



# Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368 (219) 763-0696 Fax (219) 762-1653

E-mail: littlecal@nirpc.org

ARLENE COLVIN, Chairperson Mayor of Gary's Appointment

gets hint 4:10 EMERSON DELANEY, Vice Chairman Governor's Appointment

CURTIS VOSTI, Treasurer Governor's Appointment

ROBERT MARSZALEK, Secretary CRUISE Governor's Appointment

**GEORGE CARLSON** Mayor of Flammond's Appointment

STEVE DAVIS Dept. of Natural Resources' Appointment

ROBERT HUFFMAN Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

DR. MARK RESHKIN

MARION WILLIAMS Lake County Commissioners' **Appointme** 

DAN GARDNER Executive Director

LOU CASALE Attorney

# MEETING NOTICE

THERE WILL BE A MEETING OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION AT 6:00 P.M. THURSDAY, FEBRUARY 6, 2003 AT THE COMMISSION OFFICE 6100 SOUTHPORT ROAD PORTAGE, IN

WORK STUDY SESSION - 5:00 P.M.

# AGENDA

- Call to Order by Chairperson Arlene Colvin
- Pledge of Allegiance
- Recognition of Visitors and Guests
- Approval of Minutes of January 8, 2003
- Chairman's Report
  - Introduction of new member Charlie Ray, Porter County Commissioners' appointment
  - 2003 Committee organization
- Executive Director's Report
  - Presentation to Highland Town Council on January 13, 2003 > News articles
  - Letter from Roy Deda, Deputy for Project Management, COE regarding state funding concern
- Standing Committees
  - A. Land Acquisition/Management Committee Arlene Colvin, Chairperson Land Acquisition
    - Appraisals, offers, acquisitions, recommended actions
    - Issues for Discussion

#### Land Management

- Status of demolition of 3 houses in Black Oak
- Issues for Discussion

# Operation & Maintenance

Brief meeting at 4:30 preceding 5:00 Work Study Session

#### B. Environmental Committee - Mark Reshkin

- Update on offers status for Hobart Marsh mitigation
- Issues for Discussion

# C. Legislative Committee - George Carlson

- Report on State legislative session
  - > Governor's budget contains no capital projects
- Letter from Mayor King to Representative Earl Harris regarding project funding
- Memo to Representative John Aguilera, member of House Ways & Means Committee
- Trip to Indianapolis January 22 to discuss funding with area delegation
- Issues for Discussion

#### D. Project Engineering Committee - Bob Huffman

- Meeting on January 10 with Highland regarding INDOT project
- Report on meeting February 6 with COE & Town of Highland regarding Stage VI
- Issues for Discussion

## E. Recreational Development Committee

• Issues for Discussion

# F. Marina Development Committee

- Status report on marina development
  - > Attorney's letter regarding city's rejection of bonding resolution conditions /5-/6

19.20

- > Article regarding Portage Port Authority meeting on January 9
- Issues for Discussion

### G. Finance Committee

- NIRPC Contract review
- · Approval to pay property insurance from O&M funds
- Financial status report
- Approval of claims for January 2003
- Issues for Discussion

## H. Policy Committee - George Carlson

Issues for Discussion

# I. Public Relations Committee - Bob Marszalek

- Issues for Discussion
- 8. Other Issues/New Business
- 9. Statements to the Board from the Floor
- 10. Set date for next meeting

# MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION HELD AT 6:00 P.M. THURSDAY, January 8, 2003 6100 SOUTHPORT ROAD PORTAGE, INDIANA

Chairman William Tanke called the meeting to order at 6:15 p.m. Nine (9) commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

# Development Commissioners:

William Tanke
Robert Huffman
Mark Reshkin
George Carlson
Steve Davis
Curt Vosti
Emerson Delaney
Robert Marszalek
Arlene Colvin

# Visitors:

Jim Flora – R.W.Armstrong Company Sheldon Grad – Allied Realty Corp. Imad Samara - COE Jomary Crary - IDNR Sandy O'Brien - Hobart

#### Staff:

Dan Gardner Sandy Mordus Lou Casale Jim Pokrajac Judy Vamos

The minutes of the December 11meeting was approved after a correction was made whereby it was clarified that the request made of Sean Fahey to see what he could do about getting approval to draw funds down to allow for demolition of 3 houses in the Betterment levee project area was to be made in writing (and not just report back). Motion to accept minutes as amended was made by Curt Vosti; motion seconded by Bob Huffman; motion passed unanimously.

<u>Chairman's Report</u> – Chairman Bill Tanke referred to a Committee preference sheet distributed to all members and asked members to fill it out and return to Sandy.

- Chairman Tanke referred to a letter he wrote to the Lake County Commissioners transmitting the attendance sheet and notifying them that their appointment to the Commission has only attended 4 out of 13 meetings and that his appointment has been expired since 12/31/01.
- Mr. Gardner was also requested to call other members who have had poor attendance to see if they wish to continue to serve on the Commission
- Chairman Tanke stated that before moving onto the Nominating Committee's report, he proceeded to read a few notes he had made on his observations over his years on the Commission. After sharing his thoughts, Commissioner Carlson made a motion that he have the notes typed up and distributed to all members; motion seconded by Bob Huffman; motion passed unanimously. They thanked him for all his years of contribution to the Commission.
- The Nominating Committee, consisting of committee chairman Mark Reshkin, Bill Tanke and Curt Vosti, gave their report. Dr. Reshkin reported that the committee had met in late December and proceeded to nominate the following candidates: Chairperson Arlene Colvin; Vice Chairman Emerson Delaney; Treasurer Curt Vosti; Secretary Bob Marszalek. There being no other nominations, the presented slate of officers was voted unanimously to serve for 2003. Commissioner Arlene Colvin proceeded to preside as Chairperson and presented outgoing chairman Bill Tanke with a plaque and expressed the Commission's thanks to him for serving as Chairman.

<u>Executive Director's Report</u> – Executive Director Dan Gardner reported that we have been in communication with the west reach elected officials in regard to the public notice that was mailed to the residents in the west reach. He is going before the Highland Town Council on January 13 to update members on the project and status of funding.

LCRBDC Minutes January 8, 2003 Page 2

• Mr. Gardner reported that he has received a letter from Mr. Richard Whitney, Chief Financial Officer at INDOT, regarding their research on highway credit. The letter indicated that 3 of the 4 projects were funded with 100% state funds. The 4th project was 80% federal/20% state. With all 4 projects considered, the letter indicated that about \$19,590,000 is available for state credit for the federal project. INDOT has received approval from the FWA to allow the use of the funds in this manner and they are contacting the COE for their approval. Mr. Gardner will report back to the Board members once he has confirmed all the facts and get further clarification. On the surface, it appears to be very good news.

<u>Land Acquisition/Land Management Committee</u> — Committee Chairperson Arlene Colvin gave the report. She reported that there were no increased offers or condemnations. Staff is proceeding with acquisition in the west reach within the limits of our funding. Staff is also proceeding with acquiring land for mitigation.

- Ms. Colvin reported that the second phase of the Charles Agnew Handicapped Park is completed. Commissioner Marszalek shared some photographs of the playground equipment with the Board members and also presented a letter from River Forest Elementary School Principal Andrew Wielgus thanking the Commission for their help in completing Phase 2 of the park. They have confirmed that all the equipment seems to have been installed according to specs and appears to be in good working condition. The Commission will follow up with payment for the equipment. Commissioner Vosti inquired about LEL's involvement in the payback of the funds we've expended. The project is not totally completed as LEL's Don Ewoldt presented it to the school and to us. It was always stated that once LEL can sell credits for mitigation on that property, they would have money to proceed with the improvements. Staff will follow up to check latest status.
- Commissioner Bob Huffman stated his disappointment that the demolition of the abandoned houses in our project area did not happen yet. Mr. Vosti added that he understood that, although Mayor King expressed his concern and desire for the city to do the demolition, we would first await the State's answer as to being able to draw down the funds for the demolition. If the State says "no", then we would ask the city to go ahead with demolition. Chairman Tanke asked the attorney to check the Commission's insurance policy to see if demolition would be covered. Jim Pokrajac added that there is a difference in the bid amount with just knocking down the house and then removing it also.

<u>Environmental Committee</u> – Committee Chairman Mark Reshkin gave an update on the Hobart Marsh mitigation properties. He reported that the offer on the Kim property has been made; although nothing has been received in writing, the offer may be rejected but possibly a counter offer will be made. Other property owners have not responded yet. Without having condemnation power in that area, we can only purchase property with a willing seller.

- Dr. Reshkin referred to a Post Tribune article regarding new Federal guidelines regarding wetland losses and their replacement,
- Dr. Reshkin spoke on the relationship we have with LEL. The Environmental Committee had a conference call with LEL's attorney and it was determined that LEL cannot be the entity that requests a mitigation permit—it has to be the landowners. In light of this development, it has become a mitigation project, rather than a mitigation bank; and if that is the case, other contractors conceivably could bid on the contract. Ongoing discussions will continue with LEL. The attorney has sent a letter to LEL's attorney.

<u>Legislative Committee</u> – Committee Chairman George Carlson gave the legislative report. He referred to the letter that Mayor Scott King will send to Representative Earl Harris, seeking his help in securing funds for the project to continue.

- Mr. Carlson also referred to the letter that Mr. Gardner sent to Kelsee Waggoner of the Congressman's staff, pointing out the seriousness of insufficient state funds to meet the federal funds. The letter reiterated out budget request of \$9.5 million; it spelled out our endeavors in keeping in contact with the local elected officials and legislators; and our continued discussions with officials at IDNR and the State Budget Agency. Commissioner Vosti asked if there was anything else we could do to get a meeting down state and Mr. Gardner did not think so.
- Mr. Carlson stated that he even took the opportunity to talk about funding when the Congressman called him on his 90th birthday to wish him a Happy Birthday.

LCRBDC Minutes January 8, 2003 Page 3

<u>Project Engineering Committee</u> – Committee Chairman Bob Huffman gave the engineering report. He reported that inspections of levee segments for Stage II Phase 4 (Broadway to Martin Luther King Drive north of the river), Stage II Phase 3B (Harrison to Georgia south of the river), and Stage IV Phase 1 South (Cline to Burr south of the Norfolk Southern RR) were held on December 18, 2002 with the COE and each contractor. All 3 segments were accepted as per plans & specs which relieve the contractors of all future responsibility; all east reach inspections are now completed with the exception of the Betterment levee; the COE anticipates turnover of all segments no later than September 30, 2003.

- Mr. Huffman reported that the Commission has received a letter from INDOT there would be a \$250,000 cost increase to re-locate their pump station west of Indianapolis Blvd. in Highland. The increased cost would be at 7.58% for Highland, 89.55% for North Township and 3.27% for INDOT. It is hoped that the incremental cost difference can be met locally.
- Stage VIII engineering contract with SEH (Columbia Avenue to State Line) has been terminated and may not start back up for at least 2 years due to lack of funding. Commissioner Vosti questioned the legality of the COE terminating the contract. He asked the attorney if Commission approval was necessary before termination and was told that it is not necessary. Mr. Vosti asked Imad Samara for a copy of the termination and a report on the details of what work was done and what remains to be done and the actual dollar amounts estimated for remaining work. He also asked staff to notify Board members in the future if any termination of contracts should occur again.

<u>Recreation Committee</u> – Committee Chairman Emerson Delaney stated that no recreation construction is going on at this time. Everything is done that had to be done.

Marina Committee - Committee Chairman Bill Tanke reported that several meetings have been held recently with the city of Portage. He referred to a packet of information previously sent to Commissioners regarding the views of the Committee, including a letter from Portage City Attorney Greg Sobkowski. Mr. Tanke proceeded to make a motion that would authorize the attorney to prepare a bond resolution and legalities for a revenue bond not to exceed \$900,000 and subsequent adjustments, (\$828,000 was the low bid for the docks) necessary legal work and other administrative costs. Motion is contingent upon (1) city of Portage will, no later than the 10th of each month, furnish the Commission a full accounting of all expenditures from the proceeding month; (2) no amount over \$500 shall be approved by the city without the Commission's approval in writing; (3) the order of distribution of revenue derived from the marina will be as follows: (a) payments for both revenue bonds will always be made out of the yearly marina revenues prior to the payment of any marina operational or capital expenses; (i) if there is a shortfall in revenue year and there is sufficient money to pay the two bonds, but there is not enough money to cover O&M expenses of the marina, the city will pay the shortfall in the marina O&M; (ii) and if there is a shortfall year where there is not even enough revenue to pay both revenue bonds - (1) the second bond payment will always be made first out of the existing revenue funds for that year; and (2) the original bond payment will be made second, and per the original agreement, the city will make up the shortfall for the original bond payment; (b) revenue after the two bond payments have been made, will go for O&M of the marina; (c) any surplus revenue after the bonds have been paid and the O&M expenses have been covered, will go to the Commission to repay its original past expenditures; (4) the final amount to be reimbursed to the Commission for cash contributions is \$929,000 plus an additional amount of legal expenses that is to be determined & finalized within 30 days; (5) no work on parking lots or other construction within the NIPSCO R/W will be performed by the city without full and complete indemnification of the Commission with proof of liability insurance in the amount of \$100,000,000; (6) by January 15, Portage and the Commission will agree to sign and enter into a inter-local agreement incorporating the above items; (7) after all revenue bonds are paid in full and the cash contribution from the Commission is reimbursed, the city may purchase the real estate owned and leased by the Commission for the marina for no less than its fair market appraised value as of the date that above said debts and bonds have been paid in full. Motion was seconded by Emerson Delaney. Discussion ensued. The amount of the \$100 million indemnification amount was questioned. The attorney did not think anyone would be able to secure a \$100 million policy. The motion was amended to state that the city would indemnify the Commission with proof of liability insurance in the amount of the limits set by the Indiana Torts Claim Act. It was further stated that Bank One has approved up to \$1 million in a revenue bond until January 15 and that is

why action has to be taken immediately. The Portage Port Authority meets tomorrow night and if the city will sign and agree to above terms, Phase 2 of the marina project can move forward. Commissioner George Carlson made an amendment to the motion to defer it to the attorney. Commissioner Vosti seconded the motion for discussion purposes only. It was explained that the problem with no action tonight is that they cannot proceed then because the Bank One offer is only good until the 15th and to delay this another month, would also delay the construction of the marina docks to the point that they would not be ready for this boating season. Mr. Tanke went on to say it was critical to complete the marina now at this time and not delay it. His motion covers all points of concern. Several commissioners expressed concern. Commissioner Mark Reshkin agreed with Mr. Tanke that we should move forward on this and reiterated that Mr. Tanke's motion covered all concerns. Although Commission Vosti applauded Mr. Tanke's efforts in desiring this to go forward, he still had problems with it. He did not see the urgency of why we couldn't just wait until next year. Mr. Tanke stated we have been diligently pursuing this with the last mayor and now with this mayor for the last 3 years and this is as close as we've ever been to an agreement. If the project is not completed, it would put the Commission at risk to pay back monies to the COE that was expended on the breakwaters. Also, if we waited until next year, the interest rates would probably be much higher. Attorney Casale also suggested that we move forward and present the resolution to the city. He felt that all points were covered in the resolution and that it should be Portage now that has to decide at their meeting tomorrow night. He also stressed that this is a preliminary bond resolution. A final bonding resolution has to be passed at a Board meeting at a later date. The amendment motion made by Mr. Carlson was defeated. Mr. Vosti still had a concern about the inappropriate amount of time that has been given to review the material given to the members. Mr. Vosti proceeded to make an amendment to the motion to approve the resolution as presented by Mr. Tanke with all 7 items – as a preliminary resolution and that it be referred to the Finance Committee for review with the final resolution being approved by the Finance Committee first before approval by the Commission members. After further discussion, the motion was approved. Although the motion was approved, Mr. Vosti went on to say that, with the issue of the COE coming back to us for \$1 million payback for the marina, he feel this would not be a priority with the COE. It is still a recreational project. He feels we are more on the line with default of the levee project with the shortfall in state funding and that should be more of a concern to us. It was questioned whether we should consult with the State before entering into an agreement like this. Mr. Tanke felt it is not necessary and should not be part of a motion. Mr. Vosti, who is more concerned about getting the levee construction going in the west reach, especially the Hammond portion of which he represents, felt the marina project is more of a "playground for the wealthy". Commissioner Huffman questioned what our Plan "B" is if the mayor does not accept the resolution. After discussion, the only alternate plan would be for a special sit-down meeting with the city to negotiate. Mr. Vosti asked that the preliminary resolution be typed up and sent to all members. Since the Port Authority meeting is at 7 p.m. tomorrow night, it will be sent to the mayor in the afternoon so he has time to look it over.

<u>Finance Committee</u> – Committee Chairman Curt Vosti gave the financial report. He made a motion to accept the financial statement and claims as presented; motion seconded by Bob Marszalek; motion passed unanimously.

- Mr. Vosti stated that the approval of NIRPC's contract for administrative services was tabled at the last meeting until a justification of the 5% increase could be made. Mr. Gardner presented a 2-page accounting of the NIRPC contract figures with a monthly service cost breakdown. After discussing the figures breakdown, Commissioner Reshkin still did not agree that the increase should be 5%. Mr. Vosti asked Mr. Gardner to have Hugh Rhein, Finance Administrator for NIRPC, at a Finance Committee meeting to explain and justify the figures.
- The contract for legal services was presented. There is no hourly increase. The only change is the termination clause from 14 to 30 days. Mr. Vosti made a motion to approve the legal contract as presented; motion seconded by Mark Reshkin; motion passed unanimously.
- The contract for R. W. Armstrong Company was presented. The contract remains the same and there is no hourly increase. Mr. Vosti made a motion to approve the contract as presented; motion seconded by Bill Tanke; motion passed unanimously.
- The contract for technical crediting services for Sandy Mordus was presented. The contract remains the same and there is no hourly increase. Mr. Vosti made a motion to approve the contract as presented; motion seconded by Bill Tanke; motion passed unanimously.



LCRBDC Minutes January 8, 2003 Page 5

• Mr. Vosti made a motion approving the agreement with USGS for the Hart Ditch gage station at a cost of \$5,470 for this year only; motion seconded by Bob Huffman; motion passed unanimously.

• Mr. Vosti made a motion to approve a budget transfer in the amount of \$9500 from Budget line 5821 (Travel/Mileage) to Budget line 5812 (NIRPC Services); motion seconded by George Carlson; motion passed unanimously.

• Mr. Vosti made a motion to approve the 6-month 2003 Operating Budget as presented; motion seconded by Mark Reshkin; motion passed unanimously.

<u>Policy Committee</u> – Committee Chairman George Carlson referred to page 11 in the agenda packet in which the change is made to the procedure of the nominating committee. The first reading was approved at the last Board meeting. Mr. Carlson proceeded to make a motion finalizing the passage and adoption of the change as presented; motion seconded by bob Huffman; motion passed unanimously.

<u>Public Relations Committee</u> – Committee Chairman Bob Marszalek stated he has already made his report earlier regarding the completion of the phase 2 playground equipment installation at River Forest Elementary School.

Other Issues – Mr. Gardner referred to page 12 in the agenda packet that is a COE fact sheet that is posted on their web site. Commissioner Huffman tried to download the project maps but was unable to do so. Commissioner Reshkin inquired whether the Commission had its own web site and was told that it does not but we are included in NIRPC's web site.

• Bill Tanke inquired why NIRPC does not have a flag in front of the building. He proceeded to make a motion directing staff to pursue the issue of obtaining a flagpole with NIRPC; motion seconded by Curt Vosti; motion passed unanimously.

• It was stated that if a special meeting has to be called, we will give at least a 48 hour notice to the media, as required by law.

<u>Statements from the Floor</u> - Sandy O'Brien asked if she could obtain a copy of the Commission's budget request and a copy of the letter that was sent to Kelsee Waggoner of the Congressman's staff.

The next meeting was scheduled for 6:00 p.m. Thursday, February 6, 2003.

# Chesterton Tribune, Wednesday, January 22, 2003

# Ray named to Little Cal commission

Former Chesterton Town Engineer Charlie Ray was appointed Tuesday to a regional board overseeing flood-control and other projects along the Little Calumet River in Lake and Porter counties.

The Porter County Commissioners appointed Ray, an engineer with the Duneland Group, as their representative to the Little Calumet River Basin Commission.

County Commissioner President Dave Burrus said a need has been expressed to "breathe new life" on the LCRBC. Commissioner Larry Sheets, who serves on the board of the Northwestern Indiana Regional Planning Commission, which oversees the LCRBC, agreed that the river commission is a valuable entity that needs to go forward. North Porter County Commissioner John Evans recommended Ray, saying that the commissioners' appointee should either be a county official or an engineer. Ray will take the place of Bill Tanke, a surveyor who has been on the commission since 1971. Burrus commended Tanke for his years of service to the board.

In other appointments at a brief and largely uneventful meeting Tuesday morning, the commissioners reappointed Valparaiso City Planner Nancy Pekarek to the Workforce Investment Board and County Clerk Dale Brewer to the Common Wage Committee.

(

# 

The second secon

# The Times January 15, 2003

# Little Cal levee funds fall through

BY CHARLES F. HABER **Times Correspondent** 

HIGHLAND - Funding for . construction of a levee along the Little Calumet River has sprung a leak and the town has been asked to support efforts to get the project flowing again.

Dan Gardner, executive director of the Little Calumet River Basin Development Commission, told the Town Council that the 2002 state General Assembly had earmarked \$5.5 million to continue the project, which currently has reached the area west of Cline Avenue.

But because of the state's financial woes, Gov. Frank O'Bannon subsequently took

See LEVEE, A9

#### Continued from A1

\$2.5 million away from the project, Gardner said. "We asked to be in the governor's budget" but this is not likely to happen, he said.

In trying to get the funding restored, Gardner said he plans to contact the state legislature and suggested that Highland send letters to support the request.

Councilman ... George Georgeff, R-1st, said it is important for the levee to be completed through the town because of the benefit to residents. "They can save about \$2 million of flood insurance" premiums because the town would no longer sit in a floodplain, he said.

"We were very disappointed by the revelation ... that the funding mechanism for future levee work was reappropriated to help in the state's budgetary shortfall," President Mark Herak, R-2nd, said Tuesday.

