MEETING NOTICE

THERE WILL BE A MEETING OF THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION
AT 6:30 P.M. WEDNESDAY, DECEMBER 7, 1994
AT THE COMMISSION OFFICES
6100 SOUTHPORT ROAD
PORTAGE, IN

AGENDA

1. Call to Order by Chairperson George Carlson
2. Recognition of Visitors, Guests
3. Approval of minutes of November 9, 1994
4. Chairman’s Report
   ○ Announcement of Commission Reappointment - Lake County Commissioners
5. Executive Director’s Report
   ○ Status report on Gary Park Board/LCRBDC agreement
     - Board vote affirming agreement provisions
   ○ Discussion of Project Legislative/funding effort
   ○ Corps of Engineers - Project Cost Revision
     - Commission comments requested by 12/10
6. Reports of Standing Committees

A. Land Acquisition/Management Committee - Charles Agnew, Chairman
   - Appraisals, offers, acquisitions, recommended actions
   - Corps Real Estate meeting held 11/15/94 - major issues
   - Other issues

B. Project Engineering/Construction Committee - Robert Huffman, Chairman
   - Wicker Park Manor construction progress report
   - Stage II Phase 3A field inspection held on 12/2/94
   - Other issues

C. Marina Development Committee - Bill Tanke, Chairman
   - Marina Construction Groundbreaking - November 18, 1994
     - Ceremony/Reception
   - Sheeptiling work begun December 1, 1994
   - Corps of Engineers permit
     - Signatures by Commission/City of Portage required
     - Boat Traffic Monitoring study submitted
   - Other issues

D. Finance/Policy Committee - John DeMeo, Treasurer
   - Financial status report
   - Approval of claims for October, 1994
   - 1995 Budget work session
   - Other issues

7. Other Business

8. Statements to the Board from the floor

9. Set date for next meeting; adjournment
Chairman George Carlson called the meeting to order at 6:35 p.m. Nine (9) Commissioners were present. Quorum was declared and guests were recognized.

**Development Commissioners:**

George Carlson  
Charles Agnew  
Steve Davis  
Robert Huffman  
Robert Trelo  
Arlene Colvin  
John DeMee  
Nathaniel Leonard

**Visitors:**

Herb Read - Izaak Walton  
Bill Petrites - Highland  
Ruth Mores - Hammond  
Jim Flora - R.W.Armstrong  
Joyce Russell - Post Tribune  
Dave Taborski - Black Oak  
Donald Shapiro - Highland  
Cecilia Wallace - NIRPC  
Pete Zak - South Shore Marina  
Ken Smith - Div.of Water, IDNR

**Staff:**

Jim Pokrajac  
Dan Gardner  
Lou Casale  
Sandy Mordus

The minutes of the October 6, 1994 meeting were approved by a motion from Chuck Agnew; motion seconded by Arlene Colvin; motion passed unanimously.

**Chairman's Report** - A motion was made by Robert Trelo authorizing the Chairman to appoint a 1995 Nominating Committee; motion seconded by John DeMee; motion passed unanimously. Chairman Mr. Carlson appointed Arlene Colvin, William Tanke and Robert Trelo to the committee with Arlene Colvin serving as Chairman of the Nominating Committee.

**Executive Director's Report** - Mr. Gardner gave a summary of the testimony presented to the State Budget hearing committee members on October 19th. He said the presentation went very well with key supporters speaking in behalf of the project. Attending were Col. Stobckower and Dave Hunter from the Corps; Lane Ralph, Asst. State Director with Senator Lugar's Office; Scott Golde, District Director of the Congressman's Office. Mayor Dedelow from Hammond and Deputy Mayor Comer from Gary stayed on to also give support to
the project. They were in attendance for the Lake Michigan Marina Development Commission’s hearing scheduled one half hour prior. Thank you letters have been mailed already. Questions from the budget hearing committee focused on scheduling and what the local communities are contributing. Dan will further address local community commitments in correspondence to the committee members. One issue Mr. Gardner focused on was the lack of ability to draw on the $4 million of Build Indiana funds previously committed. The Commission still needs to set up a session with the legislators to update them and give them a clear understanding of the project’s progress.

Mr. Gardner informed the Commission that much progress has been made with Gary Park & Rec since our last meeting. Attorney Greg Reising has been named the new contact person for the Gary Park Board and he has been actively working toward establishing an agreement between the Park Board and the Commission. We will be meeting again with him to further discussion of the issues.

