

800 adj. Sandy

Little Calumet River Basin Development Commission

8149 Kennedy Avenue Highland, Indiana 46322 (219) 923-1118

ARLENE COLVIN, Chairperson:
Mayor of Gary's
Appointment

GEORGE CARLSON, Vice-Chairman:
Mayor of Hammond's
Appointment

CLYDE BAUGHARD, Treasurer
Governor's Appointment

WILLIAM CRITSER, Secretary
Governor's Appointment

CHARLES AGNEW
Governor's Appointment

NATHANIEL LEONARD
Lake County Commissioners'
Appointment

STEVE DAVIS
Dept. of Natural Resources'
Appointment

JOHN DEMEO
Governor's Appointment

DAVID SPRINGMAN
Governor's Appointment

WILLIAM TANKE *absent*
Porter County Commissioners'
Appointment

VACANCY
Governor's Appointment

DAN GARDNER
Executive Director

MEETING NOTICE NOTE: DATE CHANGE

THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION (August mtg.)
AT 6:30 P.M. WEDNESDAY, JULY 31, 1991
AT THE OFFICE OF THE
REGIONAL PLANNING COMMISSION
8149 KENNEDY AVENUE
HIGHLAND, INDIANA

800
black jacket
gold blouse
black shoes
flowered pants

A G E N D A

Pages

1. Call to Order by Chairperson Arlene Colvin
2. Recognition of Visitors, Guests
3. Approval of minutes of July 3, 1991
4. Executive Director's Report

1-4

- Status of procurement of project engineering firm
- Demolition contract awarded
1st phase construction segment currently being
advertised by Corps - Proposals due in 8/15/91
- Meeting to be held in Indpls. with SEMA re:
Wicker Park Manor levee

5-7

8-9

5. Reports of Standing Committees

- A. Finance/Policy Committee - Clyde Baughard,
Treasurer

- Financial status report
- Approval of claims for July, 1991
- Other issues

10

11

Domini Moss
Pete Mark
Mike VanderKam
Paul Hoffman
Mike Plunk
Edith Root
Warrington
Wm. Leets
Huffman
fax copy sent to Domini

B. Legislative Committee - George Carlson, Chairman

- State Budget Committee meeting has not been scheduled
Request is in for Commission to appear on agenda for
approval of release of \$2 million from '87 General
Assembly appropriation
- Other issues

C. Interim Flood Relief Projects Report - Clyde
Baughard, Chairman

- Conrail R.R. culverts project:
Three bids received on Conrail culverts project
George J. Beemsterboer - \$515,000
Dyer Construction Co. - \$341,000
Superior Construction Co. - \$360,600
Recommend Action
- Status of Erie R.R. bridge debris removal
- Status of Indianapolis Blvd. bridge cleaning -
State Highway responsibility
- Other issues

D. Land Acquisition/Management Committee - Charles Agnew,
Chairman

- Committee meeting at 5:30 p.m.
Appraisals, offers, acquisitions, recommended
actions
- Maintenance firm contract to be awarded
Interlocal Agreement between LCRBDC/Lake Co. Parks
re: Deep River Park use
- Other issues

E. Breakwaters/Marina Committee - Bill Tanke, Chairman

- Sandmining permit in hand - Contract with Superior/
Dyer signed
- Status on Joint Venture Agreement between LCRBDC and
city of Portage for public marina development
- Other issues

6. Statements to the 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. WEDNESDAY, JULY 3, 1991
AT THE COMMISSION OFFICES
8149 KENNEDY AVENUE, HIGHLAND, INDIANA

- - - - -

Chairperson Arlene Colvin called the meeting to order at 6:30 p.m. Nine (9) Commissioners were present. Quorum was declared and guests were recognized.

Development Commissioners:

Arlene Colvin
George Carlson
William Critser
Clyde Baughard
Charles Agnew
Dave Springman
Nathaniel Leonard
Steve Davis
Bill Tanke

Visitors:

Pete Zak - South Shore Marina
Dick Wawrzyniak - DNR
Tim Zorn - Post Tribune

Staff:

Dan Gardner
Lou Casale, Attorney
Bruce Stouffer
Sandy Mordus
Dave Stratman
Betty Burrus

A motion was made by Clyde Baughard to approve the minutes of the June 6th meeting; motion seconded by Bill Critser; motion passed unanimously.

Executive Director's Report: Mr. Gardner reported that the committee met to review the proposals received from engineering firms relative to the Commission's selection of a project engineer to oversee Corps construction of the levees. Out of the ten proposals received, four (4) firms were selected for final review. Those four firms are: R.W. Armstrong from Merrillville; Butler, Fairman and Seufert from Merrillville; Cole Associates from Merrillville; and McDonough Associates from Hammond. The next step in the selection process is to have the committee meet individually with the four firms. They will have about 20 minutes each with each firm - the interviews will start at 6:00 p.m. on July 10. Staff will schedule.

/

Mr. Gardner reported he attended a meeting with the State Highway Department on June 18th. He happily reported that the Indianapolis Bridge construction over the river will be on the 1992 project list for the Highway Dept. rather than in 1995 which was originally scheduled. The Commission was always maintained that the bridge reconstruction and the Indianapolis Blvd. interchange reconstruction needs to be coordinated and performed at the same time. Mr. Gardner also reported that the Highway Dept. feels the responsibility of reconstructing the culvert at Georgia St. under the Borman lies with the city of Gary. Research is underway.

Mr. Gardner reported that the State Highway Dept. has gotten quotes from contractors for the cleaning of Indianapolis Blvd. bridge at the river. Since the quotes were quite high, the Dept. is considering possibly doing the work themselves. They are scheduling an inspection. Mr. Gardner stressed to them the high priority of removing debris from the bridge.

Mr. Gardner informed the Commission that it has been reported that some Corps offices would be closing. Concern is that if Chicago office would close, the closest office that would coordinate the project would be New Buffalo. Mr. Baughard made a motion to adopt a resolution supporting the continuation of the Chicago District office; motion seconded by Charles Agnew; motion passed unanimously. The resolution would be sent to the Congressman, Senators and to the Corps offices.

