

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT  
COMMISSION HELD AT 6:00 P.M. MONDAY, AUGUST 3, 2009**

**Held at  
Munster Town Hall,  
1005 Ridge Road, Munster, IN**

Attorney Lou Casale opened the meeting. He reported that the Development Commission has been appointed by the Governor but there are no officers at this time. He suggested that a temporary chairman be elected to take us through the process of the election of officers. Dan Dernulc made a motion to suspend the rules of the by-laws; motion seconded by Kent Gurley; motion passed unanimously. Kent Gurley made a motion for Dan Dernulc to be the temporary chairman. There were no other nominations from the floor. Motion passed. With that, Dan Dernulc called the meeting to order at 6:10. Pledge of Allegiance was recited. A roll call of Commissioners determined they were all present. The five Commission members were introduced. Mr. Dernulc recognized Tom DeGiulio and Dave Nellans from the town of Munster and also Senator Frank Mrvan; he thanked the visitors for coming.

**Development Commissioners:**

Dan Dernulc  
William Baker  
Kent Gurley  
Tom Wichlinski  
Ron McAhron

**Staff:**

Jim Pokrajac  
Sandy Mordus  
Lou Casale  
Judy Vamos

**Visitors:**

Dave Nellans – Town of Munster  
Jeff Burton – The Times  
Doug Anderson - USACE  
Sheldon Edd - USACE.  
Barbara Whitaker – Munster resident  
Ruth Mores – Southmoor Rd, Hammond  
Ed Dernulc - Highland  
Vanessa Villarreal - USACOE  
Emerson Delaney - Chesterton  
Ronald Albin – Munster  
William Fitzwater - Munster  
Bill Howard - Munster  
Bridget Bodefled - Munster  
Elizabeth Johnson – Congressman’s Office  
Karen Lorenz – Southmoor Rd, Hammond  
Bob Paulson – Munster  
Jerry Iwachin - Munster  
Tina Kutkoski - Hammond  
Mike Zarantonello – Southmoor Rd, Hmd.  
Bob & Jennifer Grow  
Paul/Mary Lou Daniels - Munster  
Leon/Alice Kozlowski - Munster  
Elizabeth Howard - WPNA  
Irene Behling -WPNC  
James/Kalliope Dedelow - Munster  
Robert Farag – Griffith Golf Center  
Senator Frank Mrvan - Hammond  
Tom DeGiulio – Town of Munster  
Bea Hanusin – Munster  
Mike Wood – Munster  
Marc Campagna - Munster  
Captain Kelsey Lavicka - USACE

Election of officers ensued. Kent Gurley nominated Dan Dernulc for Chairman. There were no other nominations from the floor. Motion passed. It was then decided to nominate all three remaining officers as a slate. They were William Baker as Vice Chairman, Kent Gurley as Treasurer, and Tom Wichlinski as Secretary. There were no other nominations. Bill Baker made a motion to elect the slate of officers as presented; motion seconded by Ron McAhron; motion passed at a roll call vote.

It was noted that the name Sheldon Edd was listed twice under Visitors. After this correction was made to the June 10 minutes, they were approved by a motion from Kent Gurley; motion seconded by Bill Baker; motion passed as corrected by a roll call vote.

Chairman's Report – Chairman Dernulc asked Army Corps representative Sheldon Edd to give a report on the status of Stage VII. Mr. Edd reported that the contractor, CERES Environmental, is in the process of completing submittals. They are currently doing environmental submittals but should be completed shortly. They are expected to start by the end of the month. Commissioner Baker asked Mr. Edd to explain Baring Avenue to him. He answered that Baring Avenue is part of Stage V-2 and includes a concrete control structure that will be in place permanently. It will keep the water flowing east rather than west.

- Regarding Stage VIII, Mr. Edd reported that Walsh Construction was the selected contractor. They have been given their Notice to Proceed. A pre-construction meeting will be held this Wednesday, August 5.
- Regarding Stage V-2, Dyer Construction is currently doing some floodwall concrete work and piling for floodwall on both sides of the river. They have also started the abutment work for the pedestrian bridge west of Indianapolis Blvd. Most of the lines of protection are installed; a little floodwall work is left to complete. Ron McAhron asked if the cost was \$20 million for this project. Captain Kelsey Lavicka, who has just returned to the project, will check with Imad and get the answer to Mr. McAhron.

Action Required – Treasurer Kent Gurley presented items for action. Mr. Gurley proceeded to make a motion to approve the claims payable for July at a total of \$36,395.42; motion seconded by Ron McAhron; motion passed with a roll call vote of 5-0.