Land Acquisition Committee - Land Acquisition Chairman Chuck Agnew made a motion to authorize a settlement price of $7,700 on DC319 to avoid further condemnation costs (this was a property that had gone to court for condemnation); motion seconded by Arlene Colvin; motion passed unanimously.

He announced staff is working on lease preparation for the 1995 year.

Project Engineering Committee - Mr. Huffman reported that the construction at Stage II Phase 3A is about overall 95% complete. Staff and the Corps have had a walk-thru on completed Stages II-1, II-2 and III and a punch list of items have been documented and will be addressed. The completed areas will not be turned over to the Commission until an Operations/Maintenance manual has been given to us by the Corps.

Mr. Huffman spoke on the ongoing levee construction project at Wicker Park Manor. About 95% of the clay has been hauled and the overall completion is at about 67% complete. Staff will check with IDNR to get an update on what is happening with FEMA in regard to removing the area from the floodplain. A third status update has been mailed to the residents on River Drive. A landscaping contract will be needed as the next step. It has been discovered that there are some catch basin areas that may be used for interior drainage along River Drive thus eliminating water in the yards.
Mr. Huffman also stated that the meeting was held with Black Oak residents near Burr Street on October 18th. The meeting went well and updated information was given out to the residents.

The Corps has not yet responded to the Commission's request to include a levee revision at Highland/Griffith as part of the overall Federal project.

**Marina/Breakwater Committee** - In Committee Chairman Bill Tanke's absence, Mr. Gardner gave the marina report. He informed the Board that he has been contacted by a private citizen from Ogden Dunes, Bill Suarez, who has requested some sand for the shoreline. He is in danger of losing his house and some shoring up with sand needs to happen. After some discussion, Bob Trelo made a motion to make available up to 10,000 yards of sand to Mr. Suarez under the following conditions: He would be responsible for making all arrangements with the site contractor; he would be responsible for obtaining any required permits or city approval; use the sand for shoreline mitigation; hold the Commission harmless; motion was seconded by John DeMeo; motion passed unanimously. Mr. Gardner stated that the town of Ogden Dunes has not come to the Commission to request any sand.

Chuck Agnew made a motion to approve authorization for Abonmarche to proceed with Authorization 7-I of the contract for November and December at a total cost not to exceed $13,400 but with only 1/2 cost ($6,700) being billed to this Commission; motion was seconded by Arlene Colvin; motion passed unanimously.

Mr. Gardner stated that the city has awarded the sheetpiling contract at its October 24th Public Works meeting. This will be the first actual construction at the marina site. Mr. Gardner announced there would be a groundbreaking ceremony scheduled November 18th at 1:00 at the site with a reception back at the NIRPC office.

Mr. Gardner also announced that the final Corps permit is in hand. John DeMeo made a motion for the Chairman to sign the final Corps permit; motion seconded by Bob Huffman; motion passed unanimously.

Mr. Gardner informed the Board that he had contacted the Chicago Corps office for their assistance to see if the Detroit Corps dredging permit that NIPSCO applied for could be modified to say the dredged sand would be placed as close as possible to the shore and as far west to the breakwater as possible. Commissioner Steve Davis said that the permit is in the appeal process. NIPSCO does not object and details are being worked out.
Finance/Policy Committee - Treasurer John DeMeo presented the financial status report for September as well as the claims amounting to $614,969.03 plus an additional claim for $1,700; motion seconded by Bob Trelo; motion passed unanimously.

Other Business - There was none.

Statements from the floor - There was none.

There being no further business, the next Commission meeting was scheduled for Wednesday, December 7, 1994.

/sjm
November 17, 1994

Little Calumet River Basin
Development Commission
6100 S. Port Road
Portage, Indiana 46368

Executive Director: Dan Gardner

Dear Mr. Gardner:

We the members of the Lake County Board of Commissioners would like to have Mr. Nathaniel Leonard to continue to serve as our representative on the Board.

Sincerely,

LAKE COUNTY BOARD OF COMMISSIONERS
OF THE COUNTY OF LAKE

Ernest Niemeyer, President
Rudolph Clay, First District
Peter Katic, Third District
Project Management Branch 18 NOV 1994

Mr. Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission
6100 Southport Road
Portage, Indiana 46368

Dear Mr. Gardner:

I am sending you a copy of the project and cost change request (SACCR) and supporting documents for the Little Calumet River, Indiana Project, which I sent to the North Central Division on November 15, 1994. Section IV of the SACCR is to present the position of the Local Sponsor. Please review these documents and submit your comments by December 10, 1994 for presentation at our December Project Review Board meeting.

