

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, OCTOBER 7, 2009**

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

Chairman Dan Dernulc called the meeting to order at 6:10 p.m. Pledge of Allegiance was recited. A roll call vote confirmed all 5 members were present. There were no corrections to the minutes; they stand as posted.

Development Commissioners:

Dan Dernulc
William Baker
Kent Gurley
Tom Wichlinski
Ron McAhron

Visitors:

Dave Nellans – Town of Munster
Jeff Burton – The Times
Doug Anderson - USACE
Sheldon Edd - USACE
James/Kalliope Dedelow - Munster
Ruth Mores – Southmoor Rd, Hammond
John Harrigan - Hammond
Elizabeth Johnson – Congressman’s Office
Pat Huber - Munster
Jayson Reeves - Gary
Steve Enger – Citizens of Munster
Richard White - Munster
Bob Griffin - Munster
Bob Paulson - Munster
Don & Carol Goldman - Munster
George Janiec - Hammond
Imad Samara - USACE
Frank Mrvan - Senator
Leon/Alice Kozlowski - Munster
Bill Howard - Munster
Bill Kvasnica – 7832 Jackson
Karen Lorenz – 270 Southmoor, Hammond
Linda Cook – 227 W. Oak Pl, Griffith
John Mullesa – 8049 Jefferson
Tina Kutkoski - Hammond
Fred Bayinski - Hammond
Marc Campagna - Munster
Mike Zarantonello – Southmoor Rd, Hmd

Staff:

Jim Pokrajac
Sandy Mordus
Judy Vamos
Lorraine Kray

Attorney:

David Wickland

Chairman’s Report – Chairman Dernulc stated that an Executive Session was held on September 24. He also reported that the Congressman’s Office scheduled a groundbreaking ceremony for Stage VIII that was held on September 29, in which the Congressman and Governor Daniels were present. Chairman Dernulc thanked Senator Frank Mrvan for his support and good work in this cause.

- Chairman Dernulc referred to the letter and proposal from USGS requesting our participation in the cost of funding the Hart Ditch gage station at a cost of \$6,500 for the period of 10/1/09 through 9/30/10.

- 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, has started removing the trees within the work limits at Northcote and are cleared up to the Walnut pump station. They are working on the north side of the river; then will go to the south side. It probably will take them another couple of weeks to complete all clearing and grubbing. Surveys and video tapes of residents structural foundations are ongoing. The surveyors are working with the residents and there have been no complaints or problems at this point. Chairman Dernulc added that he is happy that the surveyors had contacted the residents prior to their start of work.

- Regarding Stage VIII, Mr. Edd reported that Walsh Construction will also be starting tree clearing soon. Commissioner Bill Baker inquired why tree removal isn't being done simultaneously on both sides of the river. He explained that trees will be cleared 15' either side of the I-wall and 15' either side from the toe of the finished levee. Imad Samara stated that some remaining trees on the river side of protection will be removed in a later contract.

- Kent Gurley made a motion to add an item to the agenda for discussion of the installation of a new sewer line on DC-1302; motion seconded by Tom Wichlinski; motion passed. The issue is related to the cost of the installation of a new city sewer line for the Unity Church. A lengthy discussion was held regarding the cost, the liability, the hold harmless, the impact, and the timing. Chairman Dernulc expressed his displeasure of how this was handled under the previous Commission. After discussion, a motion was made by Kent Gurley to authorize the attorney to negotiate a settlement agreement with the church for the sewer line installation for a cost not to exceed \$40,000 prior to said agreement that is lawful and enforceable; motion seconded by Bill Baker. Motion passed with a roll call vote of 4-1, with Dan Dernulc opposing.

- Mr. Gurley asked the Corps about Pump Station 2A rehabilitation contract. The completion was scheduled for November 2009 and asked if that date is still accurate. Doug Anderson replied that after an inspection at the Forest Avenue pump station, a pump was found to need repair work; it probably will take about 35 calendar days; current completion date is 12/15/09.

Action Required – Treasurer Kent Gurley presented items for action. Mr. Gurley referred to the budget sheets on page 15 & 16. On the Claims Payable sheet for October, he withdrew the Marathon claim for \$211,855.60 (it was not the total billing; only a partial billing; will be put back on once a total claim is received). Mr. Gurley proceeded to make a motion to approve the claims payable for October at a revised total of \$39,200.49; motion seconded by Ron McAhron. Bill Baker questioned the claim from Casale, Woodward & Buls, since they are no longer the Commission's legal firm. Ron McAhron stated that he expected some more invoicing from Lou Casale during the transition period and Dave Wickland added that he had met with Lou Casale several times for briefing and transport of open files; motion passed with a roll call vote of 5-0.