- Mr. Gurley made a motion to approve the revised claims payable for August at a total of \$32,277.81; motion seconded by Ron McAhron; motion passed with a roll call vote of 5-0.
- Mr. Gurley made a motion to approve the O&M claims for July in the amount of \$1,409.86; motion seconded by Bill Baker; motion passed with a roll call vote of 5-0.
- Mr. Gurley made a motion to approve the O&M claims for August in the amount of \$57.45; motion seconded by Bill Baker; motion passed with a roll call vote of 5-0.

Finance Committee – Treasurer Kent Gurley referred to the Financial Statement for the month of May and for the month of June.

- Mr. Gurley referred to the invoices from NIRPC for the month of May and June.

Land Acquisition/Land Management Committee – Commissioner Bill Baker stated that land management issues were on hold until after July 1, when new membership will be appointed to the Commission by the Governor. There are several big land management items that will need to be addressed. He will have a report ready for presentation shortly.

Engineering Committee – Commissioner Kent Gurley referred to the Army Corps Construction Progress Report through the end of July that was distributed to all Commissioners. The Army Corps provides these construction status reports to us monthly and they list the current status of all ongoing contracts. He asked Jim Pokrajac for an update on utilities. Mr. Pokrajac reported that he has been attending bi-weekly progress meetings for Stage V-2. The pipeline relocation coordination and sheet pile installation in the V-2 pipeline corridor is almost complete. There is one remaining area that should be completed shortly; it is adjacent to the T-3 fiber optic line that should be done in about one month. Once all the lines of protection are completed, adjacent to all of the pipelines east and west of the railroad, the remaining lines of protection through the railroad embankment can begin.

- Stage VII utilities - Mr. Pokrajac reported that B.P. Pipelines is the only pipeline coordination in this construction segment. BP has four locations where they cross the lines of protection and all their work is now completed. They worked as best they could with the residents. The town of Munster has completed their relocation; and NIPSCO has completed their relocation work west of Northcote.
- Stage VIII utilities – Mr. Pokrajac reported that the relocations by NIPSCO should be starting in a few weeks. There are about 10 locations that need to be completed before the contractor begins in that area. The Hammond Sanitary District has a major pipeline near Manor Drive that they should be starting this early fall.
- Pump Stations contracts – Mr. Pokrajac reported that all 3 pump station contracts are ongoing. Pump Station 1A (that has 4 pump stations) is almost complete. Pump Station 2A (2 pump stations) will be completed by late summer. Pump Station 2B (3 pump stations) should be completed by April 2010. Once completed, the pump stations will improve landward side of drainage.

Operation & Maintenance Committee – Mr. Gurley referred to the letter that the Commission received from the Army Corps as a result of the series of inspections performed in 2008. Inspection work was for completed construction and has been turned over to the Commission. The letter calls for action from the Commission to remediate the noted, unacceptable items. The Commission will respond in writing. Now that the construction segments are all awarded by the Army Corps, the immediate focus of this Commission is now on O&M and Emergency Response. Currently, there is no effective O&M and Emergency Response plan in place. The Commissioners will be meeting shortly to discuss this issue.

- Jim Pokrajac reported that levee mowing needed to be done before any O&M work could be done because it is so overgrown. There has been no mowing yet this year. He has received a proposal for \$4,250 for all of the mowing in Gary. If we did that mowing, it would allow us to be able to do the O&M. Commissioner Kent Gurley understood the need for the mowing and it will be put up for action.
- Jim Pokrajac reported that he attended a meeting at which INDOT talked about the I-80/94 flooding last September. INDOT has an ongoing task as a result of the closure of the Borman due to flooding. Their task is to remediate what caused the expressway to flood, and how to correct it so it does not happen again. They realize they have a problem at I-65 with flooding and Indianapolis Blvd. A number of features in our project are a benefit to INDOT, i.e. sluice gates, flap gates, inspections, etc. They need and want to be involved in emergency response also.

