

# \_ittle Calumet

8149 Kennedy Avenue

Highland, Indiana 46322

(219)923-1118

Sandy Mondus

JOHN DEMEO, Chairman Governor's Appointment

DOYLE NIEMEYER, Vice-Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

CLYDE BAUGHARD, Secretary Governor's Appointment

CHARLES AGNEW Governor's Appointment

GEORGE CARLSON Mayor of Hammond's Appointment

DAVID SPRINGMAN

WILLIAM CRITSER Governor's Appointment

JERRY PAGAC Dept. of Natural Resources 2 . Appointment

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3.

Governor's Appointment JACK SWIKE

Lake County Commissioners' Appointment

WILLIAM TANKE Porter County Commissioners' Appointment

DAN GARDNER Executive Director

# MEETING NOTICE

THERE WILL BE A MEETING OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION AT 6:30 P.M. THURSDAY, MAY 4, 1989 AT THE OFFICE OF THE REGIONAL PLANNING COMMISSION 8149 KENNEDY AVENUE HIGHLAND, INDIANA

#### AGENDA

Call to Order by Chairman John DeMeo

Recognition of Visitors, Guests

Approval of minutes of April 6, 1989 meeting

Reports of Standing Committees

Finance/Policy Committee -A. Arlene Colvin, Chairperson

> Financial status report Approval of claims for April

Report of State Budget Committee hearing on April 12

- Release of \$1,500,000

Other issues

Legislative Committee - George Carlson, Chairman

Federal issues:

 Letter from Senator Coats re: Federal project 7-8 appropriations

· Announcement of Col. Franco's presentation to Commission on June 1 re: Project Construction schedule

Local Cooperation Agreement negotiation/signing 9-/C

 Congressman Visclosky's Public Officials Seminar in Washington May 15-16

-Letter on local forum attendance

State legislative issues:

1989-90 budget request status

Letter from Bart Peterson re: budget request

 Discussion of Sunset Committee review of Basin Commission

· Other issues

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- C. Land Acquisition/Management Committee -Charles Agnew, Chairman
  - Committee meeting at 5:30 p.m.
  - Appraisals, offers, acquisitions, recommended actions
  - Other issues
- D. Interim Flood Control/Planning Committee Clyde Baughard, Chairman
  - Report of projects progress
     Letter from engineering firm re: Grant Street culverts replacement
    - Letter from Ten Ech addressing Conrail's concerns 22-24 on Penn Central culvert improvements • Letter from Conrail stating concerns
  - Letter from Conrail stating concerns
     Report on Basin Commission meeting on April 20
- E. Breakwaters/Marina Committee Bill Tanke, Chairman
  - Report of Marina Committee meeting held April 20
     Contract for services w/Chuck Eckenstahler
  - Report of meeting with Mayor Maletta on April 26
  - Legislative issues
     Boat excise tax bill (HB 1579)
     Marina Commission funding
  - Other issues
- 5. Other Business
- 6. Statements to Board from the floor
- 7. Set date for next meeting, adjournment

# MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION HELD AT 6:30 P.M. THURSDAY, APRIL 6, 1989 AT THE COMMISSION OFFICES 8149 KENNEDY AVENUE, HIGHLAND, INDIANA

Chairman John DeMeo called the meeting to order at 6:35 p.m. There were nine (9) Commissioners present. Guests were recognized and quorum was declared.

#### Development Commissioners:

William Critser
George Carlson
Charles Agnew
Jack Swike
Doyle Niemeyer
Clyde Baughard
Jerry Pagac
John DeMeo
Arlene Colvin

#### Staff:

Dan Gardner Sandy Mordus Lou Casale

#### <u>Visitors:</u>

Pete Zak - South Shore Marina
Harold Mauger - Gary
C. A. Turnbull - Marquette
Yacht Club
P. G. Tully - Marquette
G. P. Baker - Marquette
Steve Davis - IDNR
Dick Wawrzyniak - IDNR
Robert Huffman - Chairman,
Basin Commission
L. Illingworth - Munster Town
Board
Jody Melton - NIRPC
Tim Sanders - Senators Lugar &
Coats Office

A motion was made by Clyde Baughard to approve the minutes of the March 2nd meeting; seconded by Chuck Agnew; motion passed unanimously.

Finance/Policy Committee - Treasurer Arlene Colvin presented the financial report for February as well as the claims. Ms. Colvin made a motion to approve the claims as presented; seconded by Clyde Baughard; motion passed unanimously.

Ms. Colvin referred to the letter contained in the packet requesting the Commission be placed on the next State Budget Committee agenda to seek approval to allocate for claim drawdown the remaining unallocated \$1,500,000 appropriated to the Commission in the 85/86 State Capital Budget. Mr. Gardner added we have received confirmation that we are on the agenda for 3 p.m. Wednesday, April 12th. Jan Miller from the Chicago Corps office will accompany Dan to the Budget Committee hearing.

LCRBDC Minutes April 6, 1989 Page 2

Legislative Committee - Dan Gardner referred to the letter from Robert E. Grady, Associate Director of the Office of Management and Budget in Washington. The letter stated that the Administration supports implementation of the project (Plan 3A) through the budget process. Mr. Gardner portrayed the letter as being critical in announcing OMB support and will make the appropriations of Federal dollars much easier. It is anticipated that Col. Franco will be at the next Development Commission meeting to give a schedule of events and to outline Development Commission responsibilities.

Mr. Gardner announced he would be attending a public forum meeting that would be held in Highland in which the Congressman makes himself available to the public for statements/questions.

Mr. Gardner took this opportunity to publicly thank Congressman Visclosky, Senators Lugar and Coats and past Senator Quayle for their continuing support of the 3A plan. It was through their hard work and preserverance that the 3A plan was approved.

Mr. Gardner reiterated that the State money is up in the air at this point. The State budget has been sent onto the Governor for approval. There were many local projects that have not gotten into the budget. The Development Commission was fortunate. There is \$2 million in the House version and the Senate version. Mr. Gardner stressed that the continuity of State funding is critical to a successful project.