- Mr. Gurley made a motion to approve the O&M claims for October in the amount of \$531.81; motion seconded by Ron McAhron; motion passed 5-0. Claims were for the engineer cell phone and Austgen Electric for pump diagnostics, inspection, reporting, and repair of pumps.

- Mr. Gurley proceeded to make a motion to approve the Joint Funding Agreement for the partial cost of the Hart Ditch gate station at a Commission cost of \$6,500; motion seconded by Tom Wichlinski; motion passed unanimously. Imad Samara from the Corps stated that

the gage is in the flood protection system. There are several gages that monitor river/ditch level; the Corps is paying for the other 2 gage stations.

- Mr. Gurley made a motion approving a budget transfer of \$900 to cover anticipated legal retainer cost through the end of the year; motion seconded by Bill Baker; motion passed.
- Discussion was held on the North Burr Street pump station. Austgen Electric met with members earlier today and presented a cost proposal to rebuild the pump for \$7,374. Discussion was held whether or not it was more prudent to repair rather than replace. Jim Pokrajac answered that the re-built will probably give us another 11 years and felt that it was more prudent to rebuild it and not replace it. Mr. Gurley added that we are seeing wear and tear and it is normal. Mr. Gurley made a motion to repair the pump at the cost of \$7,374; 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 period ending August 31, 2009.

- Mr. Gurley referred to the invoice from NIRPC for the month of August.
- Mr. Gurley referred to the Army Corps letter requesting \$385,000 as a partial 7% cost share for 09/10. The Commission is addressing this incrementally as we go forward.
- Mr. Gurley then referred to the State announcement that mileage reimbursement is now 40 cents per mile (instead of 44 cents) effective October 1, 2009.

Land Acquisition/Land Management Committee – Commissioner Bill Baker stated there was no report.

Engineering Committee – Commissioner Kent Gurley referred to the Army Corps Construction Progress Report through the end of September 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.

- Mr. Gurley reported that the V-2 pipeline corridor utility work is completed. The NSRR work will be starting soon. Mr. Pokrajac added that the NSRR work will complete the lines of protection throughout the NIPSCO/NSRR right-of-way areas. The railroad will be removing and re-installing tracks and ballast. Dyer Construction still has some remaining sheet piling work that will be done in conjunction with the railroad work. The line of protection west of Kennedy Avenue is not complete yet and there is just minor levee work by Optimist Lake and Kennedy Avenue. There is also a small section adjacent to the Baring Avenue pump station which will complete that line of protection. The current contract completion date is spring. The Contractor is trying to get the lines of protection done this construction season. Ron McAhron asked the Corps for the completion date. Sheldon Edd replied completion is expected this late November to mid December. Imad Samara concurred. The Corps is reviewing the concrete cap design work along both lines of protection and need to approve before work can start on the NSRR areas. They should be starting on the north side within 2-3 weeks once the design review is approved. Mr. Gurley asked Jim Pokrajac to give a detailed report on the NSRR work next month. Ron McAhron inquired about the time frame and his concern if a flood event happened today. Sheldon Edd replied that it is a small area that the contractor would close the area off; probably doing sandbagging.

- Stage VIII utilities – Mr. Pokrajac reported that the NIPSCO utility work is completed. Inspection will be scheduled for next week. , weather pending, the 5 relocates by NIPSCO

should be completed by the end of October. All utility relocation work will be done by the time the contractor will be in this area.

- Pump Stations contracts – Mr. Gurley asked members to refer to the Corps construction updates for information.

Operation & Maintenance Committee – Mr. Gurley stated that the 2009 annual inspections with the Army Corps were completed in mid September. The inspections included the completed flood protection systems for Marshalltown, Griffith and Highland. An inspection was also done on the Forest Avenue levee to make an assessment, and at the Burr Street South pump station (owned and operated by the city of Gary). Jim Pokrajac stated that he attends all inspections, as well as the annual Army Corps field team of inspectors. Mr. Pokrajac notifies the respective municipalities and they, and/or their engineering consultant, also attend. Mr. Wichlinski asked whether or not there is immediate feed back while the inspection is ongoing. Mr. Pokrajac indicated there was. Photos are taken cross referencing all items that do not meet Corps standards; and if something needs immediate attention, they will make a point to remediate asap. Mr. Gurley added that it usually takes 6-8 weeks for a final inspection report to be released. The Army Corps did accelerate an abbreviated draft report at Mr. Gurley's request.

