



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

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

ROBERT HUFFMAN, Treasurer
Governor's Appointment

JOHN MRODZKOWSKI, Secretary
Governor's Appointment

WILLIAM BILLER
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's
Appointment

STEVE DAVIS
Dept. of Natural Resources'
Appointment

CHARLES RAY
Porter County Commissioners'
Appointment

DR. MARK RESHKIN
Governor's Appointment

VACANCY
Governor's Appointment

VACANCY
Lake County Commissioners'
Appointment

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. WEDNESDAY, NOVEMBER 3, 2004
AT THE COMMISSION OFFICE
6100 SOUTHPORT ROAD
PORTAGE, IN

WORK STUDY SESSION - 5:00 P.M.

AGENDA

1. Call to order by Chairperson Arlene Colvin
2. Pledge of Allegiance
3. Recognition of Visitors and Guests
4. Approval of Minutes of October 6, 2004
5. Chairperson's Report
 - Report on Executive Session held 10/20
 - Report on meeting with Congressman Visclosky on 10/29
6. Executive Director's Report
 - Meeting held at Munster Town Hall with residents in regard to construction adjacent to Hart Ditch
 - Pre-hearing conference with Natural Resources Committee on 10/19 - Dismissal
7. Outstanding Issues

Nominating
Committee

per item
AC + MR
to met w/ Cng 10/29
on Fri. 11

Bill Biller
drove his
own car
gave him
mileage.

\$191,000.00
CAP

472,500.

Follow-up
w/ GC + WB to
attend MCD mtg.
Juv next mtg at 3:00
Mayor's office

changed to
Exec. Ses.

1-3

4-5

8. Standing Committees

A. Finance Committee – Bob Huffman, Treasurer

- Financial status report
- Approval of claims for October 2004
- Approval of O&M claims for October 2004
- Issues for discussion

6
7-9-08

B. Land Acquisition/Land Management Committee – Arlene Colvin, Chairperson

Land Acquisition

- Appraisals, offers, acquisitions, recommended actions
- Issues for discussion

Land Management

- 3120 Gerry Street bid award
- Action recommended for entering into an agreement with VIEW OUTDOOR
- Issues for discussion

C. Operation & Maintenance – Committee Chairman Bob Huffman

- Issues for Discussion

D. Environmental Committee – Committee Chairman Mark Reshkin

- Mitigation Status of Hobart Marsh area
- Issues for Discussion

E. Legislative Committee – Committee Chairman George Carlson

- COE letter regarding upcoming federal/non-federal funding requirements
- Communication with area legislators regarding state funding reversion
- Issues for Discussion

10-11

F. Project Engineering Committee – Committee Chairman Bob Huffman

- Meeting to be scheduled with COE, INDOT, LCRBDC, and Gary to discuss financial responsibility for pump station requested by Gary
- FEMA meeting scheduled for November 16 to discuss Lake County floodplain mapping
- Issues for Discussion

G. Recreational Development Committee – Committee Chairman Bob Huffman

- Crossing at Cline Avenue being considered
- Submitted comments for recreational trail ramp west of Grant Street
- Issues for Discussion

H. Marina Development Committee – Committee Chairman Charlie Ray

- Issues for Discussion

I. Policy Committee – Committee Chairman George Carlson

- Issues for Discussion

J. Public Relations Committee – Committee Chairman Bob Marszalek

- Charles Agnew Handicapped Accessible Park dedication scheduled for 12:30 p.m. on Friday, November 5
- Issues for discussion

9. Other Issues / New Business

10. Statements to the Board from the Floor

11. Set date for next meeting; adjournment

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, October 6, 2004
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairperson Arlene Colvin called the meeting to order at 6:10 p.m. Six (6) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

Arlene Colvin
Robert Marszalek
Robert Huffman
Charlie Ray
George Carlson
Steve Davis

Visitors:

Sandy O'Brien - Hobart
Jomary Cray - IDNR
Mark Lopez - Cong. Visclosky's office
Phil Gralik - R.W. Armstrong Co.
Imad Samara - COE
Steve Enger - Munster resident

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

A motion to approve the minutes of September 6 was made by Bob Huffman; motion seconded by Steve Davis; motion passed unanimously.

Chairperson's Report – Chairperson Arlene Colvin reported that the Gary Council met on September 7 and approved the \$1.4 million for the city to finance the Burr Street levee Phase 2 (Gary portion). Imad added that he was sending out the plans and specifications tomorrow to Gary for their comments and a plan review meeting will be scheduled in a couple of weeks after that

Executive Director's Report – Mr. Gardner reported that we met with the Hammond city engineer, Hammond Parks, and Hammond Sanitary District and it was agreed upon to go through the same process as Highland did in order to get the maximum credit value for the easements. Hammond will make the easements available to us while we go through the "friendly condemnation" process.

• Mr. Gardner referred to the e-mail we received from the budget analyst at the State Budget Agency in regards to the remaining appropriated \$2 million. We had sent a letter requesting that the \$2 million be allocated for our use so that we could continue to meet the COE schedule to obtain the properties for Stages VI-1N and VI-2, as well as the mitigation properties needed for the IDNR permit in those respective stages. We were informed, through the e-mail, that the \$2 had been reverted back to the Budget Agency dated June 2003. Evidently, even when we met with the Budget Committee in August 2003 and requested the drawdown of the \$5 million, the remaining \$2 million had already been reverted. We only found this out October 5, 2004. The problem now is that, although we have enough money to cover the offers in Stage VI-N and VI-2, we do not have enough money if the offer is not accepted and we have to condemn and rely upon court awards.

With the existing re-assessment problem in Lake County, the court awards are coming in much higher than our offers to the landowner. Mr. Gardner expressed his concern that our ability to acquire the property to meet the federal construction dollars would be at risk: (1) Burr Street 25% portion of our money would not be available; (2) Hobart Marsh area – options are out and we need to pursue the acquisition to be able to proceed any further in the west reach; and (3) properties in the west reach needed are coming in higher and the \$2 million is needed to cover the additional purchase price of these properties. Lengthy discussion was held. An Executive Session will be scheduled to discuss any options we may have.

Finance Committee – Treasurer Bob Huffman presented the financial report and the claim sheet. He proceeded to make a motion to approve the financial claim sheet and the claims for September totaling \$394,471.79; motion seconded by Bob Marszalek; motion passed unanimously.

- Mr. Huffman then made a motion to approve the O&M claims of \$293.14; motion seconded by Bob Marszalek; motion passed unanimously.

Land Acquisition/Land Management Committee – Committee Chairperson Arlene Colvin gave the Land Acquisition report. She informed the members that a “friendly condemnation” with the city of Hammond will proceed. They are taking the same option as the town of Highland, whereas the court will establish a “fair market value” of the properties. This will ensure a higher credit value.

- Ms. Colvin reported that we have advertised a second time for the house at 3120 Gerry Street. Bid opening is October 27.
- View Outdoor is in the process of pursuing permits from the city of Gary for the construction of billboard signs at the southwest intersection of I-65 and I-80/94.

Operation & Maintenance Committee – Committee Chairman Bob Huffman reported that final inspections were held on the sluice gates operation. About half of the sluice gates have been tested. Some of them do require repair. A second inspection to complete the remaining sluice gates will be scheduled. Mr. Huffman also reported three days were spent on levee inspection. Mr. Huffman attended the inspections (in Jim Pokrajac’s absence). Several problems were found on the levees, i.e. trees growing into toe of levee, rodent burrows, access problems, guard rail interference with sand bag placement, etc. Jim Pokrajac added that he has contacted Reric Witowski who will put together a punch list of items that need to be addressed. Mr. Witowski said that no other inspections will take place until additional funding is put in place for that purpose. He will give us a report as to what is completed to date. Jim Pokrajac will try to work with Imad Samara to complete the inspections because this is an issue with Gary and we want to continue to pursue O&M with them.

- Mr. Huffman stated that the Corps design used in Stage III using “Geoweb” and gravel in area of discharge by the pump station failed. In doing inspections, the same procedure was being used for Marshalltown. Mr. Pokrajac stated the design is being re-engineered.
- The instructional video for the closure panel installation for the Chase Street and 35th Street is completed and is being reviewed by appropriate parties.

Environmental Committee – In Committee Chairman Mark Reshkin’s absence, Mr. Gardner stated that we are having ongoing discussions with TPL. We will be picking up some of the hard costs for them, i.e. title work, appraisal cost, survey costs. We do have a problem now that the \$2 million is not available. We will not be able to pursue some of the acquisitions in Hobart Marsh until funding is available.

Legislative Committee – Committee Chairman George Carlson referred to the letter from Representative John Aguilera offering his assistance for the new legislative session starting in January.

- Mr. Gardner had already discussed the \$2 million being reverted back to the state budget. Everyone has received a copy of the request letter that was mailed to the State Budget Agency.
- Mr. Gardner stated that he has spoken with Representative Earl Harris and will meet with him in the near future.

Project Engineering Committee – Committee Chairman Bob Huffman reported that the bids were opened for Stage VI-1 South (Liable to Kennedy south of the river) on September 22. Low bidder was Illinois Constructors Corporation from St. Charles IL. Mr. Huffman asked Jim Pokrajac about the government estimate without profit; the bid was within

Charlie Ray asked Imad if the bid exceeded the government estimate, would the Corps have to re-bid. Imad stated that if the bid is over 25% higher, they have to re-bid; if it is within the 25%, they can negotiate.

- Mr. Huffman asked Imad about Gary's concern about water quality as part of the Corps design. Imad is investigating further into the matter.
- Comments were submitted to the COE regarding Stage VI Phase 2 design (Liable to Cline, south of the river). Anticipated construction start is the fall of 2005, if all real estate requirements are met.
- Discussion ensued on the issue of Gary wanting a pump station put in between Grant and Broadway. Gary has a concern that flooding could occur on I-80/94, based upon INDOT hydrology information.
- Phil Gralik talked about the section of combined sewers in Gary between Broadway and Grant north of I-80/94. Gary is planning to separate it. They want to take advantage of INDOT construction on I-80/94 to install culverts under the pavement to allow drainage to flow to the Little Calumet River. Once separated, the storm water will have no place to go when the river level is up and the flap gates are closed. If separated, the additional storm water could cause flooding problems on I-80/94 based upon INDOT hydrology information. A meeting needs to be held with all involved parties to determine who has what financial responsibilities. According to Gary, with our levee in place, the water cannot reach the river and is causing the problem. Mr. Gardner replied that we understand the issue; we will pursue a resolution.
- Mr. Huffman reported that a meeting is scheduled with Munster, North Township, and residents on October 13 to review and discuss the construction west of Hart Ditch.

Recreation Committee – Committee Chairman Bob Huffman reported that when doing the levee inspections, they also looked at the trail system. Some of the trails have degraded; a lot of rutting exists on the trails; some are overgrown. Jim Pokrajac added that he has talked to Dave Orrison from NSRR (they will be meeting with him on October 8 at the Chicago Corps office) and Mr. Orrison indicated that the company will not allow an at-grade crossing at the railroad.

Marina Committee – Committee Chairman Charlie Ray stated that the committee is currently working with Dan Gardner and Lou Casale and talking with the city of Portage to come up with some options in regard to the marina build-out.

Policy Committee – There was no report.

Public Relations Committee – Committee Chairman Bob Marszalek reported that the sign for the Charles Agnew Handicapped Park will be delivered on October 15th. A date that is being considered for the dedication is November 5. Commissioners will be notified if the dedication is on that date.

Other Issues – Mr. Gardner referred to a request letter from USGS for our participation in partial payment of the Hart Ditch gaging system for a cost of \$5,470. The monies would come out of the O&M fund (LEL monies). Bob Marszalek made a motion to approve this funding for fiscal year 2005; motion seconded by Charlie Ray; motion passed unanimously.

- Mr. Gardner referred to the news article about the flooding in Richmond VA. This was the flood control project that was viewed in Richmond several years back. The system itself did not fail; the operation of the system failed.
- A current listing of the Commission appointments with dates was distributed to all members.

Statements from the Floor – There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, November 3, 2004.

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTERS OF:

STEPHEN J. ENGER,
Claimant,

vs.

**Administrative Cause
Number: 04-125W**

**LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION and
DEPARTMENT OF NATURAL RESOURCES,**
Respondents.

(FW-22,313)

STEPHEN J. ENGER,
Claimant,

vs.

**Administrative Cause
Number: 04-126W**

**LITTLE CALUMET RIVER BASIN
DEVELOPMENT COMMISSION and
DEPARTMENT OF NATURAL RESOURCES,**
Respondents.

(FW-22,241)

**FINAL ORDER OF DISMISSAL,
INCLUDING REPORT OF SIMULTANEOUS PREHEARING CONFERENCES**

Simultaneous prehearing conferences were held in Munster, as scheduled, in the captioned proceedings on October 19, 2004. Stephen J. Enger was present on his own behalf. Louis M. Casale was the attorney for the Little Calumet River Basin Development Commission (LCRBDC), and the LCRBDC was also present through Dan Gardner, Executive Director. Ann Z. Knotek was the attorney for the Department of Natural Resources. Also present were Joan Zacok, Ruth Eggers, Elaine Fay, Joan Zacok, James Mandon, and Matt Fritz.

