything to “as-built” condition by end of June so we can turn the O&M over to the city of Gary. Mr. Gardner added that we would like to start some contact with the Attorney General’s Office in regard to land turn over.

Legislative Committee – Committee Chairman George Carlson stated that a Work Study Session needs to be scheduled to discuss the funding situation. It was discussed that May 23 may be a good date. Staff will contact Board members to confirm.

• Mr. Carlson went on to say that he is very disappointed in how long the contract has been going on for Stage Vi-1 North. He feels it has caused damage to the Carlson-OxBow park area. The water is so high that the area is flooded; receptacle trucks cannot even enter. The sluice gate is not operational yet and that is causing the flooding. Project Manager Imad Samara offered to meet Mr. Carlson at the park site, with someone from the Corps Hydrology Dept., to look over the situation and see what can be done.

Environmental Committee – There was no report.

Recreation Committee – Committee Chairman Bob Huffman inquired about the access ramp at Liable. After heavy rainfalls last year, the ramp was washed out. He thought that the town of Highland and NIPSCO were going to work together to put it back in. Staff will check to see the status.

Policy Committee - There was no report.

Other Issues –There were none.

Statements from the Floor – There were none.

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