

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT  
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, FEBRUARY 6, 2008  
6100 SOUTHPORT ROAD  
PORTAGE, INDIANA

In Chairman William Biller's absence, Vice Chairman Bob Marszalek called the meeting to order at 6:30 p.m. Six (6) Commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

Development Commissioners:

Mark Gordish  
Robert Huffman  
Steve Davis  
Bob Marszalek  
Charlie Ray  
Kent Gurley

Visitors:

Bill Petrites – Highland resident  
Elizabeth Johnson – Congressman's Office  
Kim Poland – City Council, Hammond, 4<sup>th</sup> Dist  
Erik Potter – Post Tribune  
Ruth Mores – Southmoor Road citizen group

Staff:

Dan Gardner  
Sandy Mordus  
Lou Casale  
Jim Pokrajac  
Judy Vamos  
Lorraine Kray

The minutes of the meeting held on January 9, 2008 were approved by a motion from Bob Huffman; motion seconded by Steve Davis; motion passed unanimously.

Chairman's Report – Vice Chairman Marszalek announced the resignation of Mark Reshkin (Governor's appointment) and Charlie Ray (Porter County Commissioners' appointment).

• Mr. Gardner talked about the meeting held in Mayor McDermott's office on January 22. The meeting was scheduled to talk about the V-2 construction contract scheduling but other issues were talked about as well. In attendance with the Mayor were Marty Wielgos (Hammond Chief of Staff), Rick Kalinski (Hammond Economic Development), Stan Dostatni (Hammond City Engineer), Colonel John Drolet, District Engineer Roy Deda, and Imad Samara (all from the Corps), Mark Lopez (Congressman's Office), and Bill Biller (LCRBDC). The concern was about the 750 day provision in the contract for the completion of the V-2 contract by Dyer Construction. Cabela's want to aggressively develop the rest of their outlots and they are concerned about the date of completion. We are hoping that ways can be found to cut down the number of construction days. Cabela's has talked to the contractor and they are awaiting some official indication back from them to see if they think it is possible to finish construction by end of 2008. Mr. Gardner referred to the letter that the Corps has written to RDA concerning the scheduled time completion of this phase of construction. About 95% of the overall V-2 property is available to the contractor for construction, but we still have two options (NSRR and NIPSCO) that have to be acquired before construction is allowed on those properties. In addition, the utility re-location agreements need to be signed, and staff is currently coordinating with the Corps for wording of these agreements. Mr. Gardner referred to the IEDC letter in which it stated

that they would make a good faith effort to complete the V-2 project to Northcote by December 31, 2008. This letter was written in 2006 and the Corps explained the construction contract was always estimated to take two years from the time the right-of-way was available. A follow-up meeting is scheduled for February 19<sup>th</sup>. Meanwhile, the Commission continues to aggressively try to obtain the option easements needed to complete the right of entry for the V-2 construction segment. Commissioner Steve Davis asked if we ever had a meeting with FEMA to see what their requirements are relative to what needs to be done to get residents out of the floodplain. Mr. Gardner stated that we understand that the Corps is working with FEMA on a continuing basis. Commissioner Bob Huffman asked if staff has asked Dyer what can be done to finish earlier. Mr. Gardner replied that Dyer Construction is under contract to the Corps and as such, the Commission has no authority to directly question performance. The issue has been raised in progress meetings and we are awaiting their response. Commissioner Mark Gordish asked if the two options are presenting a major problem for us. Mr. Gardner stated that most of the major issues have been resolved but there are still some key issues that still have to be addressed regarding subrogation of interest to do any work. The attorney is working on them. At this point, they are not holding up the contractor from all but the NSRR and NIPSCO right-of-way.

Action Required – Treasurer Kent Gurley presented items for action. He proceeded to make a motion to approve the monthly claims of \$115,651.73; 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 \$54.46; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Gurley then made a motion to table the action regarding the NIRPC contract for administrative services and the consideration of the independent contractors' contracts approval. We have not been able to schedule a date to meet yet with the Finance Committee. Staff will try to schedule a meeting with the NIRPC Director soon; and also schedule a meeting for the Finance committee to meet with the independent contractors. Motion was seconded by Bob Huffman; motion passed unanimously.

- Land Acquisition Committee Chairman Bob Marszalek presented two properties for action on increased offers. Mr. Huffman made a motion to approve an increased offer on DC1208 to \$5,490 (from \$2,745). The property owner will sell the property in fee to us; they do not want to just give us an easement. Motion was seconded by Steve Davis; motion passed unanimously. Mr. Huffman then proceeded to make a motion to approve an increased offer on DC1233 to \$5,000 (from \$4,469). The owner has asked for the difference to compensate for a tree and a bush that was missed in the appraisal. Motion was seconded by Kent Gurley; motion passed unanimously.

Executive Director's Report – Mr. Gardner informed the Board members that the RDA meeting was scheduled for February 12 in Indianapolis. Mr. Gardner will attend and is expecting the agenda to have the \$6 million approved for release. It would be released in four payments, according to the drawdown schedule we gave them, starting March 1.

- Mr. Gardner referred to a letter from the Corps in which they requested that we terminate the agricultural lease on the 200 acres between the levees, between Chase and Grant Streets. Mr. Gardner stated that those 200 acres are not going to be farmed in 2008.

We are hoping to re-establish this area into a mitigation area managed by the Soil Conservation Service.