Mr. Gardner referred to a letter that was sent to all northwest Indiana legislators, Ways & Means Committee, Budget Committee members, etc. informing them of the positive support/approval of the 3A project design by the Federal Office of Management and Budget and stressing the critical need of continued funding by the State for a successful project.

Tim Sanders, representing Senators Lugar & Coats, commended the public citizens of northwest Indiana for their support.

Land Acquisition/Management Committee - Committee Chairman Chuck Agnew reported that DC67 (Edwards) property closed.

Mr. Agnew stated that Marquette Yacht Club has requested additional rental space from the Commission to allow for four (4) more slips for their use. Mr. Agnew made a motion that an area allowing for 4 additional spaces be made available to them at the

LCRBDC Minutes April 6, 1989 Page 3

same rate as the previous spaces with the condition that the Development Commission be held harmless from any litigation resulting from this rental; seconded by Jack Swike; motion passed unanimously.

Mr. Agnew reported that the appraisal has been received on the Erie R.R. bridge. The appraised price is \$2,750. Attorney Lou Casale read Resolution 89-1 which allows the Commission to pursue acquiring ownership. Arlene Colvin made a motion that the resolution be approved and appropriate steps be taken to acquire ownership; motion seconded by Clyde Baughard; motion passed unanimously.

Attorney Casale stated he has dismissed the hearing regarding Curran's property. He will still pursue the matter of lease monies due us.

Mr. Agnew reported that the Directors & Officers insurance policy has been renewed for another year.

Interim Flood Control/Planning Committee - Committee Chairman Clyde Baughard reported that the Northcote Bridge reconstruction is almost complete and the road should be opened shortly.

The continuation of the sediment removal project from Indpls. to Kennedy should begin shortly. At the request of Bill Henderson, Lake County Surveyor's Office, staff has put Surveyor's Office/Drainage Board in contact with Tony Abidula, Superintendent of the Hammond Street Dept., to coordinate the removal of debris that has accumulated under the bridge. There may be some necessity to pay for tipping fees for disposal of debris funding needs to be identified.

Mr. Baughard introduced Robert Huffman who is Chairman of the Basin Commission.

Breakwaters/Marina Committee - In Committee Chairman William Tanke's absence, Dan Gardner reported some that drawings have been received from Cole Engineering that show how the NIPSCO lots can be accessed. Efforts will resume to schedule a meeting with NIPSCO officials to pursue purchase of the NIPSCO lots.

Effort is underway to work out problems encountered with the State Highway Dept. in obtaining a permit from them for the GTE relocation.

LCRBDC Minutes April 6, 1989 Page 4

Mr. Gardner stated staff has been approached by several interested parties who are in need of sand. He will meet with parties and pursue the issue of sand removal.

The fact was stated that the Commission needs to identify a person/persons/firm who can assist the Commission with developing a financial plan for marina development. A Marina Committee meeting will be scheduled shortly to address the issue.

Mr. Gardner stated that the boat excise tax bill has passed the House. It is currently up for its third reading in the Senate. The passage of the bill looks good. He also stated that the free public access bill has passed the House and Senate. It will go to conference committee. The bill mandates free access in Lake County marinas accepting State funding.

Mr. Gardner stated that there is no funding identified in the budget for marinas at this point. Efforts for funding are continuing.

Statements from the floor - Commodore Cutty Turnbull thanked the Commission for the extension of property to allow him to add an additional four slips.

Harold Mauger expressed concern that the river was not going down as fast as usual. He has contacted the Drainage Board. They have stated they will follow through with checking blockage.

Mr. Gardner added that an engineering firm has been selected to prepare plans for the reconstruction of the Grant St. bridge.

The next meeting was scheduled for Thursday, May 4, 1989.

There being no further business, the meeting was adjourned.

/sjm

### MERCANTILE NATIONAL BANK

### JANUARY 1, 1989 - MARCH 31, 1989

CASH POSITION - JANUARY 1, 1989 Checking Account     Land Acquisition     General Fund     Tax Fund Investments	\$ 17,248.62 21,502.53 1,126.60 896,500.00	4026 277 77
RECEIPTS: January 1, 1989 - March 31, Lease Rents Interest Land Acquisition	\$ 26,793.02 17,119.86 52,595.92	\$936,377.75 \$ 96,508.80
DISBURSEMENTS: January 1, 1989 - March 1988 Expenses paid in 1989 Legal Services NIRPC Bonds & Insurance Emergency Maintenance Costs Meeting Expense L/A Legal Services L/A Professional Services (a) Appraisal Services (c) Engineering (d) Land Purchase Contractural (e) Operational Contractural L/A Land Purchase Cost L/A Land Capital Improvements TOTAL DISBURSEMENTS:	31, 1989 \$ 15,117.87 626.66 4,433.61 305.00 106.97 867.77 2,772.00 600.00 1,181.24 3,038.56 15,336.75 32,082.14 134.40	\$ 76,602.97
CASH POSITION - March 31, 1989 Checking Account     Land Acquisition     General Fund     Tax Fund Investments	\$ 16,300.21 25,146.11 1,554.95 916,500.00	<b>\$956,283.58</b>



DATE: APRIL 14, 1989

CONTRACT NO: P1.01

ORGANIZATION: LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION

CONTRACT CODE: 952

INVOICE NO: 03

PROJECT:

FOR SERVICES PERFORMED DURING MARCH

INVOICE						
SALARIES AND FRINGE BENEFITS: DAN GARDNER & SANDY MORDUS	\$ 3,600.00					
ROOM RENTAL FOR ADDITIONAL LCRBDC STAFF	200.00					
ACCOUNTING SERVICES	150.00					
TELEPHONE: LOCAL SERVICE	60.00					
TELEPHONE: BILLABLE CHARGES (ATTACHMENTS) (3/6/89-3/27/89)	56.65					
POSTAGE	66.50					
COPYING CHARGES @ \$.05 PER COPY (2000)	100.00					
COPYING CHARGES @ \$.025 PER COPY (435)	10,88					
GRAPHICS/PRINTING TIME @ \$16.00 PER HOUR (ATTACHMENTS)	4,00					
STAFF MILEAGE/EXPENSES	41,58					
OTHER CHARGES (ATTACHMENTS)	-0-					
TOTAL MARCH 1939 COSTS	\$ 4,289.61					
OUTSTANDING PAYMENT DUE	-0-					
TOTAL PAYMENT DUE	4,289,61					

COMMITTEES:
ARMED SERVICES
LABOR AND HUMAN
RESOURCES

411 RUSSELL SENATE OFFICE BUILDING (202) 224-5623

INDIANAPOLIS OFFICE: ROOM 447, 46 EAST OHIO STREET INDIANAPOLIS, INDIANA 46204 (317) 228-5555

## United States Senate

**WASHINGTON, DC 20510** 

April 12, 1989

Mr. Dan Gardner 8149 Kennedy Avenue Highland, Indiana 46322

Dear Dan:

Today, I urged my colleagues on the Senate Appropriations Committee to commit funds to the Little Calumet River flood control project. I am enclosing a copy of my statement for your information.

