MEETING NOTICE

THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
AT 6:30 P.M. THURSDAY, FEBRUARY 1, 1990
AT THE OFFICE OF THE REGIONAL PLANNING COMMISSION
8149 KENNEDY AVENUE
HIGHLAND, INDIANA

AGENDA

1. Call to Order by Chairman Doyle Niemeyer

2. Recognition of Visitors, Guests

3. Approval of minutes of January 4, 1990 meeting

4. Reports of Standing Committees
   A. Finance/Policy Committee - Clyde Baughard, Treasurer
      ● Committee meeting at 6:00 p.m.
      ● Financial status report
      ● Approval of claims for January
      ● Other issues
   B. Legislative Committee - George Carlson, Chairman

Federal issues:
   ● Project sponsor submissions
     ● Financial capability analysis
     ● Signing ceremony interest letter
   ● Issues meeting with Corps/IDNR agencies - January 26th - Chicago
   ● NIRPC staff-Congress staff briefing - January 29-30th

State issues:
   ● State Budget Agency response to Corps re:
     State's project support
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

E. Breakwaters/Marina Committee - Bill Tanke, Chairman
   • NIPSCO
     • Johnson, Johnson & Roy - grading plan/ utilities location
   • Dept. of Natural Resources Council hearing
     Portage permits - channel dredging
     - 3 private marina proposals

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, JANUARY 4, 1990
AT THE COMMISSION OFFICES
8149 KENNEDY AVENUE, HIGHLAND, INDIANA

In the Chairman's absence, Vice-Chairman Doyle Niemeyer called
the meeting to order at 6:35 p.m. Seven (7) Commissioners were
present. Quorum was declared and guests were recognized.

Development Commissioners:              Visitors:
George Carlson                           Jodi Dickey - Lake County
Doyle Niemeyer                           Parks Dept.
Clyde Baughard                           Ola Kennedy - Lake Co. Parks
David Springman                          Board member
Arlene Colvin                            Pete Zak - South Shore Marina
Bill Critser                             Mary Jane Zak - 
Charles Agnew                            Steve Davis - IDNR
                                          Dick Wawryziniak - IDNR

Staff:
Dan Gardner
Lou Casale, Attorney
Sandy Mordus
Bruce Stouffer

A motion was made by Clyde Baughard to approve the minutes of
the January 4th meeting; seconded by Arlene Colvin; motion
passed unanimously.

The Nominating Committee Chairman Chuck Agnew stated that the
committee (John DeMeo, Bill Critser and himself) had met and he
made the following nominations for 1990 officers:

Chairman - Doyle Niemeyer
Vice Chairman - Arlene Colvin
Treasurer - Clyde Baughard
Secretary - William Critser
LCRBDC Minutes  
January 4, 1990  
Page 2  

A motion was made by Chuck Agnew to elect Doyle Niemeyer as Chairman; seconded by Bill Critser; motion passed unanimously.  

A motion was made by Chuck Agnew to elect Arlene Colvin as Vice Chairperson; seconded by Clyde Baughard; motion passed unanimously.  

A motion was made by Chuck Agnew to elect Clyde Baughard as Treasurer; seconded by Arlene Colvin; motion passed unanimously.  

A motion was made by Chuck Agnew to elect Bill Critser as Secretary; seconded by Dave Springman; motion passed unanimously.  

Mr. Niemeyer assumed the position as Chairman. He gave a brief acceptance speech thanking the Commissioners for their trust in him and stating he was looking forward to a promising, busy year with construction scheduled to start in mid-1990.  

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

Ms. Colvin presented the 1990 Operating Budget. She announced the changes: the Administrative budget remains the same as in 1989; two changes were made in the Land Acquisition budget. They were (1) Line #412 Professional/Consultant Services - Increase of $50,000 in order to cover staff charges from the Redevelopment Commission regarding relocation and to cover expenses possibly incurred if an engineering consultant were hired to review Corps work when project begins and (2) Line #413 Land Purchase Costs - amount changes to reflect '89 appropriation funds of $2 million and current land acquisition monies being drawn upon (actual relocation costs will come from this line). Ms. Colvin made a motion to approve the 1990 Operating Budget as presented; motion seconded by Clyde Baughard; motion passed unanimously.  

