

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

Chairman William Biller called the meeting to order at 6:20 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

Development Commissioners:

William Biller
Robert Huffman
Steve Davis
Bob Marszalek
Mark Reshkin
Mark Gordish
Charlie Ray
Arlene Colvin
Kent Gurley

Visitors:

Bill Petrites – Highland resident
Imad Samara – Project Manager, Corps of
Engineers
Elizabeth Johnson – Congressman
Visclosky's Office

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

The minutes of the meeting held on October 3, 2007 were approved as amended by a motion from Kent Gurley; motion seconded by Bob Marszalek, after a correction was made on page 2 under the Land Acquisition/Management action. It should read "Bob Marszalek proceeded to make a motion authorizing the condemnation (if needed) as a last resort on DC-1229, DC-1236, DC-1245, and DC-1248; motion seconded by Bob Huffman; motion passed unanimously."; motion passed unanimously.

Chairman's Report – Chairman Biller proceeded with the election of a Nominating Committee for 2008 officers. According to the Bylaws "A Nominating Committee is to be chosen by the full Commission at its November meeting. Each commissioner can vote for three candidates (not more than one vote for any candidate) with the top three vote getters (plurality, not majority) from all Commissioner votes becoming the Nominating Committee. The Nominating Committee is to meet and, considering the reaffirmed Goals of Officer and Committee Rotation Policy, report to the full Commission at the January meeting a slate of candidates, with additional nominations available from the floor."

• After discussion, Chairman Biller set an O&M/Financing Committee meeting for 5:30 p.m. on Wednesday, November 14, 2007.

Action Required – Treasurer Kent Gurley presented items for action. He proceeded to make a motion to approve the monthly claims of \$89,122.73; the motion was seconded by Bob Huffman; motion passed unanimously.

• Mr. Gurley then made a motion to approve the Revised O&M claims in the amount of \$73,992.88; motion seconded by Bob Marszalek; motion passed unanimously.

• Mr. Gurley then proceeded to make a motion to approve the claim payout for Munster residents in Stage VII, utilizing Munster funds, for an additional four property owners who have signed the easement agreements in the amount of \$42,799; motion seconded by Bob Huffman; motion passed unanimously. A running total of claim payouts will be shown on the Stage VII claim sheet from this point on.

Land Acquisition/Management action: Committee Chairman Bob Marszalek made a motion to approve condemnation proceedings on two properties as a last resort. Those two properties are DC1223 (the owner is a bank trust that is out of business and cannot be located; condemnation will be necessary if further research produces no results) and DC1227 (dispute as to who the owner is; condemnation will be necessary only if the dispute cannot be settled); motion seconded by Arlene Colvin; motion passed unanimously.

Executive Director's Report – Mr. Gardner referred to the letter in the packet addressed to Tim Sanders, Executive Director of the RDA and the accompanying application for financial support. The request is for \$6 million for the LCRBDC to meet the estimated non-federal funding needed to complete the project to the state line. Copies of the letter and application were also sent to the Governor, Congressman, Senator Frank Mrvan, State Budget Agency, and the Army Corps Colonel Drolet. Mr. Gardner also referred to support letters that Senator Frank Mrvan has written to the RDA Board members. Mr. Gardner will address the Board members on a working session of the RDA Board on November 13. He invited Commissioners if they would like to attend. There probably will be a series of meetings before final approval would be given. It was reported that the previous Governor's and Congressman's letter stated it would be a "loan" to the Commission and would be paid back in future budget sessions. Mr. Gardner stated that all communities are supportive of the \$6 million request. The Commission expressed its thanks to the Congressman and Governor for the support for RDA funding.

Finance Committee – Committee Chairman Kent Gurley reported that finance action was already taken. The financial statement for end of September is in the agenda packet. He went on to say that he felt a discussion needed to happen as to where O&M funds are going to come from; Commissioner Mark Reshkin agreed that a meeting was necessary. Mr. Gurley thought a "transition" committee may be to be formed to address this issue once the project is completed to address issues like emergency response, responsibility of communities, and an O&M overseer. This will be discussed at the O&M committee meeting scheduled for November 14.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek stated action has already been taken. He referred to Judy Vamos to give the report. Ms. Vamos distributed a real estate report to all members. In VIII, there are 62 appraisals done out of 89 property owners. Discussion ensued on whether or not we could make offers without having the additional \$6 million available to us at this point in time. Mr. Gardner said it would be desirable to send out offers to owners in Stage VII at one time. He felt that it would not be a real long time before we know something definite from the RDA. He said that the RDA will have to first have an independent economic analysis done on our request. Chairman Biller asked if we have a cash flow statement of how the \$6 million would be

spent. Mr. Gardner replied that we prepared one for \$8 million (we received \$2 million from the 07/09 biennium) that was shared with the RDA.

- Committee Chairman Bob Marszalek thanked Judy Vamos, Land Acquisition Agent, for all the hard work she has been doing on these properties.
- Mr. Gardner referred to the Request for Proposals for the 32 acres east of Clay Street in Lake Station. Jim Pokrajac added that the property may be less than 32 acres; we probably need a legal as part of the submittal RFP. The value of the property is that it has a potential to create wetlands and is not committed to any project purpose. We would retain ownership of the property. It hopefully would be eventually be transferred to the National Parks Service for long term maintenance and inclusion in their properties. This will be mailed to outside entities that may have an interest in the property. We have a list of companies that would have a need for wetland mitigation. It will also be advertised in the paper. Mark Reshkin made a motion to pursue outside entities and request proposals; motion seconded by bob Huffman; motion passed unanimously.