While a mark-up on the Energy and Water Appropriations bill has not yet been scheduled, I anticipate that it will be held next month.

I will continue to work with you to secure funds for this important project and will keep you advised as the appropriations bills progress.

Sincerely,

Dan Coats

U. S. Senator

DC/srs Enclosure

COMMITTEES
ARMED SERVICES
LABOR AND HUMAN
RESOUNCES

411 RUSSELL SENATE OFFICE BUILDING (2-1/) 224-5/523

INDIANAPOLIS OFFICE ROOM 447, 46 EAST OHIO STREET INDIANAPOLIS, INDIANA 48204 (317) 226-8565

## United States Senate

WASHINGTON, DC 20510

STATEMENT OF SENATOR DAN COATS
BEFORE THE SENATE SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT
SENATE APPROPRIATIONS COMMITTEE
April 12, 1989

I strongly support construction of the Little Calumet River flood control project and urge you to provide funds in the FY90 Energy and Water Appropriations bill.

The Little Calumet River project will protect lives and secure thousands of homes and businesses in Northwest Indiana. The project enjoys widespread community support and will promote economic growth in the region.

Communities in the Little Calumet Basin suffer repeated and costly flood damage. The Army Corps of Engineers estimates that the project will prevent millions of dollars in damages annually and will enhance employment and recreational opportunities throughout the region.

The Corps requires \$2.4 million in fiscal year 1990 to complete engineering and begin construction. This relatively modest investment of public funds will make a vital difference to thousands of Hoosiers and I urge your support.



# DEPARTMENT OF THE ARMY CHICAGO DISTRICT, CORPS OF ENGINEERS 219 SOUTH DEARBORN STREET CHICAGO, ILLINOIS 60604-1797

REPLY TO ATTENTION OF 17 APR 1989

- 1744 cm - 1744 cm

Real Estate Office

Subject: Local Cooperation Agreement Between the USA and the Little Calumet River Basin Development Commission

Mr. Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission
8149 Kennedy Avenue
Highland, Indiana 46322

Dear Mr. Gardner:

Now that Plan 3A has been approved, our efforts can be directed to the Local Cooperation Agreement (LCA) and accompanying documents.

We have reviewed the negotiated draft LCA, dated 23 March 1988. A revised draft, dated 14 March 1989, is herein submitted for your review and concurrence. Three major issues will require resolution. They are as follows:

- a. Financial capability and a financial plan for the total project. It is clear that the State of Indiana will finance the project through the Commission as it has in the past. Since the enactment of the Water Resources Development Act of 1986 (P.L. 99-662) it is now a requirement that the local sponsor's financial plan and financial capability statement accompany the LCA when it is forwarded to Office, Chief of Engineers for review and approval. In an effort to resolve this issue, Mr.Paul Benkowski, our Real Estate representative, in a telephone conversation with Mr. Casale, suggested that perhaps the Commission and the State of Indiana would enter into a funding agreement, realizing the State may be limited by its constitution or statutes to fund a project over a multi-year construction term.
- b. Separable elements and separable elemental construction of the project. The project was studied and approved as a whole, but does not meet the criteria of Section 103(f),(2),(B) of P.L. 99-662 "produces physical or economic benefits, which are separately identifiable from those produced by other portions of the project." The project will be constructed in stages which will produce approximately 8 functional elements as opposed to separable elements.

c. Concurrence by the Commission in construction contracts and modifications thereof. Under Government contract law, only the Contracting Officer is authorized to act on behalf of the Government in all contractual matters. He has final decision authority concerning all aspects of the Government contract. He may delegate some of this authority to a subordinate, such as a Contracting Officer's Representative, but further delegation of any kind is not allowed. Accordingly, he cannot share his authority or grant a veto power over contractual actions to any person or entity. The Commission can be given the right to comment on proposed contractual actions, but final authority to make all decisions must rest in the hands of the Contracting Officer.

The Water Resources Act of 1986 has created a new atmosphere for partnership between the local sponsor and the agency involved in the planning and construction of beneficial projects. The Chicago District, Corps of Engineers is dedicated to this concept and is looking forward to a long and beneficial partnership with the Commission.

Mr. Paul H. Benkowski will contact Mr. Casale within three weeks to arrange a mutually agreed upon date and time to discuss any outstanding issues remaining in the LCA.

Sincerely,

JA JESS J. FRANCO, JE, P.E.

LTC, Corps of Engineers

District Engineer

3 Enclosures

1. Draft LCA dtd 23 Mar 88

2. Draft LCA dtd 14 Mar 89

3. Draft Escrow Agreement

EDWARD F. HUGHES
MAJA Corps of Engineers
Deputy District Engineer

Copy Furnished: Mr. Louis M. Casale Attorney at Law 8300 Mississippi Street, Suite E Merrillville, Indiana 46410

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# Little Cal flood project funds requested

By ANNE HAZARD

States News Service

WASHINGTON - Rep. Peter Visclosky of Merrillville asked a Congressional subcommittee Wednesday for \$2.4 million to start construction next year of a flood-control project on the Little Calumet River.

Visclosky also asked the subcommittee to fund the initial phase of a restoration project at Lake George in Hobart, which will cost \$200,000. The Army Corps of Engineers would use the money to begin designing a process for removing silt from the Lake George watershed, Visclosky said.