Ms. Colvin stated the Commission has received the final accounting of the State Board of Accounts audit report for years 1987 and 1988. Audit comments listed were to record investment rollovers and preference made on using State Brd. of Accounts check and receipts. No outstanding findings were recorded.
Legislative Committee - Committee Chairman George Carlson referred to the letter contained in packet to Col. Franco indicating the Development Commission's commitment to the signature of the revised Local Cooperation Agreement (November, 1989 version).

Mr. Gardner informed the Commission that he is preparing and will be mailing the LCRBDC financial capability analysis to the Corps. This is a document the Corps is requesting; it will accompany the LCA to Washington.

Staff will also be coordinating a contract signing/groundbreaking ceremony for construction start. Mr. Gardner is suggesting the signing take place here rather than Washington. Since the first phase construction will begin in Gary, a logical place would be the I.U. conference center in Gary. The Vice President, Senators, Congressman, legislators, county commissioners/council, county offices, mayors and public officials, DNR, other interested agencies/persons plus all news media will be invited. Coordination with Evelyn Shealy of the Corps will be ongoing and a date and time will be scheduled shortly.

Mr. Gardner stated that through the entirety of the project, an escrow bank account will be set up with the Corps. The Finance Committee will oversee this - banks will be solicited for best rates (the same procedure that we now follow).

Land Acquisition/Management Committee - Committee Chairman Chuck Agnew reported that a clerk's deed has been received relative to the ownership of the Erie R.R. bridge at Indpls Blvd. The bridge is now in the Development Commission's ownership. Staff will contact city of Hammond and schedule a Basin Commission meeting to pursue the removing of piers under the bridge to allow for better flow.

Attorney Lou Casale informed the Commission that although he has talked to Keith Eller's attorney twice, we still do not have a signed lease with him. Mr. Agnew made a motion that if the lease is not signed on or before February 1, we will assume that Keith Eller does not wish to lease the property for 1990; motion seconded by Clyde Baughard; motion passed unanimously. Attorney will send letter to that effect with copy to his attorney.

Mr. Agnew made a motion to reject the only bid that was received on the farm land lease at 35th & Grant. The bid was for $4,446 which is more than $3,500 less than was previously received for that property. Motion was seconded by Clyde Baughard; motion passed unanimously.
Mr. Agnew made a motion to approve the monies for the multi-purpose building at Lake Etta up to $111,208; payment contingent upon signing of contract with JMA, Inc. of Griffith. Since the Lake County Park Dept. has consented to building the maintenance building themselves (with the Commission paying for cost of material, estimated to be about $10,000), it allows more money to go toward the building of the multi-purpose building. Motion was seconded by Clyde Baughard; motion passed unanimously.

Breakwaters/Marina Committee – In Committee Chairman William Tanke’s absence, Dan Gardner gave the report. He stated that there were three marina permit applications before the DNR at present. The Portage Port Authority also has a dredging permit application before them. Mr. Gardner will be attending the DNR hearing regarding the approval of these permits. Although the Development Commission is on record stating it is supportive of private marina development in the Portage-Burns Waterway (as long as it is consistent with waterway capacity, adequate safety and maintenance provisions and applicable environmental considerations), it needs to be pointed out that the Commission is committed to providing a ±300 slip public access marina facility. Mr. Gardner is also discussing the issue with Richard Carlson from the Corps so he is aware of the situation.

Mr. Gardner stated he has met with NIPSCO staff and there are still some concerns they have. He will be contacting JJ&R to schedule another meeting with them, NIPSCO and himself.

Mr. Gardner also is in contact with the union officials obtaining approval, working to allow the U.S. Marine Corps Reserve Unit to remove the sand on the marina site.

Mr. Gardner announced that Jerry Pagac is assuming a new position as Director of Indiana State Parks. It is not known at this time who will be his replacement.

Doyle Niemeyer congratulated Arlene Colvin on her re-appointment to the Commission by the city of Gary. Her new term will be for four years.

There being no further business, the meeting was adjourned at 7:10 p.m.