Herak said the news was not unexpected because the council has been watching the situation for the past few weeks and our respective representatives has seen how the local road and in an attempt to find additionstreet funds are being affected. al funding sources."

"The thing most frustrating is that the congressman's office (U.S. Rep. Pete Visclosky, D-Ind.,) has done their part to get the federal funds secured and now we can't get the state funding," he said.

Herak said that Highland, Griffith and Munster do not have the financial advantages of neighboring communities such as Hammond and Gary, which can use casino gambling revenue to fund their portions of the project. The three smaller towns are limited by law as to how the gaming money can

be used, he said. The levee is being built

along both sides of the river and the Army Corps of Engineers will pay 75 percent while the state pays the rest, board

members said.

Although the task is more difficult now, "we are still very much committed to completing the project and saving the residents of Highland millions of dollars in unneeded flood insurance," Herak said. "We will continue to write and lobby

# Town urges state to restore levee funding

BY CHARLES F. HABER
Times Correspondent

HIGHLAND - The Town Council on Monday urged the state to restore funding that it withdrew for the flood levee being built along the Little Calumet River.

Earlier this month, Dan Gardner, executive director of the Little Calumet River Basin Development Commission, told the council that Gov. Frank O'Bannon withdrew \$2.5 million that had been earmarked by the Indiana

General Assembly to continue the project, which currently is stalled west of Cline Avenue.

The council unanimously passed a resolution asking O'Bannon and the General Assembly to support the project and restore the funding, which represents the state's share of the federal project.

The resolution asks the state to "fully restore the unexpended amount of \$2.5 million" and also for the appropriation of \$7 million for each two-year period in the future until the project is completed.

#### DEPARTMENT OF THE ARMY

CHICAGO DISTRICT, CORPS OF ENGINEERS

111 NORTH CANAL STREET
CHICAGO, IL 60606-7206

REPLY TO ATTENTION OF

January 22, 2003

Planning, Program and Project
Management Division

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

Dear Mr. Gardner:

The Little Calumet River Basin Development Commission and the Chicago District have expended a great deal of funds and effort to bring the Little Calumet Flood Control Project to the citizens of Northwest Indiana. Unfortunately, inadequate local funding is now putting the continuation of this project in serious jeopardy. It is critical to the continued progress of the project that you secure the necessary local funding for this fiscal year and out years. As you prepare your budget requests with the State legislature, it is essential that you exert your best efforts to acquire necessary funding in the amount of \$9.5M.

Non-Federal contributions through 30 September 2002, creditable to the project are \$16.9M. An additional amount of \$2M or less will be creditable by the end of this fiscal year. With the \$1M that you will receive from the State of Indiana present budget, the non-Federal contributions creditable to the project through 30 September 2003 are expected to total \$19.9M at the best. Since the Federal expenditures are expected to be \$84.6M at the end of this fiscal year, we would enter FY 2004 with a deficit of \$8.3M of non-Federal matching funds.

The Local Cooperation Agreement (LCA), in Article VI b.1. states that the Government shall notify the Commission by 30 April of each year of the estimated funds required from the Commission to meet its share of the total cost for the upcoming fiscal year. By 30 April 2003, we will be providing the required notification for FY 04. If the Commission finds it is unable to provide its required local cost share for FY 04 and is unable to reduce or eliminate the local share funding deficit, we will be forced to evaluate the options available under the LCA, which includes the following:

1. Terminating the project; or,

2. Suspending work until such time you are able to met your cost-share responsibilities; or,

3. Continuing work on the project based on a determination of the Secretary of the Army that such continuation is in the best interest of the United States or is necessary in order to satisfy agreement with any other non-Federal interests in connection with the project.

I urge you to continue your efforts to secure funds in the amount of \$9.5M in State appropriations for use in meeting your cost-sharing obligations. We appreciate that the Commission is primarily dependent on the State of Indiana for its funding. However, the LCA places the responsibility for providing adequate local funding directly on the Commission and not the State of Indiana.

Sincerely,

Roy J. Deda, P.E.

Deputy for Project Management

CF:

Governor Frank O'Bannon Kelsee Waggoner, Office of Congressman Pete Visclosky Sean Fahey, Indiana Department of Natural Resources

# Indianapolis Star January 21, 2003

# Governor proposes 'restrained' budget

Indiana delegation says hard work crunching numbers starts now.

BY BRENDAN O'SHAUGHNESSY Times Statehouse Bureau Chief

After Gov. Frank O'Bannon proposed a "restrained, responsible budget to fund state government services for the next two years," Northwest Indiana lawmakers called it a framework around which they will build an admittedly meager house.

Under pressure to present a \$20 billion, two-year spending plan that did not raise general taxes during the worst financial crisis the state has experienced since World War II, O'Bannon's budget would freeze spending for most state agencies at their current levels. Since those budgets already were cut 7 percent in fiscal year 2003 and absorbed another 5 to 7 percent in inflationary costs, State Budget Director Marilyn Schultz said the budget proposal "literally will affect every agency and pro-

Sen. Earline Rogers, D-Gary, said she was concerned about how a flatline of the education budget would affect Northwest Indiana schools. But she cautioned the governor's proposal was only a first step of an arduous budget process.

"I've been here long enough to know that what we see now won't be the same in April (when the session ends), so I don't get too exercised about it," Rogers said.

Rep. Bob Kuzman, D-Crown Point, said the governor's budget shows just how tough times are in Indiana. He said lawmakers will have to look at all funding sources short of general taxes to keep schools operating and improving.

"The Northwest Indiana delegation has already come together to work on the issues," eral Kuzman said, referring to a priority-setting meeting of most of the region's lawmakers Tuesday.



Indiana
Gov. Frank
O'Bannori
announces
a \$22.9 billion
spending plan
to help ease
state deficit.

"Now we have a framework to move forward."

The General Assembly will have to find some way to raise education funding just to maintain the status quo, which is facing increased utility, health and liability costs, said Roger Thornton, director of the Indiana School Superintendents Association. He said the proposed budget "signals a retreat" from the progress schools have made recently.

"This means layoffs and larger class sizes," Thornton said.
"Any parent with a child or grandchild should be seriously concerned by this proposal."

Presenting the budget recommendations to the State Budget Committee, Schultz said the state's priorities were to present a budget that balanced for the next two years and protected education, human services, public safety and the tax restructuring achieved last year.

The governor's budget achieves all this by a series of one-time fund transfers that keep the state running for now but could spell danger down the road.

"How we manage this fiscal crisis will determine how we come out of it," Schultz said. "We still spend \$225 million more than we (project to) take in, but it provides a balanced budget with the transfers."

Transfers mean raiding future income and dedicated funds for current operating expenses.

A controversial example will be securing tobacco settlement money, where the state would borrow \$164 million for the general fund against future payments now dedicated to health programs associated with smoking.



SCOTT L. KING MAYOR (219) 881-1301 FAX (219) 881-1337

January 10, 2003

The Honorable Earl Harris Indiana State Representative House Post Office Indianapolis, Indiana 46204

#### Dear Earl:

I hope your holidays were happy and the upcoming session is a productive one. I am writing to follow up on our recent conversation regarding funding support for continuation of the critically needed flood control project along the Little Calumet River, particularly along Burr Street in Gary. As you have been informed by the Little Calumet River Basin Development Commission members and staff, the State Budget Agency has frozen access to \$2.5 million of 2001-03 Build Indiana Funds and has refused to pay for the Burr Street levee portion of the project, citing it is a "betterment" from the Corps of Engineers' basic protection. The problem is that the "basic protection" does not provide for full economic redevelopment and equal level of protection (a flood levee) with other areas along the river. As this section is in your district, we seek your active assistance in doing three things:

- (1) Speaking to the Budget Agency and getting relief from this unfair restriction to Gary and your district regarding the use of State funds for Burr Street levee;
- (2) Securing access to the previously appropriated yet unallocated \$2.5 million used to address part of the State deficit situation for continuation of flood control construction in your district; and
- (3) Appropriating as much new money in this budget as is possible. As you are aware, the Federal money appropriated by Congress through the efforts of Congressman Visclosky and supported by Senators Lugar and Bayh, in the amount of some \$21 million is awaiting State match monies. (A copy of the Commission's request based upon the Federal available funds is enclosed.) A minimum of

The Honorable Earl Harris January 10, 2003 -2-

\$2-3 million is critical to remaining in compliance with the Federal contract.

As a final point, Congressman Visclosky has expressed that the Indiana Harbor Ship Canal Project, another Corps project in your district and of major benefit to East Chicago and all of northwest Indiana, is negatively impacted by our inability to complete the Little Calumet River flood control project in a timely manner due to lack of State funding to match available yearly Federal appropriations.

I ask your personal commitment to funding this need. Your support in the past has been the critical factor in procuring Little Calumet River funding and I am trusting in your efforts in this session.

If you have need of any additional information, or if you have questions, do not hesitate to contact me, Arlene Colvin, my Chief of Staff and an officer of the Little Calumet River Basin Development Commission, and/or Dan Gardner, the Executive Director of the Commission. Thank you for your assistance in this matter.

Sincerely,

Scott King Mayor of Gary

Cc: Dan Gardner

Arlene Colvin

Encl:



# Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368 (219) 763-0696 Fax (219) 762-1653 E-mail: littlecal@nirpc.org

ARLENE COLVIN, Chairperson Mayor of Gary's Appointment

EMERSON DELANEY, Vice Chalman Governor's Appointment

CURTIS VOSTI, Treasurer Governor's Appointment

ROBERT MARSZALEK, Secretary Governor's Appointment

GEORGE CARLSON Mayor of Hammond's Appointment

STEVE DAVIS Dept. of Natural Resources' Appointment

ROBERT HUFFMAN Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

DR. MARK RESHKIN Governor's Appointment

WILLIAM TANKE Porter County Commissioners' Appointment

MARION WILLIAMS Lake County Commissioners' Appointment

DAN GARDNER Executive Director

LOU CASALE

TO: Representative John Aguilera

FROM: / Day Gardner, Executive Director

SUBJECT: 2003-05 Biennial Budget Request

DATE: January 17, 2003

It was good to talk to you the other day. As promised, I've included some of the current and background information on the Little Calumet River Flood Control project. Enclosed is (1) our 2003-05 biennial budget request; (2) communication to Representative Earl Harris from Mayor Scott King regarding finishing the project in Gary; (3) letters written from the Commission to the chief elected officials in Hammond, Highland, and Munster regarding the project and our seeking a construction permit.

Also for your information, I have included an overall project map and general background on the problems and reasons for the project.

Again, thank you for your support and I will look forward to seeing you on Wednesday the 22<sup>nd</sup> and talking with you and Earl regarding strategy for this session. If you have any questions or would like any additional information, please call me at any time.

/sjm encl. E-MAIL: thefirm@cwblawfirm.com

LOUIS M. CASALE DAVID E. WOODWARD DAVID A. BULS FI. BRIAN WOODWARD DAVID M. BLASKOVICH\* "LICENBED IN INDIANA & ILLINOIS

**LEGAL ASSISTANTS** DEBRA L. KOZLOWSKI ANGELA M. OGRENTZ CAROL E. BERWANGER

FINANCIAL COORDINATOR (ULIÉ MALKOWSKI

January 13, 2003

Dan Gardner Little Calumet River Basin Development Commission 6100 Southport Road Portage, IN 46368

VIA FACSIMILE (219) 762-1653

PORTAGE MARINA PROJECT RE:

Dear Dan:

This e-mail is an update regarding the above project. On Friday, January 10, 2003, Greg Sobkowski, the Portage City Attorney, contacted me. He said that the Mayor was "personally offended" by the Resolution which was passed by the Commission on January 8, 2003. He indicated that the Mayor's position was now one in which he no longer will agree to an amendment to the Interlocal Agreement providing for payment of revenue bonding first before the payment of operational expenses. He indicated that if we want a revenue bond, we do so with the Interlocal Agreement as it is, without any guarantee from the City (which, of course, has always been the position of the Mayor) and also, without amendment to provide for revenue bond payment first. I explained to him that I could not understand why the Mayor would be personally offended, as this was a business deal and not a personal matter and it involved a million dollars in taxpayers money. We were simply trying to protect the Commission and the City from possible default on a revenue bond by putting in certain safeguards.

Due to the fact that the position of the Mayor has changed, I requested that Greg Sobkowski put the new position of the Mayor in writing. He refused to do so, indicating that the verbal communication would be sufficient.

Dan Gardner January 13, 2003 Page 2

I then contacted the bank and indicated that the loan commitment should be left open until January 15, 2003; however, the situation does not look promising and if the position of the City does not change, I would expect to be contacting the bank after January 15, 2003 indicating that the revenue bonds would not be issued at this time.

If there are any questions or I could be of service, please do not hesitate to contact me.

Sincerely,

CASALE, WOODWARD & BULS, LLP

Louis M. Casale

LMC/amo

# Effort to expan delayed

Portage, Little Calumet Commission differ on bonding language.

> BY JOYCE RUSSELL Times Staff Writer

PORTAGE - The effort toexpand the Portage Public Marina by 97 slips hit a snag Thursday night.

Initially, the Port Authority rejected three bids it received on the project because of differ ences between the city and the Little Calumet River Basin Development Commission involving language in a bonding resolution financing the project.

However, Bill Tanke, chairman of the commission's Little Calumet Marina Committee, asked the authority to change. its mind and continue negotiations between the two parties. The authority agreed, rescinding its original motion, taking the bids under advisement until they determine if an agreement can be reached.

The marina property is owned by the commission, but the marina is operated by the city in a joint venture.

See MARINA, B6

# Marina

# Continued from B1

five new piers would be the final phase of the marina's development. The authority opened bids on Dec. 31. Bids ranged from \$828,500 to \$1,077,856.

"We've hit a couple of snags with the bonding resolution. They've made some different requests and concerns that the city isn't willing to accept," said Authority Chairman John Smolar. "It is in the best interest of the marina to leave it as it is."

"We've come up with this resolution. If there are one, two, three items the city can't live with, we'll set down and negotiate what the problems are," offered Tanke, adding a bank is willing to loan up to \$1 million to finish the marina because the demand for the extra slips is there.

Representatives of the two groups have met throughout. the week to iron out the differences. The commission approved the bonding resolution Wednesday.

The differences between the two groups, said Dan Gardner, director of the commission, have to do with the "stream of revenue" from the

marina.

While the loan would be The additional 97 slips on paid back from revenues of the marina, Gardner said the commission has no taxing authority. If revenues couldn't make the payments, they were looking for assurances from the city on the financing.

"There are conditions on the need of flow of the dollars. We're not trying to put the city in a box," said Gardner.

Six of the seven authority members were willing to give it another try.

Member Gerald Hodges said he didn't believe an agreement could be reached.

"I don't think we could salvage it right now. The time element is working against us. Some of the items indicate we will not come to an understanding," said Hodges, adding the two sides are "North Pole / South Pole" apart on some is-

Ideally they wanted the slips in by the 2003 boating season so that they could fill them. Smolar said if a resolution is found quickly, the authority could be left with empty slips and lost revenue.

Joyce Russell can be reached at joycer@nwitimes.com or [219] 762-4334.

# LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION FINANCIAL STATEMENT JANUARY 1, 2002 - DECEMBER 31, 2002

MOART	, 2002 - DECENDEN	.,	
CASH POSITION - JANUARY 1, 2002			
CHECKING ACCOUNT			
LAND ACQUISITION			21.85
GENERAL FUND		171,7	53.88
TAX FUND			0.00
INVESTMENTS		1,530,3	
ESCROW ACCOUNT INTEREST		1	00.57
•			1,716,775.40
RECEIPTS - JANUARY 1, 2002 - DECEMBER 31, 20	<u>02</u>	65.3	15 14
LEASE RENTS			215.34
INTEREST INCOME(FROM CHECKING & FIRS	T NAIL)	· ·	68.64 01.93
LAND ACQUISITION		-	14.59
ESCROW ACCOUNT INTEREST MISC. RECEIPTS			37.96
KRBC REIMBURSEMENT RE; TELEPHONE CH	IARGE	•	17.66
PROCEEDS FROM VOIDED CHECKS	22.02		00.00
TOTAL RECEIPTS			1,108,156.12
DISBURSEMENTS - JANUARY 1, 2002 - DECEMB	ER 31, 2002		
ADMINISTRATIVE			
2001 EXPENSES PAID IN 2002		94,996.71	
PER DIEM			150.00
LEGAL SERVICES			337.46
NIRPC			785,81
TRAVEL & MILEAGE			020.30 525.99
PRINTING & ADVERTISING			70.75
BONDS & INSURANCE	•		989.14
TELEPHONE EXPENSE MEETING EXPENSE		•	372.90
LAND ACQUISITION		-,	
LEGAL SERVICES		74,6	564.35
APPRAISAL SERVICES		106,3	325,00
ENGINEERING SERVICES		64,3	277.43
LAND PURCHASE CONTRACTUAL		54,	169,43
FACILITIES/PROJECT MAINTENANCE SERVI	CES	8,:	555.00
OPERATIONS SERVICES			0,00
LAND MANGEMENT SERVICES		•	294.94
SURVEYING SERVICES		12,0	007.50
MISCELANEOUS EXPENSES			0,00 0,008 0,008
ECONOMIC/MARKETING SOURCES			600.82
PROPERTY & STRUCTURE COSTS		34,	0.00
MOVING ALLOCATION		6.5	876.11
TAXES PROPERTY & STRUCTURES INSURANCE		_	329.00
UTILITY RELOCATION SERVICES			99.45
LAND CAPITAL IMPROVEMENT			0.00
STRUCTURAL CAPITAL IMPROVEMENTS			345.00
BANK CHARGES MERCANTILE			57,05
LCRBDC MONEY MARKET PAYBACK			178.50
PASS THROUGH FOR SAVINGS		283,	648,37
TOTAL DISBURSEMENTS			1,114,960.30
CASH POSITION - DECEMBER 31, 2002			
CHECKING ACCOUNT		134	776.87
LAND ACQUISITION GENERAL FUND			780.09
TAX FUND			0.00
IAXIOND			
INVESTMENTS			
FIRST NATIONAL BANK	700,000.00	4/26/2003	
(BASE CAPITAL INVESTMENT)			
FIRST NATIONAL BANK	258,000.00	4/26/2003	
(MISC INTEREST/RENTAL INVESTMENT	•		
		315,341.09	
BANK ONE SAVINGS ACCOUNT	123 057 00	313,341.05	
(LEL MONEY)	152,857.80		
(MARINA SAND MONEY)	133,721.49		
(MARINA SAND MONE I)	100,121,47		
+ (STATE DRAW MONIES)	2,829.51		
Garas more morenny	-,: <del>-</del>		
(GARY PARKS & REC MONIES)	•		
·			
SAVINGS INTEREST	25,932.29		
TOTAL INV			341.09
ESCROW ACCOUNT INTEREST AVAILABLE		1.	1 452 013 21
			1,452,913.21

# LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION MONTHLY BUDGET REPORT, JANUARY 2003

				•					
								6 MONTH	UNALLOCATED
	2003							ALLOCATED	BUDGETED
	BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	TOTAL	BALANCE
5801 PER DIEM EXPENSES	8,000.00	200.00						200.00	7,800.00
5811 LEGAL EXPENSES	4,250.00	593.66						593.66	3,656.34
5812 NIRPC SERVICES	62,500.00	10,210.39						10,210.39	52,289.61
5821 TRAVEL/MILEAGE	5,000.00	91.42						91.42	4,908.58
5822 PRINTING/ADVERTISING	2,500.00	0.00						0.00	2,500.00
5823 BONDS/INSURANCE	3,750.00	0.00						0.00	3,750.00
5824 TELEPHONE EXPENSES	3,500.00	115.61	•					115.61	3,384.39
5825 MEETING EXPENSES	3,000.00	109.90						109.90	2,890.10
5840 PROFESSIONAL SERVICES	175,000.00	22,062.06						22,062.06	152,937.94
5860 PROJECT LAND PURCHASE EXP.	588,121.00	1,300.00						1,300.00	586,821.00
5881 PROPERTY/STRUCTURE INS.	12,500.00	691.00						691.00	11,809.00
5882 UTILITY RELOCATION EXP.	100,000.00	0.00						0.00	100,000.00
5883 PROJECT LAND CAP. IMPROV.	125,000.00	0.00						0.00	125,000.00
5884 STRUCTURES CAP. IMPROV.	12,500.00	2,484.00		_				2,484.00	10,016.00
	1,105,621.00	37,858.04	0.00	0.00	0.00	0.00	0.00	0 37,858.04	1,067,762.96
	<del></del>			<u> </u>				12 MONTH	UNALLOCATED
6	2003							ALLOCATED	BUDGETED

								12 MONTH	UNALLOCATED
\$	2003							ALLOCATED	BUDGETED
	BUDGET	JULY	AUGUST_	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	BALANCE
5801 PER DIEM EXPENSES	8,000.00							200.00	7,800.00
5811 LEGAL EXPENSES	4,250.00							593.66	3,656.34
5812 NIRPC SERVICES	62,500.00							10,210.39	52,289.61
5821 TRAVEL/MILEAGE	5,000.00							91.42	4,908.58
5822 PRINTING/ADVERTISING	2,500.00							0.00	2,500.00
5823 BONDS/INSURANCE	3,750.00							0.00	3,750.00
5824 TELEPHONE EXPENSES	3,500.00							115.61	3,384.39
5825 MEETING EXPENSES	3,000.00							109.90	2,890.10
5840 PROFESSIONAL SERVICES	175,000.00							22,062.06	152,937.94
5860 PROJECT LAND PURCHASE EXP.	588,121.00							1,300.00	586,821.00
5881 PROPERTY/STRUCTURE INS.	12,500.00							691.00	11,809.00
5882 UTILITY RELOCATION EXP.	100,000.00							0.00	100,000.00
5883 PROJECT LAND CAP. IMPROV.	125,000.00							0.00	125,000.00
5884 STRUCTURES CAP. IMPROV.	12,500.00							2,484.00	10,016.00
	1,105,621.00	0.00	0.00	0.00	0.00	0.00	0.00	37,858.04	1,067,762.96