The legislator also asked for \$13,000 for maintenance at Burns Harbor, \$165,000 for work on sand migration and the small boat harbor at Burns Harbor, \$600,000 for

disposal from Indiana Harbor, \$195,000 for work on the Indiana shoreline near Mt. Baldy, and \$192,000 for surveys of the Michigan City harbor for dredging.

The Little Calumet flood-control project is designed to stem the \$10.9 million in damages done every year when the river floods. Ultimately, the project calls for levies to stretch 13 miles along the river from the Illinois-Indiana line to Martin Luther King Drive in Gary.

Half of the \$2.4 million would be used for pre-construction planning and half would be used to flood proof certain homes and construct ring levies at selected sites, the Democratic lawmaker told members of the House Appropriations Subcommittee on Energy and Water Development.

Money for the project was not included in President

George Bush's budget because the project was approved by the Army Corps of Engineers and the Office of Management and Budget after the administration submitted a spending plan, said Visclosky press secretary Rudy Murrieta.

Approval of the funding request by Congress, which is facing a massive deficit and competing priorities will be required before the project can begin.

He said Visclosky met with Rep. Tom Bevill, D-Ala., chairman of the subcommittee, before the hearing to stress the importance of the project.

stress the importance of the project. The Little Calumet project would "provide comprehensive flood control for Northwest Indiana, improve the quality of life for residents and open new land for economic development," Visclosky told the subcommittee.

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420 CANNON BUILDING WASHINGTON, DC 20515 (202) 225-2461

215 WEST 35TH AVENUE GARY, IN 46408 (219) 884-1177 (219) 928-8316

COMMITTEES:
PUBLIC WORKS AND
TRANSPORTATION
EDUCATION AND LABOR
INTERIOR AND
INSULAR AFFAIRS
CONGRESSIONAL STEEL CAUCUS
WHIPAT-LARGE

# Congress of the United States House of Representatives Washington, DC 20515

April 10, 1989

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Mr. Dan Gardner Director Little Calumet River Commission 8149 Kennedy Ave. Highland, Indiana 46322

Dear Dan:

Please accept my sincere thanks for your attendance and participation at my Public Forum in Highland on April 8th.

I think you will agree that it was an interesting and stimulating forum. The topics that were discussed covered a wide range of subjects and the citizens who participated were well informed and concerned individuals.

Your presence and assistance were greatly appreciated. I look forward to being with you once again in the near future.

Sincerely,

Peter J. Visclosky Member of Congress

PJV/mns

# Bayh submits budget

# Includes cleanup of Little Calumet

By Nancy J. Winkley

Staff writer

INDIANAPOLIS — Gov. Evan Bayh proposed a new two-year state budget Wednesday that would dip into state surpluses — something he earlier opposed —

but provide what he called modest growth based on limited resources.



Bayh
made the proposal after vetoing the budget sent to him by
the legislature and after a
new, but largely unchanged,
revenue forecast was issued.

Included in Bayh's budget proposal, which wipes out numerous statewide capital projects listed in the legislature's ill-fated bill in favor of others he specified, is \$6 million for Little Calumet River cleanup and Lake Michigan marinas.

Bayh's budget ideas, which he said are negotiable within reason, came after weeks of heated debate over a new state budget.

The House passed a budget bill, largely fashioned by Democrats, by a 98-2 vote

Democrats, by a 98-2 vote.

The Senate, through the control of the Republicans in that chamber, moved the bill on a 34-16 vote straight to Bayh without changes — forcing him to deal with a budget he said was excessive even though his own party brethren wrote it.

"Enactment of this bill in its: present form would lead inevitably to a substantial tax increase in the near future," Bayh said in a veto message to the House.

The proposal Bayh released: Wednesday, which Republicans especially have argued should have been issued.

## **Budget**

... from Page A1

weeks ago while the budget was still pending in the legislature, includes:

■ A 2 percent decrease in education spending compared to the budget bill passed by the legislature.

Bayh's request for tuition support — a 5 percent increase for each year of the biennium compared to a 7 percent proposal in the budget bill — would keep such education spending at or minimally above inflation, according to estimates released by state economists earlier in the day.

"The decision here is very clear," Bayh said when asked how he will sell the lower education spending to lawmakers who wanted much more. "There is some room for upward adjustment in that figure, but we have to take the revenue from someplace else.

"Money doesn't grow on trees, and I think the taxpayers understand that"

■ Total spending requests that exceed the State Budget Committee's recommendation by nearly \$192 million.

The House budget bill Bayh vetoed exceeded the committee's recommendation by nearly \$260 million.

■ A required \$75 million general fund surplus to exist at the end of the biennium.

Shortly after his election, Bayh said the state's general fund surplus — revised Wednesday to be \$259 million at the beginning of the next biennium — should be left alone.

He defended the change in plans Wednesday by saying the dip in surpluses is necessary to "accommodate one-time-only expenditures that won't crop up in the next biennium."

The use of \$50 million in lottery revenue.

The lottery bill still is pending in the legislature, without any sure sign as to how state lottery revenue will, in the end, be spent.

About \$72 million in spending left to the legislature to spend on projects as they see fit.

However, the approximate value of spending bills pending in the legislature that were not included in the budget bill is \$255 million.

"It's going to require some cutbacks, but that's exactly what



Bayh

we've done in some of the figures we've provided today," Bayh said. "The legislature has to participate in this process."

Spending proposals for other state programs including health care for the elderly, prisons, aid for poor pregnant women and children, economic development and Bayh's Excel program for education. Bayh said he was to meet this morning with legislative leaders from both chambers and both parties to discuss his ideas after releasing his proposal to some lawmakers Wednesday night.

Lawmakers from Northwest Indiana discussed their priorities during a brief meeting with the governor Wednesday afternoon.

"He seemed receptive," said state Rep. Chester Dobis, D-Merrillville

"I think that we will fare as an area much better under what the governor wants than under the bill he said he would veto," Dobis said.

While \$2 million for the Little Calumet River was included in the vetoed budget bill, spending for marinas never got included in any of the budget proposals in the legislature.

The Lake Michigan Marina Commission originally had asked the State Budget Committee for \$20 million in the upcoming budget — or \$4 million for each of the region's five marina projects.