Louis Casale filed, in open court, a "Motion to Dismiss Claimant's Request for Administrative Review" and a "Memorandum in Support of Motion to Dismiss Claimant's Request for Administrative Review". He said the motion and memorandum contended the requests were not filed until well after the statutory timeframe had expired, and that, even if the requests were timely, Stephen Enger had not demonstrated the requisite legal "standing" to pursue administrative review.

Dan Gardner outlined recent efforts by the LCRBDC to provide information to Stephen Enger, to Munster, and to interested citizens concerning the project that was the impetus for the two subject floodway licenses. These efforts included informal public meetings held in Munster on August 9 and October 13, 2004. Munster Engineer, James Mandon, described modifications already approved to accommodate the aesthetic and environmental concerns expressed by Stephen Enger and other area residents. Enger voiced support for the goals of the project (to reduce damages caused by flooding of the Little Calumet River) but urged that these goals be pursued in a manner that would minimize aesthetic and environmental harm. He expressed appreciation for the efforts by Dan Gardner and the LCRBDC to provide project updates and for the expressed willingness to work with the U.S. Army Corp to seek additional safeguards. Matt Fritz, Munster Assistant Town Manager, also expressed appreciation for the efforts of the LCRBDC in working with the Town and the Town's interest in having these open communications continue. Dan Gardner reflected that the U.S. Army Corps seemed open to the consideration of aesthetic modifications, if they would not compromise the integrity of the flood-control project, but a funding source other than the Corps would likely be required to finance them.

Stephen Enger, the Little Calumet River Basin Development Commission, and the Town of Munster reached an informal consensus by which they agreed to work with one another in the implementation of well-reasoned levee protection within Munster. The Little Calumet River Basin Development Commission would provide the Town of Munster and Enger with updates no less frequently than every six months. Dan Gardner will cause correspondence to be sent to the Town of Munster and to Enger to help memorialize the consensus. With this understanding, the parties jointly moved to dismiss these proceedings.

Being duly advised, the joint motion is granted. Pursuant to 312 IAC 3-1-9(a), a final order of dismissal is entered. A person who wishes to seek judicial review must file a petition for review in an appropriate court within 30 days and must otherwise comply with IC 4-21.5-5. Service of a petition for judicial review is also governed by 312 IAC 3-1-18.

Dated: October 20, 2004



Stephen L. Lucas
Administrative Law Judge
Natural Resources Commission
Indiana Government Center South
402 West Washington Street, Room W272
Indianapolis, IN 46204-2739

(317) 233-3322

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 2004 - SEPTEMBER 30, 2004

CASH POSITION - JANUARY 1, 2004

CHECKING ACCOUNT	
LAND ACQUISITION	72,756.84
GENERAL FUND	30,420.54
TAX FUND	0.00
INVESTMENTS	958,000.00
SAVINGS	274,854.48
ESCROW ACCOUNT INTEREST	1,384.39
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	1,337,416.25

RECEIPTS - JANUARY 1, 2004 - SEPTEMBER 30, 2004

LEASE RENTS	34,284.90
LEL MONIES (SAVINGS)	
INTEREST INCOME(FROM CHECKING & FIRST NATL)	24,616.22
LAND ACQUISITION	2,584,839.51
ESCROW ACCOUNT INTEREST	424.37
MISC. RECEIPTS	83,793.49
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE	1,155.57
TRANSFERRED FROM SAVINGS	50,592.13
PROCEEDS FROM VOIDED CHECKS	
TOTAL RECEIPTS	2,779,706.19

DISBURSEMENTS - JANUARY 1, 2004 - SEPTEMBER 30, 2004

ADMINISTRATIVE	
2003 EXPENSES PAID IN 2004	157,015.46
PER DIEM	7,950.00
LEGAL SERVICES	3,805.97
NIRPC	91,589.03
TRAVEL & MILEAGE	1,128.14
PRINTING & ADVERTISING	10.00
BONDS & INSURANCE	6,483.25
TELEPHONE EXPENSE	4,868.96
MEETING EXPENSE	3,246.65
LAND ACQUISITION	
LEGAL SERVICES	66,242.49
APPRAISAL SERVICES	89,600.00
ENGINEERING SERVICES	66,618.90
LAND PURCHASE CONTRACTUAL	34,450.00
FACILITIES/PROJECT MAINTENANCE SERVICES	492.87
OPERATIONS SERVICES	0.00
LAND MANGEMENT SERVICES	164,115.89
SURVEYING SERVICES	45,613.50
MISCELLANEOUS EXPENSES	0.00
ECONOMIC/MARKETING SOURCES	0.00
PROPERTY & STRUCTURE COSTS	1,738,023.80
MOVING ALLOCATION	6,450.00
TAXES	0.00
PROPERTY & STRUCTURES INSURANCE	0.00
UTILITY RELOCATION SERVICES	17,359.43
LAND CAPITAL IMPROVEMENT	0.00
STRUCTURAL CAPITAL IMPROVEMENTS	0.00
BANK CHARGES MERCANTILE	49.00
PASS THROUGH FOR SAVINGS	50,592.13
TOTAL DISBURSEMENTS	2,398,690.01

CASH POSITION - SEPTEMBER 30, 2004

CHECKING ACCOUNT	
LAND ACQUISITION	439,422.96
GENERAL FUND	44,346.23
TAX FUND	0.00
TOTAL FUNDS IN CHECKING ACCOUNT	483,769.19
TOTAL INVESTMENTS	885,000.00
FIRST NATIONAL BANK	700,000.00
(BASE CAPITAL INVESTMENT)	5/3/2005
FIRST NATIONAL BANK	185,000.00
(MISC INTEREST/RENTAL INVESTMENT)	5/3/2005
BANK ONE SAVINGS ACCOUNT BALANCE	226,451.65
(LEL MONEY)	89,510.02
(MARINA SAND MONEY)	133,721.49
(STATE DRAW MONIES)	-
(GARY PARKS & REC MONIES)	-
SAVINGS INTEREST	3,220.14
TOTAL INVESTMENTS & SAVINGS	1,111,451.65
ESCROW ACCOUNT INTEREST AVAILABLE	1,808.76
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60 TOTAL OF ALL ACCOUNTS 1,597,029.60

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

MONTHLY BUDGET REPORT, OCTOBER, 2004

	2004							9 MONTH	UNALLOCATED
	BUDGET	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	ALLOCATED	BUDGETED
								TOTAL	BALANCE
5801 PER DIEM EXPENSES	15,000.00	0.00	100.00	150.00	0.00	450.00	3,200.00	3,900.00	11,100.00
5811 LEGAL EXPENSES	8,500.00	418.33	682.33	587.33	425.83	283.33	283.33	2,680.48	5,819.52
5812 NIRPC SERVICES	130,000.00	10,336.79	18,439.62	8,783.84	8,443.81	8,657.50	8,867.50	63,529.06	66,470.94
5821 TRAVEL/MILEAGE	10,000.00	35.36	36.72	26.18	14.28	107.44	337.28	557.26	9,442.74
5822 PRINTING/ADVERTISING	5,000.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00	4,990.00
5823 BONDS/INSURANCE	8,000.00	0.00	77.00	0.00	0.00	6,406.25	0.00	6,483.25	1,516.75
5824 TELEPHONE EXPENSES	7,000.00	121.98	186.92	549.41	585.17	555.37	367.15	2,366.00	4,634.00
5825 MEETING EXPENSES	8,000.00	2,926.81	0.00	0.00	0.00	0.00	0.00	2,926.81	5,073.19
5840 PROFESSIONAL SERVICES	650,000.00	50,657.93	37,970.47	63,862.95	53,605.54	42,814.46	60,835.92	309,747.27	340,252.73
5860 PROJECT LAND PURCHASE EXP.	4,073,177.00	0.00	1,159,250.00	40,000.00	409,238.00	7,431.00	241.20	1,616,160.20	2,457,016.80
5881 PROPERTY/STRUCTURE INS.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00
5882 UTILITY RELOCATION EXP.	200,000.00	73.92	0.00	1,387.39	2,202.08	129.64	1,434.35	5,227.38	194,772.62
5883 PROJECT LAND CAP. IMPROV.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00
5884 STRUCTURES CAP. IMPROV.	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00
5892 PROJECT COSTSHARE/ESC ACCT	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
	5,189,677.00	64,571.12	1,216,743.06	115,347.10	474,514.71	66,834.99	75,576.73	2,013,587.71	3,176,089.29

	2004							9 MONTH	UNALLOCATED
	BUDGET	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	ALLOCATED	BUDGETED
								TOTAL	BALANCE
5801 PER DIEM EXPENSES	15,000.00	0.00	0.00	0.00	0.00			3,900.00	11,100.00
5811 LEGAL EXPENSES	8,500.00	463.83	283.33	283.33	283.33			3,994.30	4,505.70
5812 NIRPC SERVICES	130,000.00	8,759.21	8,838.51	8,709.45	10,827.00			100,663.23	29,336.77
5821 TRAVEL/MILEAGE	10,000.00	30.60	73.16	20.74	61.18			742.94	9,257.06
5822 PRINTING/ADVERTISING	5,000.00	0.00	0.00	0.00	0.00			10.00	4,990.00
5823 BONDS/INSURANCE	8,000.00	0.00	0.00	0.00	0.00			6,483.25	1,516.75
5824 TELEPHONE EXPENSES	7,000.00	124.30	236.26	722.92	120.39			3,569.87	3,430.13
5825 MEETING EXPENSES	8,000.00	0.00	300.34	0.00	74.25			3,301.40	4,698.60
5840 PROFESSIONAL SERVICES	650,000.00	33,163.95	36,137.31	29,685.41	40,626.24			449,360.18	200,639.82
5860 PROJECT LAND PURCHASE EXP.	4,073,177.00	0.00	70,951.60	354,589.20	154,000.00			2,195,701.00	1,877,476.00
5881 PROPERTY/STRUCTURE INS.	25,000.00	0.00	0.00	0.00	0.00			0.00	25,000.00
5882 UTILITY RELOCATION EXP.	200,000.00	1,565.00	165.00	460.74	2,275.28			9,693.40	190,306.60
5883 PROJECT LAND CAP. IMPROV.	25,000.00	0.00	0.00	0.00	0.00			0.00	25,000.00
5884 STRUCTURES CAP. IMPROV.	25,000.00	0.00	0.00	0.00	6,395.00			6,395.00	18,605.00
5892 PROJECTCOSTSHARE/ESC ACCT	400,000.00	0.00	0.00	0.00	0.00			0.00	400,000.00
	5,189,677.00	44,106.89	116,985.51	394,471.79	214,662.67	0.00	0.00	2,783,814.57	2,405,862.43

CLAIMS PAYABLE FOR OCTOBER 2004

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	CASALE, WOODWARD & BULS LLP	283.33	MONTHLY RETAINER FOR MONTH OF SEPTEMBER
5812	NIRPC	10,808.55	SERVICES PERFORMED SEPTEMBER 2004
5812	UPS	18.45	OVERNIGHT MAIL
5821	SANDY MORDUS	34.68	MILEAGE 9/30/04-10/25/04
5821	JAMES E POKRAJAC	26.50	TRAVEL COST FOR 10/8/04 MEETING WITH NSRR IN CHICAGO
5824	VERIZON	120.39	BILLING PERIOD 10/16/04-11/16/04(TOTAL BILL 232.72, KRBC 112.33)
5825	SAND RIDGE BANK	30.46	EXPENSES FOR SPECIAL EXECUTIVE MEETING 10/20/04
5825	SAND RIDGE BANK	43.79	EXPENSES FOR SPECIAL EXECUTIVE MEETING 10/20/04
5841	ASSOCIATED PROPERTY COUNSELORS LTD	5,000.00	APPRAISAL FEE FOR DC-1014A
5841	HOWARD O. CYRUS	1,500.00	FEE FOR COURT ORDERED APPRAISAL FOR DC-1010E
5841	JEFF VALE	1,500.00	FEE FOR COURT ORDERED APPRAISAL FOR DC-1010E
5841	TONY ZALEWSKI JR	1,500.00	FEE FOR COURT ORDERED APPRAISAL FOR DC-1010E
5842	R. W. ARMSTRONG	3,911.00	PROFESSIONAL SERVICES FOR PERIOD ENDED 10/15/04
5843	STEWART TITLE SERVICES OF NORTHWEST	85.00	TITLE WORK FOR DC-210 & DC-211
5843	STEWART TITLE SERVICES OF NORTHWEST	85.00	TITLE WORK FOR DC-603
5843	STEWART TITLE SERVICES OF NORTHWEST	85.00	TITLE WORK FOR DC-617
5843	STEWART TITLE SERVICES OF NORTHWEST	360.00	TITLE WORK FOR DC-1012A
5843	STEWART TITLE SERVICES OF NORTHWEST	360.00	TITLE WORK FOR DC-1013A
5843	STEWART TITLE SERVICES OF NORTHWEST	360.00	TITLE WORK FOR DC-1018
5844	JAMES E POKRAJAC	3,304.60	ENGINEERING SERVICES 9/16/04-9/23/04
5844	JAMES E POKRAJAC	184.28	SEPTEMBER MILEAGE
5844	JAMES E POKRAJAC	4,690.40	ENGINEERING SERVICES 10/1/04-10/15/04
5844	JUDITH VAMOS	3,355.62	LAND ACQUISITION AGENT SERVICES 9/16/04-9/30/04
5844	JUDITH VAMOS	43.52	SEPTEMBER MILEAGE
5844	JUDITH VAMOS	3,566.55	LAND ACQUISITION AGENT SERVICES 10/1/04-10/15/04
5844	LORRAINE KRAY	508.80	CREDITING TECHNICIAN/LAND ACQUISITION ASST 9/16/04-9/23/04
5844	LORRAINE KRAY	806.40	CREDITING TECHNICIAN/LAND ACQUISITION ASST 10/05/04-10/14/04
5844	SANDY MORDUS	225.00	CREDITING TECHNICIAN SERVICES 9/16/04-9/29/04
5844	SANDY MORDUS	262.50	CREDITING TECHNICIAN SERVICES 10/4/04-10/13/04
5849	CASALE, WOODWARD & BULS LLP	8,932.57	LAND ACQUISITION/LEGAL SERVICES FOR PERIOD ENDED 10/22/04
5861	TRUST FOR PUBLIC LAND	154,000.00	PURCHASE PRICE OF DC-1010E
5882	NIES	1,432.62	UTILITY RELOCATION ASSISTANCE SVI-II
5882	NIES	842.66	UTILITY RELOCATION ASSISTANCE SVI-IS
5884	STEWART TITLE SERVICES OF NORTHWEST	6,395.00	COST INCURRED FOR REPLACEMENT OF FENCE ON DC-603

TOTAL 214,662.67

Lake City Clerk

noted to

8



**APPROVAL TO PAY THE FOLLOWING INVOICES
FROM O&M FUND (LEL MONIES)
NOVEMBER 3, 2004**

- **\$84.84 to the Times for notice of sale of real estate property at 3120 Gerry Street, Gary**
- **\$41.81 to the Times for notice of sale of real estate property at 3120 Gerry Street, Gary**
- **\$1,003.00 to Don Walsh & Associates Inc. for cost incurred on double sided custom site sign for the Charles Agnew Handicapped Accessible Park in Lake Station**

Balance in O&M account (LEL monies) after paying these invoices will be \$88,215.