# **CLAIMS PAYABLE FOR JANUARY 2003**

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM	
5801	WILLIAM TANKE	200.00	PER DIEM FOR 7/30, 9/30/, 1/8/03 & 1/9/03	
5811	CASALE, WOODWARD & BULS LLP	283.33	MONTHLY RETAINER FOR DECEMBER 2002	
5811	CASALE ,WOODWARD & BULS LLP	283.33	MONTHLY RETAINER FOR JANUARY 2003	
5811	CASALE, WOODWARD & BULS LLP	27.00	OTHER LEGAL SERVICES THROUGH 1/27/03	
5812	NIRPC	9,948.33	SERVICES PERFORMED DECEMBER 2002	
5812	KRAMER & LEONARD	49.79	OFFICE SUPPLIES	
5812	J. P. COOKE	36.15	SIGNATURE STAMP FOR ARLENE COLVIN	
5812	DMS INC	176.12	PRODUCED BOOKLET OF STATE BOARD OF ACCOUNTS AUDIT	
5821	SANDY MORDUS	42.00	MILEAGE FROM 1/2/03 TO 1/17/03	
5821	WILLIAM TANKE	24.92	MILEAGE FOR 7/30/ 9/30/ 1/8/03 & 1/9/03	
5821	JIM POKRAJAC	24.50	REIMBURSEMENT FOR TRAVEL EXPENSES TO COE CHICAGO OFFICE	
			FOR MEETING 1/8/03	
5824	VERIZON	115.61	BILLING PERIOD 1/16/03-2/16/03 (TOTAL BILL 229.87	
		•	KRBC PORTION 114.26)	
5825	SAND RIDGE BANK	109.90	FINANCE COMMITTEE MEETING EXPENSE 12/9/02	
5842	R. W. ARMSTRONG	2,931.51	PROFESSIONAL SERVICES FOR PERIOD ENDED 1/17/03	
5843	INDIANA TITLE NETWORK	270.00	TITLE WORK PERFORMED FOR DC-588	
5843	INDIANA TITLE NETWORK	270.00	TITLE WORK PERFOMRED FOR DNR 43	
5843	INDIANA TITLE NETWORK	270.00	TITLE WORK PERFORMED FOR DC-85	
5843	INDIANA TITLE NETWORK	270,00	0 TITLE WORK PERFORMED FOR DNR 33	
5843	TICOR TITLE NETOWRK COMPANY	930.00	TITLE WORK PERFORMED FOR DC-601	
5843	TICOR TITLE NETOWRK COMPANY	385,00	TITLE WORK PERFORMED FOR DNR 7	
5843	TICOR TITLE NETOWRK COMPANY	800.00	TITLE WORK PERFORMED FOR DC-1169	
5843	TICOR TITLE NETOWRK COMPANY	930.00	TITLE WORK FERFORMED FOR DC-704	
5843	MERIDIAN TITLE CORPORATION	250.00	TITLE WORK PERFORMED FOR DC-216F	
5843	MERIDIAN TITLE CORPORATION	75.00	TITLE WORK PERFORMED FOR DC-746	
5844	JAMES E. POKRAJAC	4,859.25	ENGINEERING SERVICES 1/1/03-1/15/03	
5844	JUDITH VAMOS	3,290.00	LAND ACQUISITION SERVICES 1/1/03-1/15/03	
5844	G. LORRAINE KRAY	470.00	CREDITING TECHNICIAN/LAND ACQUISITION ASST 1/1/03-1/15/03	
5844	SANDY MORDUS	245.00	CREDITING TECHNICIAN SERVICES 1/1/03-1/15/03	
5849	CASALE, WOODWARD & BULS LLP	5,816.30	LAND ACQUISITION/LEGAL SERVICES FOR PERIOD ENDED 1/27/03	
5861	KAREN T. HAYNES	1,250.00	UNIFORM EASEMENT ACQUISITION OFFER FOR DC-1041	
5861	IDNR	50.00	ADDITIONAL APPLICATION FEE FOR IDNR CONSTRUCTION	
			IN FLOODWAY	
5881	C. N. A. INSURANCE	691.00	RENEWAL POLICY FOR COMMISSION OWNED PROPERTY	
5884	HAMMOND FENCE COMPANY	2,484.00	COST INCURRED FOR RELOCATION OF FENCE AT 5TH STREET	
		•	PUMP STATION IN HIGHLAND	

TOTAL 37,858.04



# Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368

(219) 763-0696 Fax (219) 762-1653 E-mail: littlecal@nirpc.org

February 4, 2003

ARLENE COLVIN, Chairperson Mayor of Gary's Appointment

EMERSON DELANEY, Vice Chairman Governor's Appointment

CURTIS VOSTI, Treasurer Governor's Appointment

ROBERT MARSZALEK, Secretary Governor's Appointment

GEORGE CARLSON Mayor of Hammond's Appointment

STEVE DAVIS Dept. of Natural Resources' Appointment

ROBERT HUFFMAN Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

DR. MARK RESHKIN Governor's Appointment

WILLIAM TANKE Porter County Commissioners' Appointment

MARION WILLIAMS Lake County Commissioners' Appointment

DAN GARDNER Executive Director

LOU CASALE Attorney Honorable Earl Harris IN State Representative Indianapolis, Indiana 46204

Dear Rep. Harris:

Re: Little Calumet River Project - State Funding Support Documentation

I am forwarding to you correspondence recently received from the U.S. Army Corps of Engineers regarding the crisis developing over the lack of adequate State funding available to meet Federal funding match requirements for the Little Calumet River Flood Control/Recreation Project.

With additional Federal funding being appropriated again this year, the growing gap in the 25% non-Federal share ratio to the 75% Federal funding is pushing the Federal government to confront some very unpleasant options on this project – including termination of the project. With the project some 45% construction complete, the benefits of flood protection are not yet obtained – even to Gary where the project is nearly finished. (Committed non-Federal funding for Burr Street levee is needed to get Gary out of floodplain designation.)

I send you this to emphasize the serious problem developing regarding State funding for this project and for you to use this to make the case for continued State funding this difficult session. If this project were to be de-authorized, it would be impossible to re-start it when funding might be available given Federal regulations and budget priorities. The contractual obligation to the Federal government must be recognized for funding this session to keep this project alive.

The Development Commission has spoken to and met with the elected leaders of Gary, Hammond, Highland and Munster and is seeking their assistance in supporting funding, as well as raising the prospect of generating local funding to supplement the State appropriation. If you have any questions, please feel free to call. We stand ready to assist in any way to document that exclusion from the capital budget would be disastrous for the project at this time.

Thank you for your attention to this and your continued support.

Dan Gardner Executive Director

encl.

Congressman Visclosky's Office

Senators Sue Landske, Frank Mrvan, Earline Rogers

Representatives John Aguilera, Ralph Ayres, Duane Cheney, Chet Dobis,

Linda Lawson, Dan Stevenson

Mayors Scott King, Duane Dedelow, Council Pres. Mark Herak, David Nellans

Roy Deda, Imad Samara, COE

Sean Fahey, IDNR

# Lawmakers worry about bill to fix sewer woes

By SHANNON DININNY Associated Press Writer INDIANAPOLIS (AP)

Several lawmakers expressed concerns Monday with a new study that shows Indiana will need billions of dollars to clean up sewer problems at the same time the state is facing a huge budget deficit.

The study estimates that fixing and improving the state's drinking water- and wastewater-treatment systems will cost at least \$12.4 billion to \$13.9 billion during the next 20 years. That is between 35 percent and 53 percent more than a previous estimate of \$9.1 billion by the U.S. Environmental Protection Agency.

"These numbers come at a difficult time. There aren't any solutions in this report," Greg Lindsey, director of the Center for Urban Policy and the Environment at Indiana University-Purdue University in Indianapolis. He spoke Monday to members of the state Senate's Environmental Affairs Committee.

Instead, Lindsey said, the report gives lawmakers a "thorough accounting of the costs so you best can make decisions for the state."

The study was sponsored by the Indiana Advisory Commission on Intergovernmental Relations with support from the Indiana Association of Cities and Towns, the State Budget Office, the American Between Jan March 2002, Indiana \$3.1 support only \$3.1 support from the Indiana water, drinking water drinking water infrastructure.

Council of Engineering Companies and Indiana Constructors Inc.

"We must recognize that there is virtually no way for us to meet this cost," said Sen. Lindel Hume, D-Princeton. "I think that as all of us are looking at this problem, as we do so, must assess which are our critical needs."

The study showed Indiana would have to spend about \$5.5 billion to correct combined sewer overflows, which occur when systems cannot control the volume of stormwater and wastewater, in 61 counties.

About another \$3.5 million is needed for other types of waste-water conveyance and treatment systems, while about \$2 billion should be spent on fixing failing septic systems, the study said.

Another \$1.7 billion is required to upgrade drinking-water systems, and \$500 million is needed to address stormwater conveyance problems.

Indiana governments would have to spend between \$620 million and \$695 million annually over the next 20 years to address needs identified in the study.

Between January 1990 and March 2002, Indiana governments spent only \$3.1 billion, or about \$253 million annually, on wastewater, drinking water and stormwater infrastructure.

# Sandy Mordus

From:

"Louis M. Casale" <lcasale@cwblawfirm.com>

To:

"Sandy Mordus" <smordus@nirpc.org>

Cc:

<lr><lcasale@cwblawfirm.com>

Sent:

Wednesday, February 05, 2003 3:09 PM

Subject:

Fw: Little Calumet

---- Original Message -----From: johnandpamgreen To: <a href="mailto:lcasale@cwblawfirm.com">lcasale@cwblawfirm.com</a>

Cc: John @ work

Sent: Wednesday, February 05, 2003 12:42 PM

Subject: Little Calumet

#### Hi Lou:

You contacted me Monday to find out whether the Commission has any coverage for debris removal expense which will be incurred as a result of the fire that burned down the abandoned dwelling at 3308 Burr St. in Gary last October. Unfortunately, the General Liability policy does not afford this coverage (debris removal is typically included in Property policies). I will have Lisa Parks in my office follow up on the status of the claim for the adjoining property that was damaged, and she or I will get back to you.

Both of my kids are home sick today, so I'm home with them. Feel free to call me here if you have any questions (574-277-7593).

John

# CURRENT LEASES - 2003

Leasee	Lease Agreement	Yearly Income	Comments '
Ed & Tim Bult	\$7,400 per year	\$ 7,400	<ul> <li>Chase to Grant (Both sides of 35<sup>th</sup> Avenue)</li> <li>Amount varies with acres farmed-\$62 per acre</li> <li>Based upon 120 acres (paid/tillable acre)</li> </ul>
Chase Street Farm Stand	\$2,000 per month	\$24,000	• Current agreement since June 18, 1997 (No escalation clause)
Chicago Towers (Includes Ameritech)	\$1,400 per month	\$16,800	• Current lease since July 5, 2000 – July 5, 2005 (Increase every 5 years based on Metro Chicago Consumer Price Index)
Berkheimer	\$2,400 per year	\$ 2,400	<ul> <li>Current lease since December 24, 1991 for \$200/month</li> <li>No escalation clause</li> <li>Parking on 2.05 acres east of their building</li> <li>Currently advertising to sell 7 acres of land adjacent to Berkheimer property</li> </ul>
Mike & Melinda Adams	\$300 per month	\$ 3,600	Current lease since May 3, 2000 (No escalation clause)
5 LAMAR signs			•
Sign #1050	\$665 per year	\$ 665	West side of Grant – ½ mile south of I-80/94
Sign #3475	\$3,300 per year	\$ 3,300	West of Grant – South of I-80/94
Sign #3480	\$3,300 per year	\$ 3,300	West of Grant – South of I-80/94
Sign #3180	\$3,300 per year	\$ 3,300	West of I-65 — South of I-80/94
Sign #3190	\$3,300 per year	\$ 3,300	West of I-65 – North of I-80/94
TOTAL YE	EAR LEASE INCOME	\$68,065	
LEL (monies earmarked for	O&M)		
•	\$42,660 per year	\$42,660	Approximate 613 acres of Commission lands
	\$21,500 per year	\$21,500	Approximate 190 acres between Chase & Grant
TOTAL YEA	AR LEL LEASE INCOME	\$64,160	

AGREEMENT BETWEEN THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION AND THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION FOR THE PROVISION OF GENERAL SERVICES

BY AGREEMENT MADE AND ENTERED INTO, on the date hereinafter written, by and between the NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION, hereinafter referred to as "NIRPC", and the Little Calumet River Basin Development Commission, hereinafter called the "LCRBDC", under the terms and conditions hereafter set forth, the following is hereby agreed:

- A. NIRPC shall provide the LCRBDC services and assistance as is required by the LCRBDC to carry out its purposes under its enabling statutes, ICS14-6-29.5-1 through 10, inclusive.
- B. NIRPC shall assign Daniel Gardner to serve part time (approximately 50% of total hours) in the capacity of Executive Director of the Little Calumet River Basin Development Commission and Sandra Mordus to serve full time in the capacity of Little Calumet River Basin Development Commission Operations Coordinator. NIRPC shall be compensated eight thousand four hundred (\$8,400) dollars per month for services provided by these two staff members. The amount is intended to cover salary, fringe benefit, space and utility costs. Should the need arise to replace either of these staff members during the course of the Agreement; it will be done with the mutual consent of both parties to this Agreement. Should either staff member receive a salary increase during the course of this agreement, the amount charged will be increased on a basis equivalent to the percentage salary increase.
- C. In conjunction with the above designated staff, NIRPC shall provide adequate office space and furnishing for their use and make available use of all common facilities within the overall NIRPC offices such as conference and meeting rooms, hallways, restrooms, etc; the provision of basic utilities such as gas, electric and water; and the provision of reception services including the answering of telephones and greeting of visitors.
- D. In addition to the above designated staff and space, NIRPC shall provide the LCRBDC with two additional 10' by 10' offices and one partitioned space for use by its employees, contractors or agents. For these staff spaces, the LCRBDC shall compensate NIRPC at the rate of eight hundred and forty (\$840) dollars per month. Should the LCRBDC

(\$8,000)

(\$800)

desire additional space, NIRPC will make it available at a mutually agreed to cost.

- E. NIRPC shall set the salaries for those employees working primarily for the LCRBDC at levels mutually agreed to by the LCRBDC and the NIRPC Executive Director.
- F. The Executive Director of the LCRBDC will continue to function as Chief Staff Officer for the LCRBDC and be responsible for the operational and administrative functioning thereof including, but not limited to, the following:
  - Attendance at all regular and special meetings of the LCRBDC.
  - The conduct and coordination of negotiations for the Local Cooperation Agreement with the Army Corps of Engineers and all necessary State, County and local sub-Agreements to cause the construction and ensure funding of the flood control/recreation project and breakwater project.
  - The negation, coordination and/or preparation of all Federal, State and local legislative contracts, hearings and presentations relative to the LCRBDC business.
  - The presentation and negotiation with local municipalities, park boards, highway departments and sanitary boards relating to needed items of cooperation for the flood control, recreation and marina projects along the Little Calumet River.
- G. NIRPC shall provide the following financial management assistance to the LCRBDC and shall be compensated for such service by the LCRBDC at the rate of six hundred fifty (\$650) dollars per month.
  - Aid the LCRBDC in preparation of its budget and provide accounting services for the receipt, investment and disbursal of its funds, all in accordance with applicable State Board of Accounts guidelines, statute, and guidelines set out by the Commission herein or otherwise.
  - 2. Deposit LCRBDC funds in the name of the LCRBDC and in depositories designated the LCRBDC.
  - Disburse LCRBDC funds only upon authorization to do so by the LCRBDC and presentation of a State Board of Accounts standard claim form signed by at least two Commission members and approved by the LCRBDC at a regular or special meeting. Checks

(#635)

- shall be drawn from an account in the LCRBDC's name and shall be signed by the Treasurer and one other officer.
- 4. Provide monthly financial reports and line item financial accounting of budgeted expenditures.
- 5. An increased amount will be negotiated should the LCRBDC establish a payroll and request NIRPC to administrator it.
- H. The LCRBDC and NIRPC shall work out arrangements for telephone service and equipment in a manner that is mutually agreeable and cost effective to both parties.
- I. NIRPC shall make available use of its postage machine. Actual postage costs shall be billed to the LCRBDC.
- J. NIRPC shall make available to the LCRBDC the use of its copy machine. Use of this equipment will be billed at the rate of \$5.00 per month plus \$.06 per copy.
- K. NIRPC shall make available use of its facsimile machine. Use of this equipment shall be billed at the rate of \$5.00 per month.
- L. LCRBDC agrees not to install within the NIRPC offices telephone, copier, or facsimile equipment. Any furniture or other equipment installed shall be located within the spaces designated for the exclusive use of the LCRBDC.
- M. NIRPC shall make available the use of its graphics and printing equipment and personnel. Graphics, printing, and clerical time charges will be billed at twenty-six (\$26) dollars per hour. No per copy charge will be made. No charge will be made for bond paper or miscellaneous printing supplies. However, special order items will be billed as material costs. Such items include, but are not limited to, metal plates, envelopes, binders, labels and other specialty items for printing and graphic work.
- N. NIRPC may make available additional space or other services to the LCRBDC on a direct request basis. NIRPC shall bill the LCRBDC for such services on a basis that is mutually agreed to by the parties.
- O. NIRPC shall provide itemized monthly billings for services performed. Payment shall be due within thirty (30) days after billing.



P. This agreement shall be effective January 1, 2003 and shall terminate December 31, 2003. However, either party may terminate the agreement at an earlier date by providing written notice of intent at least sixty (60) days prior to an effective termination date, which shall coincide with the last day of a calendar month.

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION	LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
By:	By:
James E. Ranfranz Executive Director	Chairman
ATTEST:	ATTEST:
Hugh Rhein Director of Administrative Services	Dan Gardner Executive Director

# REQUESTED EXPLANATION OF NIRPC CONTRACT FIGURES

## 2003 LCRBDC MONTHLY SERVICE COST BREAKDOWN

50% Dan Gardner salary	3,035.33
100% Sandy Mordus salary	2,897.50
Monthly Cost of Dan & Sandy NIRPC bonus	149.50
Employer share of Dan & Sandy Health Insurance	1,405.00
Employer share of Dan & Sandy PERF	222,48
Employer share of Dan & Sandy FICA	453.86
Disability Insurance Cost for Dan & Sandy	85.00
Workers & Unemployment Tax for Dan & Sandy	45.00
All Other Costs*	<u> 206.33</u>
Total Monthly Basic Charge	8 <b>,\$</b> 00.00

# \*All Other Costs include:

An allowance for the following costs**	
Space Provision (Rent)	12,600
Gas, Electric, Water, Sewer (Utilities)	2,100
General purpose office supplies	2,000
Maintenance of computer equipment	3,750
Other equipment maintenance	4,000
Salary & Benefits for Receptionist	2,000
	26,450

<sup>\*\*</sup> Total monthly estimated NIRPC cost for these items

# Notes:

The monthly allowance of \$206.33 and the monthly charge of \$840 for these items equal \$1,046.33. This is the monthly cost to the LCRBDC for non-personnel costs.

The \$1,046.33 total monthly charge for these items represents 3.9% of NIRPC's cost for the above identified items.

The monthly charge for postage, fax, copy machine and graphics/printing support are based on usage and are the direction of LCRBDC staff.

The monthly cost of salary & benefits for the assigned accountant is \$3,600. The \$650 monthly charge pays for 18% of this cost.

**Health Insurance Costs** 

	2001	2002	2003	\$ Inc	%Inc
		•			
Dan	160	330	380	220	137.5%
Sandy	258	890	1025	767	297.3%
Total	418	1220	1405	987	236.1%

Summary: From the December 31of 2001 to January 01, of 2003, the health insurance costs increase by \$987per month. The total monthly increase of the basic service charge from 2001-2002 was \$500; and from 2002-2003 it was also \$500. The total monthly increase for the two years was \$1,000. This compares to a \$987 increase for health insurance alone for the same period.

Background: Until January 1, 2001, NIRPC was covered under the Lake County Health Insurance Plan. Essentially, NIRPC was forced out of this programs when Lake County officials decided to set exorbitant rates for continued participation. NIRPC conducted an extensive search for alternate insurance with private insurers. The best and least costly option was participation in the State-wide pool established for local governments. While this was substantially less than what it would have cost to stay in the Lake County Plan or to obtain insurance from an alternative vendor; it was subtantially more that what had been the cost previously under the Lake County Plan.

ATTORNEYS AT LAW.

# CASALE, WOODWARD & BULS, LLP

9223 BROADWAY-SUITE A · CAMBRIDGE COMMONS · MERRILLVILLE, IN 46410 · TELEPHONE: 219-736-9990 · FAX: 219-736-9991

1205 S. HALLECK STREET · DEMOTTE, IN 46310 · TELEPHONE: 219-987-7770

E-MAIL: thefirm@cwblawfirm.com

LOUIS M. CASALE
DAVID E. WOODWARD
DAVID A. BULS
R. BRIAN WOODWARD
DAVID M. BLASKOVICH\*
\*LICENSED IN INDIANA & ILLINOIS

LEGAL ASSISTANTS DEBRÄ L. KOZLOWSKI ANGELA M. OGRENTZ CAROL E. BERWANGER

FINANCIAL COORDINATOR
JULIE MALKOWSKI

January 30, 2003

Dan Gardner Little Calumet River Basin Development Commission 6100 Southport Road Portage, IN 46368

RE: Termination Stage VIII Engineering of the Little Calumet River Basin

Development Commission Flood Control Project

Dear Dan:

As you remember, at the last Commission meeting, I was requested to check into whether or not the Army Corps of Engineers was obligated to seek approval from the Little Calumet River Basin Development Commission prior to terminating engineering work for Stage VIII of the project. For your reference, I enclose herein an e-mail communication from the Army Corps of Engineers dated December 23, 2002 outlining the details of the termination as well as the reasons therefore. This information was provided in the minutes of the last meeting; however, I'm including it here for convenience purposes. In addition, there is a response e-mail from Jim Pokrajac acknowledging receipt of notice of partial contract termination for convenience and acquiescing in same.