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#### OFFICE OF THE GOVERNOR INDIANAPOLIS, INDIANA 46204 - 2797

EVAN BAYH GOVERNOR

April 17, 1989

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Mr. Dan Gardner
Executive Director
Little Calumet River Basin Development Commission
8149 Kennedy Avenue
Highland, Indiana 46322

Dear Dan:

Thank you for your recent letter concerning the Commission's 1989-91 biennium budget request.

As I am sure you are aware, the State budget process has operated in a somewhat unusual fashion this year, so it is somewhat difficult to predict what might happen with respect to any particular line item in the budget. However, the information you sent me is useful and the Commission's concerns will certainly be taken into account. It is clear that you and others in Northwest Indiana have worked hard for this project for a number of years.

I appreciated the opportunity to meet with you to discuss the issue last week and I trust we will have the opportunity to discuss the project in more depth in the not-too-distant future.

Warmest regards,

Barton R. Peterson

BRP/bb



### Indiana Legislative Services Agency

302 STATE HOUSE INDIANAPOLIS 46204-2789 (317) 232-9550

April 18, 1989

Mr. Dan Gardner, Executive Director Little Calumet River Basin Commission 8149 Kennedy Avenue Highland, IN 46322

Dear Mr. Gardner:

Enclosed for your review is a draft copy of the Little Calumet River Basin Commission which is to be included in the forthcoming Sunset report on Natural Resources. The purpose of providing this draft is to seek your review, with particular attention paid to the correctness of facts.

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Please share this draft with members of the relevant Commission to seek their input. Since this draft is confidential, it is important that it not be distributed outside the Commission(s)/your agency.

Please return your written comments to us by Tuesday, April 25, 1989. If you have any questions, please call Pete Boerger at (317) 232-9854, or you can reach me at (317) 232-9567.

Thank you for taking the time to assist us in reviewing this draft.

Sincerely,

INDIANA LEGISLATIVE SERVICES AGENCY

James D. Mundt, Director

✓ Office of Fiscal Managagement and Analysis

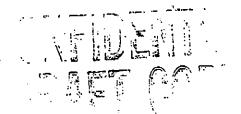
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TO

April 18, 1989

The Little Calumet River Basin Commission IC 36-7-6



#### Introduction

The Little Calumet River Basin Commission, created by P.L. 278 in 1971, originally assumed coordination of state and local involvement in U.S. Army Corps of Engineers' plans to control severe flooding along the western Indiana segment of the Little Calumet River in northwestern Indiana. Small scale flood control measures have been implemented along the river, and a major project with the Corps of Engineers is planned for the near future. Floods occur in this area an average of every ten months and have caused an estimated \$10 million annual damage to private and public structures in the Little Calumet floodway.<sup>2</sup>

#### Mandate

The Commission has the same mandate as the Kankakee River Basin Commission: "to coordinate the development of the basin" and to prepare a "comprehensive development plan for the basin." Interestingly, this mandate says nothing about flood control specifically, which is the current focus of the Commission. The Commission is authorized to conduct studies necessary to its duties, provide for public communication, make recommendations to relevant area governments, and act as a coordinating agency for programs and activities related to its objectives. The Little Calumet River Basin Commission (hereafter "Basin Commission") may also acquire and dispose of real or personal property (as lessor or lessee) and manage or lease real or personal property. The Basin Commission is mandated to make annual reports to each county and municipality in the Basin and to advise the Little Calumet River Basin Development Commission (hereafter "Development Commission"), which is the official state sponsor for the Corps' flood control project. The Development Commission is discussed further below.

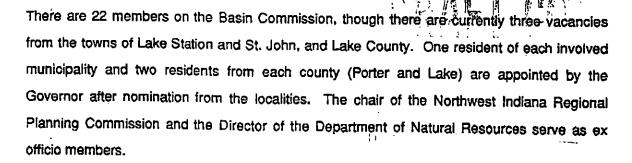
<sup>1.</sup> Cited in IC 18-7-19, since repealed, now cited in IC 36-7-6 (Acts 1982, P.L. 127, SEC. 2).

<sup>2.</sup> U.S. Army Corps of Engineers General Design Memorandum, July, 1982.

<sup>3.</sup> IC 36-7-6-12.

<sup>4,</sup> IC 36-7-6-14.

#### Membership/Staff



ΤO

The Basin Commission employs two professional staff members. This staff divides its time between activities of the Basin Commission and those of the Development Commission.

#### **Budget**

The Basin Commission receives \$50,000 annually through apportionment of the municipalities and counties in the basin. Unspent funds become part of a nonreverting fund held in the name of the Commission. From this fund, affected counties and municipalities may request flood-related money according to budgets they submit. As of 6/13/88, this fund's balance was \$130,760.

Basin Commission member per diem cost has averaged about \$350 a year.

#### **Activity**

The Basin Commission's main work currently involves coordination of local flood control improvement projects with city, county, and state agencies. An example of such a project is sediment removal begun in 1982 with the Lake County Surveyor's Office and Drainage Board. To date, approximately \$9 million worth of improvements has been coordinated by the Basin Commission. Most of this money has come from local funds, except for work on state structures, such as state highways, which have been cost-shared. Work completed by the Basin Commission is to be credited toward the state's share of the cost for the whole flood

control project undertaken by the U.S. Army Corps of Engineers. The Basic Commission has sought public input through current and past meetings and maintains a list of its accomplishments and goals. At present, communication to governing bodies of the municipalities and counties affected by the Little Calumet River is said to occur through informal means via communication by Commission members.

TO

Approximately \$12.5 million has been invested by the state in flood control studies and construction in this region since 1975. This money was initially channeled through the DNR to the Basin Commission. Later funds (after 1980) were channeled through the Development Commission.

#### Basin Commission vs. Development Commission

The Development Commission was established in 1980 to meet requirements for dealing with the U.S. Army Corps of Engineers in a proposed \$60 million flood control project along the river. The Development Commission is authorized to acquire and hold land, using eminent domain if necessary, for the State of Indiana. It is composed of 11 members, four appointed locally, six appointed by the Governor, and one member from IDNR (IC 14-6-29.5). The Development Commission has not been scheduled for Sunset review.