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO IL 60606-7206

August 12, 2004

Planning, Programming and
Project Management Division

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

Dear Mr. Gardner:

As we discussed in our last telephone conversation regarding the Little Calumet River Flood Control Project funding needs for fiscal years (FY) 2005, 2006 and 2007. Enclosure 1 to this letter is a table that shows the breakdown project funding needs (federal and non-federal) for the next three fiscal years. These funding projections are based on completing the ongoing construction contracts of Pump Station 1A and Stage III remediation, and awarding Stage VI-1 South and Landscaping Contract 2 in FY 2004.

FY 2005 and 2006 funding projections are based on continuing the construction of Stage VI-1 South and Landscaping Contract 2, and awarding Stage VI-1 North, Stage VI-2 and the Burr Street Betterment Phase II Construction contracts. The total local funding (non-federal) cash contributions for FY 2005, FY 2006 and FY 07 are \$472,500, \$1,047,500 and \$602,450 respectively.

I hope the information enclosed will assist you in your effort of requesting funds from the state for the project. Please let me know if you have any questions, you can call me at 312-846-5560.

Imad N. Samara
Project Manager

Enclosure

PLEASE SIGN IN

Name of meeting:

LCRBDC

Date:

November 3

[illegible]

BUSINESS

THE TIMES

TUESDAY

October 19, 2004

SECTION E

+22.94
DOW
9,956.32

-4.27
AMEX
1,281.38

+25.02
NASDAQ
1,936.52

-5.52
S & P 500
1,114.02

-12.99
NYSE
6,572.37

Inside
Stocks, E2
Obituaries, E3
Classified, D1, E8

Story tip or comment? Call Times Business Editor Matthew Wood, (219) 933-3399; or e-mail, business@nwitimes.com ■ For classifieds, call (219) 933-3222

Viking to close Hammond shop

Taxes, changing industrial climate share blame for industrial repair facility

BY ANDREA HOLECEK
Times Business Writer

HAMMOND—After 81 years in business, Viking Engineering Co. will close at the end of the month.

CEO Andrew Brennan, who is listed as the company's owner on its Web site, blames a wide variety of factors for the industrial equipment repair fa-

cility's demise.

"It's a combination of long-term problems," Brennan said. "We've suffered from the bankruptcies and the general decline of industry in the Calumet Region and the decline in people who pride themselves on their workmanship. There's been a continual deterioration of prices. ... It's a different playing field."

He also blames changing customer loyalty, the lack of adequate apprenticeship programs for machinists and mechanics, the changes in the city of Hammond's administration, the loss of a city tax abatement, the area's comparatively high tax structure and its lack of political cohesiveness.

"The political leaders in Lake County have not been

willing to address the problems for years," he said. "If things don't change, things will continue to deteriorate and more industry will leave."

Brennan, 67, has been with Viking, which two of his uncles helped found, for 40 years. He retired in 1998 and came back in 2001 as an unpaid consultant to help save the ailing company at 2300 Michigan St. in

Hammond. But things already had gone too far, he said.

"It would have been smarter to close it down," Brennan said. "I could have sold in the late '90s. I didn't because I thought my sons or daughter would carry it on. My son's in the business but he really doesn't want to be here."

Since 1999, Viking has been

See VIKING, E3

Viking

Continued from E1

hit by the bankruptcies of some of its key customers: LTV Corp. (twice), Acme Steel Co. and Bethlehem Steel Corp. and National Steel Corp., Brennan said.

"All have had a negative effect on us and the community," he said.

The company, which once

had hundreds of employees in four locations, has cut its payroll in the past year from 125 to about 20 with many of those remaining opting to retire when Viking closes. Customers have hired some of the former employees so there are "not going to be a lot of displaced workers without jobs," Brennan said.

Brennan is a member of

Mercantile Bank's board of directors. Mercantile, which is being sold to Chicago-based Harris Bank, is Viking's secured lender, but neither the bank's sale nor the state of the company's loans are factors in the decision to close, he said.

Andrea Holecek can be reached at holecek@nwitimes.com or (219) 933-3316.

localNews

griffith. highland. munster. calumet township.

localNews.nwitimes.com

SATURDAY . OCTOBER 30 . 2004

RIDGE | SECTION B

Hammond starts to take over parts of Woodmar Country Club

BY SUSAN BROWN

sbrown@nwitimes.com
219.836.3780

HAMMOND | The city has started condemnation proceedings against Woodmar Country Club to boost the Little Calumet River flood control project so residents in the area can stop paying flood insurance.

Mayor Thomas McDermott Jr. said moving the flood plan along has become of even greater impor-

tance to him since "the tax rate went sky high."

It's not helping matters that one-third of Hammond residents are paying as much as \$800 in flood insurance, McDermott said.

McDermott said he's been working with the Little Calumet River Basin Development Commission to see what it will take to speed things up.

"We're going to need parts of their property," McDermott said of

his action concerning Woodmar, located at 1818 177th St.

"(The property) has to be in a public ownership or right-of-way," said Dan Gardner, the commission's executive director.

Gardner said the commission's been frustrated with the project's slow progress, much of it due to the sporadic nature of the funding.

"Right now we're in the process of buying (land) from Cline westward to Kennedy. We're a half-mile

short of Woodmar," Gardner said. "To the extent the land becomes available faster, the project can move faster."

The project includes construction of 12 miles of levees and flood walls in Hammond, Highland and Munster. Parts of Woodmar fall into all three. Some of its 18 holes are expected to remain on a flood plain.

Woodmar board President Peter Lanman declined to comment.



Little Calumet River Basin Development Commission

PRIORITY LAND ACQUISITIONS (as of 10/19/04)

1.) STAGE VI-1 North LEVEE: (deadline January 05) ("expect" or "in condemnation")

<u>DC #</u>	<u>Offer</u>	<u>Estimated Court Award *</u>	<u>Actual</u>
DC 1010-B	\$ 37,500	\$ 75,000	\$37,500 (settled
DC 1010-D	\$ 35,000	\$ 75,000	\$35,000 (settled
DC 1010-E	\$ 26,000	\$100,000	\$154,000 (court
DC 1014 A&B	\$150,000	\$435,000	?
DC 1022-1024	\$ 80,000	\$175,000	?
Add 10% acquisition costs		<u>\$ 86,000</u>	<u>\$86,000</u>
		\$ 946,000 TOTAL	?

2.) STAGE VI-2 LEVEE: (deadline March 05) (offers now being made to landowners)

<u>DC #</u>	<u>Offer</u>	<u>Estimated Court Award**/Accepted Offer</u>	<u>Actual</u>
DC 617	\$ 26,000	\$100,000**	?
DC 1001	\$ 3,900	\$ 3,900	?
DC 1002	\$ 14,400	\$100,000**	?
DC 1004	\$ 18,300	\$ 18,300	?
DC 1009	\$ 40,000	\$ 46,000**	?
DC 1016	\$ 4,500	\$ 4,500	?
DC 1017	\$ 2,000	\$ 2,000	?
DC 1030	\$ 1,600	\$ 1,600	?
Add 10% acquisition costs		<u>\$ 27,630</u>	<u>\$27,630</u>
		\$ 303,930 TOTAL	?

3.) UNABLE TO BE FUNDED AT PRESENT:

Burr Street Levee Construction:	\$ 900,000
***Mitigation (5) Parcels:	M- 1 \$ 392,500
(parcels total \$1,177,250)	M- 2 \$ 386,250
	M- 4 \$ 187,500
	M- 7 \$ 100,000
	M-10 <u>\$ 111,000</u>
	\$2,077,250 TOTAL

* Court awards coming in substantially higher due to recent re-assessment.

** Offers Rejected. To be condemned.

*** Mitigation land values higher than originally anticipated.

Sandy Mordus

From: <huffmun@sbcglobal.net>
To: "Witowski, R J" <reric.j.witowski@lrc02.usace.army.mil>; "Rochford, William" <william.a.rochford@usace.army.mil>; "Ray, Charlie" <cray@dunelandgroup.com>; "Gralik, Phil" <pgralik@rwa.com>; "Fornek, John" <john.t.fornek@usace.army.mil>; "Craib, Bob" <Robert.A.Craib@lrc02.usace.army.mil>; "Mordus, Sandy" <smordus@nirpc.org>; "Pokrajac, Jim" <jpokrajac@nirpc.org>; "Samara, Imad" <Imad.Samara@lrc02.usace.army.mil>
Sent: Monday, November 01, 2004 8:04 PM
Subject: Little Cal River - Emergency Power

During the inspection of the sluice gates I noticed that the drill used to open the gates required only 5 amps at 120 volts. It occurred to me that it would be a whole lot easier to get that power from an inverter mounted in a car or truck as opposed to hauling a generator around. An inverter rated at 1000 watts continuous power should be sufficient. The one in the link below costs only \$156. At that price we could equip a whole fleet of trucks with inverters for the price of one of those generators, and we wouldn't have to be worried about the generator starting or changing the fuel, etc.

http://www.donrowe.com/inverters/xpower_1200.html

Bob Huffman

STEVE DAVIS

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
November 2004					Oct 29 <u>PERSONAL DAY</u>	
	1 WORK	2 <u>HOLIDAY ELECTION DAY</u>	3 WORK	4 <u>VACATION DAY</u> <u>TAKE MOM</u> <u>HOME</u>	5 <u>VACATION DAY</u> <u>STAY WITH</u> <u>MOM</u>	6 JEFFERSONVILLE
7 JEFFERSONVILLE	8 <u>VACATION DAY</u>	9	10	11 <u>HOLIDAY VETERANS DAY</u>	12 <u>VACATION DAY</u>	13 JEFFERSONVILLE
14 DRIVE BACK TO WESTVILLE	15	16	17	18	19	20
21	22	23	24 <u>VACATION DAY</u> <u>DRIVE TO</u> <u>JEFFERSONVILLE</u>	25 <u>HOLIDAY THANKSGIVING</u>	26 <u>HOLIDAY LINCOLN'S</u> <u>BIRTHDAY</u>	27
28	29	30				

Sandy

As excerpted from the Commission's BY LAWS adopted June 6, 2002:

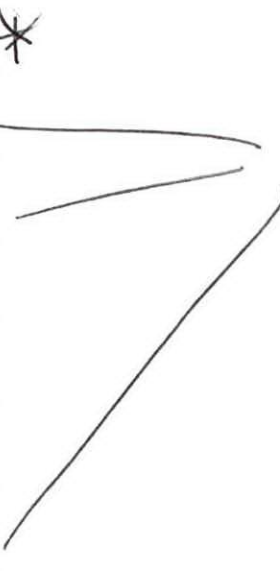
PROCEDURE OF NOMINATING COMMITTEE

A Nominating Committee is to be chosen by the full Commission at its November meeting. Each Commissioner can vote for three candidates (not more than one vote for any candidate) with the top three vote getters (plurality, not majority) from all Commissioner votes becoming the Nominating Committee. The Nominating Committee is to meet and, considering the reaffirmed Goals of Officer and Committee Rotation Policy, report to the full Commission at the January meeting a slate of candidates, with additional nominations available from the floor.