• Considering the importance of O&M, Kent Gurley made a motion for committee and staff to write up a plan to hold a stakeholders meeting within 1-2 months with communities directly involved to discuss ways to move forward with O&M; motion seconded by Bill Baker. Discussion ensued. Mr. Baker asked if the meeting would be just for the municipalities. Mr. Gurley answered that they should start with the stakeholders that share the levees along the river and not expand it to include the entire watershed. It is our responsibility to collect as much information/input as we can to develop a complete plan. Mr. Baker maintained that most of the residents do not know about pump stations and closure structures; that should be our job. We built it; we should be able to maintain it. Mr. McAhron concurred that an open dialogue with residents is necessary to get their input and the legislators have encouraged the Commission to do that as well. It was agreed that more updated information is needed from the Corps before a real comprehensive plan can be developed. Mr. McAhron feels that the current O&M procedure that the Corps has needs to be updated to today's needs (i.e. the closure panels at 35<sup>th</sup> & Chase that have proved to not be practicable). Captain Lavicka confirmed that the Army Corps Geotech Division is in the process of updating the O&M. Since Katrina, things have changed. Capt. Lavicka confirmed that the Army Corps wants the O&M to provide the best protection possible to the residents and the plan will have to be reviewed by FEMA for approval also. After the lengthy discussion, the motion passed with a roll call vote 5-0.

Legislative Committee – Commissioner Ron McAhron stated that he is happy that the legislators have supported and appropriated the \$14 million to complete the project and address major issues. How to access that \$14 million still remains to be finalized. He has been assured that the entire \$14 million is there and thanked Senator Mrvan and Representative Mara Candelaria-Reardon and the entire legislative body for their support.

• Chairman Dernulc stated he would be trying to contact the MBE/WBE compliance officer that had contracted with RDA to resolve an issue with compliance. He has tried several times but has not been successful yet.

• Chairman Dernulc asked the Board members if there was anything they wanted to say. Commissioner Bill Baker expressed his appreciation to the audience for their support and help. He added that the \$14 million is the most the Commission has ever received. He looks forward to the lines of protection being completed. But, once complete, the maintenance is very important. He thanked the Governor, as well as the Congressman. Commissioner Tom Wichlinski agreed that the most important item to do was to complete the lines of protection and keep moving forward.

Other Business – Chairman Dernulc also expressed gratitude to the Governor, Congressman & legislators. He thanked Senator Mrvan for attending the meeting; he acknowledged his father and wife in the audience tonight.

Statements from the Floor –

• Bob Farag from Griffith Golf Course asked the members if it would be possible to include a bio sketch of each of them with their experience (as called for in the legislation). He also asked whether the Commission would pursue the hiring of an Executive Director for the Commission. Chairman Dernulc answered that is one of the items that the Commission is discussing.

- Bob Paulson from Munster informed the Board that he had witnessed someone stealing some sheet piling from the project site near Northcote Bridge. He called the police but had no luck with either Munster or Hammond police responding. Councilman Dave Nellans will check with the Munster police.
- Senator Frank Mrvan congratulated the members on their appointments. He said that the Governor and the entire legislative body really helped out in supporting the \$14 million. He asked whether the Little Calumet River was a federal waterway. Attorney Casale informed him that the river is a regulated local drain, per statute, and we have the same powers that the county surveyor/drainage board has.
- Bill Howard thanked the Board members and stated his concurrence that O&M is very important. He believes there should always be a funding source for maintenance of the waterway in place. He asked whether O&M money that the Commission spends would come out of the \$14 million. Commissioner McAhrn replied that there are no restrictions on the \$14 million. Discussion ensued on how the river is taking on water from all the tributaries further south so that should be taken into account when funding is talked about.
- Bridget Bodefled from Munster asked the Corps what environmental issues need to be taken care of by the contractor in SVII. Army Corps representative Sheldon Edd replied that contractors need to do a plan for environmental action during construction. They are in the process but not done yet.
- Steve Enger from Munster asked the Board members if they would ask the Army Corps what their methodology and revisions to the completed berms was. He will send a reminder email to Mr. Dernulc.

Chairman Dernulc closed the Statements from the Floor. He proceeded to announce that attorney Lou Casale will be leaving the Commission. Attorney Casale added that he has been very busy acquiring the  $\pm$  100 property easements during the last year and he considers the bulk of his job complete. His contract calls for a 30 day termination clause and it will take at least that long to transfer files to another legal counsel. He offered his help for a smooth transition and will be available yet as needed for properties still in court. He thanked the members and the staff for working very hard. The new focus will be O&M as the Commission goes forward so he felt it was time for him to move on also. When asked if a new counsel would take over the existing court cases, Mr. Casale replied that until a new counsel is selected, he will still handle those cases. Chairman Dernulc thanked him for his years of dedicated service.

There being no further business, the meeting was adjourned. The next meeting was scheduled for Wednesday, September 2, 2009 at the Munster Town Hall, with a work study session scheduled at 5:30 and the public meeting at 6:00. (Within a couple of weeks, an Executive Session will be scheduled).

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