The two Commissions have different mandates. The Basin Commission is concerned with "development" of the Little Calumet River Basin, a rather large area from Lake Michigan to the Illinois state line. The Development Commission, with a more water resource-related mandate, is to confine its activities to within one mile of the river Itself<sup>5</sup>. However, the goals of these entities overlap more than the mandates would indicate. The majority of activities of each Commission focus on flood control on the Little Calumet River. While each Commission takes a different approach in its work, both function in the same territory.

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#### **Findings**

In a survey of county and municipal representatives, several governing readers indicated a lack of communication from the Basin Commission regarding its activities. The Basin Commission has two ongoing vacancies for representatives of the towns of Lake Station and St. John. Town council presidents of both these towns do not feel that the Basin Commission has communicated effectively with them. Whether this situation is based on inaction of each town's council or the Basin Commission is uncertain.

TO

A broader issue is the overlap in the goals of the Basin Commission and the Development Commission. It is not clear what necessitated the creation of the Development Commission in 1980, instead of an alteration to the Basin Commission's mandate. It is certain that the General Assembly recognized the existence of the Basin Commission when the Development Commission was established, since the Basin Commission is mentioned in the Development Commission's statute.

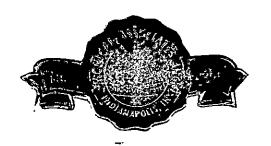
The two commissions, according to their members, have developed two separate, but complementary functions: the Basin Commission has helped implement many small, incremental flood control improvements within the municipalities surrounding the Little Calumet Basin. The Development Commission negotiates with the U.S. Army Corps of Engineers concerning the entire flood control plan and costs, including levee and floodwall systems. Both are reported by interested parties to function effectively under these conditions, and they communicate their activities through their mutual staff at the Regional Development Commission. Interested parties not on the commissions, however, indicated they they saw no reason that these entities could not be combined.

While these two bodies have different mandates, they perform activities in furtherance of the same goal. It is not clear why the Little Calumet River Basin needs two flood control commissions. Such overlap, while not very expensive due to current coordination in staff support, could lead to inefficient governance of the flood plain in the long run. Sunset staff believes that the combination of these entities would prove beneficial to the Little Calumet River Basin.

TO

#### Recommendation

It is recommended that the Little Calumet River Basin Commission (IC 36-7-6) statutorily be combined with the Little Calumet River Basin Development Commission (IC 14-6-29.5).



R. Duane Monical, P.E., L.S. Board Chairman Stephen R. Brockman, P.E. President Albert H. DeHart Secy/Ireas.

March 16, 1989

Little Calumet River Basin Commission 8149 Kennedy Avenue Highland, IN 46322

Re: IDOH Project IR-80-2()
I-80 over Little Calumet
River on Grant Street,

Lake County

Attn: Mr. Richard Galambos

Dear Sir:

We have been selected by the Indiana Department of Highways to perform the necessary engineering, and to prepare plans for the construction of the referenced project.

The existing pipe culverts at Grant Street and at the frontage roads approximately 120' east and 395' west of the centerline of Grant Street are to be replaced.

Please advise, at your earliest convenience, your recommendations for flow line elevations for the Little Calumet River in this area.

Thank you for your cooperation.

Very truly yours,

Stephen R. Brockman, P.E.

President

SRB:RCM/s

c: David Pluckebaum, IDOH

Consulting Engineers







Mark W. Tenney, Sc.D., P.E. Joseph L. Pavoni, Ph.D., P.E.

Richard L. Clevidence, P.E. Gary T. Boblitt, P.E. Robert A. Hawkins, P.E. John T. Hannon, P.E. Charles W. Dickard Michael J. Keal, P.E. Stephen W. Keiber, P.E. Randy J. Lindley, P.E.

April 11, 1989 Hammond, Indiana

Mr. Dan Gardner
Deputy Director
N.I.R.P.C.
8149 Kennedy Avenue
Highland, Indiana 46322

Dear Mr. Gardner:

On February 27, 1989, a letter was received from Mr. C. E. Wogan, General Manager Contracts, Conrail. This letter put forth Conrail's objections to and comments on the proposed culvert project.

Meeting the requirements regarding Conrail will add considerable, but not overwhelming, cost to the project. The following is a summary of their comments:

Soil borings at the site show the underlying soils are unable to support the weight of the culvert, therefore, structural steel culverts supported on either end were proposed. Conrail objects to the use of structural steel pipe as a culvert due to corrosion problems. Conrail will, however, allow structural steel pipe to be used as long as it is lined with a corrosion resistant pipe.

It is now proposed that a 78" structural steel pipe lined with 72" galvanized, corrugated metal pipe be used. The void between the pipes will be filled with grout. The structural steel pipe will be cathodically protected to further prevent corrosion.

Originally, Conrail requested four soil borings at the site. Only two borings were taken. The steep grade on the south side of the tracks prevented the taking of borings on that side of the track. This problem was brought to the attention of M. C. McMaster, Engineer construction. Mr. McMaster waived the requirement of four soil borings given this situation.

Mr. Dan Gardner April 11, 1989 Page Two

Conrail suggested a temporary bridge be installed over the proposed culverts. The culverts would then be installed by excavating under the bridge and laying the pipe in place. This option would require the use of railroad personnel and the purchase of a temporary structure. Another option explored was the installation of a temporary runaround track. The culverts would then be installed in two phases by open cut excavation. Both of these methods were found to be economically unfeasible in that they would approximately triple the cost.

Jacking the pipe still seems to be the most feasible method of installation. Using this method, Conrail has asked that the soils be stabilized prior to jacking the pipe. The two methods of soil stabilization are freezing and grouting. Of the two methods, grouting with an approximate cost of \$70,000.00 was found to be least expensive (see attachment).

Conrail wishes to hold a meeting with us to discuss these problems. If the L. C. R. B. C. approves, we will set up a meeting on your behalf in Conrail's Engineering office in Philadelphia to discuss these problems.

