

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. TUESDAY, DECEMBER 1, 2009**

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

Chairman Dan Dernulc called the meeting to order at 6:05 p.m. Pledge of Allegiance was recited. Work Study Session was held prior to the public meeting. A roll call vote confirmed all 5 members were present. There were no corrections to the minutes of November 4th; they stand as posted.

Development Commissioners:

Dan Dernulc
William Baker
Kent Gurley
Tom Wichlinski
Ron McAhron

Staff:

Jim Pokrajac
Sandy Mordus
Judy Vamos
Lorraine Kray

Attorney:

Dave Wickland

Visitors:

Dave Nellans – Munster Councilman
Jeff Burton – The Times
Gary Anderson - USACE
Sheldon Edd - USACE
Matt Cunningham - USACE
Ruth Mores – Southmoor Rd, Hammond
Michael Rakoczy – Chicago IL
Vanessa Villarreal, USACE
Rich & Dee Kusicich - Munster
Pat Warfield – Indianapolis IN
MaryLou/Paul Daniels - Munster
Mike Zarantonello - Southmoor
Tina Kutkoski - Hammond
Sylvia Vucich - Munster
Fred Baginski - Hammond
Barbara Whitaker – Munster
Karen Lorenz – Hammond
Harvey Cleland – Munster
Tom DeGiulio – Munster
John Beckman – Lake County Fish & Game
Bob Paulson - Munster

Chairman's Report – Chairman Dernulc introduced representatives from the Army Corps, Gary Anderson and Matt Cunningham (replacing Doug Anderson and Imad Samara).

- Chairman Dernulc also stated that an Executive Session was held on November 18, in which discussion took place on the position of Executive Director to the Commission.
- Chairman Dernulc referred to a resolution that was sent to the city of Gary asking them for approval to permanently close (not abandon) Chase Street for flood protection. He and Commissioner Ron McAhron met this afternoon with Mayor Clay.
- 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 still on for 9/24/10 completion of the structural portion of the contract. The removal of trees within the work limits has been completed. Piles of trees/shrubs will be hauled away. Installation of the temporary fencing has begun. Work on sheet piling and rip-rap will be starting within the next month. Chairman Dernulc referred to a couple of large Army Corps maps displayed that will be available for viewing after the meeting.
- Regarding Stage VIII, Mr. Edd reported that Walsh Construction is also on schedule for 12/9/10 completion of the structural portion of the contract. Clearing has been completed

from Columbia to Calumet, both sides of the river. Temporary fencing has been started on both sides; sheet piling should be starting within the next month.

Action Required – Treasurer Kent Gurley presented items for action. Mr. Gurley made a motion for approval of a budget transfer of \$742.50 from Budget Line 5812 (NIRPC services) into Budget Line 5825 (Meeting expenses) to cover incurred cost of Centennial Park clubhouse expense for Stakeholder Conference on 11/4/09; motion seconded by Ron McAhron; motion passed 5-0 by a roll call vote.

- Treasurer Gurley asked staff to submit budget figures for the 2010 budget by December 15. Review and action will take place at the January meeting.
- Mr. Gurley referred to the monthly budget report for December. He referred to the Revised Claims Payable, where several utility invoices just received were added. He proceeded to make a motion to approve the Claims Payable for December in the amount of \$306,478.20; motion seconded by Bill Baker; motion passed by a roll call vote of 5-0. Mr. Gurley added that the claims from Comcast and AT&T must be paid up front of work being done. He added that the NSRR claim for flagging services was for T-Cubed. Mr. Gurley stated that we will be continuing to receive invoices from the V-2 pipeline corridor. Those monies have been identified in our budget to the State. Chairman Dernulc asked staff to diligently look at all items that may come up and get them into the proposed 2010 budget for identification. Commissioner Wichlinski asked whether the NIPSCO utility claim for V-2 listed on the Claims Payable is complete. Jim Pokrajac replied that it was. He inquired whether discounts were available for paying early. Commissioner McAhron replied that with the new State budget processing of claims, we would not receive monies from the State that quickly.
- Bill Baker asked if the transfer of all legal files were complete. Attorney Wickland stated that he has them all, except for a few.
- Mr. Gurley made a motion to approve the revised O&M claims for December in the amount of \$918.71; motion seconded by Bill Baker; motion passed by a roll call vote of 5-0.
- For the record, Mr. Gurley requested approval of the two invoices from AT&T and Comcast that need to be paid upfront of doing the utility work. They share the line at the same location and they are overhead lines. These 2 utilities were not originally identified but once discovered, they need to move ahead for relocation so the contractor will not be delayed in Stage VIII. He added that it is their standard procedure before work will commence. Mr. Gurley proceeded to make a motion to approve paying AT&T upfront of the work at a cost of \$8,893.75; motion seconded by Ron McAhron; motion passed 4-1, with Dan Dernulc abstaining because he works for AT&T and does not want it to be a conflict of interest. Treasurer Gurley proceeded to address the Comcast invoice. He proceeded to make a motion to approve paying Comcast upfront of the work at a cost of \$12,911.83; motion seconded by Tom Wichlinski; motion passed 4-1, with Dan Dernulc abstaining.

Finance Committee – Treasurer Kent Gurley referred to the Financial Statement for the period ending October, 2009.

- Mr. Gurley referred to the invoice from NIRPC for the month of October.
- Mr. Gurley stated that he has received a new contract for administrative services from NIRPC for 2010. He has forwarded it on to the other Board members and asked them to review it.