The SACCR supports a fully funded total project cost increase of $35.0 million from $110.0 million to a revised total cost of $145.0 million. The revised cost estimate is based upon the M-CACES estimates presented in FDM Nos. 1, 2, and 4 and the recently approved FDM No. 5. The revised Section 902 Maximum Project Cost Estimate is $136.0 million. The forecast estimate exceeds the Maximum Project Cost by $9.0 million. The $35.0 million cost increase includes $23.2 million for construction, $3.6 million for lands and damages, $5.1 million for E&D, $1.0 million for construction management and a net increase of $2.1 million in contingencies. The primary construction cost increases are related to additional pump station improvements ($10.1 million), the provision of interim flood protection during construction of the new levees in the West Reach ($5.9 million), and additional utility relocations and road raisings ($4.2 million).

The additional $10.1 million for pump station improvements provides for the replacement of the pumps at 15 stations as approved in FDM No. 5 and additional renovations of the existing discharge lines to provide added protection of the levee system. The authorized project provided only for the upgrading of the electrical systems at the pump stations. FDM No. 5
also included revised design of the West Reach levee system to provide interim flood protection during the period that the existing spoil bank levees are removed and new levees or I-walls are constructed. The authorized project relied on flood warning and response actions as the interim protection. The new design provides a continuous levee of protection during construction. More than 80 additional utility relocations have been identified in FDM No. 5. The cost for these improvements have been included in the Current Project Cost Estimate.

The District will prepare and submit a Section 902 Post Authorization Change Report in the fourth quarter Fiscal Year 1995 to permit project reauthorization in the 1996 Water Resources Development Act. By that time, the remaining construction contracts of the East Reach flood control facilities will be awarded and 40 percent of the total project construction will be underway. This will provide a good indication of potential construction costs. In the interim period, the District will be investigating ways to reduce construction costs in an effort to keep the project cost within the existing Section 902 limit.

The SACCR also provides for milestone changes including extending the project completion date 40 months from July 1997 to December 2000. The proposed milestone changes reflect: (1) the additional construction and relocation requirements and the sequencing of construction activities identified in FDM No. 5 for the West Reach, (2) adjustments to accommodate the minority contracting plan approved in April 1994, and (3) the schedule of anticipated appropriations by the Indiana General Assembly for the Little Calumet River Basin Development Commission of $8.0 million for Fiscal Years 1996 and 1997 to obtain the necessary lands, easements, and relocations to support the previous construction schedule in the West Reach.

The detailed funding schedule is still under preparation which will display the non-Federal funding requirements. This information should be available by December 1, 1994. We will also provide you with a detailed operation and maintenance cost estimate for the project.
Mr. David Hunter, Project Manager, is available to explain the cost and schedule changes to the Commission, if desired. Please contact him directly at (312) 353-8809.

Sincerely,

[Signature]

Robert E. Stockbower, P.E.
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure
The Portage Public Marina is a joint venture public project between the City of Portage and the Little Calumet River Basin Development Commission, a State development commission. This project is the fulfillment of a public obligation to the Federal government (U.S. Army Corps of Engineers) for the 50% Federal cost participation and construction of the twin rubble-mound breakwaters at the mouth of the Portage-Burns Waterway in 1984. The request for a Federal breakwaters project was initiated in 1981 by the Development Commission and the late Congressman Adam Benjamin. The Indiana General Assembly provided funding in the amount of $1,768,800 to the Development Commission in the 1983-85 State biennial budget for the non-Federal project cost share.

Through the leadership of Mayor Sammie Maletta, the City of Portage has joined with the Little Calumet River Basin Development Commission to design, construct, and operate the public marina project on land owned principally by the Development Commission.

The project will be built in two phases on the 20 acre site. When complete, it will include: 250 boat slips, 3 public boat launch lanes, a harbor master’s office/ships’ store, fish cleaning station, boat fuel facility, sanitary pump outs, and handicapped accessible boardwalk with fishing platforms. Today’s groundbreaking begins the construction of the harbor basin, yielding over 100 boat slips, the public launch lanes and public access walkways in Phase I. Parking for the project is provided on Development Commission property and on property owned by the Northern Indiana Public Service Company and cooperatively leased to allow road access and additional parking.