Project Engineering Committee – Committee Chairman Bob Huffman announced that a pre construction meeting was held on October 30 with Dyer Construction (contractor for V-2). There are still two options on this segment (NIPSCO and NSRR). The Army Corps and Commission staff is working on them and trying to resolve remaining issues). The municipalities and some of the utilities attended the pre-construction meeting. Construction was discussed; questions were answered, points of contact were established. A follow-up meeting will be scheduled once pipeline agreements are in place.

- Mr. Pokrajac stated that he has been working with Huntington District for coordination of the pipelines. They are reviewing cost estimates from the pipelines to see if they are “fair and reasonable”. We also have to obtain subordinated agreements with the individual pipeline companies. As soon as we have received the cost estimates from the pipelines and written concurrence from the Chicago Corps acknowledging the costs to be fair and reasonable, Mr. Pokrajac will coordinate the utility re-location agreements. Mr. Gardner will request the remaining \$1,250,000 from IEDC.
- Staff, as well as the Corps, has met on October 20 with some of the residents of Southmoor in Stage VIII. They are concerned with the construction impacts of Stage VIII and how it will affect their property. We completed survey work done on their properties staking out the center line of the line of protection along with the extent of the permanent levee easement. The Army Corps has agreed to reduce the impacts to their property as much as possible.
- Mr. Huffman reported that the final inspection for Stage VI-1South (Liable to Kennedy, south of the river, in Highland) was held on October 12. Mr. Pokrajac added that only minor items have to be corrected.

Operation & Maintenance Committee – Committee Chairman Bob Huffman stated that Gary sluice gate/flap gate inspections were substantially completed. Some sluice gate/flap gate work will still need to be completed due to affects of ill climate weather. The estimate provided by Austgen Electric to complete the remaining repair work was in excess of what is allowable for the Commission to approve. It was agreed that further discussion would be deferred until the upcoming O&M committee meeting. Mr. Pokrajac stated he would

provide additional information summarizing what has been completed and what remains to be completed for use at the meeting.

- It was reported that INDOT contracted out Earth Tech to provide a summarization of the impacts of the flood incident on I-80/94 in late August 2007. The report will include emergency response information, and who has what responsibility, to assure this does not occur again. Coordination meetings have already been held between the Commission, INDOT, and the Army Corps. Mr. Huffman referred to the letter in the agenda packet where INDOT commits to replacing the existing flap gate with a “duckbill” gate at Kennedy and Indianapolis Blvd. INDOT feels that a duck bill type gate is less likely to be impacted by debris than a flap gate and that they prefer the duck bill type gates on their projects. INDOT indicated that it is less likely to have back flow from the river to the landward side during a flood event. The Commission suggested the possibility, for INDOT’s consideration, to replace existing flap gates with duck bill type gates in all areas that impact INDOT (I-80/94 drainage).

- Mr. Pokrajac stated that a meeting will be held at the Chicago Corps office regarding emergency response. Jeff Miller of the Lake County Emergency Management office will attend.

Legislative Committee – There was no report.

Environmental Committee – Committee Chairman Mark Reshkin referred to Dan Gardner. Mr. Gardner stated that he has been attending the meeting of the watershed planning committee (consultant is R. W. Armstrong Co.). They are starting to produce some documents of which he will share with the Commission. Mark Reshkin asked if all communities are represented and Mr. Gardner replied that they were, as well as IDEM and IDNR personnel.

Recreation Committee – Committee Chairman Bob Huffman reported that the town of Highland sent the Corps an email on behalf of the Highland Redevelopment Commission that they do not want to participate in additional costs in enhancing the recreation bridge east of Kennedy in the V-2 area.

- Mr. Huffman referred to an old letter from the EJ&E RR that they will permit an at-grade recreation trail crossing across their tracks in the area east of Cline Avenue and west of Colfax. Jim Pokrajac stated he will write a letter referring to the previous approval by the EJ&E to see if we can still establish this crossing.

Policy Committee - There was no report.

Other Business – Chairman Bill Biller announced that the Nominating Committee will consist of Arlene Colvin, Steve Davis, and Mark Reshkin; and they accepted.

- Mr. Gardner mentioned that he is awaiting written guidance from Imad Samara in regard to proceeding on the Griffith levee analysis. Mr. Samara stated that the Corps will inspect this levee as a project cost to see if the levee was built to federal standards. The Commission may still have to do some additional work but the Corps will also assist.

• Mr. Gardner stated that FEMA needs an update status of the Wicker Park Manor subdivision in Highland that was declared out of the floodplain years ago. FEMA is allowing a two year period to reaffirm their floodplain status. Mr. Gardner has talked to Siavash Biek of Christopher Burke Engineering, who was instrumental in assisting Highland with FEMA at that time. He will assist us, as well as Highland, as needed.

Statements from the Floor – Bill Petrites informed the Commission that he filed a complaint with North Township regarding their maintenance people trimming trees and branches and tossing them over the fence by Hart Ditch; Mr. Gardner indicated he would contact Dennis Simala to discuss the potential problems with this debris accumulating in Hart Ditch and interrupting drainage flow.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, December 5, 2007.