The next meeting date was scheduled for February 1, 1990.
CASH POSITION - JANUARY 1, 1989

Checking Account
- Land Acquisition $17,248.62
- General Fund $21,502.53
- Tax Fund $1,126.60
- Investments $896,500.00

Total $936,377.75

RECEIPTS: JANUARY 1, 1989 - DECEMBER 31, 1989

Lease Rents $47,476.70
Interest 80,912.84
Land Acquisition 176,200.61
Taxes 649.07

Total $305,239.22

DISBURSEMENTS: JANUARY 1, 1989 - DECEMBER 31, 1989

1988 Expenses paid in 1989 $15,117.87
Taxes 471.55
Per Diem 3,540.00
Legal Services 3,283.30
NIRPC 44,049.12
Travel & Mileage 1,309.50
Printing & Advertising 248.31
Bonds & Insurance 5,702.50
Emergency Maintenance Costs 106.97
Meeting Expenses 2,030.22
L/A Legal Services 20,348.20
L/A Professional Services
  (a) Appraisal Services 22,630.00
  (c) Engineering 12,566.51
  (d) Land Purchase Contractual 12,348.81
  (e) Operational Contractual 22,816.25
  (f) Market Economic 9,950.00
L/A Land Purchase Cost 53,007.16
L/A Land Capital Improvements 3,756.90
L/A Insurance 15,646.90

Total Disbursements: $248,930.07

CASH POSITION - DECEMBER 31, 1989

Checking Account
- Land Acquisition $19,369.97
- General Fund 55,692.86
- Tax Fund 1,124.07
- Investments 916,500.00

Total $992,686.90
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January 16, 1990

Mr. Paul Benkowski, Chief
Real Estate Division
U. S. Army Corps of Engineers
River Center Building
111 N. Canal Street
Chicago, IL 60606-7206

Dear Mr. Benkowski:

I am writing you regarding the intentions of the Little Calumet River Basin Development Commission in respect to the signing ceremony to initiate construction for the Little Calumet River Flood Control/Recreation Project in Indiana. The Development Commission has forwarded to the Corps by letter dated December 14, 1989 the board resolution indicating the willingness of the Commission to sign the Local Cooperation Agreement. Subsequent, the Development Commission "Financial Capability Statement" was submitted on January 11, 1990. The Development Commission, by these acts, is committed to ensuring a projected May signing ceremony.

Following is a summary of the intentions of the Commission as to the ceremony to date:

CEREMONY LOCATION: Northwest Indiana location benefited by project. Leading candidate site – Indiana University Northwest Campus, Gary Conference Center.

SPONSOR INVITED GUESTS:
Vice President Dan Quayle
Senators Richard Lugar and Dan Coats
Congressman Peter Visclosky
Governor Evan Bayh
Indiana Dept. of Natural Resources Director – Patrick Ralston
Indiana General Assembly – Budget Committee leadership
Northwest Indiana Senate and House members
(6 Senators members – 14 House members)
Mr. Paul Benkowski  
January 16, 1990  
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SPONSOR INVITED GUESTS (Cont'd):
Mayor Thomas Barnes, Gary  
Mayor Tom McDermott, Hammond  
Town Council Presidents of Munster, Highland and Griffith  
Lake County Commissioners and Council and Surveyor  
Area Chambers of Commerce  
Local environmental support groups (Izaak Walton League, Salmon Unlimited, etc.)  
Area business leaders  
Project supporters

Initial contact has been made with the Senators, Congressman and State leadership. The Commission envisions a press conference following the signing ceremony with remarks by officials attending. A short reception will follow at the conference center.

These are the intentions of the Development Commission. We look forward to working with the Corps of Engineers to coordinate the arrangements to accommodate Mr. Page or other designated representatives of the Secretary's Office. Please call if you require any other information.

Sincerely,

[Signature]

Dan Gardner  
Executive Director

/sjm
January 18, 1990

POSITION STATEMENT

The Little Calumet River Basin Development Commission, the non-federal project sponsor with the U.S. Army Corps of Engineers breakwaters construction project at the mouth of the Portage-Burns Waterway, wishes to offer these comments relative to the permit requests before the Indiana Department of Natural Resources.