Phase I of the project is expected to cost $2,500,000. Presently, a total of $2,000,000 has been secured, including a $250,000 Indiana Waters Grant for public access from the Indiana Department of Natural Resources. Funding for sheetpiling construction for the harbor basin walls was provided by Indiana General Assembly appropriations through the Lake Michigan Marina Development Commission. The sheetpiling construction contract was awarded to Hardman Construction of Ludington, Michigan by the city of Portage Board of Public Works on October 24, 1994. Phase I of the marina is planned to be open for the 1996 boating season. Funding to achieve completion of Phase I and to initiate Phase II is being requested from the State General Assembly through the Lake Michigan Marina Development Commission.

Project engineering for the marina is being performed by The Abonmarche Group of Benton Harbor, Michigan. Sand excavation for the project is currently being performed by Superior/Dyer Construction joint venture.
Marina construction to begin

By Jim Masters

It's finally time to build the Portage public marina.

After more than a year of delays due to U.S. Army Corps of Engineers' permit stipulations, the Portage Board of Works on Monday (Oct. 24) authorized Hardeman Construction Co. to begin installing the steel sheet piles which comprise the marina basin's walls.

First, though, city engineer John Hannon requested a change of work order, as the type of steel materials originally sought is not available. Hannon said there's almost no difference between the walls being able to withstand 38,500 pounds per square inch and the 36,000-pound-per-square-inch walls the board settled on. The cost will remain the same.

Hardeman will have 120 days to install the sheet piles. Meanwhile, excavation will continue into next summer, said Hannon.

Once the basin walls are in and the excavation complete, a new construction package will be put out for bid. That work includes infrastructure improvements, road work, landscaping and the construction of boat docks.

The marina will eventually contain 250 slips, with 150 slips likely to be installed during the first phase of the project.
Ground broken for marina

By Joyce Russell

PORTAGE — The大型 backhoes and dump trucks stopped work just long enough Friday afternoon for a group of government officials to scoop out a few shovels full of dirt.

It was what local, state and federal officials had waited on for more than 10 years: the official groundbreaking of the Portage Public Marina.

"A lot of people have been involved in making this thing happen," said Mayor Sammie Maletta. "We've spent years waiting to turn this first shovel of dirt." The marina is a joint project of the city and the Little Calumet Waterway Basin Commission.

Dan Gordin, commission director, said the idea for the marina dates back to 1980 when two boating accidents killed five people at the Burns Waterway. In a deal with the federal government to construct breakwalls at the mouth of the waterway, officials agreed to build a small boat harbor.

It was only a few years ago that the city and commission combined to begin the project, which is funded by state money.

"A lot of things had to be worked out," said Maletta, pointing to discussions with special-interest groups and obtaining funding before the project could begin.

Maletta lauded federal and state officials and the private sector for making the marina, which will include 100 boat slips in its first phase, a reality.

Gary Neise, chief executive officer of Northwestern Public Service Co., called the public marina the "anchor" for economic development and quality of life.

NIPSCO was one of the private industries that worked with the commission and city to make the marina a possibility, said Maletta.

Cost for the first phase of the marina is $2.5 million. The money comes from grants from the Lake Michigan Marinas Development Commission and Indiana Department of Natural Resources.

The second phase, which will add 50 boat slips, will not start until after the marina opens in 1996. The marina will be operated by the city.

This is the excavation site for the new public marina at U.S. 12 and Burns Waterway.
Marina gets official 'digs'  
Groundbreaking conducted in Portage

by John Reed
The Vidette-Messenger

PORTAGE — After 13 years of planning and seeking permits, the symbolic first shovels of dirt were flipped Friday to begin construction of a public marina.

By order of Portage Mayor Sammie Maletta, the section of Crismans Road forming the access legally became "Marina Drive" Friday morning.

More than 50 federal, state and local officials gathered after the ceremony at Northwest Indiana Forum offices, praising each other's part in the project.

"Marinas are not something you rush to build," said Dan Gardner, executive director of the Little Calumet River Basin Commission, partner with the city in the project.

The marina is being built in two phases on a 20-acre site. When complete, it will have 250 slips and three public ramps. The first phase will have up to 150 slips, launch lanes and public access walkways.

It is expected to open in 1996, but may not be ready until 1997.

Cost of the first phase is $2.5 million, of which $2 million has been secured, including a $250,000 Indiana Waters Grant.

Funding for the sheet piling construction of the marina walls came from the General Assembly through the Lake Michigan Marina Development Commission. Funding to complete phases I and II is being requested from the legislature.

Although the city wanted an entrance from U.S. 12, the state refused to grant a permit. Access will be from state Route 249, city engineer John Hannon said.

"There were lots of hassles, lots of concerns, but lots of people banded together and we're finally under way," Maletta said.

The project will create jobs, boost tourism, and increase the local economy, he said.