Mr. Gardner informed the Commission that at 10:30 Friday, July 5th at I.U. Northwest, the Corps and the selected contractor that will be doing the second demolition project will sign a contract to allow demolition to proceed.

Finance/Policy Committee - Treasurer Clyde Baughard presented the financial status report for June as well as the claims. He made a minor change to the claim sheet - changing the amount of \$400 to \$450 for William Tanke for per diem. Mr. Baughard made a motion to approve the pending claims; motion seconded by William Critser; motion passed unanimously. Mr. Tanke questioned the claim to Carpetland for \$1,525.82. He was informed the cost was for floor tile (originally it was concrete) in the maintenance building at Lake Etta.

Legislative Committee - Committee Chairman George Carlson reported that the 1991/93 biennium budget has been approved for the Development Commission for \$2 million.

Mr. Gardner referred to the news article in the packet that lists the budget items passed by the House of Representatives. In it lists \$400,000 for a levee to prevent flooding of Wicker Park Manor in Highland. Mr. Carlson questioned the wisdom of raising one side of the levee but not the other side. He felt that the protection that was sought for Highland by raising the levee on just the Highland side would increase the risk of floodwater flowing over the levee into Hammond on the Hammond side. Mr. Gardner stated that the DNR and the Corps must certify that there will be no impact or negative effect.

Interim Flood Committee - Committee Chairman Clyde Baughard reported that the Conrail culverts replacement project has been rebid. Advertisements are now running and bid opening date is scheduled for July 25th at 2:00 p.m. the change that was made to the bid specs is that the concrete bedding placed over peat material was eliminated and now calls for excavation of the peat down to clay and backfilled with suitable material.

He further reported that quotes have been received on the Erie R.R. bridge cleaning - both for removing entire bridge, removing piers only and just cleaning under bridge. The four quotes received for debris removal only were:

Clark Material Handling	\$2,500
Lyles & Sons Excavating	\$8,000
Reagins Demolition & Excavating	\$3,321
South Shore Marina	\$2,175

Mr. Baughard made a motion to award the contract for cleaning under the Erie bridge to South Shore Marina; motion seconded by Chuck Agnew; motion passed unanimously. Motion contingent upon Commission approval of where debris will be disposed and repair must be made to the levee if any damage occurs.

Land Acquisition Committee - Committee Chairman Chuck Agnew reported that an INDOT departmental transfer needed to be in place before first phase levee construction could begin. INDOT is requiring a resolution from the Commission before that agreement can be drawn up. Attorney Casale briefly read the resolution he prepared. Mr. Agnew made a motion to adopt the resolution; motion seconded by Clyde Baughard; motion passed unanimously.

LCRBDC Minutes
July 3, 1991
Page 4

Mr. Gardner reported that a meeting was held between Wicker Park/Woodmar C.C./Corps officials in order to work out an agreeable solution to levee alignment. Another work session will be scheduled to answer alignment questions. A meeting with the Corps also took place this month regarding land acquisition right-of-way. The Commission asked the Corps that at least 3 - 6 months notice for acquisition for future construction phases be given. Mr. Stouffer stated that as late as two weeks ago, the Corps informed us that perpetual easements were needed from NIPSCO. NIPSCO is agreeable and will work with us but with the time factor involved before the 1st phase construction contract is awarded, there is not much time for the legalities.

Mr. Gardner reported that the DNR permit for construction should be issued shortly.

Marina Committee - Committee Chairman Bill Tanke stated that the sandmining permit has been approved at the Portage Public Works meeting just held. Mr. Casale stated he had drawn up a contract for Dyer/Superior to sign; Superior has the contract now for review.

Mr. Tanke instructed staff to keep a separate account of all monies spent by Commission relative to the public marina site. When a joint agreement is signed by the city of Portage and the Development Commission, monies expended by this Commission will be reimbursed by the city upon completion and operation by the city. Mr. Tanke reported that the attorney has presently submitted a re-draft of the Joint Venture Agreement with the city of Portage and the Commission for the development of the public marina facility.

Mr. Tanke referred to a letter from the city of Portage Port Authority requesting the Commission's share in the cost of preparation of the Environmental Assessment of the cumulative impacts of proposed dredging and development along Burns Waterway in Portage. The Commission's share is \$8,802.50. Mr. Tanke made a motion to approve payment of the \$8,802.50 & forward the check to the city; motion seconded by Clyde Baughard; motion passed unanimously. Vacation of roadway is proceeding.

Mr. Gardner reminded Commissioners about Kennedy Avenue interchange closing.

Statements to the Board from the Floor - None

There being no further business, the meeting adjourned at 8:00 p.m. The next meeting date was set for August 1, 1991.

4



Working For You!

C O N G R E S S M A N

PETE VISCLOSKY

News Release

1st Congressional District

Indiana

FOR IMMEDIATE RELEASE
July 5, 1991

Contact:
Jeff O'Mara
(202)225-2461

VISCLOSKY ANNOUNCES GARY FIRM WINS LITTLE CAL CONTRACT

WASHINGTON --- Rep. Pete Visclosky announced at a Friday, July 5, signing ceremony that Ramirez and Marsch, Inc., of Gary, has been awarded a construction contract for the Little Calumet Flood Control and Recreation Project.

"I congratulate Ramirez and Marsch for winning this contract," Visclosky said. "I'm elated that a local company will benefit from this vital project that benefits all of Northwest Indiana."

Ramirez and Marsch Inc. won a U.S. Army Corps of Engineers contract totaling \$83,199 for demolition and removal of debris and structures on 12 tracts of property in the Black Oak section of Gary, north of the Little Calumet River and east of Clark Street. This work will allow the area to store floodwaters after a levee system is constructed in a later phase of the Little Calumet Project.

"The Little Calumet Project will bring peace of mind and economic vitality to areas whose productivity has been drowned by the waters of the Little Calumet," said Visclosky.