- Mr. Gardner then referred to the letter written to INDOT questioning the current status of the pump station construction on Route 41 in Highland. It has been determined that INDOT has the project scheduled for February 2009 letting.
- Ruth Mores, a resident on Southmoor Road in Munster who is in the Stage VIII segment, referred to a letter that staff had sent to the Southmoor residents on September 14, 2007 regarding a proposed time table of action in their respective neighborhood. She had several issues that are very important to her and the other residents that included how the rain water drainage would be handled on the protected side of the floodwall, what the future responsibility for liability would be, and concern about the future use of the easement land relative to bike paths, hiking, bridge work, etc. It was determined that a meeting with the residents would be scheduled in the near future, once the Corps has final plans on the issues they are concerned with. Jim Pokrajac added that the drainage issue has been addressed for both surface drainage and tile drainage around their foundations. The liability during construction is the contractor's responsibility, and there are no trails on the north side of the river in this area. There are still some engineering design changes that are being made by the Corps. The re-engineering is being done at the residents request, and after a field meeting with them, the Corps and the Commission. This will lessen the property impact to some of the residents. Those properties will be re-staked by the surveyor so the residents can visibly see the lesser impact. Mr. Pokrajac indicated that, although the survey work is the Corps responsibility, they have asked us to engage our surveyors to expedite the process. They will provide the new project coordinates to Buffalo. Commissioners Bob Marszalek and Charlie Ray expressed concern about the Commission exposing liability if we do survey work instead of the Corps and suggested a letter should be considered to be sent to the Corps. Mr. Pokrajac stated that the Commission surveyors will be providing only technical data to the Corps, who will then develop the design from that. Once the design is finalized, the other agencies and the communities will review it, so it is our feeling that this just expedite the process. Commissioner Mark Gordish stated that the Hammond Engineering Department is doing their review and they had previously asked for changes in the same drainage area so those changes should be reflected in this 100% set. Mr. Gardner added that we will work through Ruth Mores to establish a meeting date in the community. Judy Vamos stated that out of the 15 residents on Southmoor, seven (7) offers have been sent out; eight (8) residents have requested changes. We have to make those changes and then have them re-appraised to reflect the correct easement value. Once we receive those updated appraisals on these eight properties, we should schedule a meeting at that time. That way, all the residents would have received an easement offer from us.

Finance Committee – Committee Chairman Kent Gurley reported that finance action was already taken. The financial statement for end of December is in the agenda packet.

- Mr. Gurley informed the members that the Public Officials and employees liability policy has been renewed for 2008.
- Mr. Gurley then referred to the Corps letter requesting \$500,000 escrow 7% cash contribution toward construction.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek stated action has already been taken. He referred to the report that Judy Vamos had distributed to all.

- Mr. Marszalek referred to Jim Pokrajac for a report on land management. He reported that a committee meeting was held on January 25 to discuss the 26 acres east of Clay Street. Mr. Gardner added that we will be contacting Don Ewoldt to set up a meeting with the appropriate LEL people for further discussion.

Project Engineering Committee – Committee Chairman Bob Huffman gave the committee report. Mr. Gardner attended the monthly progress meeting on Stage V-2 held on January 23. Mr. Gardner stated preliminary work is being done, namely clearing and grubbing on both sides of the Hart Ditch area. Fencing and signs have been erected, and sheet piling is scheduled next week on the Munster side of Hart Ditch. Some tree removal is ongoing. The contractor is working with NIPSCO and AT&T for line removal in that area. Mr. Gardner also stated the all approvals have been obtained from the town, there is a traffic plan in place, and no work will begin before 7:00 a.m. Jim Pokrajac added that the minutes of the progress meeting can be found in the committee report.

- In regard to Stage VIII engineering design, Mr. Pokrajac again stated that 100% review for comments is ongoing. 100% review plans were received today and will be distributed to all parties for review and comment tomorrow. Due date is February 26, 2008. There is a meeting scheduled with Munster and the utilities on February 28.
- Regarding the V-2 pipeline corridor, the pipelines have provided costs that have been reviewed and approved by the Corps. The Corps, Huntington District, have reviewed their costs to determine fair and reasonable. All costs are approved except for Marathon. Unfortunately, the estimated utility costs are coming in higher than what we anticipated. We still need to request the \$1,250,000 from the IEDC but we will still need additional monies above that amount to pay for the utilities relocation.

Operation & Maintenance Committee – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report. Mr. Pokrajac gave an update regarding the sluice gate/flap gate repairs. Weather has delayed repair work. Austgen is working on those gates where they can access from the road. It is so wet in some areas, there is no access at this time. They will complete the repair work as soon as weather permits. There is no one area where both gates are not working; at least one of the gates is sealing.

- Mr. Pokrajac referred to an email he has sent to the city of Gary regarding O&M turnover. He wants to turn over “as-builts” and some operation manuals.

Legislative Committee – There was no report.

Environmental Committee – Mr. Gardner referred to a news article on the Watershed Management Plan Steering Committee. They are looking at water quality improvements in the Little Calumet River.

Recreation Committee – There was no report.

Policy Committee - There was no report.

Other Business – Commissioner Bob Huffman thanked the Post Tribune for their coverage of our meeting.

Statements from the Floor – Bill Petrites clarified that the pump station construction was indeed covered in the INDOT contract letting for February 9, 2008. Mr. Pokrajac indicated that the pump station construction is included in that contract. Mr. Petrites thanked the Commission for sending the letter.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, March 5, 2008.