Sincerely,

Mr. S. o. me

Mick O'Neil Project Engineer

MON:smd

### Raymond Builders



7

Raymond International Builders, Inc. A Subsidiary of Raymond International Co. 1201 South River Street Batavia, Illinois 60510 (312) 879-0010, Fax: (312) 879-0203

David B. Cullum Manager-Central Region Soittech Division

April 7, 1989

Tenech Engineering, Inc. 5217 Hohman AVenue, 3rd Floor Hammond, IN 46320

Attention: Mr. Mick O'Neil Project Engineer

Re: Chemical Grout Injection
Penn Central Railroad Culvert Modification

Gary, Indiana

#### Gentlemen:

Pursuant to our discussions and review of project documents, listed herein is our proposed method of operation for the work on the above project.

- . Grout injection pipe would be driven to the invert of the proposed casing 585.4±. A three pipe width pattern would be utilized with the pipe 5' center to center.
- . Through these pipes a silicate-based chemical grout would be injected in measured amounts as the injection pipes are being withdrawn.
- . At all times grout pressures would be carefully monitored.

The chemical grouting system we propose is  $Siroc^R$ . It is an established system successfully used on many similar projects.

As indicated previously, the budget price for the work would be approximately \$70,000.00 performed on a per diem basis.

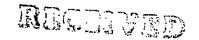
If there are any questions, or if we may be of further assistance, please do not hesitate to contact us.

Respectfully,

David B. Cullum Regional Manager

DBC:skb

#### CONRAIL



FEB 2 7 1989

TRANCH ENG Date: February 2000, 1989

File: L-556

Room 200 (215) 596-3869

TenEch Engineering, Inc. 5217 Hohman Ave.-3rd Floor Hammond, IN 46320

Attn: M. G. O'Neil

#### Gentlemen:

Reference is made to your letter of January 19, 1989 concerning additional pipe installations under our Fort Wayne Line Track at Bridge 439.12 east of East Gary, Indiana.

Our Engineering Department has reviewed your proposal and has made the following comments:

- 1. The use of 72 inch steel pipe for drainage is unacceptable.
- Prior to jacking concrete on steel pipes the loose soils will have to be stabilized by freezing or grouting.
- 3. Our letter of February 12, 1988 requested that four(4) soil borings be taken. Engineering desires to know why only two(2) were taken.
  - 4. Consideration should be given to placing a temporary bridge at the site. This way rail traffic can be maintained and the pipes installed by open cut.
  - 5. We understand Engineering talked with you advising we would consider the use of corrugated metal pipe, gal-vanized and bituminous coated, within a steel casing pipe. However, this will be considered only if all other methods are not workable.
  - 6. Where would the contractor locate his boring and jacking pits, as the area is very wet?
  - 7. We will ask our Division Officers whether there are any objections to shortening the length of the existing culverts. We will advise you as soon as we are notified.

TenEch Engineering, Inc. February 20, 1989
Page - 2 -

8. Due to the many problems associated with this project it may be helpful to have a meeting in the Engineer's office here in Philadelphia.

As stated in Item 7 we will notify you promptly concerning our field forces comments or recommendations and in any response of yours please refer to our File L-556.

Very truly yours,

C. E. Wogan 137

General Manager Contracts

# Boat tax bill passes final Senate reading

By Ruth Ann Krause

Staff writer

INDIANAPOLIS — Legislation to replace the personal property tax on boats with a lower excise tax sailed through the Indiana Senate Monday on final reading.

The bill, approved on a 33-16 vote, is headed for conference commit-



tee to resolve differences in the House and Senatepassed versions, said state Sen. Dennis Neary, D-Michigan City.

The bill is aimed at Hoosier boat owners who register their boats in surrounding states to avoid Indiana's high excise tax, said Neary, the Senate sponsor of the legislation. A boat that costs \$10 to \$12 a year to register in Illinois or Michigan costs \$500 a year in Indiana.

Under the bill, an excise tax based on the length of the boat would replace the current personal property tax. If the tax change becomes law, the state would make up the difference in taxes collected on boats during the previous year.

The bill would impose a \$12 annual tax on motorized boats up to 12 feet long. The tax would increase to \$25 for 13- to 16-foot boats, \$75 for 20- to 26-foot boats, \$100 for 20- to 26-foot boats, \$200 for 26- to 40-foot boats, \$350 for 40- to 50-foot boats and \$500 for boats 50 feet or longer.

The excise tax on sailboats would be \$25. Motorized boats that are not operated on Indiana waters, used or docked in Indiana would

See Boat tax, Page B2

### Boat tax

... from Page B1

be charged a \$12 annual excise tax. Owners who use or store their boats in Indiana more than 60 days a year must pay the excise tax.

Boat owners would be given a 25 percent reduction in the excise tax if their boats are between 5 and 10 years old and a 50 percent reduction if the boat is 10 years old or older.

Under the legislation, boat owners would pay the \$5 Department of Natural Resources annual fee, the boat excise tax and the \$8 annual small trailer tax at the Bureau of Motor Vehicles office.

State Sen. John Bushemi, D-

Calumet Township, said the boat excise tax would require all Indiana residents who own boats to pay a uniform tax and would impose a tax on out-of-state residents who keep their boats in Indiana.

But state Sen. Patricia Miller, D-Indianapolis, criticized the legislation because it would impose the same tax on an inexpensive 18-foot aluminum fishing boat with a small motor as on an 18-foot luxury boat costing thousands of dollars.

State lawmakers have considered boat excise tax legislation during several previous legislative sessions.

# Portage may see marina loans

By Jim Masters

Pending state legislation may allow marina development interests in Portage to go after city loans available through the Lake Michigan Marina Development Commission. In the past, the city has declined applying for marina loans, fearing the loss of general obligation bonding power needed to complete all planned phases of the Willowcreek/Crisman Road Project.

However, now marina interests outside city hall, such as the Portage Port Authority and private marina owners/developers, may be able to apply for loans through the marina commission if amended Senate bill 247 becomes law, according to Portage Mayor Sammie Maletta. First, the bill must clear a conference committee.

Presently, there is \$2.28 million in loan money available through April 30, when the application deadline for the 1987-1989 bienium expires.

Hammond Mayor Thomas McDermott announced at the April 14 meeting of the marina commission that his city won't need a loan to pay back the approximately \$1.8 million in state grants it borrowed from Gary and Michigan City to get its marina project underway. McDermott expressed confidence that the now six-city marina commission (Whiting is

new member) will receive at least \$8 million of the \$10 million it requested from the state for the 1989-1991 bienium.