Work on the entire \$92.3 million project is scheduled for completion in September, 1996. When completed, the project will provide flood protection for 9,500 acres and more than 8,930 structures including homes, businesses, Indiana University Northwest and Purdue Calumet.

"The flood protection will eliminate the need for expensive flood insurance for each of these structures," Visclosky said. "In addition to flood control benefits, the project will create a 2,900 acre park along the river and preserve 950 acres of wetlands and natural areas."

Visclosky won the Little Cal Project congressional authorization by including it in the Water Resources Development Act of 1986. He then successfully secured the project's initial appropriation of \$2.4 million for Fiscal Year (FY) 1990. Visclosky has also received \$3.39 million for FY 1991.

Little Cal flood project proceeds

By Tim Zorn

Staff writer

GARY — In a \$92.3 million project, an \$83,000 contract isn't much.

But the contract signed Friday by representatives of a small Gary firm and the U.S. Army Corps of Engineers signals an important step in the long-awaited Little Calumet River flood control project in Lake County, officials said.

"The project is finally here in reality," said Dan Gardner, executive director of the Little Calumet River Basin Development Commission. "The dollars are being spent for posi-

tive, tangible things."

Ramirez and Marsch Inc., a Gary firm formed only four years ago, signed an \$83,199 contract Friday to demolish eight buildings and clear 12 properties in Gary's Black Oak area, as part of the overall Little Calumet project.

The firm will work in an area between Clark and Chase streets, north of the river.

The properties to be cleared there have been acquired by the Little Calumet River Basin Development Commission, the state agency working with the Corps on the project.

Later, that area will become part of a flood-

way that will hold the river's water when the Little Calumet rises over its banks. Levees to be constructed by Corps-hired contractors will hold the water in the floodway.

Col. Randall Inouye, district engineer in the Corps' Chicago office, said the Corps hopes to award a \$500,000 contract this fall to build the first new levee, between Harrison Street and Broadway.

The Little Calumet project, which will stretch from Gary to Munster, involves building 9.7 miles of new levees and replacing 9.5 miles of existing levees along the shallow,

See Little Cal, Page B2

Little Cal

From Page B1

flood-prone river.

Levee construction is scheduled through September 1996.

Recreational facilities, including boat ramps, fishing piers and bird-watching platforms, also are to be built along the river.

The project's planning began in 1965. In August 1990, the Little Calumet Commission and the Corps signed a contract allowing the construction process to begin.

Friday's contract was the second awarded in the past year.

The first, in September 1990, was a \$12,500 demolition contract with Reagins Demolition and Excavation, of Gary, to remove three buildings in Black Oak.

But the contract with Ramirez

and Marsch was the first arranged through a Small Business Administration (SBA) program designed to help small, minority-owned businesses be more competitive in bidding for larger jobs.

The Urban League of Northwest Indiana, the Minority Business Development Center and the Greater Gary Association of Contractors co-operated in the SBA program.

"I hope it's the beginning of many other opportunities for contractors in the area," said Arlene Colvin, who chairs the Little Calumet River Basin Development Commission.

Gardner said the Little Calumet Commission and the Urban League have had several workshops for contractors interested in working on the flood-control project.

"People in the area take a much greater ownership of the project when they work on it," he said.

Bill approves flood control project funds

Post-Tribune staff report

A bill approved Wednesday by the U.S. Senate includes money for two Lake County flood control projects, Republican Sen. Dan Coats' office announced.

The energy and water bill has \$6.5 million for work along the Little Calumet River and \$170,000 for the Cady Marsh Ditch in the 1992 fiscal year.

It also contains money for water projects in Porter and LaPorte counties.

A similar measure passed the U.S. House earlier this year, so both bills now will go to a conference committee where differences will be resolved before a final version is voted on.

The money for the Little Calumet River is part of a project, estimated to cost \$92.3 million when completed in 1996, that includes building new levees and water retention areas along the Little Calumet from Gary to Munster.

Last week, the U.S. Army Corps of Engineers and a Gary contractor signed contracts to begin demolishing some houses in the floodway. Later this year, a Corps official said, a levee construction contract could be awarded.

The Cady Marsh Ditch money is for continued studies of a plan to relieve flooding along the ditch that runs from Calumet Township to Highland.

Lake County officials also might ask that the Cady Marsh Ditch studies also examine the basement flooding that has plagued unincorporated Calumet Township since January; a drainage official said this week.

Operation and maintenance funds in the energy and water bill include \$701,000 for repairs at Burns Waterway Harbor; \$535,000 for a disposal site at Indiana Harbor; \$138,000 for surveys of the breakwater and sediment at the Michigan City harbor; \$122,000 for studies at the Burns Waterway small-boat harbor; and \$22,000 to monitor retaining walls in Beverly Shores.

The House bill had a larger appropriation for the Cady Marsh Ditch work and \$330,000 to remove sediment from Hobart's Lake George.

Wicker Park dike awaits state funds

By RADA INDJICH

Times Staff Writer

HIGHLAND — Although the state legislature has appropriated \$400,000 to reinforce the dike surrounding the Wicker Park Manor subdivision, officials are still waiting to find out if the State Budget Agency will cut the check.

If the state issues the money, the federal government will match the amount with \$250,000 for a total of \$650,000, said Alden Taylor, public information officer for the State Emergency Management Agency.

But the catch is that the appropriation is to come from lottery proceeds, known as the Build Indiana Fund, and the legislature also has earmarked other appropri-

See WICKER, Page B-2

Wicker

Continued from Page B-1

ations from that fund.

"We appropriated the money," explained Rep. John Matonovich, D-Hammond, "but the State Budget Agency really prioritizes the projects to be funded (from Build Indiana), and there might not be enough money in that fund to appropriate all the projects."

The subdivision, which is next to the Little Cal River near Indianapolis Boulevard and 81st Street, was devastated by a flood in late November that left hundreds homeless.

Since then, officials have mulled raising the dike to meet federal regulations, which means

the possibility of another flood would be nearly nil.

The Indiana Department of Natural Resources determined through a feasibility study that the dike can withstand an additional two feet of sheet metal piling or the addition of two feet of earth to raise it to federal standards.

