

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, SEPTEMBER 5, 2007
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

In Chairman William Biller's absence, Vice Chairman Robert Marszalek called the meeting to order at 6:00 p.m. Six (6) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Arlene Colvin
Robert Huffman
Steve Davis
Bob Marszalek
Mark Reshkin
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
Lorraine Kray

The minutes of the meeting held on August 1, 2007 were approved by a motion from Bob Huffman; motion seconded by Arlene Colvin; motion passed unanimously.

Chairman's Report – Vice Chairman Bob Marszalek referred to Dan Gardner for the Chairman's report. Mr. Gardner reported that we have a new Commissioner, Mark Gordish (Hammond Assistant City Engineer), who has been appointed to the Commission by Mayor McDermott to replace George Carlson. His term will expire December 2009.

• Mr. Gardner informed the Board members that Col. Droulet, District Director Roy Deda, and project manager Imad Samara will be coming to the office on September 10 at 11:00 to meet the Commissioners. All Commissioners are encouraged to attend. Imad added that this is an opportunity to talk to the Colonel about any concerns or problems we feel we have. Mr. Gardner said that some of the issues he wants to emphasize is the fast track schedule, funding strategy, fairness regarding crediting for our side of the 75/25% ratio (especially two areas: INDOT bridge crediting and appraisal crediting relative to Cabela's property). Commissioner Reshkin asked if the recent flooding situation would be discussed; Mr. Gardner thought that it would be discussed, especially since the Colonel did tour during the flooding event. A lengthy discussion ensued on the flooding. Mr. Gardner stated that he met with INDOT at the LaPorte District office where the discussion centered on why the Borman flooded. The best assessment of the flooding, at this time, is that where there was an abnormal amount of rain in a short a period; the river did not overflow its banks, the large open drainage ditches that were along Kennedy before the interchange construction are now paved allowing no safety factor, and a flap gate that was most likely open should have been previously cleaned and the adjacent sluice gate should have been

closed. Also, there was a levee failure at Cabela's, which caused their property to be flooded. It was the old existing levee, which supports the reasoning behind replacing the old levees with new, Federally-certified levees. It was apparent that better coordination between all agencies/cities/towns need to happen. Now that everyone knows that a problem exists, everyone can work together to find a solution. INDOT has taken the responsibility of hiring a firm (Earth Tech) to do an actual assessment of not only the Kennedy Avenue interchange, but other drainage related issues along the I-80/94 corridor. Their findings will help identify the problems and the solutions. The Commissioners questioned our role in this. At this point, Mr. Gardner stated that he thought we should be involved in the coordination of the design of a new pump station but not participate in the funding. He felt that INDOT should fund whatever measures are taken for correction. Commissioner Reshkin asked staff to develop a bullet point presentation that we can share with the Colonel. Jim Pokrajac added that this flooding stresses the importance of INDOT being involved in all future meetings of emergency management; they play a key role.

- Mr. Gardner referred to the news article saying that the town of Munster officially approved financing the private property owners in Stage VII Munster, up to \$302,000. We will submit the signed Uniform Land Offers to them as we receive them to get money for each acquisition.

- Mr. Gardner reported that he and Chairman Bill Biller met with the Mayor and Marty Wielgos on August 16 in which they discussed the current schedule of V-2 not being completed by end of 2008, as originally estimated. Mr. Gardner stated Cabela's would open on October 19 and that a meeting should be held to see if anything could be done to expedite the schedule to allow out lots development. They also discussed the donation of the remaining city easements north of the river in Stage VII (Northcote to Columbia). Imad Samara stated that an amendment on V-2 was going out and they anticipate bid opening to be September 17 and award a contract by the end of September.

Action Required – Treasurer Kent Gurley made a motion to approve the monthly claims of \$125,184.69; the motion was seconded by Bob Huffman; motion passed unanimously.

- Mr. Gurley then made a motion to approve the O&M claims in the amount of \$20, 055.90; motion seconded by Bob Huffman; motion passed unanimously.