The marina will also have a harbor master's office, ship's store, fish cleaning station, boat fuel facility, pump-outs, and handicapped-accessible boardwalk with fishing platforms.
City officially breaks ground on public marina

By Jim Masters

With a symbolic scoop of sand, a decade-long dream of Portage residents was realized last Friday (Nov. 18). The first shovelful of dirt marked the beginning of construction on the city's newly named Ceromoniously breaking ground on the Portage Public Marina, project.

The city officially breaks ground on a public marina, project.

City engineer John Hanson has been working on the project for over 10 years. Hanson described the project as a joint effort between the city of Portage and the Portage Public Marina Development Corporation. The project is expected to take approximately five years to complete.

The marina will be located on the east side of the Portage Canal, near the intersection of Gratiot Avenue and the Canal. The marina will feature 250 slips, a dock, and a boat launch area. The facility will be open to the public and will offer a variety of amenities, including restrooms, showers, and fueling stations.

The marina will be funded through a combination of public and private funding. The Portage Public Marina Development Corporation has raised over $2 million in private donations, and the city of Portage has committed $5 million in funds.

The marina is expected to create jobs and stimulate economic growth in the area. Mayor Sammle L. Maletta has expressed his excitement about the project, saying it will provide a much-needed recreational facility for Portage residents and visitors.

Hanson emphasized the importance of the marina in the community, stating that it will provide a place for residents to enjoy the water and the outdoors. He also emphasized the importance of the project in revitalizing the Portage Canal and the surrounding area.

The marina is expected to be completed by late 2022, with the opening ceremony scheduled for late August of that year. The marina will be managed by a private company, and Hanson expects it to be a successful venture for the city.
November 7, 1994

Mr. Dave Gesl
Regulatory Functions Branch
Construction-Operations Division
U.S. Army Corps of Engineers
P.O. Box 1027
Detroit, MI 48231-1027

Re: Portage Municipal Marina
   Permit No. 92-075-009-1D

Dear Mr. Gesl:

Enclosed please find the following regarding the Portage Municipal Marina project:

- Two (2) signed copies of the USCOE permit.
- One (1) copy of the recorded Deed Restriction

Please note that the boat traffic study (as required by the permit) will be forwarded to your office within approximately 14 days. Also please note that we have added the City of Portage as a joint permittee, as the original permit application included both the Little Calumet River Basin Development Commission and the City of Portage as applicants. The addition is also due to satisfy legal requirements between the two agencies for the development.

Should you have any questions regarding this submittal, please do not hesitate to contact our office.

Sincerely,

jeffary A. Bartoszek, P.E.
Director of Engineering

JAB/jeg

cc: Daniel Gardner, LCRBDC
    John Hannon, P.E., City of Portage

Attachments
November 10, 1994

Construction-Operations Division
Regulatory Functions Branch 92-075-009-1D

Ron Schults
Abonmarche Consultants, Inc.
Agent for the Little Calumet Basin Development Commission
P.O. Box 1088
Benton Harbor, Michigan 49023

Dear Mr. Schults:

We are in receipt of the draft permits which have been signed by you. The signatures of authorized representatives of the City of Portage and the Little Calumet River Basin Development Commission are required. Your signature, as the agent during the permit process, is not acceptable.

We are enclosing two (2) copies of the draft Department of the Army permit for signature. The attention of the applicant's is invited to the Special Conditions. PLEASE INSURE THE APPLICANT IS FULLY AWARE OF THESE AND ALL OTHER PERMIT CONDITIONS BEFORE SIGNING. Note that condition 8. has been revised and 9. has been added. Signature constitutes specific agreement to all terms and conditions of the permit.

Additionally, the City of Portage has been added as a joint permittee on the permit.

Please submit both copies of the signed draft permit to our office for final approval. Upon receipt, the District Engineer or his designee is authorized to issue the permit on behalf of the Secretary of the Army by countersigning the draft permit. If issued, we will return one of the countersigned copies to you.

Should you have any questions, please contact David Gesl, Project Manager at (313) 226-5384.

Sincerely,

[Signature]

Gary R. Mannesto
Chief, Regulatory Functions Branch
Construction-Operations Division

Enclosures
**MEMORANDUM**

FROM: Tim Zebell

TO: Dyer Construction

RE: Portage Marina Excavation

1. On October 31, 1994, I noted the over excavation of an area alongside Burns Ditch by Dyer Construction. I directed the crew to cease excavation in that location and instructed Bob Vanderheden to backfill the area as soon as possible.