IDNR officials had estimated the cost as ranging from \$650,000 to \$1 million.

Taylor said the IDNR now is conducting an engineering study.

"This study will nail down the exact cost of the project," he said. "At this point, we know it can be done, but now we have to find out if it can be done with the budget of \$650,000."

The Times
Thursday,
July 18, '91

Highland waits for levee project funding

By Tim Zorn

Staff writer

HIGHLAND — More than two weeks ago, Highland officials expected to hear whether the state could build up the Little Calumet River levee and provide better flood protection in their town.

They're still waiting.

So are people who want to repair heavily damaged homes or build new ones in Wicker Park Manor, the Highland neighborhood that was flooded by the Lit-

tle Calumet River last November.

"I know there's a lot of people waiting to hear what is going to happen," Highland building inspector Ken Mika said Tuesday.

His office gets calls nearly every day from people who want to know about the levee project, which — if it were carried out — would improve property values in Wicker Park Manor and allow people to build there without flood plain restrictions.

The project, proposed earlier this year by state officials, would

The levee project would improve property values in Wicker Park Manor and allow people to build there without flood plain restrictions.

include strengthening and raising the levee on the Little Calumet River's south bank and installing a floodgate near the Indianapolis Boulevard bridge.

At a meeting between High-

land and state officials last month, the state officials said funding was the only remaining question about the project. They said they'd know about the funding around July 1.

This week, however, state officials said the delay could take several more weeks because the money — although appropriated — is still tied up in the state's spending approval process.

Before adjourning last month, the Indiana General Assembly appropriated \$400,000 for the Highland levee project; another \$245,000 is available from the federal government.

But the state's \$400,000 is supposed to come out of the Build In-

See Levee, Page A10

Levee

From Page A1

Indiana fund, which comes from Hoosier Lottery proceeds. And the state Budget Agency, which must approve all spending, doesn't have a plan yet for allocating that money.

Garland E. Ferrell, the Budget Agency's deputy director, said the legislature appropriated about \$100 million worth of Build Indiana pro-

jects. But the state expects to collect only \$75 million for Build Indiana in the next two years.

"They just over-appropriated, and they know they did," Ferrell said, speaking of the legislators.

The Budget Agency now is trying to figure out a method for funding the projects that the legislature wanted.

"Maybe we ought to have a lottery on these projects," Ferrell said, joking.

The Highland levee isn't the only Northwest Indiana project awaiting a Budget Agency decision.

Among others in line are proposals for new South Shore Line railroad cars, a fish hatchery in Hammond, a new 93rd Avenue overpass in Merrillville and a National Civil Rights Hall of Fame in Gary. The total comes to more than \$16 million.

Build Indiana projects that aren't funded this year remain alive; they have a four-year shelf life before

their authorization runs out.

If the Highland levee were built up, federal and state officials have said, Wicker Park Manor would no longer be in a flood plain. All the flood plain-related restrictions against building new structures or rebuilding heavily damaged houses there would be removed.

Also, approximately 100 Wicker Park Manor families no longer would be eligible for a federal pro-

gram to buy their flood-damaged properties. Federal buyout monies are available to people who had flood insurance and live in a flood plain.

A Federal Emergency Management Agency official has said that the Wicker Park Manor buyout, if approved, would cost the federal government about \$4 million, and that it would be the largest single appropriation ever made from that program.

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

MERCANTILE NATIONAL BANK

JANUARY 1, 1991 - JUNE 30, 1991

CASH POSITION - JANUARY 1, 1991

CHECKING ACCOUNT		
LAND ACQUISITION	\$	190,340.89
GENERAL FUND		117,719.92
TAX FUND		1,792.04
INVESTMENTS		<u>916,500.00</u>
		\$1,226,352.85

RECEIPTS - JANUARY 1, 1991 - JUNE 30, 1991

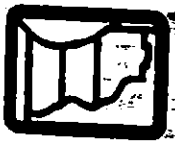
LEASE RENTS	\$	9,647.73
INTEREST		41,438.56
LAND ACQUISITION		248,269.47
TAX FUND		1,592.07
MISCELLANEOUS		1,849.31
LITTLE CALUMET RIVER BASIN FUNDS		<u>211,786.43</u>
TOTAL RECEIPTS		\$ 514,583.57

DISBURSEMENTS - JANUARY 1, 1991 - JUNE 30, 1991

1990 EXPENSES PAID IN 1991	\$	17,995.93
ADMINISTRATIVE SERVICES		
LEGAL SERVICES		1,476.65
NIRPC		23,345.61
TRAVEL & MILEAGE		257.28
PRINTING & ADVERTISING		256.19
BONDS & INSURANCE		317.50
MEETING EXPENSE		763.75
L/A PROFESSIONAL SERVICES		
LEGAL SERVICES		11,334.00
APPRAISAL SERVICES		3,580.00
ENGINEERING SERVICES		840.00
LAND MANAGEMENT SERVICES		13,512.30
OPERATIONAL SERVICES		38,106.70
LAND PURCHASE CONTRACTUAL SERVICES		13,466.63
MISCELLANEOUS EXPENSES		527.43
L/A PROPERTY/STRUCTURES		
PROPERTY & STRUCTURES ACQUISITIONS		123,080.27
MOVING & RELOCATION		29,755.00
TAXES		4,487.59
PROPERTY STRUCTURE INSURANCE		<u>14,535.50</u>
TOTAL DISBURSEMENTS:		\$ 297,638.33

CASH POSITION - JUNE 30, 1991

CHECKING ACCOUNT		
LAND ACQUISITION	\$	195,783.59
GENERAL FUND		19,470.71
TAX FUND		257.36
INVESTMENTS		<u>1,227,786.43</u>
		\$1,443,298.09



**NORTHWESTERN INDIANA
REGIONAL
PLANNING COMMISSION**

8149 Kennedy Ave.
Highland, Indiana 46322

219-923-1060
312-731-2646

DATE: JULY 12, 1991

ORGANIZATION:

LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION

CONTRACT NO: P1.06

CONTRACT CODE: 952.