- After discussion, it was determined that the \$2 million allocated from the State Budget Committee will be added into the monthly budget report to reflect this additional amount.

Executive Director's Report – There was additional discussion on the recent flooding. Mr. Gardner stated we had 3 storms in 4 days totaling approximately 9-1/2". He further stated that one of the reasons traffic from the closed Borman was diverted all the way to U.S. 30 was that INDOT traffic diversion to another state road and U.S. 30 is the closest road to the Borman. Once U.S. 30 incurred problems from the flooding situation, traffic was then diverted north on Route 41 to Route 20 over the 9-span bridge (which had been declared closed for truck traffic). It was a very bad situation but could have been much worse. Some of the traffic tried to use Ridge Road but, given that semi traffic is not allowed on Ridge Road, many tickets were being written by the police. Commissioner Reshkin asked if consideration should be given to allow a non-voting seat on the Commission for INDOT, since we now know what a key role they play. Mr. Gardner said we have a person we will be working with from now on and he will be invited to Commission meetings. It was also

discussed the key role that Lake County Emergency Management plays, given they are the only entity that can request state help. Local entities cannot go directly to State Emergency. Jeff Miller is the head of Lake County Emergency Management and he moved some pumps from Lowell to the area to assist in the pumping. Concern was expressed by the Army Corps about the lack of coordination. Mr. Gardner stated a 2-hour phone call was held on Friday afternoon with Federal, State, county, Commission, INDOT and local officials to coordinate communication. A second call was held at 7:30 a.m. on Saturday, so the effort was made to coordinate. Commissioner Reshkin stated O&M is here and we need to be prepared. Jim Pokrajac added that the Corps stated that the LCRBDC is expected to provide field coordination on site during flood events to help the overall efforts being made. The Corps cannot direct anyone – only advise. The LCRBDC is responsible to make those decisions in reference to emergency response and contacting pertinent people. He also stated that the Corps said they were disappointed in some of the communities' response. They are encouraging us to have a meeting with those communities to get an emergency response plan in place from each community, as well as the Lake County Emergency Management, who has the statutory responsibility.

- Mr. Gardner reported that he met with Mark Lopez and gave him updated information on the local contributions the Commission has received to date and the economic benefits estimate of the project. Mr. Lopez wants a spread sheet format, which staff will develop. Staff will also develop an Executive summary – where we are and where we want to be. Once Mr. Lopez is OK with the information we have, we will meet with the Congressman.
- Commissioner Reshkin commented that when the project ends, we are responsible for operational stage; we have not yet addressed the funding mechanism for O&M. Mr. Gardner stated that we need to schedule an O&M committee meeting to discuss this. Mr. Reshkin thought that the Corps should be able to advise us and let us know what amount of funding we need and a breakdown of the associated tasks for operation. Mr. Gardner stated we have a legal contract with the Corps to provide a Superintendent for the O&M and have the responsibility to assure it is being done by the assignees of an agreement.
- Mr. Gardner informed the Commission members that Mayor McDermott had a press conference on September 4 in which he presented the key to the city to George Carlson. Chairman Biller also presented George with a service plaque from the Commission for his 24 years of service. It was a very nice ceremony and George's family was in attendance.

Finance Committee – Finance action was already taken. The financial statement for end of July can be found on page 13 of the agenda packet.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek referred to Judy Vamos to give the report. Ms. Vamos distributed a real estate report to all members. In V-2, there are still seven options to the right-of-entry. We have already eliminated four of the eleven options we had. Staff is working on the remaining seven. Jim Pokrajac added, that although it was very unfortunate, it was the old levee that failed at the old Woodmar Country Club. Some residents argued that there was no need to replace the old levee because it has always worked. We cannot say that anymore. If the new tie-back levee along Northcote had not been built at Cabela's, the flooding situation would have extended into the Schliger subdivision.