2. To date, the over excavated area has not been backfilled even though I have documented no less than four visits with Mr. Vanderheden to remind him of the requirement.

3. Dyer Construction is directed to immediately backfill the area along Burns Ditch and erect silt fence to prevent soil erosion and sedimentation in Burns Ditch.

4. Should you require any clarification to this directive, I can be contacted at our Benton Harbor office.

CC: John Hannon, P.E., City of Portage Engineer
    Dan Gardner, Executive Director LCRBDC
    Jeff Bartoszek, P.E., ACI
    Mark McClellan, ACI
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 1994 - OCTOBER 31, 1994

CASH POSITION - JANUARY 1, 1994
CHECKING ACCOUNT
LAND ACQUISITION 76,807.73
GENERAL FUND 163,792.37
TAX FUND 1,493.97
INVESTMENTS 1,016,000.00
ESCROW ACCOUNT INTEREST 32,799.47

RECEIPTS - JANUARY 1, 1994 - OCTOBER 31, 1994
LEASE RENTS 29,285.45
INTEREST INCOME 12,146.95
LAND ACQUISITION 522,596.24
MISCELLANEOUS INCOME 48,828.88
ESCROW ACCOUNT INTEREST 23,728.62
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE 1,598.20
REAL ESTATE TAXES 594.86
TOTAL RECEIPTS 1,290,893.54

DISBURSEMENTS - JANUARY 1, 1994 - OCTOBER 31, 1994
1993 EXPENSES PAID IN 1994 52,004.57
PER DIEM EXPENSES 2,655.00
LEGAL SERVICES 2,549.97
NIRPC SERVICES 63,023.05
TELEPHONE EXPENSES 4,541.39
TRAVEL & MILEAGE 5,005.50
PRINTING & ADVERTISING 723.15
BONDS & INSURANCE 5,739.63
MEETING EXPENSES 1,943.46
LAND ACQUISITION
LEGAL SERVICES 40,406.94
APPRAISAL SERVICES 14,950.00
ENGINEERING SERVICES 33,580.78
LAND PURCHASE CONTRACTUAL 79,410.73
LAND MANAGEMENT SERVICES 55,291.00
PROPERTY & STRUCTURE 76,790.77
MOVING & RELOCATION 6,950.00
REAL ESTATE TAXES 1,251.20
PROPERTY & STRUCTURE INSURANCE 19,450.00
UTILITY RELOCATION COSTS 149,627.18
LAND CAPITAL IMPROVEMENT 44,686.92
TOTAL DISBURSEMENTS: 660,581.24

CASH POSITION - OCTOBER 31, 1994
CHECKING ACCOUNT
LAND ACQUISITION 116,734.90
GENERAL FUND 78,010.82
TAX FUND 1,817.69
INVESTMENTS 1,016,000.00
ESCROW ACCOUNT INTEREST 56,528.09

1,269,091.50
# Little Calumet River, Indiana (CG) Issues

- **Maximum Project Cost**: $134.0 million
- **Estimated Project Cost**: $145.0 million
- **Cost Increase**
  - Construction: $21.5 million
  - Lands and Damages: $3.4 million
  - Eng & Design: $2.9 million
  - Const Management: $0.8 million
  - Contingencies: $2.4 million
- **Construction Cost Increase**
  - Pump station improvements: $9.4 million
  - Interim protection during construction: $5.9 million
  - Additional relocations: $3.8 million
<table>
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<th>BUDGET CODE</th>
<th>DESCRIPTION</th>
<th>11/30/94 PROJECTED BALANCE</th>
<th>12/7/94 PROPOSED AMENDMENT</th>
<th>12/7/94 PROJECTED BALANCE</th>
<th>REASON FOR ADJUSTMENT</th>
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<td>5821</td>
<td>TRAVEL &amp; MILEAGE EXPENSE</td>
<td>(4,226.54)</td>
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<td>773.46</td>
<td>TO COVER EXPENSES THROUGH 12/31/94</td>
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<td>5884</td>
<td>STRUCTURES CAPITAL IMPROVEMENT</td>
<td>32,000.00</td>
<td>(5,000.00)</td>
<td>27,000.00</td>
<td>BUDGET AMENDMENT</td>
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December 7, 1994

Gregory S. Reising
Attorney at Law
607 South Lake Street
Suite A
Gary, Indiana 46403

RE: Draft No. 3 to Agreement between the Gary Park Department and the Little Calumet River Basin Development Commission.

Dear Greg:

I am forwarding the above described revised Agreement to you for your review. Please note that I have, for purposes of this draft, caused additions to be underlined and deletions marked out from the prior draft. Kindly review this redraft, and if it meets with your approval, contact me so that I might prepare a final draft which will serve as a basis of an agreement for final presentation to both Boards for their consideration at public meetings. In like manner, kindly contact me if you have any questions or comments pertaining to said redraft.

It is my hope that we will be in a position to submit a final draft, including all exhibits, at both of our respective January Board meetings. In addition thereto, kindly contact me regarding any information you might receive from potential architects and/or engineers so that the interview and contract development process can move forward.

I await hearing from you in the near future regarding this matter.

Sincerely,

Louis M. Casale

LMC/amu
Enclosure
cc: Dan Gardner
PRELIMINARY DRAFT NO. 3 FOR DISCUSSION PURPOSES:

AGREEMENT

THIS AGREEMENT ENTERED INTO by the Gary Park Department, an agency of the CITY OF GARY, created under State Law and operated by the GARY BOARD OF PARK COMMISSIONERS, hereinafter referred to as "GARY PARK DEPARTMENT" and the LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION, an agency created by the State of Indiana, hereinafter referred to as "DEVELOPMENT COMMISSION".

WITNESSETH:

WHEREAS, the Development Commission is among other things charged with developing a plan for flood control along the Little Calumet River, and the improvement of recreational uses along said river; and, the creation, development, maintenance, administration and operation of park, recreation, marina, flood control and other public works projects along the Little Calumet River as well as entering into and fulfilling the requirements of a nonfederal interest as defined by P.L.81-611 of the United States Congress; and,

WHEREAS, the Gary Park Department is the owner of ___ acres of land along said river corridor; and,

WHEREAS, the Development Commission will need the acreage described in Appendix A of this Agreement which is attached hereto and made a part hereof for reference, in order to fulfill their charge and duties; and,

WHEREAS, the Parties agree that it is in the best interests of the citizens of Northwest Indiana that they work together to enhance
the goals of the Development Commission and the goals of the Gary Park Department.

IT IS THEREFORE AGREED by and between the Parties that the Gary Park Department will grant the Development Commission, by such form of conveyance as required by it—the Development Commission, the necessary lands for the completion of the Little Calumet River Basin Project as described in Appendix Exhibit A, and the Development Commission will in turn provide certain facilities, to be described below, for the Gary Park Department. All of which is subject to the following terms and conditions:

TERMS AND CONDITIONS:

1. APPRAISAL: The Development Commission will have the property described in Appendix A hereto appraised by an independent appraiser and will keep the Gary Park Board, through a liaison to be appointed by such Board, informed of appraisal activities at all times. A time line will be developed between the parties for completion of the appraisal and all appraisal information will be shared between the Parties.

2. GARY PROJECTS: The Development Commission hereby commits to the following two (2) projects to be planned, developed and built by the Development Commission and turned over, upon completion, to the Gary Park Department, which shall constitute full and final consideration for the conveyance of the property described in Exhibit A. During the process of planning and building these projects, the
Gary Park Department shall have full input and the right of final approval of all plans and specifications. The projects are:

(A) The building of a new green house complex to replace the present green house complex operated by the Gary Park Department on land that will be, under the terms of this Agreement, either deeded or granted easement rights to the Little Calumet River Basin Development Commission. The new green house will be on a site selected and approved by the Gary Park Department and shall be of a size similar to the present installation and as generally described in Exhibit B.

(B) A golf driving range will be developed on Gary Park Board Property in the vicinity of the South Gleason Golf Course and will be of the general size and type as Described in Exhibit C.

3. LIMITS ON PROJECT: The Development Commission is committed to the aforementioned projects to a maximum cost, to the Development Commission of 100% of the appraised value of the interest acquired in the land described in Exhibit A, which shall be considered fair market value. However, In the event that Seventy-Five Percent (75%) of the appraised value of the interest acquired in the land as noted above is a sum equal to a greater amount than the development, planning and building of the two (2) aforementioned projects, the Development Commission is committed to spending up to the said Seventy-Five Percent (75%) of the appraised value either by expanding the two (2) projects noted above or working in conjunction with Gary
Park Board to develop other projects in the immediate neighborhood of the lands described in Appendix A. In the event that the cost of the development, planning and building of the aforementioned two (2) projects is more than seventy-five (75%) percent and less than one hundred (100%) percent of the appraised value of the interest acquired in the land described in Exhibit "A", the Development Commission shall be liable only up to the total cost of the project to a maximum of 100% of the said appraised value. In the event that the appraised value of the land described in Exhibit "A" is less than the estimated project cost, the Gary Park Board may, at its discretion, reduce the scope of either or both Projects to equal the said appraised land value or, in lieu of the said Projects, receive the appraised land value in cash. Development Commission expenditures for design and planning.

4. REMEDIES: Upon the signing of this Agreement by all Parties the Gary Park Department waives any right it may have to exercise control over the lands in Appendix A and require the Development Commission to file a condemnation action against same. This waiver is contingent upon the Little Calumet River Basin Projects Development Commission complying with the terms and conditions of this Agreement, and the attached Memorandum.

In the event that the Gary Park Department has signed away its rights to all lands in the attached Appendix A, but the Little Calumet River Basin Development Commission has not kept the promises set forth in this Agreement, the Gary Park Department, may, at its
option, institute litigation for the specific performance of the duties outlined in this Agreement.

5. ARCHITECT AND PLANNING: The Parties agree that the Gary Park Department, in conjunction with the Little Calumet River Basin Development Commission, Project, shall choose an architect to initiate the necessary planning process to complete the projects noted above and that architect and planning will be contracted and paid by the Little Calumet River Basin Development Commission, and that said payment will be counted toward its compensation for said property. It is the goal of the Parties that said architect will be in place no later than January 31, 1995. December 31, 1994.

6. AUTHORITY: Attached hereto and marked Exhibit "C" and "D" and "E" are resolutions of both the Development Commission and the Park Board duly adopted granting authority for said Development Commission and Board to enter into this Agreement and be bound by same.

7. OTHER ITEMS:

(a) Upon execution of this Agreement, the Gary Park Board will execute such deeds, easements or other forms of conveyance as requested by the Development Commission of the land required by Development Commission for the Project as described in Exhibit "A".

(b) The Gary Park Board, by execution of this Agreement and conveyance of the properties described in Exhibit "A" acknowledges that it has been fully apprised of its Right to Just Compensation
under the laws and regulations of the United States of America and the State of Indiana, and waives Just Compensation to the extent that the consideration herein does not constitute same.

(c) The Gary Park Board hereby agrees to release, hold harmless and indemnify the Development Commission from any and all damage, claim, action or liability that may arise as the result of the maintenance and operation of the facilities that will be constructed by the Development Commission for it.

(d) The Gary Park Board acknowledges receipt of $26,700.00 toward the land cost by reason of a sum previously paid by the Development Commission pursuant to an Agreement of the _______ day of _________, 19____ entered into between the Gary Park Board and Development Commission whereby the Development Commission agreed to hire and pay for a site plan, and that said $26,700 shall be and hereby is credited toward the purchase price of the land described in Exhibit "A".

(e) The parties understand that minor modifications of the boundaries of the properties and estates described in Exhibit "A" may have to be made after the execution of this agreement; however, in the event of significant modifications thereof, the Gary Park Board reserves the right to object thereto and furthermore preserves its legal remedies regarding compensation thereto.

ALL OF WHICH IS AGREED TO by and between the Parties this ______ day of _______________, 1995.
LITTLE CALUMET RIVER
BASIN DEVELOPMENT COMMISSION:

BY: GEORGE CARLSON, its Chairman
ATTEST:

NATHANIEL LEONARD, Secretary

GARY PARK DEPARTMENT:

BY: ALMA WHITE, President
ATTEST:

KATHERINE B. LORDEN, Secretary
<table>
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<tr>
<th>NAME (please print)</th>
<th>Organization and/or Address</th>
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<tr>
<td>Dave Taboriski</td>
<td>Black Oak</td>
</tr>
<tr>
<td>Don Shapiro</td>
<td>Highland, Michigan Marina</td>
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<tr>
<td>Pete Zarak</td>
<td>Highland, Indiana</td>
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<tr>
<td>Bill Petrites</td>
<td>Munster, IN</td>
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<tr>
<td>Rick McCarthy</td>
<td>U.S. COE</td>
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<tr>
<td>Renee Markson</td>
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<td>Dave Hunter</td>
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### INVOICE

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**Outstanding Payment Due:**

**Total Due:** $7,089.67
**LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**  
**MONTHLY BUDGET REPORT**  
**NOVEMBER 30, 1994**

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<th>AMOUNT READY FOR PAYMENT</th>
<th>PROJECTED BALANCE</th>
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**TOTAL:**  
$4,485,641.24 $679,712.41 $3,805,928.83 $32,573.74 $3,773,355.09

### CLAIMS READY FOR PAYMENT

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| TOTAL | 32,573.74 |