PROJECT:

FOR SERVICES PERFORMED DURING JUNE, 1991

INVOICE NO: 6/6

I N V O I C E

SALARIES AND FRINGE BENEFITS: DAN GARDNER & SANDY MORDUS	\$ 5,000.00
ROOM RENTAL FOR ADDITIONAL LCRBDC STAFF	375.00
ACCOUNTING SERVICES	150.00
TELEPHONE: LOCAL SERVICE	90.00
TELEPHONE: BILLABLE CHARGES (ATTACHMENTS)	124.32
POSTAGE	83.85
COPYING CHARGES @ \$.05 PER COPY	111.95
GRAPHICS/PRINTING TIME @ \$18.00 PER HOUR (ATTACHMENTS)	27.00
STAFF MILEAGE/EXPENSES	15.84
OTHER CHARGES (ATTACHMENTS)	-0-
TOTAL JUNE, 1991	5,977.96
OUTSTANDING PAYMENT DUE	-0-
TOTAL PAYMENT DUE	5,977.96



STATE OF INDIANA

EVAN BAYH - GOVERNOR
JEROME M. HAUER - DIRECTOR
INDIANAPOLIS, IN 46204-2258

Room 315, State Office Building
(317) 232-3980

July 26, 1991

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

Dear Mr. Gardner:

As you are aware the State of Indiana and FEMA have been exploring the feasibility of a levee project to solve the problems in the Wicker Park Manor area of Highland. We are now at a point that all of the concerned parties need to meet to review and discuss certain critical issues such as funding sources and integration of this levee into the planned Army Corps of Engineers project.

I would like to invite you to a meeting at 11:00 a.m. on August 9, 1991 at the Indiana Government Center South, Room C047, in Indianapolis, Indiana.

Your attendance is important for the success of this project.

I look forward to seeing you on August 9th.

Sincerely,

JEROME M. HAUER
DIRECTOR
STATE EMERGENCY MANAGEMENT AGENCY AND
OFFICE OF FIRE AND BUILDING SERVICES

JMH/cal

*We're testing
a dead house
again.*

City OKs Fabian sand-mining

Residential development at Dombey Lake

By John Oulgey

It took over three hours of haggling and two meetings in a week, but Roland Fabian will get to mine sand from his property around Dombey Lake.

Fabian, who is a licensed engineer, is planning to develop his 20 acres of property located east and south of the 13.4-acre lake for single- and multi-family residential use.

However, longtime lake residents are concerned that the lots will be left vacant and the scenic beauty of the lake area will be ruined once the sand is removed.

The Portage Board of Works unanimously granted a sand-mining permit to Fabian at a special meeting on Tuesday afternoon (July 16) at Portage City Hall, after 90 minutes of decision before about 20 of Fabian's neighbors.

Many of those concerned residents attended the board of works' July 10 meeting, when the matter was tabled at Fabian's request because one of three board members was absent.

In granting the permit, the board of works stipulation that mining not go below 613 feet above sea level, or about five feet higher than the lake's normal level. Fabian's permit application sought mining to a grade of 612 feet.

The board of works further stipulated that Fabian must stake out the lots to be mined and take proper steps to prevent sand erosion from adjoining parcels.

Residents wanted the city to assure them that Fabian will develop the site as promised in his letter of intent, but the board of works could give them no such assurances.

"There are concerns as to what it's going to look like," said Portage Mayor Sammie L. Maletta, who is chairman of the board of works.

An unusually reserved Fabian promised

his neighbors that his development would add to the scenic beauty of the lake area rather than detract from it as they fear. Fabian also promised no sand would be mined from the lake.

"Let me do it. Let's get it going. I'm following the rules. Give me a chance," Fabian said.

Board members Bill Poe and Terry Leveda toured the Dombey Road/Plaza Avenue neighborhood earlier on Tuesday and came away impressed with Fabian's operation, they said.

"I think he's done more to satisfy the people than I've ever seen (by a contractor) in the past," said Poe. "It seems to me at least the intent to do the right thing is there."

Like many of the northside lake residents, Al Gaines, of 5275 Plaza Ave., still wants the city to keep a close eye on the sand-mining operation.

"The road to hell is paved with good intentions," Gaines said. "All we want is a modicum of guarantees, which we don't have."

Gaines also contested Fabian's claim of lake ownership and questioned how Fabian was able to pave a portion of Dombey Road, which Fabian also claimed to own, without the city's permission.

"I'd like to see proof that he owns the lake," said Gaines.

"He says he owns the lake," Maletta said. "If you dispute that, that's your baby."

Maletta explained that Fabian sought a permit to pave Dombey Road at his own expense. Maletta said city officials also thought Fabian owned the land to be paved, so a permit was required.

The board of works learned this week that it holds the deed to the newly-paved road, but Maletta said that is a matter to be settled between Fabian and the city.

"There are a lot of families that are going to be affected by this decision. I implore the board to think about this. It's going to have a lot of consequences in the near future," Gaines said.

"No matter which way I look at this, the city has nothing to gain."

Resident Monroe Tilford, who is also a

licensed contractor and builder, said Fabian's residential development would increase property values around the lake.

In a letter to the board of works, City Engineer John Hannon placed the average grade at 618 feet and estimated there is 19,000 cubic yards of sand to be mined per each foot below that grade.

Based on Hannon's numbers, the board of works will require Fabian to post a regular \$5,000 bond for mining above 618 and a bond of 75 cents per cubic yard (an estimated \$71,250) for mining below 618. Fabian also must provide proof of a \$1 million liability insurance policy, with the city named as a co-insured party.