- Ms. Vamos reported that offers are now being sent out in Stage VII to Munster. Munster has approved up to \$302,000 to finance those offers being made to Munster residents.
- In Stage VIII, Judy met with the appraisers several times so they have a good understanding of what is expected of them. We have seven appraisers doing over 90 appraisals in Stage VIII.
- There was no report for land management.
- Mr. Gardner asked for authority to put the RFP on the street for the 32 acres wetland mitigation/ creation east of Clay Street and north of Burns Ditch in Lake Station. He would put it out for a 21 day response back that we could either accept or reject any or all proposals. Mr. Gurley made a motion for staff to proceed with the RFP after Bill Biller (as Chairman), Bob Huffman (as committee chairman) and Lou Casale (as attorney) all review it before release; motion seconded by Bob Huffman; motion passed unanimously. Mark Reshkin asked staff to check with Tom Keilman of BP Amoco. Mr. Gardner added that we would also send the RFP to selected parties that we have on file, in addition to media advertisement. Judy Vamos added that she has talked to about six different mitigation banks that seemed interested. We'll send a direct mailing to those we know of.

Project Engineering Committee – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report. Mr. Pokrajac reported that cost estimates are coming in from the utilities and pipeline companies for V-2. We have received about six estimates. We anticipate having up to \$1,250,000 of remaining IEDC funds to help pay for the utilities. The Army Corps Huntington District is reviewing the costs to determine they are fair and reasonable. We have not received anything back from them. We need to have a conference call with them regarding subordinated agreements.

- Mr. Huffman referred to the letter from the Corps stating their inability to develop a design document for the Griffith levee to obtain FEMA certification. Mr. Gardner suggested that staff be directed to proceed with solicitation for necessary services. There are three separate levee segments as part of the Griffith levee, each as a separate contract, and each with a different contractor. Mr. Gardner talked to Stan Dobosz about getting as-built drawings, soil borings, location of water or sewer lines, or any other information that is public record. We have not received anything yet. The Board consensus was that staff move forward. Staff was directed to draft a RFP and to bring it back to the Board before solicitation.
- Discussion was held about the pump station that INDOT is to build in V-2 as part of their last phase of Indianapolis Blvd construction from Ridge Road to 81st Street. It appears they have delayed this contract. Once the Corps contract is let for the V-2 levee, it is hoped that INDOT will revisit the importance of their pump station contract.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report. Mr. Pokrajac reported that he is working on O&M turnover to the city of Gary. Levee inspections were completed; pump station inspections were completed; there are still some sluice gate/flap gate inspections that will be scheduled in late September. Levees are in good shape; only minor repairs need to be done. About 80% of outstanding items on the pump stations have been completed. We will continue to pay for O&M costs until everything is brought up to as-built condition. The recent flooding caused problems with silting and debris that required the flap gates to be cleaned again due to high river

elevation. Mr. Gardner stressed that we need to meet again with the city and GSD; we need to start the land transfer. He has had several potential Gary developers consistently calling him, wanting to build in Gary and even committing to doing the O&M in the respective area they are interested in.

Legislative Committee – There was no report.

Environmental Committee – There was no report.

Recreation Committee – There was no report.

Policy Committee - There was no report.

Other Business – Mr. Gardner referred to the email received from Dennis Simala of North Township who is asking for technical assistance from the Corps to see if anything can be done during the interim period until the V-2 construction is completed to reduce a risk of reoccurrence of Hart Ditch overflowing. Mr. Gardner stated that they are not looking for money from us but only technical assistance from the Corps.

- Mr. Gardner also referred to the updated chart showing the projected Federal and non-Federal funding required for the remainder of the project construction.

Statements from the Floor – Highland resident Bill Petrites could not emphasize enough, the importance of INDOT moving up their construction of a pump station on Indianapolis Blvd. in Highland. He asked us to contact INDOT and see if there is anything we can do to move up their construction. In this last flooding episode, they came very close to flooding. Had a pump station been in place, it would have helped a great deal. Mr. Gardner offered to write a letter to INDOT, stressing the need, especially once a contract was awarded for Stage V-2 in this area. He also suggested that the town of Highland and North Township should also write a letter, stressing their concern and urging that INDOT reconsider pushing the project back to a later date.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, October 3, 2007.