Please select three (3) members to serve on the Nominating Committee:

Bill Biller	11	
George Carlson	1111 *	
→ Arlene Colvin	1111	
→ Steve Davis	1111 *	
Robert Huffman	1	
Robert Marszalek	11	
John Mroczkowski		
→ Charlie Ray	1111 *	
Mark Reshkin	11	

tied



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George Carlson	_____
Arlene Colvin	_____
Steve Davis	_____✓_____
Robert Huffman	_____
Robert Marszalek	_____✓_____
John Mroczkowski	_____
Charlie Ray	_____✓_____
Mark Reshkin	_____

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George Carlson	<u>X</u>
Arlene Colvin	<u> </u>
Steve Davis	<u>X</u>
Robert Huffman	<u> </u>
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Charlie Ray	_____✓
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_____✓_____

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B	George Carlson	<u>✓</u>
D	Arlene Colvin	<u> </u>
—	Steve Davis	<u>✓</u>
- R	Robert Huffman	<u> </u>
D	Robert Marszalek	<u> </u>
D	John Mroczkowski	<u> </u>
- R	Charlie Ray	<u> </u>
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Robert Huffman	_____
Robert Marszalek	<u> X </u>
John Mroczkowski	_____
Charlie Ray	_____
Mark Reshkin	<u> X </u>

PROJECT ENGINEERING MONTHLY STATUS REPORT

**For meeting on Wednesday, November 3, 2004
(Information in this report is from September 30 – October 27, 2004)**

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

1. Project completed on July 10th, 1992.
Dyer Construction – Contract price: \$365,524

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

1. Project completed on December 1st, 1993
Dyer/Ellas Construction – Contract price: \$1,220,386

Discussions ongoing as to whether a pump station is needed between Grant and Broadway along I-80/94 to address potential flooding of interstate when the gates are closed.

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

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

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 18th, 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.

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

1. WEBB Construction was the contractor.
 - Original contract amount - \$3,451,982.36.
 - Current contract amount - \$3,915,178.36
 - Amount overrun - \$463,196 (13%)

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

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

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

1. Project completed on October 2, 2002.
 - Dyer Construction Company, Inc. - Contract price: \$1,948,053

STATUS (Stage IV Phase 1 – South) EJ&E Railroad to Burr St., 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%)

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

1. Projected date to advertise – May 15, 2004
2. Anticipated award of contract – June 30, 2004
3. Projected construction start – September, 2004
4. Anticipated construction cost \$1,787,000.
5. A pre-bid meeting was held with the COE on June 3rd, 2004, to answer any questions, provide clarifications, and discuss schedules with contractors and sub-contractors.
 - Bid due date is June 22nd, 2004.
 - 104 acres included in bid – 100 to be herbicided, remaining 4 acres are ditches.
 - First seeding will probably be done in the Fall of 2005.
 - Bids were opened on June 30 and the apparent low bidder was ECO SYSTEMS, INC. (who estimated approximately 56% of the government estimate.)

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

1. Project completed on January 6, 2003.
 - Rausch Construction Company – Contract price: \$4,186,070.75

STATUS (Stage III) Chase to Grant Street:

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

STAGE III Drainage Remediation Plan:

1. The bid opening was September 10, 2002
 - A. The contractor is Dyer Construction
 - Contract was awarded on September 30, 2002
 - Construction started February, 2003
 - Anticipated completion May 28th, 2004
 - B. Project money status:
 - Original contract estimate - \$1,695,822
 - Original contract amount - \$1,231,845
 - Current contract amount - \$1,435,747.42
 - Amount overrun - \$203,902 (16%)
2. The scope of this project is to include the following:
 - A. Lift station West of Grant to remediate drainage problems due to Stage III construction. (completed)
 - B. East Reach Remediation lift station for interior drainage. (completed)
 - C. Extending the combination sewer, East of Grant St., North to our line of protection.
 - D. Phase indicator system, for generator plug-in at the North Burr St. pump station.

3. The pump station start-up for Grant Street was done on July 20th, 2004. This pump station is now functional.
 - A punch list will be completed by the COE and the turnover will be done after the Marshalltown Station is completed.
 - The COE and their contractor will schedule training and turn over spare parts in the near future.
4. We received an update from the COE on October 19, 2004 indicating that NIPSCO had provided power to the Marshalltown Station on October 13. Dyer will contact LCRBDC when start up & training will be scheduled. /
5. LCRBDC completed review of the access/recreational trail ramp west of Grant Street and forwarded to the COE. Anticipate ramp construction prior to the end of the 2004 construction season. 2-3
 - COE anticipates approval for design by early November and that the ramp and concrete spillways will be installed this calendar year.

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 13th, 2002. The only item needed to be completed is to assure turf growth in all areas. (This will be inspected in the spring, 2004)
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 needed to be included in an upcoming contract.
 - LCRBDC has a concern with sloughing in the concrete ditch bottom between Colfax and Calhoun.
 - As part of the upcoming “project inspection” with the COE and Gary, we are anticipating this to be a punch list item that needs to be reviewed for remediation responsibility.

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. LCRBDC requested phase indicator system for generator plug-in. This is being done as part of the Stage III Remediation contract.
 - Awaiting as-built drawings.
3. The final inspection was held on December 18th, 2002, with the COE, Dyer & LCRBDC and found to be satisfactory as per plans and specifications.

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 9th, 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 – Gary) Colfax to Burr St.

1. This portion of construction will be advertised, paid for, and coordinated by the City of Gary. The Army Corps will oversee the construction to assure compliance with federal specifications.
2. We were informed of the change in schedule on May 19th, 2004 as follows:
Final engineering drawings for review will be submitted May 21st, 2004; design completion June 2004; advertise June 2004; and award August 2004.
 - As per a request from the city of Gary, we are awaiting the final engineering drawings in order that a meeting can be held to discuss comments.
 - An email was sent to the COE on August 17th, 2004, suggesting a final engineering design review meeting with Gary prior to advertising this segment.
3. A meeting was held with the COE, LCRBDC, and Jim Meyer (GSD attorney) on March 23rd, 2004, to discuss their portion of this project, funding, project management, and coordination.
 - Gary will contribute \$1.4 million toward this portion of construction.
 - The scope of work will be reviewed to reduce COE estimate of \$1.6 million to allow Gary appropriate budget.
4. Engineering drawings were sent to the Marathon Pipeline Company on June 17th, 2004, requesting review & comments for any impacts.

STATUS (Betterment Levee – Phase 2) North of the NSRR, East of Burr St., and ½ mile East, back South over RR approx. 1400

1. This portion of construction will be advertised, coordinated, and facilitated by the COE and LCRBDC as a project cost.
2. A letter was sent to Wolverine Pipeline on July 18, 2003 requesting coordination for utility re-locates for their two (2) 16" pipelines.
3. We were informed of the change in schedule on May 19th, 2004 as follows: Final engineering drawings for review will be submitted August 15th, 2004; design completion October 2004; advertise November 2004; and award January 2005.
4. Engineering drawings were sent to the Marathon Pipeline Company on June 17th, 2004, requesting review & comments for any impacts.
5. **A coordination meeting was held with Dave Orrison (NSRR) on October 8 in Chicago to discuss and review engineering and real estate issues.**
 - A letter was sent to the COE on October 12 addressing some concerns.

4-5

STATUS (Stage V Phase 1) Wicker Park Manor:

1. Project completed on September 14th, 1995.
Dyer construction – Contract price: \$998,630

STATUS (Stage V Phase 2):

1. A meeting was held with the LCRBDC and the COE on May 14, 2003 to discuss revised scheduling with the recent appropriation from the State.
 - A. We considered breaking up Stage V-2 into (2) segments as follows:
 - Stage V-2A (Kennedy to Indianapolis Blvd.)
 - Stage V-2B (Indianapolis Blvd. to Northcote)
 - A letter was sent to the COE on June 5th, 2003 requesting division of V-2 into (2) segments & also hydrology data and recreational tie-in. (Response is ongoing.)
2. INDOT drainage issues at Indianapolis Blvd. and the Little Calumet River.
 - A. INDOT had a coordination meeting on August 12th, 2003, to review their projects in the Lake County area.
 - INDOT indicated the earliest they could release Phase 1A (Ridge Road to Little Calumet River.) would be in 2005. Lift station couldn't be in use until we complete our levee in that area.
 - B. We received a letter from INDOT on February 9th, 2004, agreeing to pay 85% of the maintenance and power costs and Highland and North Township will pay \$314,500 of the \$1,746,950 pump station construction cost.
 - North Township sent a letter to INDOT on March 8th, 2004, indicating they support the 15% to be provided locally and that they will pay their fair share.
 - A call with Dan Gardner, John Bach (Town of Highland) and Jim Pokrajac on March 17th, 2004, indicated that Highland would also support their fair share.
 - On a conference call with INDOT, the COE, and the LCRBDC on March 19th, 2004, INDOT indicated that our portion of construction in this area must be completed before they install their pump station. LCRBDC needs to work with the COE to modify our construction and acquisition schedules to accommodate the INDOT project.
 - LCRBDC received a letter dated April 5, 2004, on behalf of the town of Highland, from NIES Engineering, to American Consulting Engineers which enclosed data regarding the floodplain in this general area.
 - The town of Highland sent a letter to INDOT on April 5, 2004 questioning the cost information previously provided by INDOT.
3. LCRBDC received a fax from the Town of Munster on July 7th, 2004 with (8) questions regarding the future construction of our project in Munster.
 - A letter was sent back to Munster on July 9th, 2004, addressing these concerns, which included scheduling impacts to the community, design, and property ownerships.
 - A meeting with Munster, and the public, was held on August 9th, 2004, at the Munster Town Hall. (An article in the Times was in the August 10th, 2004 edition).
 - A follow-up meeting will be scheduled with Munster, North Township, LCRBDC, and interested residents (currently being coordinated)

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. 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.

3. A meeting with Woodmar was held on December 4, 2003 to discuss current status.
 - At this point in time, all of Hammond (Cline to State Line) would come out of the floodplain at one time. All construction needs to be completed north of the river because no tie-backs are currently available.
4. A meeting was held with Woodmar on July 28th, 2004, to review and discuss the current schedule and construction options.
 - A follow-up meeting was held on August 13 and again on September 24, 2004

STATUS Stage VI-1 (South) South of the river – Kennedy to Liable

1. Illinois Constructors Corporation was awarded the contract on September 30, 2004.
 - COE estimate (without profit) - \$6,141,815.00
 - Low bid (awarded amount) - \$6,513,093.70
 - 700 days to complete from contractor receiving his "Notice to Proceed".
2. A letter was sent to the Highland Board of Sanitary Commission on September 17 requesting they sign a Memo of Understanding which acknowledges their awareness of our project and which utilities are in their work limits.
3. A letter was sent to the town of Highland Waterworks on Sept. 21 requesting they sign a Memo of Understanding.
4. All utility agreements with NIPSCO have been executed and a letter was sent to NIPSCO on October 13 issuing their notice to proceed. 6-8

STATUS (Stage VI – Phase 1-North) Cline to Kennedy – North of the river

1. The COE is anticipating to make final engineering drawings available for review on August 13th, 2004, complete design by September, 2004, advertise January 2005 (based upon real estate acquisition to sign ROE), and award contract in March, 2005. (no drawings to date)
2. A coordination meeting was held on August 25th, 2003, with the Lake County Highway Dept., LCRBDC, and the Army Corps to discuss the upcoming construction by the county for their bridge and our construction on and adjacent to Kennedy Ave. The current schedule (as of April 15, 2004) is to complete engineering design in late September 2004; advertise in December 2004; and a tentative construction start in April 2005.
 - The county is only re-building portions of the existing bridge deck.
 - COE agreed we could accept the cost for the incremental difference for a 10' trail, include the concrete closure slabs, engineering costs, and minor clay work. This will be facilitated after the final COE design is completed and incorporated into their plans for bid.
 - An interlocal agreement will need to be signed between the COE, Lake Co. Hwy., and the LCRBDC.

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.) (COE anticipates 100% review set will be available in November, 2004.
2. NIES Engineering has been given the task to do all utility coordination.
 - Received engineering drawings from the COE to review on September 7. LCRBDC completed review and submitted the comments (These are final review and are available to Commissioners upon request)

3. A memo was sent to LCRBDC attorney on May 5th, 2004, along with a copy of a license agreement with the EJ&E RR, East of Cline, requesting we begin coordination of an easement agreement. **(Ongoing)**
4. The LCRBDC is revisiting the trail coordination from the EJ&E RR to west of Cline Avenue. (include as part of Burr St. II (Little Cal) project instead of V-2)
 - LCRBDC will re-investigate the possibility of crossing Cline Avenue at the NIPSCO R/W rather than at Highway Avenue.
 - Completing Griffith trail along the top of the existing Griffith levee.
 - All ramps and tie-ins on and adjacent to the EJ&E RR embankment.

STATUS (Stage VII) Northcote to Columbia:

1. The final contract with Earth Tech to do the A/E work for this stage/phase of construction was signed and submitted by the COE on December 21st, 1999.
2. The COE anticipates we should be getting the 100% drawings for review and comment no later than the fall of 2004. (ongoing)
 - LCRBDC received Earth Tech comments from the COE on December 9, 2003. The COE will handle the update of the plans when project is reactivated.
3. A letter was sent to the Lake County Highway Dept. on January 22, 2004 requesting they coordinate their design and scope of work with the COE for re-building the deck of the Columbia Avenue bridge.

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

1. Project currently on hold.
2. Some preliminary design has been completed by SEH. (Contract has been terminated at this point in time.)
3. A request was received from the Hammond Parks and Recreation Dept. (Doyle Godbolt) on August 16th, 2004 as to what our current project impact is in the Riverside Park area.
 - Mapping and general information were sent to them on August 18th, 2004.