Although the Local Cooperation Agreement provides in part that, "The Commission shall be afforded the opportunity to review and comment on all contracts...[and] all modifications and change orders prior to the issuance to contractor...[and] [t]he Government will consider the comments of the Commission," the LCA further provides that, "...the award of contracts, modifications or change orders, and performance of all work on the Project (whether the work is performed under contract or by Government personnel), shall be exclusively within the control of the Government." (Article II(a) LCA). In addition, the LCA further provides that, "...the Contracting Officer shall consider the recommendations of the representatives in all matters relating to construction of the Project, but the Contracting Officer, having ultimate responsibility for construction of the Project, has complete discretion to accept, reject, or modify the recommendations. If any written recommendations of the Commission's representative are rejected or modified, the Contracting Officer shall communicate that fact, as well as the basis for the

Dan Gardner January 30, 2003 Page 2

rejections or modification, in writing to the Commission's representative." (Article V(c) LCA). It would appear, in this instance, by virtue of the response from Jim Pokrajac, that he acted as liaison representative for this portion of the project. It is also clear; however, that when modifications or terminations of portions of the project are made, this should be communicated to the Commission for Commission's comment before the terminations are made and not after. It would be my suggestion that, in the future, prior to any major termination, communications be made directly to the Executive Director and Chairperson of the Commission. This would afford ample opportunity for comments so as to fulfill the Local Cooperation Agreement's intent and purpose, to wit, to act as a partnership agreement between two governmental entities for the implementation and completion of this project.

I am, coterminous with this letter, asking that Imad Samara provide a cost breakdown of expenses to the Federal Government and the Commission incurred to date for the engineering of Stage VIII, as well as an estimate of additional costs that will be incurred due to the delay and a later startup.

Please contact me if there are any further questions about this matter.

\$incerely,

CASALE, WQQXWARD & BULS, LLF

Louis M. Carala

LMC/amo

cc: Curt Vosti

Imad Samara

Jim Pokrajac

# PROJECT ENGINEERING MONTHLY STATUS REPORT

# For meeting on Thursday, February 6, 2003

(Information in this report is from January 3 – January 30, 2003)

# STATUS (Stage II Phase 1) Harrison to Broadway - North Levee:

1. Project completed on July 10<sup>th</sup>, 1992.

Dyer Construction - Contract price: \$365,524

# STATUS (Stage II Phase II) Grant to Harrison - North Levee:

1. Project completed on December 1<sup>st</sup>, 1993

Dyer/Ellas Construction – Contract price: \$1,220,386

# STATUS (Stage II Phase 3A) Georgia to Martin Luther King - South Levee:

1. Project completed on January 13<sup>th</sup>, 1995
Ramirez & Marsch Construction – Contract price: \$2,275,023

# <u>Landscaping Contract – Phase I (This contract includes all completed levee segments)</u> installing, planting zones, seeding, and landscaping):

Project completed June 11, 1999
 Dyer Construction – Final contract cost: \$1,292,066

# <u>Landscaping Contract</u> – Phase II (This contract includes all completed levee segments in the East Reach not landscaped):

- 1. Projected date to advertise August, 2003.
- 2. Projected construction start Spring, 2004.
- 3. Anticipated construction cost \$1,787,000.
- 4. Kickoff meeting held with Chicago COE & A/E (St. Paul Army Corps District) on December 5<sup>th</sup>, 2002.
  - Anticipate controlled burns of completed segments to be included.

# STATUS (Stage II Phase 3B) Harrison to Georgia - South Levee:

- 1. Rausch Construction started on November 20th, 1995. (Construction is now completed)
  - Current contract amount \$3,288,101.88
  - Original contract amount \$3,293.968.00
  - Amount overrun current contract is under COE estimate.
- 2. A final inspection with the LCRBDC and the COE was held on December 18<sup>th</sup>, 2002. LCRBDC received O&M Manuals & inspection was found to be completed as per plans & specifications.
  - · Awaiting "as-built" drawings.
  - Contractor is relieved from any further contractual responsibilities.

• This was based upon final quantities of fill after cross-sections were completed. Quantities were less than original estimate.

### STATUS (Stage II Phase 3C2) Grant to Harrison: (8A contract)

- 1. WEBB Construction was the contractor.
  - Currently, \$3,915,178.36 has been spent on this project.
  - Overrun (over original bid) \$463,196

### STATUS (Stage II Phase 4) Broadway to MLK Drive - North Levee:

- 1. Project is completed.
  - Current contract amount \$4,186,070.75
  - Original contract amount \$3,089,692.00
  - Amount overrun \$1,096,378 (36%)
- 2. A final inspection was held with the LCRBDC and the COE on December 18<sup>th</sup>, 2002, including the Ironwood stormwater pumping station.
  - The LCRBDC received O&M Manuals and the inspection was found to be completed as per plans and specifications.
  - Contractor has no more legal responsibilities for this contract.
- 3. LCRBDC awaiting as-built drawings.
- 4. LCRBDC received modification #30 to the contract from the COE dated December 4-6 20th, 2002, which increases the contract amount by \$82,199.80.
  - This was based upon final quantities of fill after cross-sections were completed. Ouantities exceeded original COE estimate.

### STATUS (Stage III) Chase to Grant Street:

1. Project completed on May 6<sup>th</sup>, 1994 Kiewit Construction – Contract price: \$6,564,520

### STAGE III Drainage Remediation Plan:

- 1. COE estimates approx. \$1 million to do this work. \$800,000 for ditches and pumps, \$50,000 to engineer an 18,500 GPM pump station West of Grant St. 7 remainder toward work with the City of Gary.
- 2. The scope of this project is to include the following:
  - A. Lift stations West of Grant to remediate drainage problems due to Stage III construction.
  - B. East Reach remediation lift station for interior drainage.
  - C. Extending the combination sewer, East of Grant St., North to our line of protection.
- 3. Bids were opened on September 10<sup>th</sup>, 2002, and <u>Dyer Construction</u> is the successful bidder. Bonds from the contractor have been received.
  - The government estimate is \$1,695,822 and the low bid came in at \$1, 231,845 (this is \$463,977 under estimate).
  - The COE awarded the contract on September 30<sup>th</sup>, 2002 and construction will start in the spring of 2003.
- 4. A memo was sent to the COE on September 17<sup>th</sup>, 2002, asking them to provide pertinent information to NIPSCO in order that they may engineer the electrical services. (see item #1)

- LCRBDC also requested information from the COE on what our local share of \$168,000 would be for this project is primarily to remediate drainage problems caused by the COE when they cut the field drain tiles during Stage III construction.
- 5. On December 13<sup>th</sup>, 2002, we received a request from the City of Gary for a right-ofentry to do pump station construction West of Grant St.

### STATUS (Stage IV Phase 1 - North) Cline to Burr (North of the Norfolk Southern RR:

- 1. IV-1 (North) The drainage system from Colfax to Burr St. North of the Norfolk Southern RR.
  - Current contract amount \$2,956,964.61
  - Original contract amount \$2,708,720.00
  - Amount overrun \$248,244.60 (9%)
- 2. We received "as built" drawings from the COE on March 13<sup>th</sup>, 2002. The only item needed to be completed is to assure turf growth in all areas.

### STATUS (Stage IV Phase 1 - South) South of the Norfolk Southern RR.):

- 1. Dyer Construction was low bidder. Given 450 days to complete
  - Current contract amount \$4,285,345
  - Original contract amount 3,862,737
  - Amount overrun \$422,608 (11%)
- 2. An inspection was held with Dyer Construction/COE/LCRBDC on December 18th, 2002..
  - The inspection was found to be satisfactory as per plans and specifications, and the contractor is relieved of any further contractual responsibilities.
  - The LCRBDC received O&M Manuals, "as-built" drawings on the day of inspection.
- 3. We received a response from the COE on January 7th, 2003, addressing vegetation.
  - Current plantings are for erosion control that will give way to native grasses. Native grasses weren't planned on this contract, but will be part of the upcoming landscaping II contract.

### STATUS (Stage IV Phase 2A) Burr to Clark – Lake Etta:

- 1. Dyer Construction 100% complete.
  - Current contract amount \$3,329,463.66
  - Original contract amount \$2,473,311.50
  - Amount overrun \$856,152 (34%)
- 2. The North Burr St. stormwater pumping station has been completed.
  - A. A memo was sent to the COE on September 17<sup>th</sup>, 2002, requesting their consideration to add some minor items to the contract. This will be incorporated into the Stage III remediation contract.
    - Awaiting as-built drawings.
- 3. The final inspection was held on December 18<sup>th</sup>, 2002, with the COE, Dyer & LCRBDC and found to be satisfactory as per plans and specifications.
  - We received O&M Manuals and the hand held programmer on December 18<sup>th</sup>, 2002

### STATUS (Stage IV Phase 2B) Clark to Chase:

- 1. Project money status:
  - Current contract amount \$1,948,053.31
  - Original contract amount \$1,530,357.50
  - Amount overrun \$417,696 (27%)
- 2. The COE submitted "as built" drawings to the LCRBDC on October 2<sup>nd</sup>, 2002.

## STATUS (Betterment Levee – Phase 1) EJ & E RR to, and including Colfax – North of the NIPSCO R/W (Drainage from Arbogast to Colfax, South of NIPSCO R/W):

- 1. The bid opening was held on May 9<sup>th</sup>, 2000
  - The low bidder is Dyer Construction.
  - Current contract amount \$2,228,652.16
  - Original contract amount \$2,074,072.70
  - Amount overrun \$113,604.62 (6%)
- 2. The drainage ditch north of the Mansards is having sloughing problems that should be corrected when Burr St. Phase II is completed.

## STATUS (Betterment Levee – Phase 2) Colfax to Burr St., the North. NSRR, then East (North of RR R/W ½ between Burr and Clark, back over the RR, then South approx. 1,400 feet:

- 1. The projected government estimate for this project is approx. \$3.6 million.
  - A meeting was held with Mayor King on July 19<sup>th</sup>, 2002, to review current construction status of our overall project in Gary, present the LCRBDC dilemma with crediting and funding, and discuss if Gary could help us in any way.
  - Gary indicated that they would make every effort to include money for the betterment levee in their budget for 2003.
- 2. Utility coordination needs to be reviewed (but not money spent) and a letter was sent to NIPSCO on September 27<sup>th</sup>, 2002, requesting this information.

### STATUS (Stage V Phase 1) Wicker Park Manor:

Project completed on September 14<sup>th</sup>, 1995.
 Dyer construction – Contract price: \$998,630

### STATUS (Stage V Phase 2):

- 1. This project will be on hold for future utility coordination as well as land acquisition until money is available.
  - Tentative schedule for this project is for advertisement in December, 2005, construction start in Spring of 2006, and completion in the Fall of 2007.
- 2. INDOT drainage issues at Indianapolis Boulevard and the Little Calumet River.
  - A. An on-site meeting with the COE, LCRBDC, INDOT, Highland, and North Township was held on October 7<sup>th</sup>, 2002 to review their drainage proposal.
  - B. INDOT anticipates that this project will have a March, 2003 letting, and a construction completion near the end of 2004.
    - As per a conference call with INDOT on January 10<sup>th</sup>, 2003, they indicated that these dates still apply, but for Phase II construction South of Ridge Rd.

C. We received a letter from INDOT on January 6<sup>th</sup>, 2003, that is a conceptual proposal of costs, responsibilities, and O&M concerns.

10-14

- INDOT indicated Phase I (Ridge Rd. to the Little Calumet River) will be handled as a separate project that could be done when we complete our line of protection in that area.
- INDOT needs local money prior to advertising for bids. Highland has 7.38% (\$18,450), North Township has 89.35% (\$233,375), and INDOT has 3.27% (8,175).

• O&M for this station (\$40,750) needs to be negotiated.

D. We received a letter from Greg Cvitkovich, North Township Trustee, on January 22<sup>nd</sup>, 2003, expressing concern with INDOT's decision to delay the Indianapolis Blvd. segment North of Ridge Rd.



### STATUS (Stage V Phase 3) Woodmar Country Club:

- 1. Refer to Land Acquisition report for status of appraisal process and revised schedule.
  - The current schedule shows a March 2006 advertising date. This date is due to lack of funding. The construction sequence due to hydrology will push construction back in the schedule.
- 2. This project will be done after all other construction between Cline Ave. and Northcote is completed due to hydrology concerns with installing the control structure as part of the project.

## STATUS (Stage VI – Phase 1) Cline to Kennedy – North of the river, and Kennedy to Liable, South of the river:

- 1. The COE is currently planning to advertise this project in October, 2003, award in February of 2004, and start construction in April, 2004. this will be advertised at the same time as Stage VI-2. The contract estimate for Stage VI-1 is \$6 million, Stage VI-2 is \$3,650,000, and with the addition of the Grace Street pump station at \$1.5 million, these total contracts are estimated at a cost of \$11,150,000 (local share at 7% would be \$780,500.)
- 2. A letter was sent to NIPSCO on September 27<sup>th</sup>, 2002, requesting all utility information be forwarded to the LCRBDC for review & coordination.
  - An e-mail was sent to the COE on October 23<sup>rd</sup>, 2002, with an update on utilities.
     NIPSCO should have their information for review by November 8<sup>th</sup>, 2002, and the Town of Highland by October 31<sup>st</sup>, 2002.

### STATUS (Stage VI - Phase 2) Liable to Cline - South of the river:

- 1. Rani Engineering was awarded the A/E contract by the COE in January 2000. They are out of St. Paul, Minnesota.)
- 2. It is the intent of the COE to advertise this segment simultaneously and separately from Stage VI-1. The anticipated schedule is to advertise in October, 2003, award in February, 2004, and start construction in April of 2004.

### STATUS (Stage VII) Northcote to Columbia:

1. The final contract with <u>Earth Tech</u> to do the A/E work for this stage/phase of construction was signed and submitted by the COE on December 21<sup>st</sup>, 1999.

- 2. We sent a letter to the COE on February 1st, 2000 with comments to their 75% submittal indicating a number of concerns and requesting another review opportunity prior to the 100% review. (ongoing)
  - The COE anticipates we should be getting the 100% drawings for review and comment no later than the Spring of 2003. (ongoing)

### STATUS (Stage VIII) Columbia to the Illinois State Line):

- 1. The A/E award was given to SEH (Short, Elliot & Henderson, Inc.)
  - This project is currently terminated due to funding constraints. We received the notice of termination from the COE on December 23<sup>rd</sup>, 2002.
  - An email was sent to the COE on December 27<sup>th</sup>, 2002, requesting money spent on contract & what scope of work remained.

### East Reach Remediation Area - North of I-80/94, MLK to I-65

- 1. Project cost information
  - Current contract amount \$1,873,784.68
  - Original contract amount \$1,657,913.00
  - Amount overrun \$215,971 (13%)
- 2. The lift station at the Southwest corner of the existing levee that will handle interior drainage will be done as part of the Stage III remediation project. (see Stage III remediation in this report for details.)
  - Demolition in the flowage area will be addressed in a separate contract (probably an 8A contract) at a later date. (see item #2)

- Mitigation (Construction Portion) for "In Project" Lands:

  1. Bids were opened on September 17<sup>th</sup>, 2002, and Renewable Resources, Inc. (from Barnesville, Georgia) is the successful bidder.
  - The government estimate is \$1,017,082 and the low bid came in at \$921, 103 (this is \$95,979 under the estimate).
  - The bid has been reviewed and the COE awarded this contract on September 30th, 2002, with a construction start scheduled for the Spring of 2003.
  - An e-mail was sent to the COE on October 23<sup>rd</sup>, 2002, questioning the scope of work changes when this project was re-bid. COE said earth work was eliminated as well as the 5 year O&M for the plantings. The O&M will be advertised under a separate contract. (refer to item #2)
- 2. We received a letter from the COE on May 14th, 2002, requesting that we make our 198 acres between Chase and Grant available for hydric soil to meet IDEM requirements.
  - LCRBDC currently is investigating other properties we own for hydric soils outside the line of flood protection.
- 3. A pre-construction meeting was held with the COE, LCRBDC, contractor, utilities, and the City of Gary on October 28th, 2002.

### West Reach Pump Stations - Phase 1A:

- 1. The four (4) pump stations that are included in this initial West Reach pump station project are Baring, Walnut, S. Kennedy, and Hohman/Munster.
- 2. Low bidder was Overstreet Construction. Notice to proceed was given on November 7<sup>th</sup>, 2000 700 work days to complete (Anticipated completion date is April 24<sup>th</sup>, 2003.)
  - Current contract amount \$4,810,825
  - Original contract amount \$4,638,400
  - Amount overrun \$172,425 (3.7%)
  - Modification #7 to contract to extend the number of days to complete contract by 42 days
     from March 13<sup>th</sup>, 2003, to April 24<sup>th</sup>, 2003.

### **Baring Pump Station**

- 40% complete
- 2 pumps and motors are being installed (ongoing).
- · Discharge box modification work is continuing.
- Standby pumps are installed and ready for operation if needed by HSD.
- Underground electric service duct bank has been installed.
- Sump pump is installed discharge piping needs adjustments.

### Walnut Pump Station

- 57% complete
- 3 pumps have been rebuilt and are ready for testing. (These need new impellers.) New impellers have been delivered and once installed, they will be factory tested.
- · Concrete discharge box is installed.
- Electric installation ongoing.
- Mechanical trash rack has been installed and tested by the factory representative.

### S. Kennedy Pump Station

- 45% complete
- Pump #5 has been rebuilt and is being factory tested. A different impeller has been installed. Re-testing is almost complete.
- Concrete discharge box modifications are completed.
- New flap gates have been installed and part of the 8" discharge pipe has been removed.
- Mechanical trash rack removed. Pad for new hack has been modified and installed.
   Testing is scheduled soon. (Testing and training will take place once electric is installed.)
- A new motor control center has been set in place.

### Hohman/Munster Pump Station

- 74% complete
- Electric installation 90% complete
- New ventilation ductwork has been installed.
- 2 additional pumps received have been installed (can be used as standbys)
- All new pumps and motors have been received and are in storage
- We received the last status report from the COE on December 30<sup>th</sup>, 2002

West Reach Pump Stations - Phase 1B:

- 1. The two (2) pump stations included in this contract are S.E. Hessville (Hammond), and 81<sup>st</sup> St. (Highland). Overall contract work is completed.
  - A. A final inspection was held for both stations on September 18<sup>th</sup>, 2001. We received a letter that day listing key turnover items.
- 2. Thieneman Construction from Griffith, IN was the successful bidder.
  - Current contract amount \$2,120,730.12
  - Original contract amount \$1,963,400.00
  - Amount overrun \$157,330 (9%)
- 3. We received the last status report from the COE on November 27<sup>th</sup>, 2002.

### North Fifth Avenue Pump Station:

- 1. The low bidder was Overstreet Construction
  - Current contract amount \$2,402,775.06
  - Original contract amount- \$2,387,500.00
  - Amount overrun \$152,75.06 (0.6%)
  - Project is currently 65% completed
  - Project completion date is May 7<sup>th</sup>, 2003.
  - Modification #5 to extend the number of days to complete contract from March 17<sup>th</sup>, 2003 to May 7<sup>th</sup>, 2003, due to union picketing.
  - Modification #6 to decrease the contract was received on December 18<sup>th</sup>, 2002. This will
    reduce the contract by \$17,759.876 to delete the gantry crane & Hoist.
- 2. There are currently 10 pumps and all of these will be replaced with new and will be coordinated with the Town of Highland.
  - All pumps and motors have been delivered and are currently being stored on the job site.
- 3. We received the last status report from the COE on December 30<sup>th</sup>, 2002.
- 4. (4) pumps and motors have been removed.
  - Flap gates have been installed.
- 5. Exterior concrete work is complete, and the concrete for the South wet well and new trash rack are installed.
- 6. New mechanical trash rack has been delivered and is stored on site.
- 7. Demolition of old electrical continues and installation of new.
- 8. LCRBDC received a request from the Town of Highland on December 3<sup>rd</sup>, 2002, to pay for a pending fence re-location to accommodate electrical substation modifications. We will pay \$2,484 as a creditable re-location cost.
  - LCRBDC received an invoice from Hammond Fencing Co. in the amount of \$2,484 for fencing installation on January 17<sup>th</sup>, 2003. Will process for payment. Imad confirmed this is a creditable item.

### **GENERAL:**

### 1. FEMA RE-MAPPING:

- A. A second coordination meeting was held with the County Surveyors' Office and the affected communities on November 12<sup>th</sup>, 2002. FEMA has information gathering ongoing and anticipates completion within 2-3 years. (To re-map the floodplain.)
- B. A letter was sent to Mayor King on November 13<sup>th</sup>, 2002, re-emphasizing the importance of completing Burr St. II construction to fulfill FEMA requirements to remove Gary from the floodplain.
- C. An article in the Post Tribune on December 17<sup>th</sup>, 2002, indicated acknowledgement from the City of Gary that Gary has not been removed from the floodplain by FEMA by rejecting a request to construct West of Burr St. & North of the Little Calumet River.

### 2. BUSINESS PROCESS TRACKING PLAN

A. COE & LCRBDC currently completing responsibilities, status, and tasks of ongoing issues. (see item #1)

• STAGE II - PHASE 3B - MOD. #30

• DECREASE CONTRACT AMOUNT AFTER FINAL

SECTIONS DETERMINED FUL QUANTITIES

• DECREASE CONTRACT ANT. - \$189, 47.78

• CURRENT CONTRACT AMOUNT - \$3,477,249.66

• CURRENT RIVERED FOTAL - \$3,288,101.88

CELRC-TS-C-S (1180-1-1q)

2 0 DEC 2002

#### MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Contract No. DACW23-95-C-0071

Little Calumet River Flood Protection, Stage II - Phase 3B

Gary, Indiana

Modification No. P00030 - Executed

1. Enclosed for your file is a copy of all pertinent information related to executed Modification No. P00030, under the subject contract.

2. Any questions concerning the enclosed items shall be directed to Mr. Ven Garces at (219) 923-1763/4.

Thomas A. Deja, P.E. Area Engineer Calumet Area Office

Enclosures

Copies Furnished: .

CELRC-CO-S (Complete Mod. File)

CELRC-CO-C (Complete Mod. File)

CELRC-CT (Complete Mod. File)

CELRC-PM-M (Mod. Only) I. Samara

CELRC-CO-S (Mod. Only) E. Karwatka

/LCRBDC (Mod. Only) J. Pokrajac

dification No. P00030
FINAL CONTRACT QUANTITIES
Contract No. DACW23-95-C-0071
RAUSCH CONSTRUCTION CO., INC. SF30, Block 14. Continued

A. It has been determined that, in view of the finalization of contract quantities, it is in the best interest of the Government to modify this contract as follows:

### (1) CHANGES TO THE BID SCHEDULE:

(a) The bid schedule is revised as follows:

•	!	•	EXISTING CONTRACT		FINAL CONTRACT				
						ESTIMATED			FINAL
<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QTY.</u>	<u>U/M</u>		<u>U/P</u>	<u>AMOUNT</u> .	<u>QTY.</u>	<u>U/M</u>	<u>AMOUNT</u>
0002	STRIPPING TOPSOIL	25225.00	CY	\$	5.00	\$126,125.00	11141.00	CY	\$55,705.00
0003	LEVEE EMBANKMENT	131100.00	CY	\$	7.50	\$983,250.00	116784.00	CY	\$875,880.00
0004	DITCH EXCAVATION	7800.00	LF	\$	12.00	\$93,600.00	7643.00	LF	\$91,716.00
0005	TOPSOIL PLACEMENT	8850.00	CY	\$	5.00	\$44,250.00	7070,00	CY	\$35,350.00
0006	SEEDING	20.00	AC	\$	1,900.00	\$38,000.00	23.67	AC	\$44,973.00
0009AB	STEEL BOX PILING, PZ-35 & PZ-40 & PZ-27	8132.00	SF	\$	36.00	\$292,752.00	8004.00	SF	<b>\$288,144.00</b> ·
0009AH	STEEL BOX PILING CUTOFFS	0.00	SF	\$	18.00	\$0.00	100.00	SF	\$1,800.00
0010AE	STEEL SHEET PILING PZ-22	2140.00	SF	\$	15.00	\$32,100.00	2033.00	SF	\$30,495.00
0011AB	STEEL SHEET PILING, PZ-22	256.00	SF	\$	15.00	\$3,840.00	225.00	SF	\$3,375.00
0011AH		0.00	SF	\$ -	7.50	\$0.00	31.00	SF ·	\$232.50
0012AB	STEEL SHEET PILING, PZ-22	834.00	SF	\$	15.00	\$12,510.00	740.00	SF	\$11,100.00
0014AC	STEEL SHEET PILING, PZ-22 ASPHALT CONCRETE	1350.00	SF	\$	18.00	\$24,300.00	1250.00	SF	\$22,500.00
0016AA	PAVEMENT GEORGIA ST. PAVEMENT AND ROAD RAISE	15.00	TN	\$	105.00	\$1,575.00	3.96	TN	\$415.80
0016AB	BITUMINOUS SURFACE 11, HV	240.00	TN	\$	43.00	\$10,320.00	241.67	TN	\$10,391.81
0016AC	BITUMINOUS BINDER 8 OR 9, HV	475.00	TN	\$	34.00	\$16,150.00	512.93	TN	\$17,439.62
0016AD	BITUMINOUS BASE 5 OR 5C, HV	640.00	TN	\$	31.00	\$19,840.00	549.02	TN	\$17,019.62
0016AE	AGGREGATE SUBBASE	640.00	TN	\$	20.00	\$12,800.00	712.26	TN	\$14,245.20
0016AF	COMPACTED AGGREGATE BASE SIZE NO. 53	190.00	TN	\$	25.00	\$4,750.00	157.06	TN	\$3,926.50
0016AG	OPEN GRADED BITMINOUS BASE #5	790.00	TN	\$	31.00	\$24,490.00	405.88	TN	\$12,582.28
0016AH	AGGREGATE FOR UNDERDRAIN SIZE #8	140.00	CY	\$	32.00	<b>\$4,</b> 480.00	133.00	CY	\$4,256.00
0016AJ	SPECIAL FILL WHEN NECESSARY / EMBANKMENT	5870.00	CY	\$	9.00	\$52,830.00	7489:46	CY	\$67,405.14
0016AK	6" DIA, GROUP "K" PIPE	1510.00	LF	\$	7.00	\$10,570.00	1481.00	LF	\$10,367.00
0016AL	PAVEMENT STRIPPING	3000.00	SY	<b>,\$</b>	2.00	\$6,000.00	1950.00	SY	\$3,900.00
0020	(NATURE TRAIL)	1520.00	TN	\$	17.50	\$26,600.00	1643.70	TN	\$28,764.75
	TOTAL.					\$1,841,132.00			\$1,651,984.22
	FINAL - ESTIMATED AMOUNTS					(\$189,147.78)			<del> </del>

Contract No. P00030
Contract No. DACW23-95-C-0071
RAUSCH CONSTRUCTION CO., INC. SF30, Block 14. Continued

The "TOTAL CONTRACT AMOUNT (ITEMS 0001 THROUGH 0027) \$3,477,249.66" is REVISED to: "TOTAL CONTRACT AMOUNT (ITEMS 0001 THROUGH 0027) \$3,288,101.88."

- (2) CHANGES TO THE DRAWINGS: NONE
- (3) CHANGES TO THE SPECIFICATIONS: NONE
- B. It is understood and agreed, that pursuant to the above, time for completion of the work remains UNCHANGED and the total estimated contract amount is DECREASED \$189,147.78 from \$3,477,249.66, as established by Modification No. P00029, to \$3,288,101.88.
- C. It is further understood and agreed that this modification constitutes compensation in full on behalf of the Contractor, and its subcontractors and suppliers, for all costs and markups directly or indirectly attributable to the changes described herein, for all delays related thereto, and for performance of the changes within the time frame stated.
- D. In accordance with Section 00800 SPECIAL CONTRACT REQUIREMENTS, Paragraph 1.19 CONTINUING CONTRACTS, funds are available only to the extent of specific amounts in formal notice to the Contractor. Current funds available through and including this modification are \$3,288,101.88.

STAGE II - PHASE 4 - MOD.#30

INCREASE CONTRACT DATE. AFTER

FINAL SECTIONS DETERMINED QUANTITIES

ROD TO: \$2,199.80 (Increase)

Compart Cont: 1,186,070.75

NEW RENGED CONTRACT - \$4,268,270.55

2 0 DEC 2002

CELRC-TS-C-S (1180-1-1q)

### MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Contract No. DACW23-95-C-0076
Little Calumet River Flood Protection, Stage II - Phase 4
Gary, Indiana
Modification No. P00030 - Executed

1. Enclosed for your file is a copy of all pertinent information related to executed Modification No. P00030, under the subject contract.

2. Any questions concerning the enclosed items shall be directed to Mr. Ven Garces at (219) 923-1763/4.

-Thomas A. Deja, P.E. Area Engineer Calumet Area Office

#### Enclosures

Copies Furnished:
CELRC-TS-C-S (Complete Mod. File)
CELRC-TS-C-C (Complete Mod. File)
CELRC-CT (Complete Mod. File)
CELRC-PM-PM (Mod. Only) I. Samara
CELRC-TS-C-S (Mod. Only) E. Karwatka
/ LCRBDC (Mod. Only) J. Pokrajac
CELRC-TS-C-S (Mod. Only) BINDER-

Modification No. P00030
FINAL CONTRACT QUANTITIES
Contract No. DACW23-95-C-0076
RAUSCH CONSTRUCTION CO., INC.
SF30, Block 14. Continued

A. It has been determined that, in view of the finalization of contract quantities, it is in the best interest of the Government to modify this contract as follows:

### (1) CHANGES TO THE BID SCHEDULE:

(a) The bid schedule is revised as follows:

			EXISTING CONTRACT		FINAL CONTRACT			
					ESTIMATED			FINAL
<u>ITEM</u>	<b>DESCRIPTION</b>	QTY.	<u>U/M</u>	<u>U/P</u>	AMOUNT	QTY.	<u>U/M</u>	AMOUNT
0002	STRIPPING TOPSOIL	36000.00	CY	\$4.75	\$171,000.00	27911.50	CY	<b>\$</b> 132,579.63
0003	LEVEE EMBANKMENT	218500.00	CY	\$8.00	\$1,748,000.00	233575.00	CY	\$1,868,600.00
0004	DITCH EXCAVATION	5500.00	LF	\$10.00	\$55,000.00	6289.00	LF	\$62,890.00
0005	TOPSOIL	18000.00	CY	\$5.00	\$90,000.00	27911.50	CY	\$139,557.50
0006	SEEDING	22.00	AC	\$1,900.00	\$41,800.00	38.89	AC	, \$73,891.00
. 0007	INTERLOCKING CONCRETE	320.00	ŞY	\$72.00	\$23,040.00	343.26	SY	\$24,714.72
AA8000	FENCE REMOVAL	6700.00	LF	\$2,20	\$14,740.00	6565.00	LF	\$14,443.00
0008AB	PERMANENT FENCE, 4FT.	6700.00	LF	\$8,50	\$56,950.00	6981.00	LF	\$59,338.50
OA8000	SINGLE LEAF GATE, 14FT.	6.00	EA	\$525.00	\$3,150.00	1.00	EA	\$525.00
0009	HOT ASPHALT CONCRETE PAVEMENT, 3 INCH	54.00	TN	\$112.00	\$6,048.00	51.06	TN	\$5,718.72
0010AF	CAST-IN-PLACE CONCRETE PILES	1060.00	LF	\$35.00	\$37,100.00	894.77	LF	\$31,316.95
0011AE	48" RCP CULVERT PIPE	85.00	LF	\$125.00	\$10,625.00	69.00	LF	\$8,625.00
0011AG	38"X 57" RCP ELLIPTICAL CULVERT PIPE	235.00	LF	\$167.00	\$39,245.00	232.00	LF	\$38,744.00
0012AE	42* RCP CULVERT PIPE	105.00	LF	\$115.00	\$12,075.00	93.33	LF	\$10,732.95
0013AA	24" STEEL CULVERT PIPE, AUGERED	155.00	LF	\$253.00	<b>\$3</b> 9,215.00	148.00	LF	\$37,444.00
0013AB	CLEAN EXISTING CULVERT	1.00	LS	\$5,000.00	\$5,000.00	0.00	LS	\$0.00
0017	SEALING OF EXISTING CULVERT	1.00	LS	\$2,200.00	\$2,200.00 :	0.00	LS	\$0.00
0019	GUARDRAIL REMOVAL AND REPLACEMENT	550.00	LF	\$22.00	\$12,100.00	517.00	LF	\$11,374.00
0022	VERTICAL PREFABRICATED DRAINAGE WICKS	103000.00	LF	\$0.85	\$87,550.00	93382.00	LF	\$79,374.70
0025	STOCKING OF OVERBURDEN MATERIAL INTO BERM	6,500.00	CY	\$7.00	\$45,500.00	10,828,00	CY	\$75,796.00
0026AB		15,000.00	CY -	. \$2.50	\$37,500.00	10,575.00	CY	\$26,437.50
0027AA	FINAL GRADING AND	40.00	AC	\$3,121.00	\$124,840.00	24.80	AC	\$77,400.80
,	SEEDING; FIRST 40 AC FINAL GRADING AND			. ,	\$31,210.00	0.00	AC	\$0.00
0027AB	SEEDING; OVER 40 AC	10.00	AC	\$3,121.00				\$3,837.60
0027BA	EROSION CONTROL	24,200.00	SF	\$0.16	\$3,872.00	23,985.00	SF	

Modification No. P00030
FINAL CONTRACT QUANTITIES
Contract No. DACW23-95-C-0076
RAUSCH CONSTRUCTION CO., INC.
SF30, Block 14. Continued

EARTH EMBANKMENT		Kara.					
0028AC FILLSATROADWAYS& PARKWAYS	3,800.00	CY	\$5.50	\$20,500.00	3,930.00	CY	\$21,615.00
0028AD GEOTEXTILE FABRIC	8,000.00	ŞY	\$1.50	\$12,000.00	7,066.00	SY	\$10,599.00
0028AE STONE SUBBASE-6"	2200.00	TN	\$21.00	\$46,200.00	2,071.63	TN	\$43,504.23
TOTAL				\$2,776,860.00			\$2,859,059.80
•					_		

ACTUAL - ESTIMATED AMOUNTS

\$82,199.80

The "TOTAL CONTRACT AMOUNT (ITEMS 0001 THROUGH 0033) \$4,186,070.75" is REVISED to: "TOTAL CONTRACT AMOUNT (ITEMS 0001 THROUGH 0033) \$4,268,270.55."

- (2) CHANGES TO THE DRAWINGS: NONE
- (3) CHANGES TO THE SPECIFICATIONS: NONE
- B. It is understood and agreed, that pursuant to the above, time for completion of the work remains UNCHANGED and the total estimated contract amount is INCREASED \$82,199.80 from \$4,186,070.75, as established by Modification No. P00029, to \$4,268,270.55.
- C. It is further understood and agreed that this modification constitutes compensation in full on behalf of the Contractor, and its subcontractors and suppliers, for all costs and markups directly or indirectly attributable to the changes described herein, for all delays related thereto, and for performance of the changes within the time frame stated.
- D. In accordance with Section 00800 SPECIAL CONTRACT REQUIREMENTS, Paragraph 1.19 CONTINUING CONTRACTS, funds are available only to the extent of specific amounts in formal notice to the Contractor. Current funds available through and including this modification are \$4,268,270.55.

# North-West Engineering Co., Inc. - Consulting Engineering -

504 Broadway - Suite 1028 - Gary, Indiana 46402

Phone: (219) 882-6856

Fax: (219) 882-6867

December 13, 2002

Little Calumet River Basin Development Commission 6100 Southport Road Portage, IN 46368

Attention:

Mr. Jim Pokrajac

RE:

South Grant Street Improvement Project, Phase I

STP N501; DES No. 0090210

Storm Water Pump Station right-of-way

Dear Mr. Pokrajac;

The above referenced pump station has been designed by the US COE and will be bid through INDOT. According to the USCOE drawings, the pump station is located in the INDOT right-of-way, which according to COE the LCRBDC has permission to build on this property. The station extends 7.5-feet (2.27-m) west and beyond the INDOT right-of-way into LCRBDC property. Enclosed are the following:

Copy of the plat plan showing the location of the proposed pump station site.

• Sheet #28 and #29 showing the plan and profile of the storm sewer and the pump station.

Sheet C-01 and C-02, the USCOE pump station drawings.

Following your review of the above, request that you please submit a document granting your permission for the City of Gary to construct the storm water pump station on the INDOT right-of-way as per INDOT authorization to LCRBDC.

Very truly yours,

Around Muzumber ARAVIND MUZUMDAR, P.E., President

AM/

Enclosures

cc:

Otho Lyles, Pres. BSC

James Meyer, GSD Attorney

Roland Elvambuena, P.E., City Engineer]

Spike Peller, P.E., Director of Public Works & Safety

Dan Gardner, Exec. Dir., LCRBDC

Imad Samara, USCOE, Chgo

C:\WINDOWS\LOCALS~1\TEMPOR~1\CONTENT.IE5\KXA163WH\3421\_L~1.WPD [3421\Gary\SoGrant-1]

### DEPARTMENT OF THE ARMY

CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, IL 60606-7206

REPLY TO ATTENTION OF

7 January 2003

Planning Branch

Mr. Jim Pokrajac, Agent Land Management/Engineering Little Calumet River Basin Development Commission 6100 Southport Road Portage, IN 46368

**RE:** Response to your 27 December 2003 letter concerning Little Calumet River Stage IV Phase 1 South levee seed mix and vegetation management questions.

Dear Jim,

Thank you for your recent letter requesting information on the Stage IV Phase 1 South seed mix in particular and levee landscape management in general. The seed mix in the Spec is a typical, temporary, erosion control mix or nurse crop. It is not persistent, but is intended to give way to the permanent native herbaceous species that can either be seeded concurrently with the nurse crop or drilled through the previously seeded nurse crop. The purpose, as you surmise in your letter, is to reduce both erosion and competition from more aggressive exotic weeds during the establishment period. The native planting, once it is established, will be able to compete against exotic weeds on its own with routine management, particularly periodic burning. The mowing and burning treatments that you ask about are typically scheduled and applied during the establishment period to benefit the permanent native species rather than the nurse crop itself. After the establishment period, burning is performed regularly as a management tool for the life of the project. This regular burning favors the native species over the weedy exotics.

These procedures (burning and mowing, as well as spot and broadcast herbicide use etc.), <u>and</u> performance standards to measure their effectiveness, need to be outlined explicitly in the Specs. I believe the failure to do this is the primary cause of failure of our previous levee landscaping projects.

You are probably wondering what implications the word "temporary" has for the Stage IV Phase 1 South landscaping project. We will need to come back and seed this levee section with a final native seed mix. Landscaping for this levee section will be added to Levee Landscape Contract 2, but with one difference. There will be no trees or shrubs included in this segment.

I hope I've covered all of the questions in your letter, Jim. If not, or if this letter generates any new ones, be sure to give me a call. I wish you a Happy New Year and hope you and your family had an enjoyable holiday.

Sincerely,

Greg Moore

Copies Furnished: Imad Samara Ed Karwatka



### INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue Room N755

Indianapolis, Indiana 46204-2249

(317) 232-5533

FAX: (317) 232-0238

An Equal Opportunity Employer ● http://www.state.in.us/dot

FRANK O'BANNON, Governor J. Bryan Nicol, Commissioner

JAMES E. POKRAJAC

Writer's Direct Line

(CONCEDTUAL)

WE COULD USE THIS

(CAN MODIFY)

12/4/02

TO:

Pokrajas Agent

Land Management / Engineering

Little Calumet River Basin Development Commission

6100 Southport Road Portage IN 46368

TO: G. Gregory Cvitkovich

> North Township Trustee 5947 Hohman Ave. Hammond, IN 46320

TO: John Bach

Director of Public Works

3333 Ridge Road Highland, IN 46322

FROM: Richard Smutzer, P.E.

Chief Engineer, INDOT

THRU: Phelps H. Klika, P.E.

Chief, Division of Design, INDOT

THRU: John Wright, P.E.

CPG Manager, INDOT

RE: Group Lift Station Proposal for US 41 in Lake County, North of Ridge Road

The Indiana Department of Transportation is proposing to construct the Group Lift Station located off US 41 in Lake County. More specifically, it is located along the south end of the Bus Terminal Property (Cardinal Service, Inc.), entirely on the property of Stanley Petrites, et, ux. We are including a drawing showing the approximate location of the Group Lift Station and the additional right-of-way needed for construction. Access for the Group Lift Station will be provided off US 41 along the north property line of the Petrites property.

To accomplish this, INDOT will have to delay this segment of US 41 North of Ridge Road. A separate Des # will be created. This section will be let with Phase II or as a separate contract.

The following entities have surface water runoff that would be handled by this group lift station: The Town of Highland, North Township Trustee (:Woodwar !Country Club) and INDOT. There is a total of 275 acres being drained;

a) 20.3 acres from the Town of Highland (7.38%)

b) 245.7 acres from the North Township Trustee (89.35%)

c) 9 acres from INDOT (3.27%)

The cost difference between a Group Lift Station and an "INDOT only" pump station is \$250,000. The annual maintenance cost for the pump station is \$40,750. (See attachment for breakdown).

Cost breakdown between the entities is:

Town of Highland & North Township Trustee – share the \$250,000 additional cost for the group lift station + the annual Maintenance Cost of \$40,750 INDOT pays for lift station, cost \$1,746,950.

For INDOT to agree to construct a Group Lift Station, the parties must submit:

- 1) A letter of commitment for those amounts shown;
- 2) A letter of commitment agreeing to donate the land needed from The Town of Highland, from the North Township Trustee and from Mr. Stanley Petrites, et. ux.
- 3) A letter of confirmation regarding the drainage area breakdown between the Town of Highland and North Township Trustee shall also be submitted.

The letters of commitment and drainage area breakdown shall be sent to INDOT (John Wright) within two weeks after the entities' board meets. (Date to be determined at joint meeting with Town of Highland, North Township Trustee and INDOT). If the letters are not received by that time, the project will proceed in the best interest of INDOT.