- Mr. Gurley reported that staff is currently reviewing the Corps draft O&M and Emergency Response that has been provided to the Commission. It is a thoroughly comprehensive plan that sets forth the requirements and recommendations for O&M and emergency response. Staff is detailing it out; documents are under review.
- Mr. Gurley stated that invitations to the Stakeholders Conference in November will be going out in the mail this week. Chairman Dernulc added that the conference is mandated by the new legislation that is in place for the Commission.

Legislative Committee – Commissioner Ron McAhron stated that he and Chairman Dernulc appeared before the September State Budget Committee. They provided background information and budget figures to the Committee and a request for \$5,545,978 was approved for drawdown. There is an administrative process that will complete the approval before any draws can be made. He stated that he hopes the dollar amount approved will carry us through to next April. He reported that this money will get us current and allow the construction to be completed. However, it does not address long term O&M funding. The Commission has made O&M a top priority and for the protection of the residents, it must be addressed.

Other Business – Attorney Dave Wickland stated that he has received the open active files from Lou Casale and has been briefed on them. He stated that he got a continuation on one of the property owners. Because of a previous commitment, he will not attend the November 4 meeting but will send another council, Mr. John Reed.

Statements from the Floor –

- Jayson Reeves from Gary stated that he appreciates the focus on O&M but hopes that the Commission does not lose sight of issues like roadway & intersection flooding; flooding on the east side of the city; infrastructure needs to be addressed; and there are storm water issues.
- John Harrigan from Hammond, speaking for himself, would like the Army Corps contractors to be present at the Board meeting to speak to the residents. Imad Samara

stated that it is not in the contract for them to attend these meetings. If residents have any questions they wish to ask contractors, they should write a letter to the Corps and Imad will make sure those questions are answered to their satisfaction.

- Bill Howard from Munster asked about USGS monitoring figures and if they were available. Imad Samara answered that there is a link on the Army Corps web site; he will get that information to Mr. Howard. Mr. Howard also asked when the O&M inspection reports would be available. Imad Samara answered they would be available about in December. Mr. Howard also asked what the residents could do to emphasize the importance and need for O&M funding. Mr. Gurley stated that they need to talk to the municipal officials on a regular basis. The municipalities have done a great job in supporting the Commission.

- Senator Frank Mrvan asked if there is anything in place right now that says the individual cities have a responsibility to keep the river clear of debris. Ron McAhron said there is not. He attended a Water Resources meeting this morning and this exact subject was talked about and there is no regulation structure in place in Indiana. IDEM and the Army Corps still have permitting authority for clearing the river; and not the IDNR.

- John Mullesa from Munster asked about the levee work that Munster has already done in Stage VII and Stage VIII. Will that make a difference in the Corps contract – Imad Samara stated that it has been taken into account but it would not change the design. He also expressed concern about logjams and debris at the bridges.

- Bob Paulson from Munster asked about why we were approving a sewer pipe for the Unity Church. Chairman Dernulc answered that they now have a septic system which has to be disrupted because of the levee project; we have to replace with a sewer tie-in. Project is being mandated by the Army Corps.

- Jim Pokrajac was directed to check on the existing debris on the banks of Hart Ditch and see if it could be removed by the municipalities.

- Rex B of Highland stated that the town of Highland is currently maintaining the flood control features in Highland; they should not be responsible for maintaining the river as well. He thinks O&M funding should be the responsibility of the county or state.

- Fred Bayinski from Hammond commented that when the Northcote bridge was built about 20 years ago, you could walk under it. Now, because of silt buildup, the clearance is greatly reduced. Chairman Dernulc asked Imad Samara to talk to Mr. Bayinski after the meeting. Imad said he would provide some information on that issue.

- Commissioner McAhron added that all Commission and Army Corps issues need to be transparent. That is why he would like to revisit the idea of the Commission having their own web site that would be kept up to date. He does not feel that the Corps' website is sufficient for our use.

There being no further business, the meeting was adjourned. The next meeting was scheduled for Wednesday, November 4, 2009 at the Munster Town Hall at 6:00.