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 is being done as part of the Stage III remediation project. (See Stage III remediation in this report for details.) Construction started March, 2003. Approximately 95% complete.
 - **NIPSCO electric power has been provided to test pumps.** (See Stage III remediation for information.)

Mitigation (Construction Portion) for “In Project” Lands:

1. Bids were opened on September 17th, 2002, and Renewable Resources, Inc. (from Barnesville, Georgia) is the successful bidder.
 - The current contract amount is \$1,341,940.96, based upon COE monthly June construction progress report.
 - Amount overrun - \$420,838 (above their bid). This is approx. a 46% overrun.
2. A final inspection was held on both sites on May 12th, 2004, with the COE, LCRBDC, project A/E, and Renewable Resources.

- A summarization of the inspection was received by the LCRBDC on June 4th, 2004.

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 7th, 2000 – 700 work days to complete (Anticipated completion date is August 26, 2004)
 - Current contract amount - \$4,855,320
 - Original contract amount - \$4,638,400
 - Amount overrun – \$216,920 (4.7%)
3. A letter was received from the COE to Overstreet Construction dated October 19 (we received on October 26) indicating they have 10 days from receipt of this letter to provide all pump station parts from Viking (going into bankruptcy), complete trash rack enclosure at South Kennedy to prevent freezing, and other miscellaneous uncompleted work. Overstreet to provide plan to cure or contract will be terminated. 9-10

West Reach Pump Stations – Phase 1B:

1. The two (2) pump stations included in this contract are S.E. Hessville (Hammond), and 81st St. (Highland). Overall contract work is completed.
2. Thieneman Construction from Griffith, IN was the successful bidder.
 - Final contract amount - \$2,120,730.12
 - Original contract amount - \$1,963,400.00
 - Amount overrun - \$157,330 (9%)

North Fifth Avenue Pump Station:

1. The low bidder was Overstreet Construction
 - Current contract amount - \$2,501,776
 - Original contract amount - \$2,387,500
 - Amount overrun - \$114,276 (4.8%)
 - Project is currently 99% completed
 - Project completion date was scheduled for January 6th, 2004.
2. LCRBDC received a copy of the pre-inspection punch list from Highland on February 2nd, 2004. (Dated January 29th, 2004.)
 - Additional comments for a punch list were submitted by NIES Engineering to the COE on March 2nd, 2004.

General

1. INDOT coordination for Grant St. & Broadway interchanges with I-80/94.
 - INDOT sent a letter to the COE on April 15th, 2004, indicating they worked out an agreement with the COE whereby flood control features will be included in their contract at no cost to the COE, which could be credited to the LCRBDC for that portion constructed for the flood control of the Little Calumet River.
 - LCRBDC is awaiting a letter from the COE indicating that all of the flood control related features done as part of the INDOT construction will be creditable to the LCRBDC.
 - We received a copy of a letter from the COE to INDOT on September 13 requesting all utility and overbuild construction will be coordinated with the Chicago COE.

- LCRBDC received a copy of the "Certificate of Approval Construction in a Floodway" permit from the IDNR on October 6 which, in its description, includes levee, ditch, and construction of flood features. 11
- 2. The city of Gary indicated in an e-mail dated October 18 that they want to facilitate a meeting with INDOT/LCRBDC/COE/and city of Gary to discuss their request for the need of a pump station to be installed between Grant and Broadway along the south side of I-80/94. 12-15
 - A discrepancy exists between the hydrology studies between the COE and INDOT. INDOT indicates that when the river is high, the flap gates will be closed prohibiting gravity drainage. A 100 year, possibly a 50 year event, could flood I-80/94.

Sandy Mordus

From: "Craib, Robert A LRC" <Robert.A.Craib@lrc02.usace.army.mil>
To: "Jim Pokrajac (E-mail)" <littlecal@nirpc.org>
Cc: "Albert, Dick LRC" <Dick.Albert@lrc02.usace.army.mil>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Anderson, Douglas M LRC" <Douglas.M.Anderson@lrc02.usace.army.mil>; "Stebens, Rick L LRC" <Rick.L.Stebens@lrc02.usace.army.mil>
Sent: Tuesday, October 19, 2004 4:00 PM
Subject: Sandy) Stage 3 drainage status update

Jim,

Just for your information:

Per your request.

1. On 10/13/2004, I observed that NIPSCO has completed installation of the overhead and underground power distribution lines to NIPSCO's CT cabinet, at the Marshalltown pump station. (Thank you for your assistance)
2. On 10/14/2004, Dyer Const. was informed that power was now available at the Marshalltown station. Dyer will be contacting you and I when the date is known for pump station testing, startup, training and commissioning.
3. On 10/18/2004, you phoned me late afternoon and basically asked why the Drain Tile pump station was not operating.
4. On 10/19/2004, I inspected the station early morning and contacted Dyer to get access to the control panel, as it was padlocked. Per the controller's memory history panel, it appeared that commercial power to the station was interrupted recently. All reset buttons were pressed and the station is now back on line pumping water in the automatic mode. Electrical problem may have been caused by a power surge? Anyway, everything is working now.

Bob

/

10/19/2004

Sandy Mordus

From: "Craib, Robert A LRC" <Robert.A.Craib@lrc02.usace.army.mil>
To: "Little Calumet" <littlecal@nirpc.org>
Cc: "Bob Huffman" <huffmun@sbcglobal.net>; "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Anderson, Douglas M LRC" <Douglas.M.Anderson@lrc02.usace.army.mil>
Sent: Tuesday, October 19, 2004 12:51 PM
Subject: RE: Stage 3 Drainage (Ramp comments)

Thanks Jim.
 I will forward the below comments to our designers.
 Bob

-----Original Message-----

From: Little Calumet [mailto:littlecal@nirpc.org]
Sent: Tuesday, October 19, 2004 10:08 AM
To: Craib, Robert A LRC
Cc: Bob Huffman; Samara, Imad LRC
Subject: Re: Stage 3 Drainage (Ramp comments)

Bob Craib:

I've had an opportunity to review the nine items we had discussed in your office the other day regarding the new ramp west of Grant Street adjacent to the new drain tile pump station. Following is a supplement to the nine items we discussed that can be used in submitting the comments to the Chicago office for design consideration:

- (1) The property north of the existing roadway up to the south property line of the Flying J truck stop and eastward to the west Grant Street right-of-way line, we do not need to get any additional real estate to construct this ramp. However, if the Army Corps requires an expanded work limit on LCRBDC-owned property, the Design branch will need to provide me project coordinates.
- (2) The design for the access ramp/trail as submitted for review is at 10%. We feel 10% is too steep for recreational trail access. The ideal percent of slope would be no more than 5% to be ADA compliant. I am aware that the majority of ramps that have already been constructed in the East Reach do not meet this criteria. We feel a compromise of 7% or 8% would be more desirable.
- (3) I concur that the bollards would need to be installed on this ramp whereby a vehicle will not be able to drive around them.
- (4) We have expressed, in the past, that 3" of compacted fines would be much more desirable than the current proposal of 2". When you specify a 2" thickness, that could mean that we would have as little as 1" of thickness or as much as 3" of thickness. In inspecting the existing recreational trails in the East Reach, we have found that a number of areas now have exposed geotech fabric or exposed base aggregate. The IN Dunes National Lakeshore has used 3" as their standard and, accordingly, require less maintenance in the long run.
- (5) Where the ramp meets the existing trail on the top of the levee, we need to have two adequate turning radii to allow vehicles safe access to go up or down the levee. This trail will serve not only as a recreational trail but also has an access ramp for maintenance, inspections, or flood fighting for the levee.
- (6) I concur that one turning radius is adequate where the recreational trail ties into the pump access roadway. The COE should allow an adequate radius to permit easy access in and out.
- (7) The Development Commission is currently in the process of turning over non-project land in this area to the city of Gary as part of our coordination for them taking over O&M responsibility

for the project. The access roadway should not exceed 18" above the existing grade to minimize impact to this land, but be high enough to not be impacted by standing water.

(8) Recreational trail signage will be required. The area north of the intersection of the access road will now terminate at Grant Street and signage should indicate so. Additionally, signage will be needed to safely cross at Grant Street and also to indicate egress off of the trail heading eastbound toward Grant Street.

(9) I concur with your comment that Drawing #C-01 should be changed to R-06.

Will you please forward this information to the necessary personnel in the Design branch in Chicago in order that they may consider our suggestions and incorporate them into the final set of "as-built" drawings. If you have any questions regarding this, please let me know.

James E. Pokrajac, Agent
Land Management/Engineering

----- Original Message -----

From: Craib, Robert A LRC

To: Jim Pokrajac (E-mail)

Cc: Anderson, Douglas M LRC ; Anderson, Gary R LRC ; Stebens, Rick L LRC ; Stebens, Ricky L MVR

Sent: Thursday, October 14, 2004 12:23 PM

Subject: Stage 3 Drainage (Ramp comments)

Jim,

Thanks for stopping by and reviewing the new ramp design near the drain tile station. Below is the list of comments we discussed. Review and let me know if have any other comments by COB 10/18/2004 (Monday). Please fill in the red blanks.

Drawing C-01

1. Additional real estate required to construct new ramp. Jim Pokrajac to provide LCRBDC approval/acceptance letter, based on final ramp design drawing with coordinates.
2. 10% slope of ramp is too steep. Ramp shall be _____ %
3. For security of access reasons, bollards (typical bollard detail) need to be installed, on ramp to levee, where a vehicle will be unable to drive around them.
4. Recreational trail shall have 3" depth of compacted limestone, not 2".
5. Provide two turning radiuses, at top of ramp, to allow a vehicle to turn to the north and/or south onto levee road/trail.
6. Provide one turning radius where recreation trail ties into pump station access road. This is to allow travel from recreation trail to the east on station access road.
7. Provide note on drawing stating that top elevation of recreation trail, and station access road, shall be at least 1'-6" higher than existing adjacent ground elevation.
8. Recreational trail signage. Do we need them? _____? If so, where and what type and where? _____?
9. Drawing number C-01 should be changed to R-06a and identified/named as "Ramp 15 Drain Tile recreation trail".

Drawing S-07b

1. There is no existing structure built behind (upstream) headwall and wing walls. Change design/detail of new wing walls at this location. Existing structure behind headwall (gate valve access) is located only at the Marshalltown station.

Drawing S-07b and S-04b

1. Draw/indicate Geoweb w/aggr fill is to remain at end of concrete outfall both stations (EL 588.92 and EL 583.90).



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

October 12, 2004

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

ROBERT HUFFMAN, Treasurer
Governor's Appointment

JOHN MROCZKOWSKI, Secretary
Governor's Appointment

WILLIAM BILLER
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GEORGE CARLSON
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STEVE DAVIS
Dept. of Natural Resources
Appointment

CHARLES RAY
Porter County Commissioners
Appointment

DR. MARK RESHKIN
Governor's Appointment

VACANCY
Governor's Appointment

VACANCY
Lake County Commissioners
Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

Ms. Erika Wilkins
U.S. Army Corps of Engineers
111 N. Canal Street
Chicago, Illinois 60606-7206

Re: Burr Street II Betterment Levee
(Little Cal portion)

Dear Erika:

On Friday, October 8th, a coordination meeting was held with the Norfolk Southern Railway (Mr. David Orrison) at the Chicago Corps office regarding the impact of their railroad by the upcoming Burr Street II construction. Several questions came up that do need to be addressed regarding real estate as follows:

(1) On the Army Corps Betterment Levee real estate drawing sheet 6 of 8, it is indicated that the area within the Points W41, W42, W43 and W44 will be included as a temporary easement. In our discussion, the question was raised whether or not this would actually be a temporary easement. We are installing a 36" pipe underneath the railroad along this segment, which was questioned by Mr. Orrison as to who will have the responsibility to maintain and inspect this culvert after construction is completed. As a temporary easement, this would revert back to the owner. We need to know if any modifications to the real estate are needed in order that we may finalize our ongoing appraisal for the railroad property. We would then need the modified coordinates in order to do new legals.

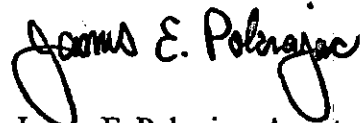
(2) In our most recent tabulation of estates (provided by Steve Hughes), it was indicated that there is a "RAILROAD EASEMENT". On the Norfolk Southern Railway, we are taking both permanent and temporary easements. Should we refer to the permanent easement as a "PERMANENT RAILROAD EASEMENT", and should we refer to the temporary easement as a "TEMPORARY RAILROAD EASEMENT"? We also need this information to complete our real estate coordination with the Norfolk Southern Railway.

October 12, 2004
Page 2

(3) There is an overlap of easements with the Norfolk Southern Railway and Burr Street. Being that the Norfolk Southern Railway was constructed before the city of Gary Burr Street easement was granted, we are currently obtaining temporary easements only from the railroad. Would it also be necessary to get an agreement with the city of Gary for the same acreage? I think that the city of Gary has a subordinated agreement with the Norfolk Southern Railway. Similarly, there is an overlap with the NIPSCO right-of-way and the Burr Street easement south of the Norfolk Southern Railway. Do we also need to obtain a signed easement agreement with Gary and NIPSCO?