- Mr. Gurley announced that \$1,506,000 has been transferred to the Army Corps escrow account as part of the Commission's 7% cash project cost share.

Land Acquisition/Land Management Committee – Commissioner Bill Baker stated there was no report. Commissioner Gurley asked Mr. Baker if our current land contracts with sign companies were up for renewal. Mr. Baker replied that as we put our budget together, we will have to look at the revenue stream. Ron McAhron added that we will need to incorporate that number into the State account as well.

Engineering Committee – Commissioner Kent Gurley asked staff to try to incorporate the Army Corps monthly construction reports into the agenda packet at mailing.

- Mr. Gurley reported ongoing pump station inspections are being performed by Austgen Electric twice a month. He has also asked Jim Pokrajac to continue to do monthly utility reports and to continue the routine surveillance of the levees once of week.
- Mr. Pokrajac gave a report on the V-2 NSRR work. He reported that the north side is completed. They should be completed by the end of the week on the south side. Floodwall west of NSRR is partially complete; sheet pile is driven. It is very close to having all lines of protection done in V-2.
- Mr. Gurley asked whether the sewer line work at the Unity Church had been started. Attorney Wickland stated he had sent them the check for the work. Jim Pokrajac added that Boyd Construction has been hired by the church to do this work. He said they have ordered some equipment; should be completed within 3-4 weeks. That time frame will still be in front of the Army Corps contractor
- Army Corps representative Gary Anderson gave a report on the pump station contracts. He reported that 1A is substantially complete. 2A pumps are in place; one pump needs some re-work; 2B ongoing.

• Operation & Maintenance Committee – Mr. Gurley stated O&M and emergency response coordination efforts are ongoing. It is the duty of the Commission to provide a draft plan of emergency response before the spring of 2010. The Commission plan to ask the new Executive Director, when hired, to take on this job. Communities are asking for it.

Legislative Committee – Commissioner Ron McAhron stated that there is no legislative action going on this month.

Other Business – Ron McAhron stated that starting next meeting, he wants to have some time to talk about the O&M issue. We have an email address for questions. We are moving from a construction phase into an operating phase. Everyone knows that and he wants to talk about that.

- Attorney Wickland asked that an Executive Session be scheduled to talk about pending litigation to discuss strategy.

Statements from the Floor –

- Mike Zarantonello expressed his concern that the contractor staking on Southmoor residences did not match original staking done by the Commission's survey company. He expected the Army Corps to come out and verify stake position but they did not. He feels the survey mapping is not correct. Commissioner McAhron stated that he and others are meeting with some of the Southmoor residents on 12/12. They will have mapping of the

original offer and the final alignment mapping and this issue will be resolved. Nothing is going to be done before the 12/12 date. Army Corps representative Sheldon Edd confirmed that nothing will be going on before this walk-thru with residents. Ron McAhron added that the date currently being looked at is early next year. He thought only survey would be done but the contractor is clearing now. If residents want any shrubbery saved, they should move it now. He reiterated that the Commission does have rights to the easements.

- Karen Lorenz, a Southmoor resident, stated she thinks the Corps plan has changed at least 4 times and feels the levee is 3-4' closer to her garage. She does not feel the survey she received with the Uniform Land Offer is the same as the Corps mapping that the contractor has. Chairman Dernulc asked Army Corps representative Matt Cunningham to get the contractor plans to Mrs. Lorenz asap. Mrs. Lorenz also expressed distress over bushes that were removed by the contractor. She could have moved them earlier had she known the contractor would be there that early. Ron McAhron stressed that all trees/plants/shrubs were addressed in the offer made to them. Residents can still remove any plants from the easements and transplant them somewhere else. Mrs. Lorenz also expressed concern that there is debris built up at the RR trestle again and need to be cleared.

- Paul Daniels asked whether it was our plan to give an O&M plan to all the watershed municipalities that drain into the basin and not just the municipalities along the river. He feels all watershed municipalities should participate in O&M care and cost share. Commissioner Gurley stated that the first issue is with the watershed communities. All watershed municipalities will be looked at. It is the Commission's responsibility to coordinate. It is not an easy process; we will keep the public informed as best we can. Mr. Gurley reiterated that the Commission has begun to do inspections of the pump stations in Gary. We can only do those segments that have officially been turned over to us, which is Gary and Stage VI only. Mr. Daniels agreed that O&M is very important and asked if there is something the Commission can do up front of FEMA certification. Discussion of levee turnover and certification and all linked together and is an ongoing discussion.

- Bob Paulson talked about the debris on Hart Ditch near the Wicker Park area. It is still there and has not been cleaned out yet. Chairman Dernulc told Mr. Paulson that we have an estimate now to remove it and we have been talking to the municipalities to help clean this up; it should be a joint effort of Munster, Highland, North Township and the Commission. Mr. Paulson inquired about the control structure west of Hart Ditch. Ron McAhron stated that it restricts the amount of flow that goes to Illinois. The water would will go over the structure and flow west. In times of high water, they will help divert the water east to Lake Michigan.

- John Beckman, Lake County Fish & Game, added that he encourages us to work with Lake County Surveyor's Office to identify areas where upland storage can be utilized. If water can be stored for a short period of time during a flood event and then slowly let back into the river to flow east to Lake Michigan, it would help alleviate flooding.

There being no further business, the meeting was adjourned. The next meeting was scheduled for Wednesday, January 6, 2010 at the Munster Town Hall at 6:00.