Cc: Wright / Nezovich / JSE / file Merril Dougherty Kevan McClure

# US 41 Stormwater Pumping Station Lake County, Indiana

**DES #9133625** November 15, 2002

,	Preliminary Construction Estimate					
	Group Lift Station					
1.	Mobilization / Demobilization / Insurance / Bonds	\$58,400.00				
2.	Reinforced Concrete Pumping Structure	\$404,250.00				
	(770 CY @ \$525 / CY)	\$425,000.00				
3.	Pump Equipment and Controls, Installed	\$423,000.00				
4.	Forcemain / Discharge Piping – 36" Dia. D.I. Pipe (600 LF @ \$250 / LF)	\$150,000.00				
_ 5.	3 Phase Electrical Service Equipment, Installed	\$25,000.00				
6.	Emergency Power System (Diesel), Complete	\$150,000.00				
7.	Asphalt Entrance Drive (220 Tons @ \$70 / Ton)	\$15,400.00				
8.	Excavation, Dewatering	\$85,000.00 <sup>-</sup>				
9.	Site Restoration (4,800 SY @ \$2.50 / SY)	\$12,000.00				
10	Erosion Control Facilities	\$15,000.00				
11.	Air / Vacuum Relief Valve Systems (2 Ea. @ \$5,000 / Ea.)	\$10,000.00				
12.	Coarse Bar Screen	\$15,000.00				
13.	Site Grading	\$25,000.00				
14.	Miscellaneous Metals & Grating, Installed	\$15,000.00				
15.	Estimated 3 Phase Power, Utility Cost	\$45,000.00				
16.	Site Fencing, Complete	\$18,000.00				
17.	Electric Gate Actuators & Controls	\$35,000.00				
18.	48" Inlet Piping (80 LF @ 200 / LF)	\$16,000.00				
	Subtotal	\$1,519,050.00				
	+ 15% Contingency	\$227,900.00				
	Total Estimate	\$1,746,950.00				

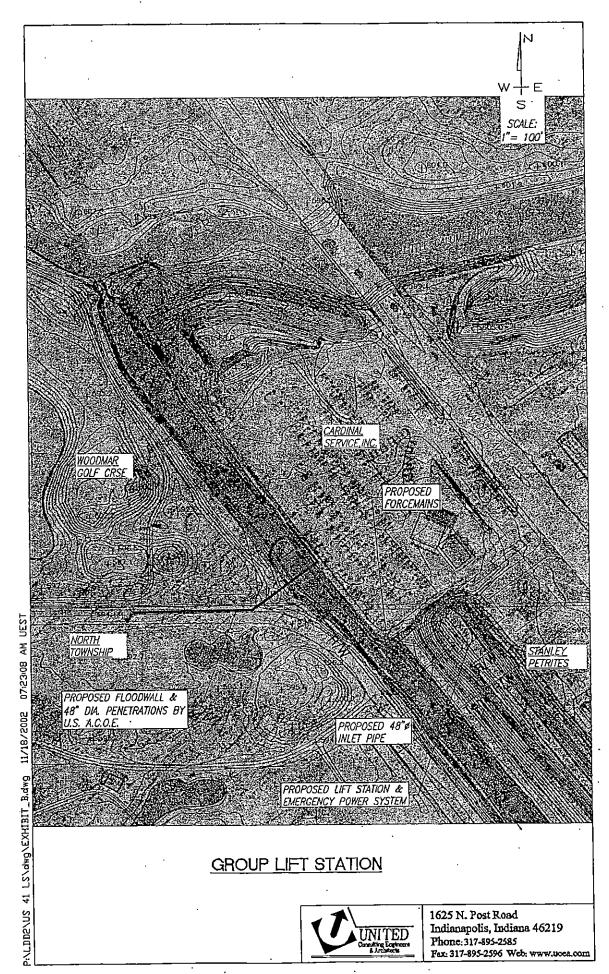
### Note:

- 1. Costs exclude Land Acquisition, Design, Survey & Permitting Fees.
- 2. Cost assumes that the southern segment of the US 41 Road Project will be piped to the Lift Station.
- 3. Additional estimated cost to utilize a natural gas emergency power system is \$50,000.00 to \$100,000.00.

# US 41 Stormwater Lift Station Lake County, Indiana

DES #9133625 November 15, 2002

Estimated Annual Maintenance Cost	
Pump & Control Panel & Generator Replacement Cost (20 year cycle = \$400,000 / 20)	\$20,000.00
Annual Maintenance for Equipment, Structure, etc.	\$20,000.00
Annual Power Cost	\$750.00
Total Estimated Annual Maintenance Cost	\$40,750.00





### NORTH TOWNSHIP TRUSTEE

### G. GREGORY CVITKOVICH

January 16, 2003

LAKE COUNTY INDIANA

(MAIN OFFICE) 5947 Hohman Ave. Hammond, IN 46320

(219) 932-2530 Fax (219) 937-4412

2105 Broadway East Chicago, IN 46312

(219) 398-2435 Fax (219) 397-2190 Mr. James Pokrajac
Land Management/Engineering
Little Calumet River Basin Development Commission
6100 Southport Road
Portage, IN 46368

RE: US 41 Improvement Project and Lift Station, North of Ridge Road

Dear Jim,

This letter is in response to the letter dated December 4, 2002 from Richard Smutzer, chief engineer at INDOT.

While I am pleased INDOT has agreed to move the lift station, I am disappointed and concerned with their decision to delay the Indianapolis Boulevard segment North of Ridge Road.

Flooding affects revenues at Wicker Memorial Park almost yearly and needs to be addressed immediately. Delaying this project will continue to effect golf course revenues, which the park relies on to meet its financial obligations and park enhancements.

In addition, Wicker Park and the Town of Highland have a bike/walking trail waiting to be connected with the INDOT project. Delaying this project means Highland continues to have a trail that leads nowhere and pedestrians wishing to enjoy the park have no safe means of doing so.

I cannot stress enough the importance that this segment of the Indianapolis Boulevard project be completed as soon as possible.

Please feel free to contact me should you have any questions, comments or suggestions regarding this issue. My office telephone number is (219) 932-2530.

Sincerely,

Greg Cvitkovich

North Township Trustee

### Sandy Mordus

From:

"Samara, Imad LRC" <Imad.Samara@Irc02.usace.army.mil>

To: Sent: "'Sandy Mordus'" <smordus@nirpc.org> Monday, January 06, 2003 2:53 PM

Sent: Subject:

RE: Sandy here

1. Sandy can you please fax me a copy of number 1 below. It has been a while since I have seen the list. So please fax it to me. I will look at it tomorrow as soon as I get back to the office.

- 2. We need to issue a separate contract for the demolition of structures in the East Reach Remediation. We have to prepare the documents for a contract. I would think this will take about 3 to 4 months. I think we can use an 8 a contractor.
- 3. I need you to give me a copy of the drawings of the "east reach recreation trail and features" so I can make sure I'm giving you copies of what you need. Maybe you can fax it to me or give me a copy on Wednesday at Tom Deja's luncheon.

If you need anything else please let me know.

Imad N Samara Project Manager 312-353-6400 Ext 1809

----Original Message----

From: Sandy Mordus [mailto:smordus@nirpc.org]

Sent: Friday, December 06, 2002 3:09 PM

**To:** Samara, Imad LRC **Subject:** Sandy here

lmad:

Following are several items that I would like to follow up on:

- 1. In Spetember of 2001, Jim Flora and I had completed the preliminary "Business Tracking Progress Plan". It was our intent at that time to use this tool in order to streamline our reports and to keep better track of ongoing and outstanding items. Will you please review this and modify, add to, or address any items that you are required that impact the Corps of Engineers?
- 2. Would you please let me know the status of how we are going to handle the remaining demolitions in the flowage area in the east reach remediation project area. Will we be including this as part of the Stage III east reach remediation project or will this be done under a separate contract?
- 3. Recently, we have run out of the "East Reach Recreational Trails and Features" maps that you had provided to us a couple of years ago. We have distributed over 50 of these maps to interested parties and we will need 25 more color 11 x 17 and 5 full size color prints.

Thanks, Jim Pokrajac



### Little Calumet River Basin Development Commission

### WORK STUDY SESSION 6 February 2003

## LAND ACQUISITION / LAND MANAGEMENT Arlene Colvin, Chairperson

### LAND ACQUISITION:

1.) There is one condemnation:

DC 1033. The offer for a temporary work area easement for \$1,650 was made on 4/16/02. The owner has a pool which extends into the easement area and he is concerned about damage to the pool at construction time. We explained that Corps contracts require the contractor to be responsible for any damage done to the pool during construction. The owner wanted more assurance than that. LCRBDC attorney wrote a letter explaining that the LCRBDC would be responsible if the contractor defaulted. The landowner still has reservations about signing the offer.

2.) Kennedy Industrial Park Appraisal:

The entire 20 tract appraisal was refused due to the Corps Appraisal Reviewer's doubts as to who has controlling authority of the existing levee on all 20 tracts. He asked for a revised appraisal of nine ((9) tracts for fee purchase of the proposed easement areas. The appraiser submitted a new appraisal on 1/06/03. The reviewer returned from vacation on 1/20/03 and approved the nine tract appraisal on 1/23/03. Appraiser has been directed to complete the remaining 11 before-and-after full narrative appraisals ASAP. The Corps Appraisal Reviewer is waiting for a letter for the City of Hammond explaining the history of the existing levees.

#### LAND MANAGEMENT:

- 1.) We need a motion to approve the Resolution submitted to the Hammond Sanitary District for acceptance of the Operation and Maintenance of the SE Hessville Pump Station.
- 2.) A meeting of the O.& M. Committee was held this afternoon (6 February 2003 at 4:30 pm) to discuss the committee's goals and objectives.
- 3.) The sale of the approximate 7 acre tract adjacent to Berkheimers on 35th Street in Gary is underway. The property was advertised for bid on 6 February. Second advertisement will be 13 February and bid opening is scheduled for 27 February.
- 4.) For information: An up-to-date summary of our lease holdings has been completed for 2003. Refer to the hand-out.







### From the TelePort of:

Office of the Clerk-Treasurer

Date: Wednesday, February 5, 2003

Number of Pages: 4

To: Dan Gardner, Little Calumet River Basin Development Commiss

Fax Number: 219 762-1653

Memo: Dear Municipal Leaders:

The Highland Town Council adopted the accompanying "Sense of Council Resolution" regarding Little Calumet Flood Control Funding by Indiana. It has been sent to the Indiana Delegation and key committee leaders. Would you kindly consider adopting this resolution in the appropriate form and take

similar steps? Thanks for your consideration.

Michael Griffin, Clerk-Treasurer Town of Highland

cc: Congressman Visclosky Office/LCRBDC Exec. Director



### TOWN OF HIGHLAND TOWN COUNCIL RESOLUTION No. 2003-02

A RESOLUTION EXPRESSING the SENSE of the LEGISLATIVE BODY in SUPPORT of the INDIANA GENERAL ASSEMBLY and the GOVERNOR TO MEANINGFULLY SUPPORT THE LITTLE CALUMET RIVER FLOOD CONTROL AND RECREATION PROJECT RELATED BY PROVIDING FUNDING FOR THE STATE'S SHARE FOR THIS FEDERAL-STATE JOINT PROJECT.

- WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;
- WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and
- WHEREAS, The Highland, was incorporated to provide certain public services to the inhabitants of this community, all of whom are also inhabitants of this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their representatives and in some cases to apply to the General Assembly for redress of grievances, all for the betterment of government; and
- WHEREAS, The Town of Highland lies along the Little Calumet River Basin, which is the subject of a remarkable Flood Control Project, under the aegis of the US Army Corps of Engineers as a Federal sponsor and the Little Calumet River Basin Development Commission, as a non-federal sponsor; and
- WHEREAS, The Town of Highland has been reliably advised that there was a loss of authorization from the non-federal sponsor in the amount of 2.5 million dollars in the last funding cycle; and
- WHEREAS, The Town Council of the Town of Highland, Indiana, owing to a history of flooding and its profound effects on families and property and commonweal of the community, supports this special project; and
- WHEREAS, The Highland Town Council now desires to inform the deliberations of the Indiana General Assembly as well as the Governor and to express the sense of the legislative body on its sentiments regarding the meaningful financial support to this important project that profoundly affects the public welfare, health and safety;

Sense of the Town Council Resolution Page 2 of 2

- Now, Therefore Be it resolved by the Town Council of the Town of Highland, Lake County, Indiana that the sense of the Town Council of Highland is as follows:
  - Section 1. That the Highland Town Council, speaking as an advocate for the people of this community, urges the State of Indiana through its Little Calumet River Basin Development Commission, to renew its commitment to the progress and eventual completion of the Little Calumet River Flood Control and Recreation Project;
  - Section 2. That the Highland Town Council, speaking as an advocate for the people of this community, urges the State of Indiana through its General Assembly and its Governor to fully restore the unexpended amount of 2.5 million dollars, approved for the current biennium ending June 30, 2003, for the Flood Control Project, but that was "frozen" by the Governor in reaction to concerns about State funding levels generally;
  - Section 3. That the Highland Town Council, still speaking as an advocate for the people of this community, further urges the State of Indiana through its General Assembly and its Governor to support an appropriation of Seven Million dollars (\$7,000,000) for the Flood Control Project in the next biennium to support the advance and progress of this important massive project, which affects many communities and their residents as a matter of public health, public welfare and public safety;
  - Section 4. That the Highland Town Council, still speaking as an advocate for the people of this community, still further urges the State of Indiana through its General Assembly and its Governor to support an appropriation of Seven Million dollars (\$7,000,000) or more for the Flood Control Project in each succeeding biennium to support the advance and progress of this important massive project, which affects many communities and their residents as a matter of public health, public welfare and public safety, until the project is completed;
  - Section 5. That the Highland Town Council reminds the Indiana General Assembly and the Governor that the United States Congress has maintained its support of the important public purposes of this project and continues to provide seventy-five percent (75%) of the total costs associated with this highly necessary and desirable project, provided that the State will meet its non-federal sponsor obligations;
  - Section 6. That the Highland Town Council further reminds the Indiana General Assembly and the Governor that the financial resources for this project, which have been estimated to cost \$180 million dollars at conclusion, with twenty five percent (25%) to be borne by the non-federal sponsor, greatly exceeds the resources that any single community or combination of communities along the eleven (11) miles of the affected Basin, could reasonably sustain;

### Sense of the Town Council Resolution Page 3 of 3

Section 7. That the Highland Town Council still further reminds the Indiana General Assembly and the Governor that the organizational capacity and technical specialization necessary to marshal all the resources for this project also greatly exceeds the resources that any single community or combination of communities along the eleven (11) miles of the affected Basin, could reasonably sustain;

Section 8. That the Highland Town Council still further reminds the Indiana General Assembly and the Governor that the proper officers of this State understood and acknowledged this when the State of Indiana established the Little Calumet River Basin Development Commission and the United States Congress authorized the US Army Corps of Engineers to be the agencies responsible for the advance and management of this important project;

Section 9. That the Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of Indiana General Assembly and to the Governor of Indiana to inform their deliberation on this matter, and to evidence the Town of Highland's strong desire to see the objects and purposes of the Little Calumet Flood Control and Recreation Project achieved.

**Section 10.** That the Clerk-Treasurer be hereby further instructed to transmit and forward this resolution to such other persons as may be deemed to have an interest in this matter and to encourage those persons to evidence their strong desire to see the objects and purposes of the Little Calumet Flood Control and Recreation Project achieved.

So Resolved, Passed and adopted this 27<sup>th</sup> Day of January 2003 by the Town Council of the Town of Highland, Indiana. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of HIGHLAND, INDIANA

/s/Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, Clerk-Treasurer (IC33-16-4-1;IC36-5-6-5)



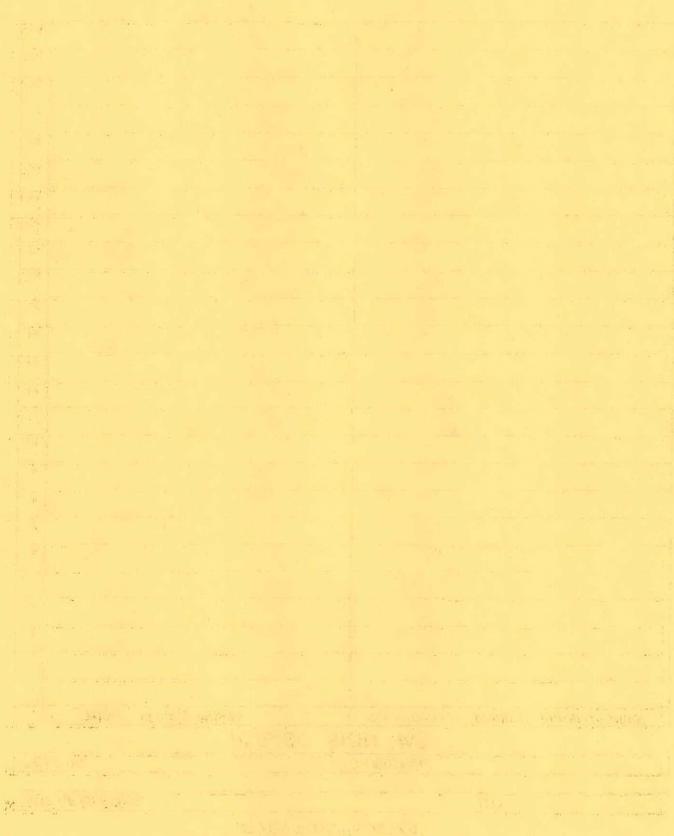
# DEVELOPMENT COMMISSION ATTENDANCE ROSTER

		The state of the s	
NAME OF MEETING:	LCRBDC	DATE:	2-6-03

LOCATION: 6100 Southport Rd. Dortage CHAIRMAN: Arlene Colvin

### PLEASE SIGN IN

	PLEASE SIGN IN					
	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER				
1	JIM FLORA	R.W. ARMSTRONG				
2		Holt				
3	Kelsod Wassour	Cova. Ursclosky appro				
4	Tho lyles	GSD				
5	Inal	CoE				
6	Bill Petridies	Highland resident				
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						



Saule

## WORK STUDY SESSION 6 February 2003

### ENVIRONMENTAL COMMITTEE Dr. Mark Reshkin, Chairperson

### 1.) Hobart Marsh Update:

Attached is an update of the recent actions on all the 14 Hobart Marsh properties. A summary finding is that landowners in the Hobart Marsh area have higher expectations of land values than are currently provable by LCRBDC appraisal figures.

### **MITIGATION - HOBART MARSH UPDATE**

### DC LIST UPDATE (as of 02/06/03)

DC #	OWNER/ UPDATE
M-1	Howard Hee Han Kim, et. al Offer mailed 11/26/02. Dr. Kim refused offer on 02/20/03 and is contacting his attorney to make a written counter-offer.
M-2	Lake County Trust #1935 (Nozrik) Appraisal re-assigned to Janet O'Toole 01/03/02. Appraiser working on appraisal.
M-3	Barbara Fadell Packet of info to TPL 11/14/02. TPL has contacted Mrs. Fadell and is setting up a meeting date to discuss an option during week of 02/09/03.
M-4	Milan and Violette Bundalo Appraisal packet assigned 01/06/03 to appraiser O'Toole. Appraiser is working on appraisal.
M-5	Norman & Lorraine Berndt Verbal refusal. R/E appraisal refusal form of 11/05/02 not returned. Follow-up letter 12/05/02. No response as of 01/06/03. No further contact with landowner.
M-6	Norman & Loraine Berndt Verbal refusal. R/E appraisal refusal form of 11/05/02 not returned. Follow-up letter 12/05/02. No response as of 01/06/03. No further contact with landowner.
M-7	Ralph & Betty Julian (both deceased) Received permission to appraiser from estate attorney on 01/14/03. Will assign appraisal to possible new appraiser recommended (and already approved) by the Corps.
M-8	George Froman Owner refused (written) offer to appraise the land 11/28/02. Nor further contact.
M-9	Kathryn Price (deceased) Spoke with son Allen Price on 12/19/02. Appraisal permission received. Appraisal assigned 01/07/02 to appraiser O'Toole. Appraiser needs six weeks.
M-10	Morris Mueller (was New Bethel Church) Church sold property to new owner Morris Mueller. Property up for sale with Real Estate Agent Rick Jolliff of Coldwell Banker for \$165,000 for 15.25 acres. Received permission to appraise on 01/22/03. Appraisal will be assigned.

### DC # OWNER/UPDATE

- M-11 New tracts (including DNR).

  Researching adjacent properties to DNR lands. Received new information from DNR on 01/22/03. DNR lands not available for LCRBDC mitigation. They were purchased with federal monies (NACWA).
- M-12 Sarah Dorman Bailey as Successor Trustee (Hayward Land Company)
  Several owners in this parcel. We learned on 01/29/03 that one landowner has passed away and that the estate has been ordered by the court to have all parcels re-appraised. According to landowner this will take 2 to 3 months. Acquisition on hold.
- M-13 Robert Chorak and Gladys Crossk Still researching title work and legal description.
- M-14 Sarah Dorman Bailey (successor) (Hayward Land Company)
  Several owners in this parcel. We learned on 01/29/03 that one landowner has passed away and that the estate has been ordered by the court to have all parcels re-appraised. According to landowner this will take 2 to 3 months. Acquisition on hold.

### LAND ACQUISITION REPORT

For meeting on Thursday, February 6, 2003 (Information in this report is from January 3, 2003 – January 30, 2003)

STATUS (Stage III) - Chase to Grant:

1. Final acquisitions for flowage easements east of Chase and north of the river are on hold due to our ongoing funding crisis.

### STATUS (Stage III) - REMEDIATION

### **Pumping west of Grant Street**

- 1. Status of Right-of-Entry:
  - ROE was signed by the LCRBDC on April 4th, 2002.
  - Contract awarded construction to start Spring, 2003.

### STATUS (Stage IV - Phase 1 South) EJ&E RR to Burr St - South Levee:

- 1. WIND permanent easement needs to be signed.
  - We received a letter from the WIND attorney on September 11<sup>th</sup>, 2002, requesting proposed easement language for them to review.
  - A new appraisal will be completed in order to make a new offer to WIND. The previous appraisal land value is outdated.

### STATUS (Stage V - Phase 2) - Indianapolis to Kennedy - North Levee:

- 1. The tentative schedule for this project is for advertisement in December 2005, construction start in spring 2006, and completion in the fall of 2007.
- 2. Wicker Park appraisal is currently under COE review. Additional appraisal and a tree survey may be needed.

### STATUS (Stage V - Phase 3) - Northcote to Indianapolis - (Woodmar Country Club):

1. Construction is currently projected to start in the summer of 2006 due to lack of State funds.

### STATUS (Stage VI-Phase 1) - Cline to Kennedy - North of the river, and Kennedy to Liable - South of the River:

- 1. We received an appraisal for the Burger King property west of Cline Avenue in the amount of \$90,000. This was sent to the COE chief appraiser to review on August 7th.
  - The appraisal is still under review.
- 2. The COE reviewer has approved a nine tract Kennedy Industrial mass appraisal. The /-8 original draft was for 20 tracts. The remaining 11 tracts will have a new before-andafter appraisal. The COE reviewer is still expecting a letter from the city of Hammond explaining the construction of the existing levees. Offers on the approved nine tracts will be sent in February. Deadline for acquisition in VI-1 is 10/1/03.

### STATUS (Stage VI-Phase 2) - Liable to Cline - South of the river:

- LCRBDC received real estate drawings to review on November 13. We sent our comments, along with comments from the Town of Highland to the COE on December 6<sup>th</sup>, 2002.
   (Ongoing)
  - Note that the COE has not completed engineering and that the LCRBDC, utilities, and the town of Highland need to comment once they receive these drawings
  - Acquisition deadline of October 1<sup>st</sup>, 2003, may not be met due to continued delays.
     Appraisals can't be assigned until final drawings are available. (See Real Estate meeting results.)

### STATUS (Stage VII) - Northcote to Columbia:

1. COE Real Estate Dept. is proposing that we deviate from Federal policy and acquire bike trail easements on the levee instead of fee purchases. A sample easement was sent on August 13<sup>th</sup>, 2002. Attorney has sent a letter to the COE approving the new easement language.

