

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, OCTOBER 9, 2013**

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

Chairman William Baker called the meeting to order at 6:00 p.m. Pledge of Allegiance was recited. An Executive Session/Work Study Session was held prior to the public meeting. Five (5) Commission members were present at roll call. Quorum was declared.

Commissioners:

William Baker, Chairman
Tom Wichlinski
Debbie Long
Anthony Broadnax
Tom Gozdecki

Executive Director:

Dan Repay

Attorney:

Dave Wickland

Staff:

Sandy Mordus
Judy Vamos

Visitors:

Ruth Mores – Southmoor, Hammond
John/Laurie Czulno - Hammond
Charles Svitko - Hammond
Joe Simonetto – Munster Town Council
Dave Wellman - RDA
Sandy O'Brien – Hobart
David Nellans – Munster Town Council
Michael R. Scubbin(?) – Riverwatch (IDEM)
Bill Emerson Jr – Crown Point
Elaine Fay - Munster
Joan Zacok - Munster
Fred Baginski – Friends of the Little Cal
Steve Jadrnak – Forest, Hammond
Dan Gardner – Lake County Surveyor's
John Broderick - Munster
Tony Kenning – DLZ
Peter Yackanich – Hammond
T. Cholipski – River Drive, Munster
Kenny/Bonnie Vavrek – State Line, Hamd
Bill Emerson Sr – Hammond City Council
Barbara Whitaker - Munster
T. Ahearn – Forest, Hammond
Dan Gossman - Munster
Col. Frederic Drummond – Army Corps
Karen Lorenz – Southmoor, Hammond
LuAnn Franklin – The Times
Sandy O'Brien – Hobart
Levon Whittaker – Gary

- Chairman Baker referred to the minutes of the September 18 meeting. Commissioner Gozdecki made a motion to approve the minutes as presented; motion seconded by Commissioner Wichlinski; Commissioner Broadnax abstained; motion passed 4-0 with a roll call vote, with 1abstaining.
- Chairman Baker started off his report by referring to the pictures of the 2008 flood and stressing the importance of taking care of this \$275 million man-made asset so flooding like that never happens again. We have a perpetual funding source in place now so we are doing a lot of deferred maintenance and will continue to do so. Controlling Mother Nature is not possible but we are better prepared. The entire watershed needs to be maintained – not just the river. It is imperative that we take care of the infrastructure. The reduction in mandatory homeowner flood insurance has put \$4 million back into the economy and that's economic development.

• ***Finance*** - Mr. Repay referred to the October claims in the amount of \$260,393.94 and explained some of the higher claims. Grimmer Construction is finishing up on Gary South rehabilitation project; Russell Tree has completed his tree removal contract between the levees; Garcia's charges consist of engineering oversight on various projects; Wiltjer Excavating has performed a lot of various maintenance projects. Chairman Baker asked about the Gary South contract. Mr. Repay explained that the section was deemed as "unacceptable" by the Corps in 2007. A punch list was created out of the varied items from the Corps inspection report and he had the Corps do the inspection this year so that any items could still be fixed while the contractor was on the site. For the next official Corps inspection, it is hoped that the Gary South section will pass inspection.

A motion to approve the claims for the October meeting in the amount of \$260,393.94 was made by Commissioner Broadnax; seconded by Commissioner Gozdecki; motion passed with a 5-0 roll call vote.

Commissioner Gozdecki inquired about the claim from the town of Highland for reimbursement for attendance at the levee inspections. Mr. Repay answered that we will also be receiving a claim from the city of Hammond and the town of Griffith.

O&M/Project Engineering - Executive Director Dan Repay reported that inspections were held the week of the September 16 for about a week. A draft report should be coming from the Corps about the end of October. Once received, it will be circulated it to the municipalities and the Board members for comment. Final report will be due in November.

• Mr. Repay stated that after meeting with IDEM and IDNR, we have a better understanding of the permit process. We will be submitting permit applications for individual projects. Currently, we have an application submitted for the Hart Ditch channel diversion. We will be submitting an application for the removal of the access roads at Grant Street.