Please advise us as soon as possible in order that we may try to meet the COE schedule for obtaining the real estate for the upcoming Burr Street segment. If you have any questions regarding this, please contact me anytime.

Sincerely,



James E. Pokrajac, Agent
Land Management/Engineering

/sjm

cc: Imad Samara, COE
Kahla Leggett, COE
Khallid Maali, COE
Steve Hughes, COE
Lou Casale, LCRBDC attorney
Judy Vamos, LCRBDC Real Estate

5



Little Calumet River Basin Development Commission

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October 13, 2004

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Lake County Commissioners'
Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

Mr. Mark L. Pasyk
NIPSCO
Utility Highway Affairs
801 E. 86th Avenue
Merrillville, Indiana 46410

Re: Site 2.2

Dear Mark:

For your files, enclosed are two (2) copies of the fully executed agreement between NIPSCO and the Development Commission for relocation of electric facilities in the area located west of North Drive and north of the new proposed North Drive sub-station to accommodate the Little Calumet River Flood Control project in Stage VI.

This contract was awarded by the Army Corps of Engineers to Illinois Constructors Corp. from St. Charles, Illinois on September 30. The current Corps schedule will allow 700 days from their Notice to Proceed to complete their contract. We anticipate that construction could start as early as December of this year. We would like to work with you to assure that this relocation could be completed prior to the Corps construction in this area. Please consider this letter as your Notice to Proceed. Please contact me prior to start of this relocation work.

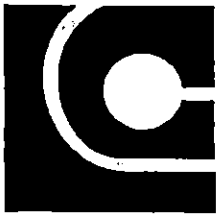
We appreciate your timeliness and cooperation in finalizing these agreements for the Commission. If you have any questions, please let me know.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.

cc: Lou Casale, LCRBDC attorney



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DAN GARDNER
Executive Director

LOU CASALE
Attorney

October 13, 2004

Mr. Mark L. Pasyk
NIPSCO
Utility Highway Affairs
801 E. 86th Avenue
Merrillville, Indiana 46410

Re: Site 2.3

Dear Mark:

For your files, enclosed are two (2) copies of the fully executed agreement between NIPSCO and the Development Commission for the installation of new down guys and raising of 34KV electric facilities to allow access from North Drive through the former NIPSCO North Drive sub-station site to accommodate the Little Calumet River Flood Control project in Stage VI.

This contract was awarded by the Army Corps of Engineers to Illinois Constructors Corp. from St. Charles, Illinois on September 30. The current Corps schedule will allow 700 days from their Notice to Proceed to complete their contract. We anticipate that construction could start as early as December of this year. We would like to work with you to assure that this relocation could be completed prior to the Corps construction in this area. Please consider this letter as your Notice to Proceed. Please contact me prior to start of this relocation work.

We appreciate your timeliness and cooperation in finalizing these agreements for the Commission. If you have any questions, please let me know.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.
cc: Lou Casale, LCRBDC attorney



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

ROBERT MARSZALEK, Vice Chairman
Governor's Appointment

ROBERT HUFFMAN, Treasurer
Governor's Appointment

JOHN MROCZKOWSKI, Secretary
Governor's Appointment

WILLIAM BILLER
Governor's Appointment

GEORGE CARLSON
Mayor of Hammond's
Appointment

STEVE DAVIS
Dept. of Natural Resources'
Appointment

CHARLES RAY
Porter County Commissioners'
Appointment

DR. MARK RESHKIN
Governor's Appointment

VACANCY
Governor's Appointment

VACANCY
Lake County Commissioners'
Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

October 13, 2004

Mr. Mark L. Pasyk
NIPSCO
Utility Highway Affairs
801 E. 86th Avenue
Merrillville, Indiana 46410

Re: Site 2.5

Dear Mark:

For your files, enclosed are two (2) copies of the fully executed agreement between NIPSCO and the Development Commission for relocation of electric facilities northeast of 5th Street Pump Station to accommodate the Little Calumet River Flood Control project in Stage VI.

This contract was awarded by the Army Corps of Engineers to Illinois Constructors Corp. from St. Charles, Illinois on September 30. The current Corps schedule will allow 700 days from their Notice to Proceed to complete their contract. We anticipate that construction could start as early as December of this year. We would like to work with you to assure that this relocation could be completed prior to the Corps construction in this area. Please consider this letter as your Notice to Proceed. Please contact me prior to start of this relocation work.

We appreciate your timeliness and cooperation in finalizing these agreements for the Commission. If you have any questions, please let me know.

Sincerely,

James E. Pokrajac, Agent
Land Management/Engineering

/sjm
encl.
cc: Lou Casale, LCRBDC attorney

8



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, IL 60606-7208

REPLY TO
ATTENTION OF

Technical Services Division
Calumet Area Office (1180-1-1q)

October 19, 2004

C-0115

SUBJECT: Contract No. DACW27-01-C-0001
Pump Stations Rehabilitation, Phase 1A
Hammond Sanitary District
Lack of Progress

Mr. Morgan Overstreet
Overstreet Electric Co. Inc.
4220 N. Davis Highway, Bldg. B.
Pensacola, FL 32502

Dear Mr. Overstreet:

You are hereby notified that the Government considers your lack of progress, inability to retain the services of a subcontractor to rehabilitate the pumps at the South Kennedy and Walnut Avenue Pump Stations, and failure to install the trash rack enclosure at the South Kennedy Pump Station conditions that are endangering the performance and completion of the contract.

Pay Estimate 25 indicates that you were 80% complete with the contract work as of 26 March 2004. The most recent pay estimate, Pay Estimate 29, indicates that you were only 84% complete with the contract as of 08 August 2004. Very little progress has been made since the date of the last pay estimate. With your current rate of progress on this contract, it appears that you will not finish on or before the current contract completion date of 21 October 2004.

There have been repeated terminations of work by your pump rehabilitation subcontractor, Viking Engineering, due to the ongoing dispute over your payment of subcontractor invoices. The most recent termination of work occurred on October 8, 2004, with a formal notice provided on October 12, 2004. Your inability to retain the services of a subcontractor that will rehabilitate the pumps at the South Kennedy and Walnut Avenue Pump Stations has adversely impacted the project schedule and will continue to endanger performance of the contract unless immediately corrected. If you are not able to resolve your differences with Viking Engineering and need to obtain a new subcontractor, then you are requested to recover all the existing pump station parts and equipment along with all new parts and equipment currently in the possession of Viking Engineering.

- 2 -

The trash rack enclosure at the South Kennedy Pump Station was designed to prevent the freezing of water in the wet well. Although Contract modification A00014, which included the trash rack enclosure at South Kennedy, was executed on August 19, 2004, we have yet to receive the submittal of the manufacturer's drawings required to be completed prior to fabrication and installation of the enclosure. It appears that you will not be able to complete fabrication and installation of the enclosure on or before the contract completion date. Failure to complete the enclosure installation before freezing temperatures are experienced may well result in frozen wet well conditions that could severely affect the South Kennedy pump station control functions and result in damage to existing pumps and motors.

On August 26, 2004, the Government sent Overstreet Request for Proposal - Field Change Order No. SS035 for a self-retracting lifeline for the Walnut Avenue Pump Station. To date, Overstreet has not responded with a proposal for the work.

Therefore, unless these conditions are cured and you present a plan on how you intend to complete this contract and a schedule for completion within 10 calendar days after receipt of this notice, the Government may terminate for default under the terms and conditions of the DEFAULT (FIXED-PRICE CONSTRUCTION) clause of this contract.

If you have any questions concerning this issue, please contact Mr. Brad Waldrom or Mr. Douglas Anderson at (219) 923-1763.

Sincerely,



Dick L. Albert
Administrative Contracting
Officer

Cc: Molten, Allen & Williams, LLC

Copies Furnished:

CELRC-TS-C-S (File)
CELRC-TS-C-C (D. Albert)
CELRC-TS-C-S (D. Anderson)
CELRC-TS-C-S (R. Craib)
CELRC-TS-C-S (B. Waldrom)
CELRC-CT (R. Blair)
CELRC-OC (S. Solomon)
CELRC-PM-PM (I. Samara)✓

STATE OF INDIANA
DEPARTMENT OF NATURAL RESOURCES

MAILED OCT 06 2004

**CERTIFICATE OF APPROVAL
CONSTRUCTION IN A FLOODWAY**

APPLICATION # : FW-22820

STREAM : Little Calumet River

APPLICANT : *Indiana Department of Transportation
Greg Kicinski
100 North Senate Avenue, IGC Room N601
Indianapolis, IN 46204-2220


AGENT : J F New & Associates, Inc
Martha Wilczynski
708 Roosevelt Road
Walkerton, IN 46574-1220

AUTHORITY : IC 14-28-1 with 312 IAC 10

DESCRIPTION : As part of the Interstate 80/94 Highway project, construction along the north overbank of the Little Calumet River will include new ramps at the Grant and Broadway Street interchanges, as well as new levee segments adjacent to the new ramps that will connect to existing flood-control levees. The new levee segments will have crown widths of 10' with 2.5:1 sideslopes and post-settlement crest elevations of 602.3', NGVD29. The new levee segments and ramps will be built to the specifications of the U.S. Army Corps of Engineers - Chicago District, and will function as part of the Little Calumet River Flood Control Project.

Additional work includes widening and relocating existing drainage ditches to accommodate increased runoff and construction of the new ramps. Details of the project are contained in information and plans received at the Division of Water on April 7, 2004, June 9, 2004, June 24, 2004, September 10, 2004, September 14, 2004, and September 23, 2004.

LOCATION : DOWNSTREAM: Along the north overbank of the Little Calumet River in the area of the Grant and Broadway Streets interchanges near Gary, Calumet Township, Lake County
SE¼, SE¼, SE¼, Section 15, T 36N, R 8W, Gary Quadrangle
UTM Coordinates: Downstream 4601571 North, 473446 East
UPSTREAM: near Gary, Calumet Township, Lake County
NE¼, SE¼, SE¼, Section 14, T 36N, R 8W, Highland Quadrangle
UTM Coordinates: Upstream 4601895 North, 465564 East

APPROVED BY : 
James J. Hebenstreit, P.E., Assistant Director
Division of Water

APPROVED ON : October 6, 2004

Attachments: Notice Of Right To Administrative Review

General Conditions

Special Conditions

Service List

I-80/94 Pump Station

Sandy Mordus

From: "James B. Meyer" <jmeyer@meyerwyattpc.com>
To: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>; "Phil Gralik" <PGralik@rwa.com>
Cc: <spike@garysan.com>; <Dsmales@greeley-hansen.com>; "Little Calument (E-mail)" <littlecal@nirpc.org>
Sent: Tuesday, September 28, 2004 10:36 PM
Subject: Re: INDOT/ACOE Pump Station along I-80/94

Let's meet. Phil, could you get something set up and include INDOT and LCRBDC?

James B. Meyer
 MEYER & WYATT, P.C.
 363 South Lake Street
 Gary, IN 46403
 Telephone: (219) 938-0800
 Facsimile: (219) 939-3070
 E-Mail Address: jmeyer@meyerwyattpc.com

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----- Original Message -----

From: Samara, Imad LRC
To: James B. Meyer ; Phil Gralik
Cc: spike@garysan.com ; Dsmales@greeley-hansen.com ; [Little Calument \(E-mail\)](mailto:Little Calument (E-mail)@nirpc.org)
Sent: Tuesday, September 28, 2004 4:38 PM
Subject: RE: INDOT/ACOE Pump Station along I-80/94

I don't agree with the loop closing statement but I don't think one more email will resolve this. I think we need to meet to address this concern.

Imad Samara
 Project Manager
 111 N Canal Street
 Chicago IL 60606
 (W) 312-846-5560
 (Cel) 312-860-0123

-----Original Message-----

From: James B. Meyer [<mailto:jmeyer@meyerwyattpc.com>]
Sent: Tuesday, September 28, 2004 4:07 PM
To: Samara, Imad LRC; Phil Gralik
Cc: spike@garysan.com; Dsmales@greeley-hansen.com; Little Calument (E-mail)
Subject: Re: INDOT/ACOE Pump Station along I-80/94

To close the loop, it is Gary and InDOT runoff which cannot get to river due to the ACOE levee.

James B. Meyer
 MEYER & WYATT, P.C.
 363 South Lake Street
 Gary, IN 46403
 Telephone: (219) 938-0800
 Facsimile: (219) 939-3070
 E-Mail Address: jmeyer@meyerwyattpc.com

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----- Original Message -----

From: Samara, Imad LRC
To: James B. Meyer ; Phil Gralik
Cc: spike@garysan.com ; Dsmalles@greeley-hansen.com ; Little Calument (E-mail)
Sent: Tuesday, September 28, 2004 10:43 AM
Subject: RE: INDOT/ACOE Pump Station along I-80/94

I just want to set the record straight. When Phil and I talked about this I agreed that this needs to be further discussed. And InDOT needs to be part of the discussion since it is the I-80/94 drainage that we are concerned with. I agree with Jim M. that this needs to be addressed ASAP. But it has to be addressed with InDOT participation. We will provide any Hydraulic data and participate in any meeting to make sure that a sound decision is reached.

Imad Samara
 Project Manager
 111 N Canal Street
 Chicago IL 60606
 (W) 312-846-5560
 (Cel) 312-860-0123

-----Original Message-----

From: James B. Meyer [<mailto:jmeyer@meyerwyattpc.com>]
Sent: Tuesday, September 28, 2004 10:07 AM
To: Phil Gralik; Dsmalles@greeley-hansen.com; Samara, Imad LRC
Cc: spike@garysan.com
Subject: Re: INDOT/ACOE Pump Station along I-80/94

In light of the pending expressway construction next year substantially increasing the impervious area and the time needed to design and construct a pump station, the pump station issue needs to be addressed ASAP.

James B. Meyer
MEYER & WYATT, P.C.
363 South Lake Street
Gary, IN 46403
Telephone: (219) 938-0800
Facsimile: (219) 939-3070
E-Mail Address: jmeyer@meyerwyattpc.com

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----- Original Message -----

From: Phil Gralik

To: Dsmalles@greeley-hansen.com

Cc: spike@garysan.com ; Imad.Samara@lrc02.usace.army.mil ; jmeyer@meyerwyattpc.com

Sent: Tuesday, September 28, 2004 9:34 AM

Subject: INDOT/ACOE Pump Station along I-80/94

Don,

Last Wednesday, September 22, 2004, I spoke with Imad Samarra, Project Manager for the ACOE on the Little Cal Flood Control Project. We discussed the need for a pump station between Grant Street and Broadway along I-80/94.

I explained to Imad that when the river levels are high, there will be no gravity drainage for this segment of interstate because the gates will be closed. I also explained that, at the first meeting between the District, RWA, and INDOT, INDOT's hydraulics engineer, John Pangallo, told Jim Meyer and myself that a 100 year storm, possibly even a 50 year storm, would flood the interstate when the gates are closed.

Imad agreed that, if those facts are correct, a pump station is needed. Imad is going to contact Greg Kicinski with INDOT to discuss the matter further and let me know what he determines.

I will inform the District if I receive any new information, RWA is also still waiting for information from Greg Kicinski with INDOT regarding the maximum top of pipe elevation for the culverts we proposed under the interstate. Once we have that information we can calculate the maximum size pipe and maximum service area for the gravity sewers.

14

9/29/2004

Sandy Mordus

From: "Little Calumet" <littlecal@nirpc.org>
To: "Phil Gralik" <PGralik@rwa.com>
Sent: Monday, October 18, 2004 4:51 PM
Subject: Re: Pump Station meeting

Phil:

I will make myself available on any day and time that you can schedule the meeting.

Jim Pokrajac, Agent
Land Management/Engineering

----- Original Message -----

From: Phil Gralik
To: spike@garysan.com ; dsmiles@greeley-hansen.com ; GKICINSKI@indot.state.in.us ;
jpangallo@indot.state.in.us ; Imad.Samara@lrc02.usace.army.mil ; jmeyer@meyerwyattpc.com ;
littlecal@nirpc.org
Sent: Monday, October 18, 2004 11:17 AM
Subject: Pump Station meeting

Things have been a little difficult to organize via telephone so I'm turning to email. How does October 29th at 1:30 pm work for everyone? The meeting will be to discuss the need for a pump station between Grant Street and Broadway along the Borman Expressway in Gary, IN. I was envisioning meeting at the Gary Sanitary District's office since it is most centrally located to everyone being asked to attend.

Please respond as soon as possible so we can set this up before everyone's calendar fills up.

Thanks,

Phil Gralik

WORK STUDY SESSION
ENGINEERING COMMITTEE

November 3, 2004

Bob Huffman, Committee Chairman

Nov 9
Nov 18

1. A meeting is currently being scheduled with the COE, INDOT, LCRBDC, and the city of Gary to discuss financial responsibility for a pump station as requested by the city.
 - Gary wants to separate combined sewer north of I-80/94 between Grant and Broadway.
 - They want to drain the storm water south under I-80/94 to drain to the Little Calumet River.
 - INDOT hydrology contends that I-80/94 could flood over during a 50 year flood event.
 - Gary wants another party to pay for a pump station on the south side of I-80/94 to handle this excess water.
2. A meeting with FEMA is scheduled on November 16 to discuss Lake County floodplain mapping.
 - Consultant (Fuller, Mossbarger, Scott, and May) have completed production and will present results at this meeting.
 - Communities will have a final opportunity to review and comment on the new maps before they are issued for preliminary mapping.
3. Pump Station 1A contract – Potential termination of Overstreet contract (See pages 9-10 in Engineering report)
 - Contractor has 10 days to address COE concerns or the COE may terminate the contract for default.
 - A proposal is required for the Walnut pump station for a lifeline.
 - A trash rack enclosure needs to be installed at the Kennedy Avenue pump station to prevent freezing.
 - Overstreet needs to get a new sub for rebuilding pumps (VIKING filed bankruptcy) and recover all pump station parts in VIKING possession.

WORK STUDY SESSION

OPERATION AND MAINTENANCE

November 3, 2004

Bob Huffman, Committee Chairman

-
1. An e-mail was received from the COE on October 6 indicating that the remaining items to inspect for the flood control project will take place when "Funding for their team is available".
 - LCRBDC will pursue with the COE to get the inspections done as soon as possible to help us in our coordination with the city of Gary assuming O&M responsibilities.
 - It is the intent of the Commission to turn over the east reach O&M after all deficiencies are addressed.
 - These deficiencies will need to be coordinated with the COE to see who will be responsible to correct, and pay for, the problems.
 2. LCRBDC received an e-mail from the COE on October 27 along with an letter from the Gary Storm Water Management District, requesting a significant logjam be removed from the (4) 6' diameter culverts under the NSRR approximately 1/2 mile west of Martin Luther King Drive.
 - It appears from an agreement signed with CONRAIL that the LCRBDC has the responsibility to maintain these culverts.
 - Flow is significantly blocked that could cause upstream flooding problems.
 - Staff will pursue obtaining cost estimates to have this work done.

Sandy Mordus

From: "Samara, Imad LRC" <Imad.Samara@lrc02.usace.army.mil>
To: "Little Calumet (E-mail)" <littlecal@nirpc.org>
Sent: Wednesday, October 27, 2004 8:17 AM
Attach: gsd logjam conrail.pdf
Subject: Letter from GSD

<<gsd logjam conrail.pdf>>

Dan, the attached Gary Sanitary District letter requests that the COE clear the logjam located at the Norfolk/Conrail outlet. As you know the COE is not authorized to perform any operational and maintenance work. I would suggest that this work would be the responsibility of the Little Calumet River Basin Development Commission or the Lake County Storm Drainage Board. Can you please check and let me know which entity is responsible for maintaining the regulated drain of the Little Calumet River.

Sincerely Yours,

Imad Samara
Project Manager
111 N Canal Street
Chicago IL 60606
(W) 312-846-5560
(Cel) 312-860-0123

11/3/2004



Gary Sanitary District

Charles G. Peller, Jr., PE
Director

Main Office:
3600 West 3rd Avenue
Gary, Indiana 46406
219-944-0595

Customer Service:
839 Broadway
Gary, Indiana 46402
219-883-1027

Fax Numbers:

Finance Department
219-944-0250

Customer Service
219-883-1029

EEO Compliance Officer
219-944-0250

Office of the Director
219-977-8318

**Office of the Board of
Commissioners**
219-944-0723

Board of Commissioners

Otho Lyles, III
President

Silas Wilkerson, III
Vice-President

Roland Elvambuena
Secretary/Treasurer

Ophelia Woodson
Member

Derrick Earls
Member

James B. Meyer
GSD Attorney

Mayor Scott L. King
Special Administrator

October 7, 2004

Mr. Imad N. Samara
US Army Corps of Engineers
111 North Canal Street, Suite 600
Chicago, Illinois 60606

RE: Logjam at Norfolk Southern / Conrail Railroad Culvert

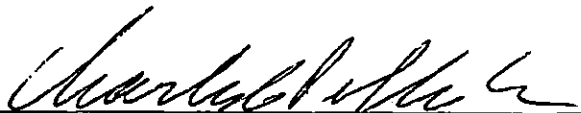
Dear Mr. Samara:

The City of Gary has been notified of and is concerned about the effects of an extensive logjam located at the inlet side of culverts that direct flow from the Little Calumet River north under the Norfolk Southern / Conrail railroad. The Drainage Ditch No. 1 culverts located under the Norfolk Southern / Conrail railroad near the intersection of Douglas Avenue (extended) and Martin Luther King Drive (see attached location map) are partially blocked with logs, brush, and other debris. Included herewith are photographs taken on September 29, 2004, showing the logjam.

The City is concerned that this situation may result in significant upstream flooding if the logjam is not removed. The City respectfully requests that the Corps of Engineers, as the responsible entity, clear the logjam as soon as possible to allow unhindered flow through the culverts.

Please contact me if you require additional information.

Very truly yours,


Mr. Charles G. "Spike" Peller, Jr., P.E., Director
Gary Storm Water Management District
Gary Sanitary District

Enclosures

cc: Mayor Scott King
Honorable Board of Commissioners
Mr. James B. Meyer, Gary Sanitary District
Mr. Don Smales, Greeley and Hansen LLC

CONSOLIDATED RAIL CORPORATION

LICENSE AGREEMENT FOR WIRE, PIPE AND CABLE TRANSVERSE
CROSSINGS AND LONGITUDINAL OCCUPATIONS

THIS AGREEMENT, made this 16th day of October, 1990, between CONSOLIDATED RAIL CORPORATION, a Pennsylvania Corporation, party of the first part (hereinafter called "Railroad") and THE LITTLE CALUMET RIVER BASIN COMMISSION, Indiana, as party of the second part (hereinafter called "Licensee").

WITNESSETH, that said Railroad (which when used herein shall include any lessor, successor or assignee of or operator over its railroad) insofar as it has the legal right and its present title permits, and in consideration of the covenants and conditions hereinafter stated on the part of Licensee to be kept and performed, hereby permits Licensee to construct, maintain, repair, alter, renew, relocate and ultimately remove:

Two (2) 72-inch reinforced concrete drain pipes through the lands and under and across the roadway and tracks of the Fort Wayne Line of Railroad (Line Code 3202), at Valuation Station 23224+80+, located 613 feet west of Mile Post 439 (Mile Post 439.12) in the City of Lake Station, (formerly known as East Gary), Lake County, Indiana,

in accordance with construction plans No. 2 thru 8 inclusive, submitted by Licensee to and approved by the Chief Engineer of Railroad, incorporated herein by reference; also in accordance with current issues of Railroad Specifications Nos. CE 4 and/or CE 8; and shown on Plan No. L-556, dated April 9, 1990, marked Exhibit "A", attached hereto and made a part of this Agreement, all and any part thereof being hereafter referred to as the "FACILITIES"; said license, however, shall be under and subject to the following terms, covenants and conditions as hereinafter recited, which are hereby accepted and agreed to, by Licensee, to wit:















WORK STUDY SESSION

3 November 2004

LAND ACQUISITION COMMITTEE

Arlene Colvin, Chairperson

-
- 1.) There are no increased offers.

There are two condemnations:

DC 1002 Stage VI-2-Landowner is rejecting our \$14,400 offer and the 15% increase (\$16,560). The property is wet and measures approximately 29 acres at the southeast corner of the new intersection of I-80/94 and Cline Avenue. We are acquiring a flood protection levee easement of 2.9 acres and a flowage easement of 24.832 acres. The landowner believes we flooded the property and are now offering a less than fair market value for the property.

DC 1009 Stage VI-2. Landowner is rejecting our \$40,000 offer and the 15% increase (\$46,000). The property measures approximately 2.7 acres. We are acquiring a flood protection levee easement of 1.26 acres that cuts across his septic field. Landowner will have to relocate his septic field.

- 2.) We recently had a visit by author Cynthia Ogorek who was writing a book titled Along the Calumet River. The book has been published by Folio Press. She has asked us for a book review and will be sending us a complimentary copy of the book.



WORK STUDY SESSION

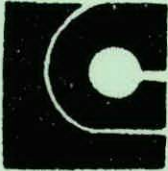
LAND MANAGEMENT

November 3, 2004

Arlene Colvin, Committee Chairperson

-
1. Bids were opened for Gerry Street on October 27 and only one bid was received.
 - Appraisal came in at \$15,000
 - Bid was \$7,502, which is less than 90% of the appraisal.
 - LCRBDC required to have Governor's approval to allow sale.
 - Information given to attorney on 11/3/04 to start the process with the Governor.

 2. VIEW OUTDOOR has a meeting with the Gary Board of Zoning on November 9 for a variance on the setback from 660' to 30' from the right-of-way line.
 - If VIEW gets approval from Gary and all other agencies authorizing permits, staff can enter into an agreement with them contingent upon review of LCRBDC attorney and engineer.



SM
—

WORK STUDY SESSION

6 October 2004

ENVIRONMENTAL COMMITTEE

Dr. Mark Reshkin, Chairperson

1.) Mitigation Update for Hobart Marsh:

As of tonight we have 309 acres toward the 437 needed to have our West Reach construction permit modified.

Mitigation acquisition is on hold due to a loss of \$2 million in funding from our budget. We were in the process of starting acquisition on three more properties:

Kim - 50 acres for \$392,500

Nozrik - 50 acres for \$375,000

Julian - 18 acres for \$100,000

Surveys had been assigned and TPL had also assigned appraisals. We will have surveys completed now and have the information ready when we resume acquisition, rather than pay surveyors for work already completed now and pay again when we re-assign surveys at new budget time in August 05.