9-10

### STATUS (Stage VIII - Columbia to State Line (Both sides of river)

- 1. The Corps has put Stage VIII on hold.
  - An email from the COE on 12/30/02 indicated it would be pushed back at least 2 years.
  - Landowner Terry Savage, 27 River Drive, has moved to Michigan and is trying to sell his house. Potential buyers are calling for info about the project and the timetable for acquisition. Mr. Savage has been a visitor to LCRBDC meetings requesting help with his situation.

## STATUS (Betterment Levee – Phase 2) Colfax to Burr Street, then North N.S. RR, then East (North of RR R/W) ½ between Burr and Clark, back over the RR, then South approx. 1,400 feet:

- 1. Acquisition deadline is currently on hold. Existing offers will be paid, however, no new offers will be sent. Burr Betterment levee is not creditable.
- 2. Dan has had several meetings with Mayor King and State Representative Earl Harris, and a strategy is being developed to fund completion of the Burr Street Betterment Levee.
- 3. We need to start the procedure with Gary whereby their demolition task force will demolish the three vacant houses acquired in 2001. One has burned and the other two are safety hazards to the neighborhoods.

### EAST REACH REMEDIATION AREA - (NORTH OF I-80/94, MLK TO I-65):

1. Clean-up acquisition continues for those offers already sent. Properties available on tax sales are being purchased. Eight tracts were acquired in December 2002. Two more will be acquired in February 2003.

### **IN-PROJECT MITIGATION:**

1. Bids were opened on September 17<sup>th</sup>, 2002: Implementation and maintenance. Construction will probably start in the Spring of 2003. (Refer to Engineering Report for breakdown.)

## **HOBART MARSH MITIGATION:**

- 1. Dr. Kim has written his rejection of the DNR offer of 63 acres for \$220,600 on a post-it note attached to the offer. His attorney will submit a counter-offer in writing.
- 2. Update on Hobart Marsh acquisitions in e-mail to John Bacone at DNR. See attached e-mail.



## Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368 (219) 763-0696 Fax (219) 762-1653 E-mail: littlecal@nirpc.org

MERC KROZAN ARBANT RIVER.

NUCH VARBANT RIVER

ALONG

ALON

WILLIAM TANKE, Chairman Porter County Commissioners' Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

CURTIS VOSTI, Treasurer Governor's Appointment

JOHN MROCZKOWSKI, Secretary Governor's Appointment

GEORGE CARLSON Mayor of Hammond's Appointment

ARLENE COLVIN Mayor of Gary's Appointment

STEVE DAVIS Dept. of Natural Resources' Appointment

EMERSON DELANEY Governor's Appointment

ROBERT MARSZALEK Governor's Appointment

DR. MARK RESHKIN Governor's Appointment

MARION WILLIAMS Leke County Commissioners' Appointment

DAN GARDNER Executive Director

LOUIS CASALE
Attorney

9 January 2003

Mr. Gregory Dorward, Chief Appraiser
U.S. Army Corps of Engineers Pittsburgh District
1000 Liberty Avenue
1802 Moorhead Federal Building
Pittsburgh, PA 15222-4186

Dear Greg,

RE: Revised Appraisal - Kennedy Industrial Park

Enclosed is the nine (9) tract Kennedy Industrial Park Appraisal completed by Appraiser Dale Kleszynski as specified in your e-mail of 19 December 2002. I respectfully ask that you consider this a priority review and call me if you have questions about the contents as follows:

DC 1010-A Owner Mercantile National Bank Trust # 4385

DC 1010-G Owner INDOT

DC 1011-A Owner Mercantile National Banks Trust #4385

DC 1012-A Owner City of Hammond (New Jersey Ave.)

DC 1012-B Owner Virginia Stincic

DC 1013-A Owner City of Hammond (Nevada Ave.)

DC 1013-B Owner Mercantile National Bank Trust #4385

DC 1013-C Owner Sand Ridge Bank Trust #13-4884

DC 1013-D Owner Quincy Court Partners

I understand you will not be in your office until 20 January 2003. I will contact you after that. Thank you for your cooperation.

Respectfully,

Judith (Judy) Vamos Land Acquisition Agent

Enclosure:

## **Judy Vamos**

"Dorward, Gregory P LRP" <Gregory.P.Dorward@lrp02.usace.army.mil>
"Judy Vamos (E-mail)" <jvamos@nirpc.org>; "Spokane, Chrystal L LRC"
<Chrystal.L.Spokane@lrc02.usace.army.mil> From: To:

Thursday, January 23, 2003 8:17 AM A99449W.doc Sent: Attach:

Kennedy Industrial Park - 9 tract approvals Subject:

The revised appraisal for Kennedy Industrial Park which includes 9 of the tracts in the park has been reviewed and has been approved. The valuations for all other tracts in the park have been rejected.

#### The approved tracts are:

DC 1010-A 1010-G 1011-A 1012-A 1012-B 1013-A 1013-B 1013-C 1013-D

The review is attached. A signed copy will be forthcoming through the mail. << A99449W.doc>>

gpd

The the deed.

The primary opposite the training of the traini

#### APPRAISAL REVIEW

USACE, Chicago District
REVIEW # A99499W

Little Calumet River Flood Protection Project
Kennedy Industrial Park
Various tracts
Revised Appraisal

#### SCOPE OF REVIEW

The reviewer has completed a desk review of an appraisal for the several tracts located in the Kennedy Industrial Park. The document was evaluated for compliance with pertinent federal regulations and professional standards. Key focus of the review was to establish that the site evaluation was adequate, that the methodology used to determine value was technically valid, and that the conclusions reached by the appraiser were reasonable and supported. Judgments were made based upon the data in the report. No field verification of the comparables was completed. However, the reviewer personally visited the sites.

#### SUBJECT PROPERTY

The property is located in an area of Hammond, Indiana known as Kennedy Industrial Park. The location can be generally bounded by I-94 to the north, the Little Calumet River to the south, Cline Av to the east, and Oxbow Park to the west. The specific tract numbers are itemized in Market Value below.

## PURPOSE OF APPRAISAL

The intent was to estimate the compensation due the property owners as a consequence of the imposition of various temporary and permanent easements. The appraisal also identified those properties which, as a result of the taking, retained only minimal property rights and should be characterized as "uneconomic remnants".

The value will be used for acquisition of the easements and fee (for the uneconomic remnants). The Little Calumet River

Basin Development Commission will utilize the sites as part of an ongoing flood protection project.

#### APPRAISER

Associated Property Counselors, Ltd. 3027 Ridge Road Lansing, Illinois 60438

Dale J. Kleszynski, MAI

#### DATE OF REPORT

12/9/2002

#### EFFECTIVE DATE OF APPRAISAL

9/16/2002

#### DATE OF REVIEW

1/23/2003

#### REVIEWER

G.P. Dorward CCIM
USACE - Pittsburgh District

#### MARKET VALUE

DC	_	1010-A	\$ 1,000
DC	_	1010-G	\$ 1,000
DC	_	1011-A	\$ 2,000
DC	<del></del>	1012-A	\$ 500
DC	-	1012-B	\$15,000
DC	_	1013-A	\$ 500
DC	_	1013-B	\$15,000
DC	<u>-</u>	1013-C	\$ 5,000
DC	_	1013-D	\$ 7,400

#### DISCUSSION

The parcels evaluated in the appraisal are tracts required as part of the extensive flood protection project in the Little Calumet River watershed. Approximately 26 tracts are located with the bounds of the Kennedy Industrial Park. The valuation was initially prepared with the inclusion of all parcels.

A review of the master appraisal resulted in a significant change in direction of the assignment. Several of the tracts were found to have significant issues that required individual evaluations not compatible with the master appraisal concept. Problems included takings with improvements impacted, municipal levees, existing rights-ofway, and significant damages.

The reviewer requested that the nine tracts (noted in Market Value above) be placed into a separate master appraisal. These properties were all simple valuations and did not suffer from the major issues in the other takings.

The document under review therefore is still a master appraisal but only for a portion of the Kennedy Industrial Park sites. The appraisal has one general section, which covers information common to the entire subject. A common set of comparables has been utilized. A separate discussion exists for each tract's individual characteristics and market value determination.

The site is level with few distinguishing characteristics. Zoning is I-1, Light Industrial. The site lends itself to a commercial or light industrial use. The appraisal has determined the Highest and Best Use to be the current use.

The appraisal is a complete summary report and generally complies with USPAP, USACE, and the "Yellow Book" regulations. Generally a 'before and after' valuation approach is used for partial takings. The appraisal does address this and has taken a reasonable and justifiable approach. On those sites where there are improvements the appraisal first determined that the improvement's value on each site were neither enhanced nor diminished. By doing so the valuation could concentrate on a land only valuation. This is consistent with USACE regulations and DOJ guidelines.

There are five comparable properties used in the market data approach. No other approach was developed or needed. The sale dates for the comparables range from 10/1997 to 7/2000. The sale prices range from \$0.82/sq.ft. to \$1.98/sq.ft. and the sizes from 5.63 acs. to 34.74 acs.

Most of the appraisal's comparables are adequate. They are all generally located within the Northwest Indiana industrial market area. All sites were vacant at the time of acquisition. A few of the sites included in this appraisal are heavily impacted by the Little Calumet River.

The comparables are somewhat weak for those particular sites and consequently the values may reflect the upper end of the acceptable range.

The valuation does not provide a 10-year sales history of each tract nor the acquisition by the current owners. Access to such information can be somewhat more difficult due to Indiana's non-disclosure laws (since repealed). In this appraisal the lack of such data did not make any significant difference in the outcome.

The report presentation is straightforward and readable. The conclusions are reasonable and adequately supported.

#### CONCLUSION

The reviewer believes the values to be within the acceptable range. I approve the valuation as written.

## REVIEW APPRAISER'S CERTIFICATION

The purpose of my review of the referenced appraisal report was to verify compliance with 1) accepted professional appraisal standards and the reporting guidelines of the Uniform Standards of Professional Appraisal/ Practice by THE APPRAISAL FOUNDATION, 2) the scope of work, and 3) pertinent federal appraisal regulations.

The analyses, opinions, and conclusions presented are based solely on the data contained in the referenced appraisal reports and the data are presumed to be accurate. I am not responsible for errors in the data or for undisclosed conditions of the property, or the marketplace, which would only be apparent from a personal inspection and research.

To comply with requirements of the Uniform Standards of Professional Appraisal Practice for appraisal reviews, I have read and reviewed the contents of the referenced appraisal report, have formed an opinion, and have developed the reasons for any disagreement as to the:

- adequacy and relevance of the data and the propriety of any adjustments to the data;
- appropriateness of the appraisal methods and techniques used; and
- correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed.
- deficiencies found and/or disagreements, if any, are set forth in supporting documentation.

I certify that, to the best of my knowledge and belief:

- the facts and data reported by the reviewer and used in the appraisal process are true and correct;
- the analyses, opinions, and conclusions expressed in this review report are limited only by the assumptions and limiting conditions stated in the review report, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions;
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved;
- my engagement in this assignment was not contingent upon developing or reporting predetermined results
- my compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this report;
- my analyses, opinions, and conclusions were developed, and this review report have been prepared in conformity with the Uniform Standards of Professional Appraisal Practice;
- I did personally inspect the subject property of the report under review
- I did not personally inspect the comparable sales shown in the report under review
- I have not verified all factual data contained in the report under review; and
- no one provided significant professional assistance to the person signing this review.

Signature

Date

STATE CERTIFICATION NUMBER: Georgia Certified General Appraiser #2949 Rev3.032800uspap00

ATTORNEYS AT LAW

## CASALE, WOODWARD & BULS, LLP

CAMBRIDGE COMMONS · MERRILLVILLE, IN 46410 · TELEPHONE: 219-736-9990 · FAX: 219-736-9991 1205 S. HALLECK STREET . DEMOTTE, IN. 463.10 . TELEPHONE: 219-987-7770

E-MAIL: thefirm@cwblawfirm.com

LOUIS M. CASALE DAVID E. WOODWARD DAVID A. BULS

R. BRIAN WOODWARD

THIS EASEMENT DILL OF The There by JE JIKIP TO DEMANDOS. LICENSED IN INDIANA & ILLINOIS REP. MVS. IN REAL PROPERTY AND ACADINES ASSESSED IN THIS ASSESSED ACADINES ACADINES ASSESSED ACADINES ASSESSEDADA ACADINES ASSESSED ACADINES ASSESSEDADA ACADINES ASSESSED ACADINES ASSESSED ACADINES ASSESSED ACADINES ASSESSED ACADINES

FINANCIAL COORDINATOR

LEGAL ASSISTANTS

DEBRA L KOZLOWSKI

January 20, 2003

Chrystal Spokane United State Army Corps of Engineers 111 North Canal Street

Chicago, IL 60606-7206

Many 22 Dr

BIKE TRAIL EASEMENT RE:

Dear Chrystal:

I was reminded the other day by Judy Vamos and Jim Pokrajac that you wanted a written letter approving suggested language regarding a bicycle/pedestrian trail easement. I believe at one of our real estate meetings, I verbally okayed the language in the attached fax copy. Please let this be my formal approval of said language. All three or any combination of the three paragraphs pertaining to easements for flood protection/flood wall levee, bicycle/pedestrian trail and underground storm water pipelines may be used in the appropriate circumstances.

Please contact me if you have any further questions regarding this matter.

Sincerely,

CASALE, WOODWARD & BULS, LLP

LMC/amo

Enclosure

cc: Judy Vamos

- Estate Taken: (a) As to Tract No. 400E, the following perpetual and assignable rights and easements including all appurtenances thereto:
  - (i) To construct, maintain, repair, operate, patrol and replace a flood protection
  - (ii) For the location, construction, operation, maintenance, alteration and replacement of a bicycle/pedestrian trail;
  - (iii) For the location, construction, operation, maintenance, alteration, repair and patrol of underground storm water pipelines;

together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to existing easements for public roads and highways; public utilities, railroads and

ONR OFFER NOTE 3.03 STATE OFFER TO PL

TRACT: M-1—Howard Hee Han Kim and Yong Hee Kim, I and wife, and Pu Woong Kim and Esther M. Kim as Co-Tri the Pu Woong Kim Living Trust dated December 5, 1996 as in common.

THIS INDENTURE WITNESSETH: In consider covenants that the Grantor is the owner thereof, her administrators, successors, and assigns, offers and ag Resources, (the "State"), and hereby grants to State hereinafter provided the following described real estimates to the state of th

See.

Included in the sale and conveyance are all improven to the Property.

Fitzsimmons

Div. of Fitzsimmons Surgical Supply, Inc.

Tues 20,03

Dear Tady

As I dess cased o you

on put in any salf deedle not to accept your ofer after sime.

ue will sob mit Guntofg

Simonly yours

2747 West 95th Street & Evergreen Park, IL (773) 881-8700 • (708) 636-0260

The Grantor covenants and agrees:

PURCHASE PRICE 1. The purchase price for the Property is the sum of \$\sum 220,600\$ (two hundred twenty thousand and six hundred dollars) on 63.03 acres, more or less.

ACCEPTANCE

2. This offer is conditioned upon the approval of the Attorney General as to legality and form, and the acceptance and approval by the Governor of the State of Indiana.

CHAIN OF TITLE 3. The Grantor will furnish the State a title insurance policy to cover purchase price, continued to date, showing merchantable title to the property in fee simple to the Grantor. If the chain of title does not show a merchantable title in the Grantor, in the opinion of the Attorney General of Indiana, the State may terminate any obligations incurred under this instrument without liability by notice mailed to the Grantor at the address shown stating that the title is not acceptable.

TAXES AUTHORIZED DEDUCTIONS 4. The Grantor will pay and discharge of record all taxes, liens and encumbrances or other interests in third persons, including the expenses incidental to the perfecting of title except as herein provided, and that if for any reason the Grantor does not pay and discharge of record all taxes, liens, encumbrances, and charges against the Property, the State is authorized to pay the taxes, liens encumbrances, and charges and deduct the amount paid from the purchase price.

Page 1 of 6
C:\My Documents\DNR Offer KIM.doc

Hobart march update to John Bacone Judy Vamos

From:

"Bacone, John" <jbacone@dnr.state.in.us>
"Judy Vamos" <jvamos@nirpc.org>

To:

Cc:

"Heinzelman, Nicholas" <nheinzelman@dnr.state.in.us>; "Post, Tom" <TPost@dnr.state.in.us> Thursday, January 23, 2003 4:56 PM

Sent: Subject: RE: information on Hobart Marsh tracts

Thanks for the update, Judy! Please let us know if you need more info. Good

luck!

----Original Message----

From: Judy Vamos [mailto:jvamos@nirpc.org] Sent: Thursday, January 23, 2003 5:15 PM

To: Bacone, John

Subject: Re: information on Hobart Marsh tracts

23 January 2003

Dear John,

Received your info concerning the WLTH tract. Thanks and I will follow-up.

As for the Fadell tract: it was given to Trust for Public Lands in November, however, Mike McCurdy had to finish another assignment first. Spoke with Mike on 1/6/03 and my understanding is that he will start working on it.

As for the Kim tract: Dr. Kim wants to negotiate a counter-offer.

Update on other tracts:

1.) Price and Bundalo are now being appraised.

2.) Mandom-Julian and New Bethel Church (Morris Mueller) just gave permission for R/E to appraise. Will assign appraisal.

3.) Nozrick appraisal almost complete. Appraisal will go to Corps for review and approval.

4.) The Sykes Trusts have several co-owners and they're still contacting the co-owners for permission to appraise.

5.) Definite no's to appraisals for offers on Berndt's and Froman. (3 parcels)

Moving right along as the saying goes. Hope this update helps and please call me if you have questions. Thanks, again, for your information.

JV Judith (Judy) Vamos Land Acquisition Agent Little Calumet River Flood Control and Recreation Project

Phone: 219-763-0696 Fax: 219-762-1763 e-mail: jvamos@nirpc.org

---- Original Message ----

From: "Bacone, John" < jbacone@dnr.state.in.us>

To: "Judy Vamos" < ivamos@nirpc.org>

1/24/03

Cc: "Heinzelman, Nicholas" < nheinzelman@dnr.state.in.us > Sent: Wednesday, January 22, 2003 3:09 PM Subject: RE: information on Hobart Marsh tracts

> Hi Judy. It looks like the only parcel that is eligible for restoration is
> the 10.356 acre "WLTH" parcel. The others were bought with NAWCA funds.
> Did you have any luck with Faddell or Kim, or any of the others?
>> -----Original Message---->> From: Judy Vamos [mailto:jvamos@nirpc.org]
>> Sent: Friday, January 17, 2003 11:42 AM
>> To: John Bacone
>> Cc: Nick Heinzelman
>> Subject: information on Hobart Marsh tracts
>>
>> << Message: Untitled Attachment >> << File: Angie Ogrentz.vcf >>

## LAND MANAGEMENT REPORT

For meeting on Thursday, February 6, 2003 (Information in this report is from January 3 – January 30, 2003)

## A. NON-PROJECT LAND MANAGEMENT

- A. Phase II of Agnew Park at River Forest Elementary is completed and a dedication is tentatively planned for Spring of 2003.
- B. Lease Agreements

#### 1. VILLAGE SHOPPING CENTER

LCRBDC received title work for the Village Shopping Center on September 18, 2002. Review ongoing.

- DLZ has been unsuccessful in locating a description of the drainage ditch and are not able to provide a deed for the drainage easement South of 35<sup>th</sup> Street. We received a correspondence from them on January 24, 2003.
- Staff will assemble all paperwork available & determine what the next step will be.

## 2. CHASE STREET FARM STAND

- A letter was sent to the Witvoets (lessees) on October 21<sup>st</sup>, 2002, indicating the increase in rent effective January 1<sup>st</sup>, 2003, and that a revised lease agreement with an escalation clause will be sent to them prior to January 1<sup>st</sup>.
- The modified business license agreement was sent to the lessees on December 23<sup>rd</sup>, 2002, requesting their signatures.
- As of January 28, no signed agreement has been received. The check received for January payment did not reflect the increased rent.

## C. Disposition of Property

- LCRBDC received a letter from Mr. William Davis of <u>Commercial Advantage</u> on October 10<sup>th</sup>, 2002, indicating some interest in purchasing approx. 36 acres of land in the 179 acre parcel West of Clay Street and South of the NIPSCO R/W.
  - These parcels were identified and submitted to Attorney Casale on November 22<sup>nd</sup>, 2002, for consideration.
- 2. A letter was sent to Berkheimer's (Dale Cobble) on July 24<sup>th</sup>, 2002, informing him that we are now able to sell surplus property and asking him if he is still interested in purchasing additional property adjacent to their existing facilities so that they would be able to expand their business.
  - LCRBDC (attorney) has complied with state regulations for disposition of property
  - We anticipate advertising no later than mid-February, 2003.
  - Received inquiry from Purdue University regarding 2.05 acres for possible mitigation. We answered that property is not suitable for any natural use or mitigation purposes.
  - Letter from Attorney regarding advertising of Berkheimer property. Staff will proceed with advertisement notice.
- 3. The executed farm leases for the area outside the levees between Chase & Grant were sent to the Bult brothers for the 2003 season on January 10<sup>th</sup>, 2003.

## PROJECT RELATED LAND MANAGEMENT

- A. O&M Committee (ongoing issues)
  - A. O&M (Project manual review/accepting completed segments)
    - 1. At the November 13<sup>th</sup>, 2002 Board meeting, we received positive responses from Arlene Colvin, Steve Davis, Emerson Delaney, Bob Huffman, Bill Tanke and Bob Marszalek to be on the newly formed O&M Committee.
      - A memo was sent to the O&M Committee on January 15<sup>th</sup>, 2003, for a
        meeting prior to the February 6<sup>th</sup>, 2003 board meeting to review upcoming
        tasks.
      - Robert Van Orr from the COE will be the contact person completing the O&M manual.
    - 2. The LCRBDC agreed that we would initially inspect and accept the projects on an individual basis to relieve the contractor of his obligations. However, we will require a procedure to mutually sign off with the COE to accept O&M responsibility. (COE is currently working on this procedure.)
    - 3. A letter was sent to the COE on October 3<sup>rd</sup>, 2002, reminding them of the importance of getting these issues resolved as well as to address a new question of whether an EPA discharge permit may be necessary for the project.
      - We received a response from the COE dated November 6<sup>th</sup>, 2002, regarding the outstanding Gary Sanitary District issues to be resolved and sent it to the City of Gary, and Greeley and Hansen on November 27<sup>th</sup>, 2002.
    - 4. LCRBDC is currently working on O&M responsibility tables to establish each task and who will do each item.
      - A spreadsheet for Gary has been completed that shows all tasks, frequency of tasks, and locations. Costs and quantities for (5) completed segments have been completed for the East Reach. (This will be used as a format for all future O&M summaries.)
    - 5. An agreement was sent to the USGS on January 10<sup>th</sup>, 2003, regarding the Hart Ditch gaging station.
      - We will pay \$5,470 for O&M for October 1st, 2002 September 30th, 2003.
  - B. Emergency Management/River Monitoring
    - 1. LCRBDC has reviewed COE mapping which shows locations of road closings, sandbagging, and emergency response locations. A plan to coordinate each community flood event response has been obtained by the LCRBDC and submitted to the COE to be incorporated into the final O&M submittal.
    - 2. An e-mail was sent to the COE on October 16<sup>th</sup>, 2002, requesting they investigate information on elevations for sandbagging requirements at the Clark St. bridge.
      - It was brought to our attention by the Lake County Highway Dept. that this bridge will be rehabilitated. Scheduled Fall, 2003, advertising & Spring, 2004, construction. They may be able to raise the deck to eliminate sandbagging during a flood. (ongoing)
      - A follow-up letter was sent to the COE on January 13<sup>th</sup>, 2003, requesting information on the status.

- C. Portions of West Reach pump stations in Hammond and Highland have been turned over to their respective communities. Representatives of the Hammond and Highland Sanitary Districts have inspected these facilities with the COE and contractor and signed off as completed.
  - 1. A memo was sent to Lou Casale on September 9, 2002 requesting a similar agreement be put in place with the Hammond Sanitary District for the S.E. Hessville Pump Station. (ongoing)
  - 2. Attorney sent resolution and agreement for O&M of the pumping station to Joseph Allegretti, attorney for HSD, on January 24, 2003 for their approval and signature.

## **General Items**

- 1. At Dan's meeting with Gary Mayor King to discuss the Burr Levee, the subject of the LCRBDC vacant houses was brought to the Mayor's attention. He will have Gary's demolition task force work with us to demolish the houses (one at 3308 Burr has already burned).
  - Dan Gardner called Arlene Colvin on January 28, 2003 and asked that she follow up with the city of Gary pursuing the demolition, as per the Mayor's direction.
- 2. An oil spill occurred at the Burr St. stormwater lift station. Gary Sanitary District has had area cleaned up and held a status meeting on Friday, January 24<sup>th</sup>, 2003.
  - LCRBDC staff met with IDEM and WREP on January 29 and discussed the ongoing investigation as to who the responsible party is for the oil contamination.



Fax: (219)762-1653

January 24, 2003

Mr. James E. Pokrajac Agent, Land Acquisition/Management/Engineering Little Calumet River Basin Development Commission 6100 Southport Road Portage, Indiana 46368

Dear Jim,

The attempt to locate a description of the existing drainage ditch south of 35<sup>th</sup> Avenue in Gary, Indiana has been unsuccessful. The parent parcel key card for 49-0013-0013 references a document No. 766. This document appears to be a deed of easement dated Oct. 13, 1966 and recorded Oct. 27, 1966. An order was placed on October 30, 2002 with the Lake County Recorder's Office to obtain this document. The response from the Recorder's Office received on November 15, 2002 was that they were unable to locate this document.

I am faxing you a copy of the key card that references document no. 766. This document may or may not contain the information on the drainage ditch that you require.

If you are in need of any further assistance on this matter, feel free to contact Bill Andrews or myself at 219-787-8586.

Very truly yours,

DIZ INDUSTRIAL LLC

Lisa M. Dobrowski, LS

Project Surveyor

Cc: KSS, WSA, File

M:\PROJ\0250\7003\Office\Document 766 Research.doc

### **Sandy Mordus**

From:

"Michael Kull" <mjkull@calumet.purdue.edu>

To:

<smordus@nirpc.org>

Cc:

"Gary Newsom" <newsomgh@calumet.purdue.edu>; <lcasale@cwblawfirm.com>

Sent:

Wednesday, January 22, 2003 6:19 AM

Subject:

Re: Little Calumet River property

Sandy:

After viewing the site...I agree. Thank you for your response and insight.

Mike Kull

>>> "Sandy Mordus" <smordus@nlrpc.org> 01/21/03 04:42PM >>> Mike Kull:

I am responding to your inquiry to Lou Casale on December 19, 2002 regarding the possible sale of 2.05 acres of surplus property located roughly at 35th Avenue and Taft Street in Gary. The Commission is attempting to declare it surplus for the purpose of selling it to the adjoining property owner - G. W. Berkheimer Trucking Company, to whom we have been leasing the property for additional parking of their trucks. Over a course of a number of years, the property has been graveled and the company has expressed desire to outright purchase it. The property is not suitable for any natural use or mitigation purposes as it is currently a parking lot. I hope this information is helpful but I personally do not feel the property would be of any use to Purdue University. Let me know if you have any other questions.

Dan Gardner
Executive Director
Little Calumet River Basin
Development Commission
6100 Southport Road
Portage, Indiana 46368
Phone 219/63-0696
Fax 219/762-1653
email: Littlecal@nirpc.org

1/22/2003

2

ATTORNEYS AT LAW.

## CASALE, WOODWARD & BULS. LLP

9223 BROADWAY-SUITE A · CAMBRIDGE COMMONS · MERRILLVILLE, IN 46410 · TELEPHONE: 219-736-9990 · FAX: 219-736-9991 1205 S. HALLECK STREET . DEMOTTE, IN 46310 . TELEPHONE: 219-987-7770

E-MAIL: thefirm@cwblawfirm.com

LOUIS M. CASALE . " DAVID E. WOODWARD DAVID A. BULS H. BRIAN WOODWARD DAVID M. BLASKOVICH\* "LICENSED IN INDIANA & ILLINOIS

January 24, 2003

**LEGAL ASSISTANTS** DEBRA L. KOZLOWSKI ANCELA:M. OGRENTZ CAROL E. BERWANGER

ISLAMBA DOMEST

FINANCIAL COORDINATOR IULIE MALKOWSKI

Dan Gardner Little Calumet River Basin **Development Commission** 6100 Southport Road Portage, IN 46368

RE: Disposal of Property - Little Calumet River Basin Development Commission/Berkheimer

Dear Dan:

This letter is meant to provide a short outline of the procedures available under the Political Subdivision Disposal of Property Act which we have chosen to follow regarding sale of real estate bid procedures.

This act provides for a public notice in accordance with IC 5-3-1, which requires advertisement in two newspapers of general circulation two times, at least one week apart, and at least ten days before opening. The interesting portion of this statute deals with the fact that the political agency may either hire a broker or auctioneer, may sell by bid opened and read at the meeting and accepted, or may have a multiple day bidding process (not to exceed 60 days) at which time bidders may raise their bids. In no event, however, can a bid be awarded for less than 90% of the appraised value of the property unless it is readvertised and the highest bid comes in at less than 90%. With the above circumstances in mind, and considering the unique nature of the Berkheimer property, I have rough drafted a bid notice which calls for bids being submitted on a certain date to be opened, read aloud and either accepted or rejected. We can add a paragraph, if you think it may be helpful, which would extend bidding for several days, a week, or up to 60 days, at which time bidders may actually bid against one another. Please let me know if that type of paragraph would be helpful and I will amend the publication. Obviously, dates, times and descriptions must be filled in the notice.

Please contact me with your comments regarding this matter.

Sincerely,

CASALE, WOODWARD & BULS, LLP

LMC/amo

Jim Pokrajac cc: · Judy Vamos



# Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368 (219) 763-0696 Fax (219) 762-1653 E-mail: littlecal@nirpc.org

WILLIAM TANKE, Chairman Porter County Commissioners' Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

CURTIS VOSTI, Treasurer Governor's Appointment

JOHN MROCZKOWSKI, Secretary Governor's Appointment

GEORGE CARLSON Mayor of Hammond's Appointment

ARLENE COLVIN Mayor of Gary's Appointment

STEVE DAVIS

Dept. of Natural Resources'
Appointment

EMERSON DELANEY
Governor's Appointment

ROBERT MARSZALEK Governor's Appointment

DR. MARK RESHKIN Governor's Appointment

MARION WILLIAMS Lake County Commissioners' Appointment

DAN GARDNER Executive Director

LOUIS CASALE Attorney .

Mr. Ed & Tim Bult Dba C.D. Bult & Sons, Inc. 4861 Clay Street Crown Point, Indiana 46307

Dear Ed & Tim:

Enclosed for your files are two (2) fully executed copies of the farm lease for the upcoming current farming season of 2003 between the Little Calumet River Basin Development Commission and yourself. We have kept one (1) copy for our files.

Also enclosed are the signed forms for the Department of Agriculture.

We look forward to doing business with you again this year. If you have any questions, please call.

Sincerely,

James E. Pokrajac, Agent Land Management/

January 10, 2003

Engineering

/sjm enclosures



## Little Calumet River Basin Development Commission

6100 Southport Road Portage, Indiana 46368

FROM:

(219) 763-0696 Fax (219) 762-1653 E-mail: littlecal@nirpc.org

WILLIAM TANKE, Chairman

Porter County Commissioners' Appointment

O&M Committee members TO:

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

Jim Pokrajac and Jim Flora

CURTIS VOSTI, Treasurer Governor's Appointment

SUBJECT: O&M Committee

JOHN MROCZKOWSKI, Secretary Governor's Appointment

DATE: January 15, 2003

GEORGE CARLSON Mayor of Hammond's Appointment

ARLENE COLVIN Mayor of Gary's Appointment

STEVE DAVIS Dept. of Natural Resources' Appointment

EMERSON DELANEY Governor's Appointment

ROBERT MARSZALEK Governor's Appointment

DR. MARK RESHKIN Governor's Appointment

MARION WILLIAMS Lake County Commissioners' Appointment

DAN GARDNER Executive Director

LOUIS CASALE Attorney

Once again, we would like to thank you for your response to participate in the upcoming coordination for the O&M for our project. I have enclosed the memo previously sent to you dated November 4, 2002 that will serve as a basis for our upcoming meeting. I have also enclosed a draft of the O&M summary chart and a "snapshot of gates" that we could use as an example to format each of the tasks for the remaining items of O&M for the completed levee segments.

It is our intent to have a meeting with the committee some time after our February 6 board meeting. To find a date that would be good for all committee members, we would like to schedule a discussion at 4:30 prior to the Work Study Session on Feb. 6. Jim and I will be able to give you a brief overview of items on February 6 whereby we can set a date for the O&M meeting, so we will not be taking any time away from the Work Study Session.

We need to establish a format whereby we have a summarization of all tasks that will need to be completed, as required by the Army Corps of Engineers and Local Cooperation Agreement to meet our responsibilities for maintenance and operations as local sponsor. Once we detail each task as to frequency, cost, and manpower, we can transfer that information to the O&M summary chart and gradually approach each community, agency, public works department, and water and sewer departments to request that they participate in the overall O&M for this project.

If you have any questions, please call me. I will not be in the office from January 17 through January 28; but you can call Jim Flora during this time period at 219/738-2258.

/encl.

Lou Casale cc:

## Sandy Mordus

From:

"Sandy Mordus" <smordus@nirpc.org>

To:

"Davis, Susanne J LRC" <Susanne.J.Davis@lrc02.usace.army.mil>

Cc:

"Samara, Imad LRC" < Imad.Samara@Irc02.usace.army.mil>

Sent:

Monday, January 13, 2003 2:43 PM

Subject:

Clark Street bridge

#### Sue:

You responded to me on October 18, 2002 that you were assigning this task to Rick Ackerson and Bob Behrns. Do you know if they have had the opportunity to proceed with this task and if so, please get this information to me.

In November, I met the engineer for this project and told him that I would gather data from the Corps of Engineers in order that they could incorporate this information into their plans & specifications for the rebuilding of the Clark Street bridge. The scope of work for their project is only to rebuild the bridge deck structurally but they may be able to raise this elevation, minimually. They need the necessary data as to how much the existing bridge would have to be raised in order that we don't have to sandbag during a flood event in this area.

Additionally, have you contact Duane Alverson regarding their removal of our staff gage at the northwest corner of the Hohman Avenue bridge? We may have to facilitate this to have the County re-install this gage for us.

If you have any questions regarding this e-mail, please let me know.

Thanks, Jim Pokrajac

## CASALE. WOODWARD & BULS, LLP

9223 BROADWAY-SUITE A · CAMBRIDGE COMMONS · MERRILLVILLE, IN 46410 · TELEPHONE: 219-736-9990 · FAX: 219-736-9991 1205 S. HALLECK STREET · DEMOTTE, IN 46310 · TELEPHONE: 219-987-7770

E-MAIL: thefirm@cwblawfirm.com

LEGAL ASSISTANTS DEBRA L. KOZLOWSKI ANGELA M. OGRENTZ CAROL E BERWANGER

LOUIS M. CASALE
DAVID E. WOODWARD
DAVID A. BULS
R. BRIAN WOODWARD
DAVID M. BLASKOVICH\*

\*LICENSED IN ÍNDIANA & ILLINOIS

January 24, 2003

FINANCIAL COORDINATOR
JULIE MALKOWSKI

Joseph P. Allegretti 6920 Hohman Avenue Hammond, IN 46324

RE:

Pump Station Agreement Hammond Sanitary District S.E. Hessville Pump Station

Dear Mr. Allegretti:

It is my understanding that the Army Corps of Engineers construction and improvements to the S.E. Hessville Pump Station are now complete. I have enclosed a proposed Resolution Authorizing Entry Into an Agreement for Continuing Operation and Maintenance for the S.E. Hessville Pump Station as well as a proposed Interlocal Agreement between the Sanitary District of the City of Hammond and the Little Calumet River Basin Development Commission providing for the continued operation and maintenance of the pump station by the Sanitary District of the City of Hammond. I have also enclosed a proposed Resolution by the Little Calumet River Basin Development Commission authorizing said entry into the Interlocal Cooperation Agreement. If these Agreements and Resolution meet with your approval, kindly confirm so that I can present the Resolution and Agreement to the Little Calumet River Basin Development Commission at their next meeting, which is the first Thursday of February. In like manner, I would appreciate it if you would present the Hammond Sanitary District's Resolution for its consideration and approval.

If you have any questions, comments or changes, please contact me so we can discuss same. Thank you in advance for your anticipated cooperation in this matter.

Sincerely,

SALE, WOODWARD & BULS, LLP

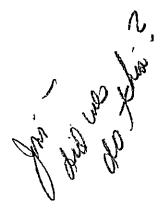
Louis M. Casale

LMC/amo

cc:

Dan Gardner

Jim Pokrajac



# WORK STUDY SESSION ENGINEERING COMMITTEE

## **February 6, 2003**

## Bob Huffman, Committee Chairman

- 1. A meeting was held on January 10 with the town of Highland and North Township regarding the INDOT pump station.
  - We received a letter with concerns from North Township on January 16 and the town of Highland on February 3. (Refer to attachment)
  - Highland and North Township are concerned with the proposed delay of construction north of Ridge Road until our construction is completed.
  - LCRBDC will send a letter to INDOT with all concerns.
- 2. A meeting was held with the COE & the town of Highland on February 6 to do final review of design of Stage VI between Kennedy & Cline.
  - North Grace Street Pump Station will be added to this contract.
- 3. A letter was sent to the city of Hammond on February 5 requesting that the LCRBDC has the opportunity to discuss construction plans with anyone proposing construction along the river. (Refer to attachment)
- 4. There was an oil spill at Burr Street on January 16, 2003.
  - LCRBDC met with WREP & IDEM on January 29 to discuss the status.
  - Pollutant was discharged out of our Burr Street Pump Station and has been contained.
  - Investigation is ongoing by IDEM.
- 5. Stage VIII termination of SEH engineering contract
  - We received an e-mail from the COE on February 6 indicating that the information we have requested is currently not available but will be forwarded to us when completed.

May a real of the second of th and the same of th

# RESULTS OF REAL ESTATE MEETING 10 December 2002 (No November 02 or January 03 Meeting) ARMY CORPS and LCRBDC

IN ATTENDANCE:

LCRBDC

Dan Gardner (if needed by phone)

Lou Casale Lorraine Kray Angie Ogrentz Sandy Mordus Jim Pokrajac

Judy Vamos

COE

Imad Samara Chrystal Spokane

## **LAND ACQUISITION**.

## 1.) ACQUISITION / APPRAISAL UPDATES

Stage VI-1 and VI-2: Judy reported that Corps Reviewer Greg Dorward has reviewed the 20 tract Kennedy Industrial Park Appraisal and is requiring changes. He wants Dale to do further research on easements from Hammond's existing levees. Dale will also pull out five tracts that need a full before and after narrative appraisal. Dale will then submit a 15 tract document for Greg to review. (The appraisal was submitted for \$1.2 million for the 20 easements.)

Mitigation (Hobart Marsh): The Kim offer was mailed on 11-27-02, Trust for Public Land has the Fadell (M-3) packet, and M-8, owner George Froman, has refused to allow a ROE for an appraisal.

East Reach and Remediation Area: Officially on hold but lesser value tracts are being obtained from landowners or tax sales by SRI, Inc., the Lake County Commissioner's consultant for tax sales. Judy reported that SRI employees said their contract will not be renewed. We will probably go back the old way to acquire tracts from the Lake County Commissioners by petition.

Burr Betterment Levee: On Hold. Dan met with Mayor King on 12/5/02. The Mayor has agreed that Burr Street needs to be completed. A strategy is being planned. The mayor has also agreed to contact his Demolition Task Force to demolish the three vacant houses in the Burr Street area. (ACTION: Dan and Judy/LCRBDC)

#### 2.) FIRE SITUATION AT 3308 BURR STREET

a. A Burr Street Relocation house (there are three) burned on 10/24/02 causing damage to the adjacent home. Dan will write a letter to Sean Fahey asking for a written response, either yes or no, that demolition on these houses is creditable. (ACTION: Dan/LCRBDC)

## 3.) MITIGATION

The Hobart Marsh Technical Review Meeting held on 11-7-02 to determine the exact boundaries of acquisitions was successful according to Jim and Judy. The Corps has agreed to send a new directive letter to acquire land in the Hobart Marsh. The detailed decisions made on the 14 Hobart Marsh properties will provide a framework for more accurate acquisitions.

(ACTION: Jim and Judy/LCRBDC)

#### 4.) 75 FOOT EASEMENT - BENEFITS?

a. The 75 ft. easement is not creditable according to Corps Reviewer Greg Dorward based on the fact that it is technically not needed for the flood project. Additionally, the drainage easement does not carry the same authority as a permanent levee easement, however, Greg is researching if it should be assigned a lower land value (compensation) to the landowner. Judy is concerned that the 75 ft. drainage easement was not considered in previous appraisals completed in the East Reach. Imposing the easement now changes land values. Lowered compensation to landowners may also result in increased condemnations which may be a higher cost than the actual easement acquisition.

(ACTION: Judy/LCRBDC)

#### 5.) CREDITING STATUS

a. Corps Reviewer Greg Dorward has sent Judy an e-mail asking if Chicago has approved crediting for 95% easements that left the landowner an uneconomic remnant which then resulted in a complete fee take. He believes the appraisal should be a fee take, not a before and after for the easement. Chrystal has previously approved the fee takes for crediting. She will call Greg, discuss the situation, and write a blanket cover letter.

(ACTION: Chrystal/COE)

b. Chrystal reported that she will have an intern for the month of January 2003. He will prepare a crediting spreadsheet which will show at-a-glance the status of land acquisition crediting. She will also complete any outstanding crediting files and send them to Lorraine.

(ACTION: Chrystal/COE)

#### 6.) WEST REACH PERMIT UPDATE

Sandy reported that an 800+ mailing went out the end of November and the actual permit application will be mailed next week to the DNR. Imad said that the DNR is now requesting a second permit for Hart Ditch. Sandy will call Jomary Cary at the DNR to follow-up.

(ACTION: Sandy/LCRBDC)

#### **ENGINEERING**

## 1.) CORPS RESPONSE FOR GSD CONCERNS ON PUMP STATIONS

Jim requested the latest Corps update on the Gary Sanitary District's concerns about their pump stations. Imad reported that the Corps built the pump stations, provided all the information that Gary requested, and a decision has been made that nothing else will be done for Gary. The Corps will not make any more changes. It is what it is according to Imad and perhaps Gary didn't quite understand what was involved. Now Gary's engineering firm, Greeley and Hanson, is advising Gary not to take over the pump stations. If Gary doesn't assume responsibility - then the LCRBDC is responsible. Dan will call Gary Attorney Jim Myers and write a letter to find a solution.

(ACTION: Dan/LCRBDC)

## 2.) STATUS OF STAGE VI-2 DRAWINGS

Drawings were to be delivered 30 October 02, however, Imad said that was really a target date not a deadline. Jim has just commented on the drawings and returned them to the Corps. Now Chrystal will review Jim's comments. No new target date set. (ACTION: Chrystal/COE)

#### 3.) STATUS OF ERR DEMOS IN STAGE III REMEDIATION CONTRACT?

Imad reported that no demolition (for the two Jeffries relocation residences) is included in the Stage III Remediation contract.

#### 4.) STATUS OF "BUSINESS TRACKING PROGRESS PLAN."

The Business Tracking Plan is a spreadsheet originated under the previous Deputy Engineer Ray Coughenour to track the status of engineering problems. After Mr. Coughenour was transferred, the plan became silent. Jim and Imad will update the spreadsheet and present it at the next real estate meeting.

(ACTION: Imad/COE and Jim/LCRBDC)

#### 5.) NEXT REAL ESTATE MEETING

Tuesday, 4 February 2003, 9:30 am at LCRBDC office

JV 12/279/02