• In submitting the Commission's plans for State Line protection, the Corps needed clarification on several items. That will not slow us down; the forms for flood protection are currently being put together.

• The Burr Street pump is currently being repaired and should be back in service by the next meeting date.

• A semi cab that was set on fire and left by the Marshalltown pump station did affect our power source at the station. It was next to the levee and although the pump is running now, the pump will need some repair.

• The final contract for tree clearing between the levees is currently underway and that contract should be completed in another couple of weeks. This area is from 80/94 to State Line.

• We are currently working with INDOT to address a potential problem with the flap gate at I-65 and I-94.

• Commissioner Gozdecki asked for an update on channel clearing. Mr. Repay stated that after meeting with IDEM and IDNR, we were informed that our permit application needed to be for one project only. We had initially put 2 projects together on the same application (Hart Ditch channel diversion and Kennedy Avenue island removal). There may also be a possible mitigation issue involved and since there are two different issues there, the projects were separated into two permit applications.

Other Issues/New Business – Commissioner Broadnax made a motion to allow the Executive Director to solicit and award up to \$60,000 for re-forestation i.e. planting of trees, throughout the levee system. Mr. Repay added that the trees would be planted outside of the levee system, probably on property owned by Park Departments or the city/town.

Several areas will be re-planted with acceptable plantings approved by the Corps. There is a possibility of receiving some smaller already established trees through a State program for re-planting. In the state of Indiana, there is a program that allows each legislator to give away up to 50 small trees. Municipalities are aware and are supportive. Motion seconded by Commissioner Gozdecki; motion passed with a 5-0 roll call vote.

- Commissioner Gozdecki made a motion to approve and execute Resolution 2013-10-1 (attached hereto and made part of the minutes) which allows for the transfer of property from the city of Hammond to the Commission without any monetary concession. Motion seconded by Commissioner Broadnax; motion passed with a 5-0 roll call vote. Mr. Repay explained that the Forest Avenue project upgraded the levee previously built by the city of Hammond. A second item that is being performed at our cost is the Monon trestle pier removal that also benefits the City. The resolution says that we will call it even with the City – they will give donate the land to us in fee that we need and we will absolve any costs associated with the levee upgrade and the pier removal.
- Chairman Baker asked Mr. Repay what jurisdiction we have at the rookery along Cline Avenue. Mr. Repay replied that south of the river, it is part of the levee system. Design of the area over 100 years ago allowed for a spillway there. There are several culverts at the east end that spill back into the river when possible.

Statements to the Board –

- Barbara Whitaker from Munster is a member of Munster Garden Club. One of their projects is to fund and install a bench at the Blue Heron Rookery along Cline Avenue. Since the area is so wet, she asked whether the area could be drained out from time to time since there are about 80 nests there. Mr. Repay replied that the drain there has just been upgraded by the town of Highland last year. He also said that the bench needs to be permitted and he will talk to the town and ask for a waiver.
- Karen Lorenz from Southmoor expressed her dissatisfaction with the “clear cutting of trees”. She felt the residents were not informed up front of the magnitude of the tree removal. She expressed concern with the stumps that would be left and how the ego system will be affected. Mr. Repay answered that the stumps and root balls will stabilize the bank and has stated all along that no trees could be left in the 15’ from the toe of the levee, as per Army Corps specs. There will be smaller trees planted that can be controlled. Trees removed were cracked, tilted, damaged, and diseased and some were already falling into the river. He stressed the importance of removing the trees before they caused blockages, especially during a rain event. Where access is limited, as many damaged trees as possible need to be removed. Chairman Baker added that we have spent a lot of time working with the residents on Southmoor and, referring to the flood of September 2008, added that we need to do everything possible to not see something like that again.
- Laurie Czulno from State Line in Hammond asked about the time line for the State Line tieback. Mr. Repay replied that forms will be ready soon and he will check them out first to make sure they are satisfactory before delivery is made.
- Steve Jadrnak from Forest Ave. in Hammond asked about the blocks. Mr. Repay replied that he is hoping they will be ready in October and be installed in November. They are hoping that they are acceptable to hold water back and not let water through the blocks. Asphalt plants usually close down by Thanksgiving. Given that, the contractor would probably have to come back in the spring to finish up. We are moving on it.
- Sandy O’Brien from Hobart asked if the channel clearing would have to be re-permitted. Mr. Repay replied that he has talked to IDEM and IDNR today. Re-permitting is necessary. There is no definite time line at this time. They also talked about the Hobart Marsh mitigation. Discussion also included mitigation possibility between Chase & Grant. Ms.