The Development Commission wishes to point out that through the State of Indiana's funding commitment of $1,768,800 as 50% share of the breakwater construction costs, the Corps of Engineers Section 107 program requires the construction of a ±300 slip public access marina facility with appropriate public launch lanes, transient slips, and support facilities. Toward this end, the Development Commission has acquired an 18 acre site directly south of U.S. Highway 12 and east of the waterway for public marina development. The Development Commission is working with the city of Portage and the Lake Michigan Marina Development Commission to bring necessary utilities to the site and prepare it for development. It is the intention of the Development Commission to solicit for a private developer to construct, manage and maintain a public use marina facility on a long term lease basis on the public land. This public marina requirement dictates the need to reserve 300 slips for public use/development in the permitting allotments for the Portage-Burns Waterway. Any calculations of safety or development capacities needs to account for this State of Indiana commitment to public use/development in Portage.

The Development Commission is supportive of private marina development in the Portage-Burns Waterway consistent with waterway capacity, adequate safety and maintenance provisions and applicable environmental considerations. The Development Commission offers its support and participation in any efforts to resolve any outstanding issues regarding waterway development.
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Chairman: Doyle Niemeyer

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**ADDITIONAL CLAIMS READY FOR PAYMENT**

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<th>VENDOR NAME</th>
<th>AMOUNT</th>
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<td>ROBERT B. STOUFFER</td>
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<td>METZ APPRAISALS</td>
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<td>APPRAISAL SERVICES RENDERED ON TOLLESTON CLUB PROPERTIES</td>
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**TOTAL AMOUNT TO BE PAID** $103,170.59
Don't forget -
Corpa to be here at 10:00 tomorrow. Want to know "right justified" properties.
26 January 1990

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

Re: Corps of Engineers Correspondence

Dear Dan:

I enclose a copy of the letter from Frank Sullivan, Jr. to David Wallin (the Regional Economist for the Chicago District of the Corps of Engineers), concerning the State's financial condition, together with the Appendix referred to in Mr. Sullivan's letter.

It was a pleasure for me to work with you. The background materials you forwarded to me proved to be most useful.

Please call me if the State Budget Agency may be help.

Sincerely,

Mark S. Moore
January 25, 1990

Mr. David Wallin  
Regional Economist  
Department of the Army  
Chicago District, Corps of Engineers  
Economics Analysis Branch  
111 North Canal Street  
Chicago, Illinois 60606-7206

Re: Little Calumet River Basin Development Commission

Dear Mr. Wallin:

This letter is in response to your request to my Deputy, Mark S. Moore, for information about the present financial condition of the State of Indiana. As I understand it, under the applicable Corps Engineering Circular, you are required to provide a "non-Federal sponsor's statement of financial capability . . . and the district commander's assessment of the non-Federal sponsor's financial capability" for the Little Calumet River, Indiana Local Flood Protection and Recreation Project.

You understand, of course, that the non-Federal sponsor of the Little Calumet River Project is the Little Calumet River Basin Development Commission, a public body corporate and politic, separate from the State. (The Development Commission was created pursuant to an Act of the General Assembly of the State, which is codified at I.C. 14-6-29.5-1 et seq.) As such, the Development Commission's obligations (including any bonds the Development Commission may issue) are not those of the State or of any political subdivision of the State. However, the State has appropriated moneys to the Development Commission in each of the State's budget biennia since 1975. In some instances, the appropriation has been made from cigarette taxes, in other instances from the General Fund and, most recently, from the Build Indiana Fund (which is funded with surplus Hoosier Lottery revenues).
Under the Indiana constitution, the State cannot incur debt except for certain limited and specific purposes. Therefore, the present General Assembly cannot bind future General Assemblies to appropriate moneys to the Development Commission for the Little Calumet River Project. To do so would create an unconstitutional debt.

That being said, I want to assure you that the present financial condition of the State is strong. I have enclosed the latest draft of Appendix A to the Preliminary Official Statement for the approaching State Office Building Commission bond issue which provides detailed information about the past and present financial condition of the State—and my Agency's projections of revenues and expenditures during the next biennia. (I understand that my Deputy provided an earlier draft of the Appendix to you.)

Based upon the present financial condition of the State and the projections contained in the Appendix, it would appear that sufficient moneys would be available to permit future General Assemblies to continue to appropriate moneys to the Development Commission for the Little Calumet River Project if they desired to do so. Furthermore, the Bayh Administration strongly supports the work of the Development Commission and the Little Calumet River Basin Commission.

Sincerely,

[Signature]

Frank Sullivan, Jr.