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
MONTHLY BUDGET REPORT
JULY 31, 1991

ACCOUNT	DESCRIPTION	BUDGET AMOUNT	AMOUNT PAID PREVIOUSLY	UNPAID BALANCE	AMOUNT READY FOR PAYMENT	PROJECTED BALANCE
5119	PER DIEM EXPENSES	\$16,000.00	3,200.00	12,800.00	0.00	\$12,800.00
5311	LEGAL EXPENSES	7,500.00	1,759.98	5,740.02	283.33	5,456.69
5312	NIRPC SERVICES	94,000.00	29,206.89	64,793.11	5,977.96	58,815.15
5323	TRAVEL & MILEAGE	7,500.00	618.78	6,881.22	0.00	6,881.22
5331	PRINTING & ADVERTISING	2,000.00	506.75	1,493.25	248.77	1,244.48
5341	BONDS & INSURANCE	7,500.00	317.50	7,182.50	0.00	7,182.50
5361	EMERGENCY MAINTENANCE COSTS	3,000.00	0.00	3,000.00	0.00	3,000.00
5399	MEETING EXPENSES	2,500.00	958.10	1,541.90	101.89	1,440.01
5410	LEGAL SERVICES	50,000.00	17,130.00	32,870.00	4,549.00	28,321.00
5420	PROFESSIONAL SERVICES	250,000.00	77,067.44	172,932.56	15,024.89	157,907.67
5430	PROJECT LAND PURCHASE COSTS	3,902,705.00	157,322.86	3,745,382.14	0.00	3,730,357.25
5440	PROPERTY/STRUCTURES INSURANCE	25,000.00	14,798.50	10,201.50	341.00	9,860.50
5450	UTILITY RELOCATION COSTS	100,000.00	0.00	100,000.00	0.00	100,000.00
5460	PROJECT LAND CAPITAL IMPROVEMENTS	150,000.00	0.00	150,000.00	0.00	150,000.00
5470	STRUCTURES CAPITAL IMPROVEMENT	40,000.00	1,525.82	38,474.18	0.00	38,474.18
5480	BURNS WATERWAY BREAKWATER	44,000.00	0.00	44,000.00	0.00	44,000.00
5490	ESCROW ACCOUNT	195,000.00	0.00	195,000.00	0.00	195,000.00
TOTAL:		\$4,896,705.00	\$304,412.62	\$4,592,292.38	\$26,526.84	\$4,550,740.65

C L A I M S R E A D Y F O R P A Y M E N T

ACCOUNT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5311	LOUIS M. CASALE	283.33	RETAINER FEE FOR THE MONTH OF JULY 1991
5312	N I R P C	5,977.96	FOR SERVICES PERFORMED DURING JUNE 1991
5331	POST TRIBUNE	42.56	COST INCURRED RE: LEGAL AD PUBLISHED ON 7/15/91
5331	INFO PRINTING & PUBLISHING, IN	25.20	COST INCURRED RE: LEGAL AD PUBLISHED ON 6/27/91
5331	A. E. BOYCE CO., INC.	126.36	COST INCURRED RE: PRINTING EXPENSES FOR RECEIPT BOOKS
5331	THE TIMES	54.65	COST INCURRED RE: LEGAL AD PUBLISHED ON 7/8 & 7/15/91
5399	RIGBY'S RESTAURANT	101.89	MEETING EXPENSES INCURRED ON JULY 10, 1991
5410	LOUIS M. CASALE	4,549.00	LEGAL FEES RE: LAND ACQUISITION 6/28-7/23/91
5422	CITY OF PORTAGE PORT AUTHORITY	8,802.50	COST INCURRED RE: PARTICIPATION IN FUNDING ENV. ASSESSMENT COSTS
5423	CHICAGO TITLE INSURANCE CO.	1,846.00	TITLE WORK INCURRED ON DC172, 52, 253
5423	N I P S C O	30.64	COST INCURRED RE: PUMPING EXPENSES 6/13 - 7/15/91
5424	ROBERT B. STOUFFER	1,366.75	LAND ACQUISITION/MANAGEMENT SERVICES RE: 7/2-22/91
5424	ROBERT B. STOUFFER	693.00	LAND ACQUISITION/MANAGEMENT SERVICES RE: 7/23-31/91
5424	BETTY BURRUS	675.00	ASSIST. LAND ACQ./MANAGEMENT SERVICES RE: 7/3-22/91
5424	BETTY BURRUS	367.50	ASSIST. LAND ACQ./MANAGEMENT SERVICES RE: 7/25-31/91
5424	DAVID STRATMAN	768.75	ASSIST. LAND ACQ./REC./ENV. PLANNING COORDINATOR 7/1-22/91
5424	DAVID STRATMAN	374.75	ASSIST. LAND ACQ./REC./ENV. PLANNING COORDINATOR 7/23-31/91
5426	CITY OF PORTAGE	100.00	SAND EXCAVATION PERMIT FEE
5446	DON POWERS AGENCY, INC.	341.00	COST INCURRED RE: INSURANCE COVERAGE ON LCRBDC PROPERTY
		26,526.84	

STATE OF INDIANA
DEPARTMENT OF TRANSPORTATION
PERMIT

The State of Indiana Department of Transportation, hereinafter referred to as the "STATE," hereby grants the Little Calumet River Basin Development Commission, a public body corporate and politic, duly organized, created and existing under the laws of the State of Indiana, hereinafter referred to as the "COMMISSION," and its successors and assigns, the assignable and nonrevocable permits described as follows, and to be constructed substantially in accordance with the plans and specifications attached hereto and marked Exhibit "A," to-wit:

A) A permit to construct, repair, operate, patrol, and replace a drainage ditch in an area between Harrison St. and Broadway, in Gary, Lake County, Indiana from the berm of I 80/94 south to the edge of the State of Indiana Department of Highways right-of-way and the culvert area under Harrison Street. The perpetual maintenance of the culvert and drainage ditch will be provided by the State of Indiana Department of Highways at no cost to the applicant. In the event said maintenance is not provided the COMMISSION shall have the right to enter upon the grounds and provide the necessary maintenance, repair, operation, patrol, and replacement. The COMMISSION shall be responsible for the maintenance, repair, and/or reconstruction of all other portions of the work on STATE right-of-way between the relocated fence and the southern right-of-way line of I-80/94.

B) A permit for temporary location, construction, operation, maintenance, alteration and replacement of access roads. Beginning on Harrison Street at the southern line of the NIPSCO right-of-way and extending north to the culvert area, then extending east and west to the edge of the State of Indiana Department of Transportation right-of-way.