O'Brien also distributed a map to the Board members showing how close Hobart Marsh area is to the levee.

• Peter Yackavich from Forest Ave in Hammond expressed concern about missing the construction season and the delay if the Corps has to test the blocks. Mr. Repay replied that Corps comments are being accepted. We want to make sure the blocks will work and will test them accordingly at the manufacturers. It would be worse to have them delivered and then find out they don't work. Colonel Drummond added that the Army Corps needs to understand/accept the integrity of the system. This is a part of that.

There being no further business, the meeting was adjourned. Chairman Baker announced that the next meeting is scheduled for the second Wednesday of the month which will be Wednesday, November 13th at the Munster Town Hall at 6:00.

**RESOLUTION NUMBER 2013- 10-1
OF THE LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION FOR THE
ACCEPTANCE OF TRANSFER OF PROPERTY**

WHEREAS, The City of Hammond, through its Board of Public Works, owns property located in the City of Hammond immediately adjacent to the Little Calumet River Basin Development Commission and Army Corp of Engineer's levee project; and

WHEREAS, this property consists of two parcels legally described as follows:

Parcel One:

Parcel Number: 45-06-12-353-001.000-023

Common Address: 4 172nd Place, Hammond, Lake County Indiana, 46324

Legal Description: IVANHOE W. 70 FT. L.2 BLK 2 W. 10 FT. L.2 IN ST. E. 30 FT. VAC. STATE LINE ST. ADJU. SUBJ. TO EASEMENT

Parcel Two:

Parcel Number: 45-06-12-353-002.000-023

Common Address: 4 172nd Place, Hammond, Lake County Indiana, 46324

Legal Description: IVANHOE W. 40 FT. OF W.123 FT. OF E. 130 FT. L.2 BL.2

WHEREAS, Indiana Code 36-1-11-8 authorizes, provides for and prescribes the manner of a transfer or exchange of property from one governmental entity to another; and

WHEREAS, Indiana Code 36-1-11-8 provides that such entities may transfer or exchange property on terms and conditions and for such consideration as evidenced by adoption of substantially identical resolutions by such entities; and

WHEREAS, The City of Hammond, by its Board of Public Works and Safety, desires to transfer the two parcels detailed above to the Little Calumet River Basin Development Commission, for use as flood protection and to assist in the construction and maintenance of a levee structure, with no structural development on said properties (other than the levee structure), and which shall be maintained in a manner similar to the land which is part of the

Army Corp of Engineers Flood Control Project.

WHEREAS, The Little Calumet River Basin Development Commission agrees to fully maintain the property in this manner and use it to improve the flood control structure at that location.

WHEREAS, The City of Hammond, by its Board of Public Works and Safety, and the Little Calumet River Basin Development Commission deem it advisable that the above described real estate parcels be conveyed from the City of Hammond to, and accepted by, the Little Calumet River Basin Development Commission without monetary consideration.

NOW THEREFORE, BE IT RESOLVED by the Little Calumet River Basin Development Commission as follows:

1. The City of Hammond, by its Board of Works, shall convey and the Little Calumet River Basin Development Commission shall accept conveyance of the above described real estate parcels without monetary consideration paid by the Commission.
2. The conveyance shall be by deed that substantially conforms to the form of deed attached hereto, which the President of the Hammond Board of Public Works and Safety is authorized to execute and deliver and the Chairman of the Little Calumet River Basin Development Commission is authorized to receive and record with the Lake County Recorder.

BE IT FURTHER RESOLVED that this Resolution is effective the date signed.


So Resolved this 9TH day of October, 2013 by the Little Calumet River Basin Development Commission.

ATTEST:



Tom Wichlinski, Secretary

LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION


By: William Baker, Chairman