PRIORITY USE OF REMAINING DOLLARS

<u>\$ 2,305,103</u>	Monies left from our 2003-05 biennium (Allocation of \$5 million)
-354,000	Monies estimated for professional services to accomplish property acquisition, utility relocations
-946,000	Estimation of property acquisition in VI-1North
-303,930	Estimation of property acquisition in VI-2
-90,000	Estimation of utility relocations for VI-1North and VI-2
<u>-472,500</u>	5% non-federal project cost contribution
\$ 138,673	Remaining estimated monies



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
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CHARLES RAY
Porter County Commissioners'
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DR. MARK RESHKIN
Governor's Appointment

VACANCY
Governor's Appointment

VACANCY
Lake County Commissioners'
Appointment

DAN GARDNER
Executive Director

LOU CASALE
Attorney

October 29, 2004

Honorable Earl Harris
IN State Representative
4114 Butternut Street
East Chicago, Indiana 46312

Dear Representative ^{Earl}Harris:

I write to inform you of changes in state funding availability from the 2003/05 state budget for the non federal matching funds for the Little Calumet River Flood Control/Recreation project. As background, the Development Commission on August 18, 2003 requested and was approved for the allocation of \$5 million of the \$7 million appropriated in the 2003/05 budget to pursue the non federal items of cooperation for federal construction awards between Cline Avenue and Kennedy Avenue in Hammond and Highland. The Commission was allocated the money to be used in three categorically areas and they are:

Hobart Marsh Wetland Mitigation Land Acquisition - \$1,650,000

Burr Street Levee Phase 2 - \$900,000

West Reach Non-Federal Project commitments - \$2,450,000

Since that time, we have aggressively moved to complete acquisitions to allow the federal contracts to be let in Hammond and Highland as well as acquiring needed mitigation properties to extend the construction permit. Fifty-four (54) properties have been acquired along the river in that period, leaving fourteen (14) properties in process for acquisition. On September 30, 2004, the Commission requested the State Budget Committee approve the release of the final \$2 million remaining from the budget appropriation so that we could cover the final offers and any eventualities resulting from court awards. The Commission was informed by State Budget Agency staff that the \$2 million was unavailable and had been administratively reverted to meet state budget shortfalls. This news came as a great surprise as we had never been formally notified of the \$2 million being reverted. Any loss of non-federal funding has a significant impact upon our leveraging federal construction funds because of a 25% non-federal to 75% federal funding ratio.

October 29, 2004

Page 2

The Development Commission has met in Executive Session and the in consultation with the Indiana Department of Natural Resources and has formulated a plan to target the remaining available allocated funds to those remaining properties in the west reach (Cline to Kennedy) areas in Hammond and Highland to protect the ability to let the two remaining federal construction projects. The Development Commission is also meeting with Congressman Visclosky to discuss this strategy. Our dilemma is that we have targeted every available dollar to acquire the remaining properties and can make offers with our existing available funds on all of the needed properties. However, if there are refusals and we are forced into court condemnation proceedings, we cannot guarantee sufficient available dollars to cover the court awards based upon the past court performance. Inability to pay court awards will halt construction awards. The only solution at that point, is to gain some relief from the reversion order and to have some of the remaining \$2 million available to cover these court awards if they are over the appraised value we have offered. Staff has communicated to Mr. David Dukes, controller at the State Budget Agency, the seriousness of this situation and he indicated that the funds had been administratively reverted and it would take a compelling crisis to make some funds available. While we have sufficient funds over the next several months to make these offers, if refusals come in, we will certainly have that compelling crisis that can be documented and we will ask your assistance in making that case to the Budget Director and the Budget Committee to protect the federal dollars Congressman Visclosky has secured for flood protection construction.

I thank you for your support in the past for this project and will keep you informed of this developing situation and will follow up with more detailed documentation I will be personally contacting you to further discuss this issue in the near future.

Sincerely,



Dan Gardner
Executive Director

/sjm
encl.

cc: Congressman Pete Visclosky
Area State Legislators
Tom McDermott, Mayor of Hammond
Mark Herak, Town Council President, Highland
David Nellans, Town Council President, Munster

As excerpted from the Commission's BY LAWS adopted June 6, 2002:

PROCEDURE OF NOMINATING COMMITTEE

A Nominating Committee is to be chosen by the full Commission at its November meeting. Each Commissioner can vote for three candidates (not more than one vote for any candidate) with the top three vote getters (plurality, not majority) from all Commissioner votes becoming the Nominating Committee. The Nominating Committee is to meet and, considering the reaffirmed Goals of Officer and Committee Rotation Policy, report to the full Commission at the January meeting a slate of candidates, with additional nominations available from the floor.

Please select three (3) members to serve on the Nominating Committee:

Bill Biller	_____
George Carlson	_____
Arlene Colvin	_____
Steve Davis	_____
Robert Huffman	_____
Robert Marszalek	_____
John Mroczkowski	_____
Charlie Ray	_____
Mark Reshkin	_____

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the communities of west lake county

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Funding woes could hit pocketbooks longer

BY SHARON PORTA
Times Correspondent

HIGHLAND | Area residents will have to wait even longer for completion of a long-awaited flood control project.

The federal government had allocated \$7 million to the Little Calumet River Basin Development Commission for work on a levee being rebuilt along both banks of the river from Interstate 65 to the Illinois border. The commission was thrilled that work could finally begin.

But last month, Dan Gardner, the commission's executive director, was informed the state needed \$2 million of that money to meet budget

shortfalls. With construction delayed, it means it will be longer until people get out of flood plain and can stop paying hundreds of dollars a year in flood insurance costs.

"This has been devastating," Gardner said. "We're working with (U.S. Rep. Pete) Visclosky, seeking a meeting to protect that contract money. We want to inform local legislators that they need to restore some of that money. We were relying on that to make final acquisitions."

The project has progressed through Gary and currently stands at Cline Avenue.

"We're going as fast as we can and as smart as we can to get those properties," Gardner said. "But the land costs are coming in high. If our offers are accepted, that's OK. But if they are refused, that's very troubling."

The U.S. Army Corps of Engineers cannot let the next section of the construction project until all the right-of-

way has been purchased.

"We'll go as far as the money permits us," Gardner said. "But we need to have some of that money released. One of our problems is that our funding is just not all in one funding source or at one stage."

Plans originally called for a small segment to connect the levee at Cline to the newly completed section at Liable to be completed in 2005. In 2006, the final stretch is scheduled from Kennedy to the Norfolk & Southern Railroad tracks. Gardner is unsure as to the effect the funding shortage will have on that timetable.

The Little Calumet River basin is located in Lake and Porter counties in Northwest Indiana, and Cook and Will counties in Illinois.

The project involves a 22-mile reach of the river from the Illinois-Indiana state line east to its confluence with Lake Michigan near Gary.

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
FINANCIAL STATEMENT
JANUARY 1, 2004 - SEPTEMBER 30, 2004

CASH POSITION - JANUARY 1, 2004

CHECKING ACCOUNT	
LAND ACQUISITION	72,756.84
GENERAL FUND	30,420.54
TAX FUND	0.00
INVESTMENTS	958,000.00
SAVINGS	274,854.48
ESCROW ACCOUNT INTEREST	1,384.39
	<hr/>
	1,337,416.25

RECEIPTS - JANUARY 1, 2004 - SEPTEMBER 30, 2004

LEASE RENTS	34,284.90
LEL MONIES (SAVINGS)	
INTEREST INCOME(FROM CHECKING & FIRST NATL)	24,616.22
LAND ACQUISITION	2,584,839.51
ESCROW ACCOUNT INTEREST	424.37
MISC. RECEIPTS	83,793.49
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE	1,155.57
TRANSFERRED FROM SAVINGS	50,592.13
PROCEEDS FROM VOIDED CHECKS	
TOTAL RECEIPTS	2,779,706.19

DISBURSEMENTS - JANUARY 1, 2004 - SEPTEMBER 30, 2004

ADMINISTRATIVE	
2003 EXPENSES PAID IN 2004	157,015.46
PER DIEM	7,950.00
LEGAL SERVICES	3,805.97
NIRPC	91,589.03
TRAVEL & MILEAGE	1,128.14
PRINTING & ADVERTISING	10.00
BONDS & INSURANCE	6,483.25
TELEPHONE EXPENSE	4,868.96
MEETING EXPENSE	3,246.65
LAND ACQUISITION	
LEGAL SERVICES	66,242.49
APPRAISAL SERVICES	89,600.00
ENGINEERING SERVICES	66,618.90
LAND PURCHASE CONTRACTUAL	34,450.00
FACILITIES/PROJECT MAINTENANCE SERVICES	492.87
OPERATIONS SERVICES	0.00
LAND MANGEMENT SERVICES	164,115.89
SURVEYING SERVICES	45,613.50
MISCELLANEOUS EXPENSES	0.00
ECONOMIC/MARKETING SOURCES	0.00
PROPERTY & STRUCTURE COSTS	1,738,023.80
MOVING ALLOCATION	6,450.00
TAXES	0.00
PROPERTY & STRUCTURES INSURANCE	0.00
UTILITY RELOCATION SERVICES	17,359.43
LAND CAPITAL IMPROVEMENT	0.00
STRUCTURAL CAPITAL IMPROVEMENTS	0.00
BANK CHARGES MERCANTILE	49.00
PASS THROUGH FOR SAVINGS	50,592.13
TOTAL DISBURSEMENTS	2,398,690.01

CASH POSITION - SEPTEMBER 30, 2004

CHECKING ACCOUNT	
LAND ACQUISITION	439,422.96
GENERAL FUND	44,346.23
TAX FUND	0.00
TOTAL FUNDS IN CHECKING ACCOUNT	483,769.19
TOTAL INVESTMENTS	885,000.00
FIRST NATIONAL BANK	700,000.00
(BASE CAPITAL INVESTMENT)	5/3/2005
FIRST NATIONAL BANK	185,000.00
(MISC INTEREST/RENTAL INVESTMENT)	5/3/2005
BANK ONE SAVINGS ACCOUNT BALANCE	226,451.65
(LEL MONEY)	89,510.02
(MARINA SAND MONEY)	133,721.49
(STATE DRAW MONIES)	-
(GARY PARKS & REC MONIES)	-
SAVINGS INTEREST	3,220.14
TOTAL INVESTMENTS & SAVINGS	1,111,451.65
ESCROW ACCOUNT INTEREST AVAILABLE	1,808.76
TOTAL OF ALL ACCOUNTS	1,597,029.60

\$5 million allocated on August 15, 2003
(2003-04 to 2004-05 Biennium)

(1) Hobart Marsh Wetland Mitigation Land Acquisition - \$1,650,000

Draw #102 on 1/6/04 in the amount of \$1,066,400 (purchase price of 173 acre parcel (Bailey property) in Hobart Marsh for mitigation

Draw #105 on 3/15/04 in the amount of \$6,450 (relocation costs involved with tenant on Bailey property)

Draw #112 on 6/16/04 (dated 4/27/04) in the amount of \$815 (additional monies for the full purchase price of Bailey property)

Draw #116 on 8/23/04 in the amount \$360 for title work on M-10

Draw #117 on 9/24/04 in the amount of 355 for title work on M-1

Draw #118 on 9/24/04 in the amount of \$330,100 purchase price M-18

\$245,520 remaining

(2) Burr Street Levee (Gary) - \$900,000

Draw #105 on 3/15/04 in the amount of \$63,000 (purchase price of DC69-584 Leroy Scott for Burr Street Phase 2 project)

Partial Draw #110 on 4/22/04 for \$1,570

Partial Draw #113 on 5/13/04 for \$10,267

Partial Draw #114 on 6/17/04 in the amount of \$15,093.25 (purchase price DC603, survey work, title work)

Partial Draw #115 on 7/12/04 in the amount of \$1858 (title work \$598, news notice for DC582/583 - 488)

Draw #116 on 8/23/04 in the amount of \$70,000 (purchase price of DC-69A) and \$3,000 (appraisal fees on DC-69A)

Draw #117 on 9/24/04 in the amount of \$461 for EJ&E services at levee

Draw #119 on 10/25/04 in the amount of \$6,765 (DC-69A, DC582-583 misc.)

\$727,916 remaining

(3) West Reach Non-Federal Project commitments - \$2,450,000

Draw #98 on 11/5/03 in the amount of \$400,000 (local cash contribution to be placed in escrow account)

Draw #105 on 3/15/04 in the amount of \$23,400 (purchase price of DC-1011C)

Draw #106 on 3/26/04 in the amount of \$40,000 (purchase price of DC-1032A NIPSCO property)

Draw #108 on 3/29/04 in the amount of \$10,150 (title work - \$150; appraisal cost \$10,000)

Partial Draw #110 for \$83,773

Draw #111 for \$343,500

Partial Draw #113 for \$29,410

Partial Draw #114 on 6/17/04 in the amount of \$58,749 (admin, title work, survey, legal, engineering)

Partial Draw #115 on 7/12/04 in the amount of \$42,503 (utilities, admin, VI-1)

Draw #116 on 8/23/04 in the remaining amount of \$43,662 (misc)

Draw #117 on 9/24/04 in the amount of \$49,951 for misc. west reach

Draw #119 on 10/25/04 in the amount of \$189,530 (misc.)

\$1,135,372 remaining

Handwritten calculations:
\$196,295 diff
\$2,108,808
- 472,500

\$1,636,308