The COMMISSION, its successors and assigns agree, in

consideration of the granting of the above described permits, as follows:

A) In the event that any changes which affect the operation or safety of I-80/94 are proposed in the plans and specifications which are attached hereto and marked "Exhibit A", the COMMISSION or its assignee (Army Corps of Engineers) must notify the STATE. After notification of changes as set out above, the STATE must submit its comments and/or objections in writing to the COMMISSION and the Army Corps of Engineers within five (5) working days of said notification. Resolution of disputes pertaining to any such comments and/or objections shall be made by the Indiana Department of Transportation Chief Engineer or his designee and the Army Corps of Engineers Contracting Officer or his designee within three (3) days thereafter. Disputes that cannot be resolved by the Chief Engineer of the Indiana Department of Transportation or his designee and the Contracting Officer of the Army Corps of Engineers or his designee shall be remedied through enforcement in the appropriate Court of Law.

B) The COMMISSION shall assume full responsibility to indemnify and hold harmless the STATE from any and all claims, actions, damages, lawsuits, or liability arising from or as a result of any of the work and/or activities conducted pursuant to this permit, unless caused by the negligence of the STATE. The COMMISSION, its successor or

7
assignee shall cause the contractor or contractor's working upon the premises which is the subject of this permit to provide liability insurance, workmens compensation insurance and such other insurance as are outlined in the plans and specifications which are a part of this Agreement naming the STATE as co-insured and providing a Certificate of Insurance to the STATE as proof of said insurance. The indemnification and hold harmless Agreement herein shall apply only to losses or expenses incurred by the STATE in excess of the insurance provided the STATE by the COMMISSION or its assignee's contractors.

C) If traffic control plans for the restriction of traffic on I-80/94 are not submitted with the original plans, such plans shall be submitted to the STATE at least forty-five (45) days before the desired date to restrict traffic; such traffic control plan shall not be implemented unless and until it is approved by the STATE.

D) The COMMISSION and its Assignees shall comply with the following conditions while performing work on STATE right-of-way.

1. Traffic control shall be in accordance with the current edition of the Indiana Manual on Uniform Traffic Control Devices.

2. Work shall be restricted to daylight hours.

3. No vehicles shall be stored on the STATE's right-of-way.

4. At least one weeks advance notice shall be given to the STATE's LaPorte District Director prior to commencing work on STATE right-of-way.

5. When the permanent fence is down and the depth of water is more than 2 feet, temporary fence may be installed (but is not required) along the fore slope of the highway side ditch; otherwise temporary fence shall be installed. In no event shall temporary fence be installed within the "clear zone" as that term is defined by the American Association of State Highway and Transportation Officials' "A Policy on Geometric Design of Highways and Streets."

6. Plans for highway sign removal and replacement shall be submitted to the STATE for review and be approved by the STATE thirty (30) days prior to any work on the sign. The LaPorte District Traffic Engineer shall be notified seven (7) days before removal and again before replacement of a highway sign.

7. The STATE reserves the right to further restrict the hours during which the work may be performed, if such is needed to provide for the safe flow of traffic on I-80/94.

E) The Project which is the subject of this permit shall be at no cost to the STATE except for the cost of the STATE inspection.

F) The COMMISSION shall be responsible for closing and locking all gates in the fence constructed in

accordance with the plans and specifications.

G) Pursuant to I.C. 22-9-1-10, the COMMISSION shall not discriminate against any employee or applicant for employment, to be employed in the performance or work under this contract, with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of this contract.

H) In no event shall equipment or materials be stored in the "clear zone" as it is defined by the American Association of State Highway Transportation Officials.

In Witness Whereof, the Parties, through their respective officials, have executed this Permit this ____ day of _____, 1991 which is effective as of this date.

Little Calumet River
Basin Development Commission

State of Indiana
Indiana Department of
Transportation

By: _____

By: _____
Commissioner

Attest:

Attest:

Approved as to legality
and form

Linley E. Pearson
Attorney General of Indiana

INTERLOCAL AGREEMENT FOR
THE CONSTRUCTION AND OPERATION OF A PUBLIC
ACCESS MARINA, BOAT LAUNCH RAMPS, AND ANCILLARY FACILITIES
IN PORTAGE, INDIANA

Come now the undersigned, The Little Calumet River Basin Development Commission, of Lake County, Indiana hereinafter referred to as the "COMMISSION", the CITY OF PORTAGE, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana, hereinafter referred to as "PORTAGE", and, pursuant to the provisions of Indiana Code 36-1-7-1 to 36-17-12, inclusive, which is commonly known as the "Interlocal Government Co-Operation Act", and, in consideration of the mutual promises and covenants as set out herein, promise and agree as follows:

- 1) DURATION. The Terms of this Agreement shall be for a period of 40 years from the date of execution except as otherwise provided herein. +40 or 91.
- 2) PURPOSE. The parties hereto understand and agree that the purpose and intent of this Contract is to create a joint venture to finance, construct, operate, and maintain a public access marina with boat launch ramps and such ancillary facilities, all as required by a Local Co-operation Agreement between the COMMISSION and the United States of

America, a copy of which is attached hereto and marked Exhibit "A", on land adjacent to Burns Waterway, which is presently owned by the COMMISSION, and such other land which the parties deem necessary to fulfill said obligation.

3) MANNER OF FINANCING, STAFFING, SUPPLYING AND BUDGETING THE JOINT UNDERTAKING

A) Financing.

- 1) The design and construction of the Project outlined herein shall be financed equally by the Parties to this Agreement, who shall use their best efforts and due diligence to obtain funding for their respective share of the Project costs from whatever source may be available to them jointly or individually including, but not limited to, grants, gifts, revenue bonding, in-kind contributions, general obligation bonding or appropriations.
- 2) In the event the Parties, or either of them, are unable, after using their best efforts and due diligence to obtain the necessary financing to design and construct this Project within two (2) years from the execution of hereof, this agreement shall be null, void, and of no effect.