Whiting is not requesting any money for the new bienium.

The marina commission originally sought a \$20 million grant to be split evenly among marina commission members.

In other marina commission news:

 Maletta urged all mayors on the commission to participate in the Great Lakes-St. Lawrence Mayor's Conference May 17-19 in Niagara Falls, Ontario, Canada. He said a 100 percent turnout from Northwest Indiana mayors would be beneficial toward attracting the conference here in 1990 or 1991, as had been proposed. The commission subsequently passed a motion to pay the mayor's travel expenses to the conference.

• Maletta said that Portage's new city engineer, John Hannon, will be meeting with engineers from Midwest Steel this week to discuss the rerouting of a sewer pipeline which spans the Portage-Burns Waterway and obstructs the passage of larger boats. As had been proposed, the pipeline will be removed and a sewer line extended from the lift station near the Izaak Walton League headquarters on Route 249, under Route 12 and up to Midwest Steel, thus allowing its sewage treatment plant at the mouth of the waterway to be eliminated.

• Steve Davis, Lake Michigan expert of the Indiana Department of Natural Resources (DNR), an ex-officio member of the commission, announced that proposals for a fishery study have been sent to 14 universities, although only four have expressed interest and requested applications.

# Waterway dredging imminent

By Jim Masters

If water levels on the Portage-Burns Waterway get any lower than they are now, some of the larger boats could be in jeopardy of running into sand bars, according to a Portage marina owner.

Pete Zak, owner of South Shore Marina, voiced that concern to members of the Portage Port Authority last week.

Board members had to discuss the matter on an unofficial status, however. That's because there weren't enough of them present last Thursday (April 13) to constitute a quorum at the board's regular monthly meeting. The seven-member board meets on the second Thursday of each month at Portage City Hall.

Zak said the water level on the ditch is presently around three feet. If it gets any lower, like it did during last summer's drought, some boats might not be able to navigate up the waterway to Lake Michigan, he said.

The port authority is aware of the problem, and is working to get a dredging project underway. Holding up the project are a

underway. Holding up the project are a dredging permit from the U.S. Army Corps of Engineers, a place to dump the dredged sand and some city funding.

Dan Roszkowski, board chairman, said "a lot of progress has been made" in regards to the dredging project.

Roszkowski said he and the board's attorney, William Suarez, and possibly a representative from U.S. Representative Peter Visclosky's (D-Merrillville) office, will trayel to the Corp of Engineers office in Detroit, Mich., in the next two weeks to personally petition for a dredging purpose.

"From what I hear, that's the best way to do it," said Roszkowski.

He said Visclosky is 100 percent behind the dredging project and is helping expedite the dredge application process.

After determining which areas of the waterway are in the most need of dredging (basically sand bar removal), the port authority will seek permission from a property owners along the waterway to allow sand to be dumped on their land.

"There's a good chance two of the three property owners we've talked to will allow us to dump sand on their land," said Suarez.

Once the dumping site is secured, the port authority will then seek matching funds from the city for the dredging project.

Time is of the essence in this matter, as the official start of the boating season began April 15.

#### LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION FOR MAY MEETING

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BUDGET	BUDGET	BUDGET	AMOUNT PAID	UNPAID	AMOUNT READY	PROJECTED
CODE	CATEGORY	AMOUNT	PREVIOUSLY	BALANCE	FOR PAYMENT	BALANCE
119	PER DIEM EXPENSES	16000.00	0.00	16000.00	0.00	16000.00
311	LEGAL SERVICES	7500.00	1005.99	6494.01	283.33	6210.68
312	NIRPC SERVICES	94000.00	8769.29	85230.71	4289.61	80941.10
323	TRAVEL & MILEAGE	6000.00	0.00	6000.00	0.00	6000.00
331	PRINTING & ADVERTISING	2500.00	0.00	2500.00	0.00	2500.00
341	BONDS & INSURANCE	7500.00	305.00	7195.00	5385.50	1809.50
361	EMERGENCY MAINTENANCE COSTS	3500.00	106.97	3393.03	0.00	3393.03
399	MEETING EXPENSES	3000.00	867.77	2132.23	223.74	1908.49
411	LEGAL SERVICES	50000.00	4560.00	45440.00	2916.00	42524.00
412	PROFESSIONAL SERVICES	100000.00	25943.85	74056.15	2193.20	71862.95
413	LAND PURCHASE COSTS	3607916.00	32442.14	3575473.86	0.00	3575473.86
414	LAND CAPITAL IMPROVEMENTS	150000.00	134.40	149865.60	0.00	149865.60
415	BURNS WATERWAY BREAKWATER	0.00	0.00	0.00	0.00	0.00
416	STRUCTURES CAPITAL IMPROVEMENT	40000.00	0.00	40000.00	0.00	40000.00
417	PROPERTY/STRUCTURES INSURANCE	25000.00	161.00	24839.00	13500.00	11339.00
		4112916.00	74296.41	4038619.59	28791.38	4009828.21

#### CLAIMS READY FOR PAYMENT

JDGET CODE	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
311 312 341 399 411 412 417	LOUIS M. CASALE NIRPC DON POWERS AGENCY, INC. 86TH PLACE RESTAURANT LOUIS M. CASALE NIPSCO MILO VALE & COMPANY VALPARAISO INSURANCE	283.33 4289.61 5385.50 223.74 2916.00 393.20 1800.00 13500.00	ATTORNEY RETAINER FOR APRIL 1989 FOR SERVICES PERFORMED DURING MARCH 1989 COST INCURRED FOR LIABILITY INSURANCE (DIRECTORS) MEETING EXPENSES INCURRED ON APRIL 20, 1989 LEGAL SERVICES FOR LAND ACQUISITION 3-31-89 TO 4-27-89 PUMPING EXPENSES INCURRED FROM 3-15-89 - 4-4-89 SERVICES ON BURNS WATERWAY APPRAISAL ON LCRBDC PROPERTY COST INCURRED TO RENEW LIABILITY INSURANCE ON LCRBDC PROPERTY