B) Operation and Maintenance of the Project
shall be financed as follows:

- 1) Revenues derived from operation of the facilities including, but not limited to, boat launch fees, slip rentals, parking fees and concession revenues, shall be placed in a non-reverting operating fund, the proceeds of which shall be used first for the operational expenses and maintenance of the facilities, then to pay any outstanding revenue bonds.

- 2) In the event that excess funds remain in said non-reverting fund after operational and maintenance expenses and revenue bonds are paid, said excess funds shall be distributed as follows: a) First to the COMMISSION to reimburse it for its cash contributions towards Project development; and b) After the COMMISSION is reimbursed for the above said cash contributions and provided all Revenue Bonds have been paid, the net revenues shall go to PORTAGE.
- 3) In the event that income derived from said fees and charges is not sufficient to defray the operational and maintenance costs and expenses of the facilities, the resulting deficit shall be financed by PORTAGE. The COMMISSION may, from time to time, at the request of PORTAGE, grant funds to help defray any such deficit.
- 4) All payments for the construction, operation and maintenance of the project and facilities shall be made by PORTAGE pursuant to duly executed and approved claim forms approved by the State Board of Accounts. PORTAGE shall include in its annual report to the COMMISSION, for its review, a summary of the above said payments.

C) STAFFING. Staffing for the development, maintenance and operation of the facilities shall be furnished by PORTAGE.

D) OPERATION AND MAINTENANCE OF THE FACILITIES.
Operation and maintenance of the facilities shall be conducted by PORTAGE in accordance with this Agreement, and subject to the provisions of the Local Cooperation Agreement between the COMMISSION and the United States of America, a copy of which is attached hereto and marked Exhibit "A." The

operation and maintenance of said facility shall at all times be conducted pursuant to good management principles.

E) ADMINISTRATION

- 1) PORTAGE shall be designated the administrator of all funds collected for the project outlined herein and shall collect, hold, and disburse same under the procedures set out by statute and regulations for so doing. PORTAGE shall include in its annual report to the COMMISSION, for its review, a summary of said transactions.
- 2) PORTAGE shall disburse funds received and held by it in accordance with Construction Plans and Specifications agreed to by the Parties hereto. The bidding, contract preparations, contract award, and contract administration shall be carried out by PORTAGE in cooperation with the COMMISSION

F) MANNER OF HOLDING AND DISPOSING OF PROPERTY USED

IN THE JOINT UNDERTAKING. The COMMISSION shall remain the fee simple title holder of the real property upon which the Project shall be developed, operated, and maintained.

G) MISCELLANEOUS PROVISIONS.

- 1) The COMMISSION shall hire a Consultant, at the COMMISSION'S expense, to prepare a feasibility study of the Project. In the event the Project is determined not to be feasible, this Agreement shall be null, void, and of no effect. In the event the Project is determined to be feasible, the Parties hereto shall jointly hire an Engineer, at the Parties' joint expense, to prepare preliminary plans and specifications and final construction

documents for development of the Project. "Feasible", for purposes of this Agreement, shall be defined as follows: "A Project that meets the requirements set out in the Contract between the COMMISSION and the United States of America attached hereto and marked Exhibit "A", and which produces revenues sufficient to pay the principal and interest incurred on the Revenue bonds issued by the COMMISSION to aid in paying for the cost of its development plus the operation and maintenance costs of said Project.

2. PORTAGE shall prepare and submit and annual statement detailing income and operating expenses of the facilities to the COMMISSION for its review.
3. Fees for the use of the facilities shall be set by PORTAGE, shall be substantially equivalent to fees for similar public facilities in the area, and shall be subject to annual review by the COMMISSION. Said fees shall be in compliance with the Contract between the COMMISSION and the United States of America attached hereto and marked Exhibit "A."
4. PORTAGE shall have discretion in hiring during such time it is operating and maintaining the facility.
5. PORTAGE agrees to indemnify and hold the COMMISSION harmless from any and all damages, claims, liability or action that arises during, or as a result of, the operation and maintenance of the facilities by PORTAGE, unless caused by the negligence of the COMMISSION. PORTAGE agrees to maintain in full force and effect, during the construction and operation of the project, policies of comprehensive liability and property damage insurance covering the premises and the business operated thereon naming the COMMISSION as co-insured in an amount to be agreed upon by PORTAGE and the COMMISSION within 30 days of signing this Agreement.
6. If any term, covenant or condition of this

Agreement or the application thereof shall be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant and condition of this Agreement shall be valid and may be enforced to the fullest extent permitted by law or in equity.

7. This Agreement shall bind the successors and assigns of the Parties hereto, and shall not be assignable without the written consent of the Parties hereto.

The Parties Sign, Seal and Deliver this Document
this _____ day of _____, 1991.

THE LITTLE CALUMET RIVER
BASIN DEVELOPMENT COMMISSION

ATTEST:

BY:
TITLE: Chairman

DATED: _____

CITY OF PORTAGE

ATTEST:

BY:
TITLE: Mayor

DATED: _____

Prepared by:

LOUIS M. CASALE, Attorney at Law
8300 Mississippi Street, Suite E
Merrillville, IN 46410
Telephone: (219) 769-1566

PLEASE SIGN

ATTENDANCE ROSTER

Name of meeting: LCRBDC

Date: 7-31-91

	NAME (please print)	Organization and/or Address	
1	PETE ZAK	SO. SHORE MARINA	1
2	MARY JANE ZAK	" " "	2
3	DOMINIC NOCE	HIGHLAND TOWN COUNCIL	3
4	MIKE KERR	TPA	4
5	Bob Huffman	Munster	5
6	Edith Rook	Crown Point	6
7	Dick Wawzyunik	DNR-New Water	7
8	MIKE VANDERHEYDEN	Dyer Construction	8
9			9
10			10
11			11
12			12
13			13
14			14
15			15
16			16
17			17
18			18
19			19
20			20
21			21
22			22
23			23
24			24
25			25
26			26
27			27
28			28
29			29
30			30
31			31

Chairman:

Location: