

Little Calumet River Basin Development Commission

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

E-mail: littlecal@nirpc.org

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chair Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHMIN Secretary Governor's Apr

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS Dept. of Natural Appointment

ROBERT MARSZALEK

ROCZKOWSKI * Appointment

CHARLIE RAY Porter County Complissioners' Appointment

VACANCY Governor's Appointment

DAN GARDNER Executive Director

LOU CASALE

MEETING NOTICE

THERE WILL BE A MEETING OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION AT 6:00 P.M. WEDNESDAY, DECEMBER 7, 2005 AT THE COMMISSION OFFICE 6100 SOUTHPORT ROAD PORTAGE, IN

WORK STUDY SESSION - 5:00 P.M.

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AGENDA

- 1. Call to order by Chairman Bill Biller
- 2. Pledge of Allegiance
- 3. Recognition of Visitors and Guests
- 4. Approval of Minutes of November 9, 2005

5. Chairman's Report

- Report on Nominating Committee voting
- · IDNR re-appointment of Steve Davis
- 6. Executive Director's Report
 - · Analysis of Commission financial capability and project scheduling priorities
 - Update on Burr Street-Gary & Burr Street-Little Cal levee construction schedule
- 7. Outstanding Issues
 - Update on the Lawson-Fisher proposal to do a Phase I work scope on Griffith levee

8. Standing Committees

- A. Finance Committee Report by Treasurer Arlene Colvin
 - Financial status report
 - Approval of Budget Transfer
 - Approval of claims for November 2005
 - Approval of O&M claims for November 2005
 - Finance Committee meeting needs to be scheduled for 2006 budget
 - Issues for discussion
- B. <u>Land Acquisition/Land Management Committee Committee Chair Bob Marszalek</u> *Land Acquisition*
 - · Appraisals, offers, acquisitions, recommended actions
 - Issues for discussion

Land Management

- Update on Chase Street Farm Stand occupancy
- Update on INDOT request for real estate
- Update on ditch south of 35th between Chase & Grant
- Issues for discussion
- C. Project Engineering Committee Committee Chair Bob Huffman
 - Stage V-2 and Stage V-3 will be advertised as one contract
 - Stage V-2 kick-off meeting scheduled during week of January 16, 2006
 - Issues for Discussion
- D. Operation & Maintenance Committee Chair Bob Huffman
 - Update on Stage III Remediation pump station agreement
 - Status of bidding out Gary pump stations
 - Issues for Discussion
- E. Environmental Committee Committee Chair Mark Reshkin
 - Issues for Discussion
- F. Legislative Committee Committee Chair George Carlson
 - Response to Governor's Indiana Government Efficiency Commission /3-/8/ questionnaire
 - · Year end report for area State legislators
 - · News article on Federal money for flood control project
 - Issues for Discussion
- G. Recreational Development Committee Committee Chair Bob Huffman
 - Issues for Discussion
- H. Marina Development Committee Committee Chair Charlie Ray
 - Update on marina property transfer to city of Portage
 - Modifications to the Inter-local Agreement transfer of marina land to Portage
 - Issues for Discussion
- I. Policy Committee Committee Chair Bob Marszalek
 - 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, NOVEMBER 9, 2005 6100 SOUTHPORT ROAD PORTAGE, INDIANA

Chairman William Biller 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:

Visitors:

George Carlson Charlie Ray

Jomary Baller - IDNR Dean Button - SEH

Robert Huffman

Elizabeth Johnson - Congressman's Office

Steve Enger - Munster resident William Biller Chris Buono – Munster resident Steve Davis Mark Reshkin

Phil Gralik - R. W. Armstrong Company

Staff:

Dan Gardner Lou Casale Jim Pokrajac Lorraine Kray

A motion to approve the October 15, 2005 minutes was made by George Carlson; motion was seconded by Bob Huffman; motion passed unanimously.

Chairman's Report - Each Commissioner voted by ballot for the three names they would recommend to serve on the Nominating Committee. Chairman Bill Biller passed them onto staff to determine who the top three vote-getters were. It will be announced at the December meeting and the Nominating Committee will meet and present a slate of officers at the January meeting.

· Chairman Biller stated that since there was no quorum at the October 5 meeting, a Work Study Session was held on October 15 to address action items, followed by a van tour of the west reach project area. The Board members agreed that the tour was very informative and useful. You could visually see how the project has impacted certain areas, especially behind houses where either a levee or sheet piling will be done. It was discussed that the contractor will make a video of the existing conditions in their backyards before construction starts there. Mr. Gardner added that we will schedule a public meeting with the residents prior to construction start and will be available to meet with individuals or small groups.

Executive Director's Report - Mr. Gardner talked about the Burr Street Phase II levee construction. A map was displayed showing the Gary portion and the Little Cal portion of construction. Attorney Casale is working with Jim Meyer, attorney for the Gary Sanitary District, for finalizing an agreement that Gary and the Commission will sign. The city of Gary is agreeable to contributing \$1.4 million for their segment of construction. The Commission will add \$300,000 for an estimated total of \$1.7 million (Gary segment). This project will be ready to advertise once an agreement is in place. J. F. New has submitted information to the Corps regarding water quality issues that will be incorporated into the plans. Burr Street - Little Cal portion is scheduled to be advertised in February 2006. The Corps is finalizing the design. All land acquisition has been completed except for the NSRR. The attorney has filed condemnation on the railroad but we have been continuing to work with them in trying to reach a concurrence for the design. A conceptual design has been arrived at that meets the railroad engineer's approval, thus avoiding litigation delays and keeping to the Corps schedule. The Commission still plans to turn over our surplus property in Gary to them. This will be part of the O&M agreement Gary will assume responsibility for the operation and maintenance of the flood protection features.

Outstanding Issues: Discussion was held on the proposal from Lawson-Fisher for their firm to complete a Phase I inspection and report of the current Griffith levee situation for a cost of \$9,700, which John fisher and Dennis Zebell discussed at the Work Study Session. Several board members felt that they needed more information as to the Commission being solely responsible for funding and requested a meeting with the Army Corps and the town of Griffith prior to committing to this action. There was discussion that the determination of the scope of work was necessary to see what would be required to certify the levee for FEMA, but cost was still an issue. Dr. Reshkin made a motion for staff to set up a meeting to define the issue and understand the fiscal responsibilities; motion seconded by Bob Huffman; motion passed unanimously.

<u>Finance Committee</u> – In Treasurer Arlene Colvin's absence, Mr. Gardner presented the financial status report and the claim sheet. Bob Huffman proceeded to make a motion to approve the claims for October in the amount of 93,421.26, motion seconded by Steve Davis; motion passed unanimously.

- Mr. Gardner then presented the O&M claims for approval in the amount of \$1,106.52. Bob Huffman made a motion to approve the O&M claims; motion seconded by Charlie Ray; motion passed unanimously.
- Mr. Carlson inquired about the claim regarding the accident at the OxBow Park. Attorney Casale stated that we should not be responsible to pay any insurance monies out; the city of Hammond should be responsible. The \$380 on the O&M claim was for payment of legal work and to make an appearance in court on behalf of the Commission.
- Mr. Biller inquired whether Hammond has paid for the Woodmar Country Club appraisal. Mr. Gardner will check and get a copy of the invoice to Mr. Biller.

<u>Land Acquisition/Land Management Committee</u> – In Committee Chairman Bob Marszalek's absence, Mr. Gardner gave the report.

- There is one condemnation. In the East Reach area, DC832 has rejected the offer of the appraised price of \$2,500 for a flowage easement. Mr. Huffman made a motion authorizing the attorney to file condemnation proceedings; motion seconded by George Carlson; motion passed unanimously.
- We are on schedule for Stage V-2 (Kennedy to Northcote, north and south levees). There are a total of 34 acquisitions and 22 of them have been approved by the independent reviewer. The appraiser has indicated that he should have the remaining 12 approved and back to us by the end of November (except for Wicker Park and Tri-State). We can then start sending out offers. We will also set up a meeting with the new North Township trustee and a separate meeting with Tri-State.
- We are on schedule for Stage VII (Northcote to Columbia). We are all set to assign the appraisals in January. Title work and surveys are substantially completed. Once V-2 is complete, we will talk to Munster about donations of land.
- Discussion was held on the Griffith Golf Center. We received direction from the Army Corps to obtain a flowage easement on the entire golf course property. We are in the process of interviewing the appraisal firm recommended to us by the Corps. That firm (Oetzel & Hartman) submitted an estimate of \$9,000 to do the appraisal. Staff will obtain other appraisal estimates to use as a comparison.
- Staff will proceed with identifying any interest in the vacant Chase Street Farm Stand at 35th & Chase. We received a note from the lessee stating they were vacating the premises by October 31. We have a concern with security with having the building vacant. The Gary Fire Department has expressed an interest in the building. We will pursue talking with them and report back to Commission at next meeting.
- The Commission received a request from INDOT for a 10' permanent easement between Harrison and Broadway, south of I-80/94. Staff asked INDOT for engineering details showing what they propose; we need to make sure their construction does not impact our line of protection. Staff will report back.
- Jim Pokrajac talked about an ongoing problem with ditch maintenance south of 35th Street between Chase and Grant. Staff made a request to Gary to clean this ditch from all debris and blockages and to maintain this ditch in the future. Debris accumulates and dams up the ditch The water table rises and causes problems for area businesses. Berkheimers

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has cleaned the ditch several times before (and will clean it this time because of the emergency factor) but we have requested Gary to clean it in the future, if needed.

<u>Project Engineering Committee</u> – Committee Chairman Bob Huffman referred to Dean Button from SEH who gave a presentation on CSO minimization. The project will separate up to 17 million gallons of storm water from the sewage and re-direct discharges to the treatment plant. This will be done at the Jackson Avenue, Hohman/Munster, and the 173rd and Forest Ave. pump stations and will compliment the flood control project. This project is being funded by a grant through the Congressman to the Army Corps with the HSD being the local sponsor. Imad Samara is the project manager for this project.

- Mr. Huffman reported that letters were sent to all the owners of the pipelines in Stage V-2 requesting comments on design and asking them to provide cost estimates.
- Mr. Huffman reported that a meeting was held with Steve Enger and two of his neighbors to review their concerns on the proposed levee re-construction on Hawthorne Drive in Munster. They offered some suggestions for design modifications. Staff will forward their concerns to the Army Corps. We are asking the Corps to compare cost impact of sheet piling vs. levee construction. As requested, staff did have the toe of the proposed levee staked out. Regarding their disapproval of the recreation trail, it appears that it may be able to be put at ground level and perhaps located north of the river.
- Mr. Gardner mentioned that we will meet with Frank Mrvan Jr., the new North Township trustee, regarding impacts to the Wicker Park Golf Course.
- A pre-construction meeting was held for Stage VI-1 North on November 1st. Notice to proceed was given to Illinois Constructors, Inc. on October 19; scheduled construction completion date is July 2007.
- Inspection for the Landscaping II project was held on October 25. Dr. Reshkin inquired who would be doing the controlled burns. Since qualified personnel would be needed for this, it may be omitted from Gary's O&M. Jim Pokrajac added that some segments will not require O&M over the next 3-5 years because of herbiciding and re-planting.
- Mr. Huffman asked staff about the Kennedy Avenue bridge. Mr. Pokrajac stated that he forwarded information to Imad regarding this. The walkway and concrete closure slabs on Kennedy Avenue should be done at the same time the bridge is worked on. Staff will check with Dwayne Alverson of the Lake County Highway Dept. and also check with Imad.

<u>Operation & Maintenance Committee</u>— Committee Chairman Bob Huffman inquired about the resolution and agreement for the O&M of the two Stage III Remediation pump stations. We will hold off on approving the resolution until the pump station agreement is finalized. It is hoped that it will be done for the December meeting. Gary also needs to review the agreement.

- Mr. Huffman reported that the preliminary scope of work and plans are substantially complete and we are hoping to submit it to Gary for their review by November 15. We are hoping to bid out by the end of the year.
- Jim Pokrajac pointed out that all of the costs for upgrading the pump stations will come out of the LCRBDC O&M funds.

Environmental Committee - There was no report.

<u>Legislative Committee</u> - Committee Chairman George Carlson reported that \$1 million of the appropriated \$2 million was approved for draw down on October 28. We will begin to draw from that for Burr Street and V-2 offers. The remaining \$1 million will be available in July 2006.

Recreation Committee - There was no report.



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<u>Marina Committee</u> – Committee Chairman Charlie Ray and Attorney Casale expressed their desire to have this transfer completed by the end of the year. Mr. Casale stated that the Attorney General's office had some changes he wanted to implement in the transfer agreement. He will make some changes and resend it to the Attorney General. Discussion ensued on some of the provisions in the agreement.

Policy Committee - There was no report.

<u>Other Issues/New Business</u> – Mr. Huffman inquired about the voting of the Nominating Committee by members who were not present. Chairman Biller says the votes from the attending members stand.

Statements from the Floor - There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, December 7, 2005.

November 15, 2005

Mr. William Biller, Chairman Little Calumet River Basin Development Commission 6100 Southport Rd Portage, IN 46368

Dear Mr. Biller:

Pursuant to Indiana Code 12-13-2-7, this is notification that Mr. Stephen Davis has been reappointed as my representative on the Little Calumet River Basin Development Commission. Mr. Davis has proudly served on the commission for 15 year and proven to be an integral member in your efforts.

I trust that Mr. Davis will continue to be an active and reliable member of your commission and an asset in coordinating our efforts.

Respectfully.

Kyle Hupfer

Director, Department of Natural Resources

CC: Stephen Davis

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION FINANCIAL STATEMENT JANUARY 1, 2005 - OCTOBER 31, 2005

7.2.0.2.1	0010221121,200	-		
CASH POSITION - JANUARY 1, 2005				
CHECKING ACCOUNT				
LAND ACQUISITION GENERAL FUND			120,883.59	
TAX FUND			34,095.43 0.00	
INVESTMENTS			885,000,00	
SAVINGS			224,287.94	
ESCROW ACCOUNT INTEREST	:		1,951.86	•
				1,266,218.82
RECEIPTS - JANUARY 1, 2005 - OCTOBER 31, 2005 LEASE RENTS			26 517 20	
LEL MONIES (SAVINGS)			36,517.38	
INTEREST INCOME(FROM CHECKING & FIRST NATL)		19,033.83	
LAND ACQUISITION	•		1,896,943.60	ı
ESCROW ACCOUNT INTEREST			7,902.43	
MISC, RECEIPTS			20,469.97	
KRBC REIMBURSEMENT RE: TELEPHONE CHARGE TRANSFERRED FROM SAVINGS			1,299.46 276,526.20	
PROCEEDS FROM VOIDED CHECKS			270,520.20	
TOTAL RECEIPTS .				2,258,692.87
DISBURSEMENTS - JANUARY 1, 2005 - OCTOBER 31, 200	ıc			
ADMINISTRATIVE	<u>.,</u>			
2004 EXPENSES PAID IN 2005		92,289.74		
PER DIEM			6,150.00	
LEGAL SERVICES			2,890.30	
NIRPC TRAVEL & MILEAGE			112,740.02	
PRINTING & ADVERTISING			1,026.40 687.72	
BONDS & INSURANCE			6,406.25	
TELEPHONE EXPENSE			6,172,09	
MEETING EXPENSE			295,06	
LAND ACQUISITION LEGAL SERVICES			70 720 <i>(6</i>	
APPRAISAL SERVICES			78,738.65 83,750.00	
ENGINEERING SERVICES			42,044.60	
LAND PURCHASE CONTRACTUAL			34,165.00	
FACILITIES/PROJECT MAINTENANCE SERVICES				
OPERATIONS SERVICES LAND MANGEMENT SERVICES			174 502 51	
SURVEYING SERVICES			174,583.51 60,173.89	
MISCELANEOUS EXPENSES			,	
ECONOMIC/MARKETING SOURCES			9,655.00	
PROPERTY & STRUCTURE COSTS			1,375,991.31	
MOVING ALLOCATION TAXES				
PROPERTY & STRUCTURES INSURANCE				
UTILITY RELOCATION SERVICES			4,701.80	
LAND CAPITAL IMPROVEMENT			•	
STRUCTURAL CAPITAL IMPROVEMENTS				
BANK CHARGES MERCANTILE			82.50	
PASS THROUGH FOR SAVINGS PAYBACK TO SAVINGS			80,300.88 104,200.00	
TOTAL DISBURSEMENTS			104,200,00	2,184,754.98
			•	
CASH POSITION - OCTOBER 31, 2005 CHECKING ACCOUNT				
LAND ACQUISITION			167,272,07	
GENERAL FUND			14,695.24	
TAX FUND			0.00	
TOTAL FUNDS IN CHECKING A	CCOUNT		181,967,31	
BANK ONE SAVINGS ACCOUNT BALANCE		£10.700.17		
(LAND ACQ IN HOUSE PROJECT FUNDS)	337,978,70	619,789.16		ı
(O & M MONIES)	1.264,772,50			Ī
	1 %			
 Note: Original \$700,000 note Note: O & M Fund comprised of remaining LEL Money, 	\$185,000 Interest Mone	ey, and		
\$133,721.49 Marina Sand Money	-			

SAVINGS INTEREST 17,037.96

TOTAL SAVINGS ESCROW ACCOUNT INTEREST AVAILABLE

619,789.16 9,854.35

811,610.82



BUDGET TRANSFER

DECEMBER 7, 2005

Request to move \$1,000.00 from Administrative Budget Line Item 5821 (Travel/Mileage)

to

Administrative Budget Line Item 5824 (Telephone Expense)

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION MONTHLY BUDGET REPORT, NOVEMBER 2005

						•		ī	UNALLOCATED
	2005							ALLOCATED	BUDGETED
	BUDGET	JANUARY	FEBRUARY.	MARCH	APRIL	MAY	JUNE	TOTAL	BALANCE
5801 PER DIEM EXPENSES	10,000.00	0.00	0.00	0.00	0.00	0.00	2,850.00	2,850.00	7,150.00
5811 LEGAL EXPENSES	8,500.00	311.83	283.33	283.33	283.33	283.33	283.33	1,728.48	6,771.52
5812 NIRPC SERVICES	130,000.00	10,952.61	11,576.93	11,185.14	11,278.74	11,311.69	11,357.19	67,662.30	62,337.70
5821 TRAVEL/MILEAGE	10,000.00	25.84	6.12	66.43	23.12	48,47	353,60	523.58	9,476.42
5822 PRINTING/ADVERTISING	2,500.00	50.00	36.15	637.72	0.00	0.00	0.00	723.87	1,776.13
5823 BONDS/INSURANCE	8,000.00	0.00	0.00	0.00	6,406.25	0.00	0.00	6,406.25	1,593.75
5824 TELEPHONE EXPENSES	5,000.00	0.00	389.73	804.73	422.05	413.39	620.30	2,650.20	2,349.80
5825 MEETING EXPENSES	6,000.00	0.00	0.00	88.90	0.00	0.00	0.00	88.90	5,911.10
5840 PROFESSIONAL SERVICES	600,000.00	60,961.53	44,209.31	67,649.81	47,949.27	29,976.59	41,790.84	292,537.35	307,462.65
5860 PROJECT LAND PURCHASE EXP.	2,337,073.00	0.00	1,200,841.00	127,462.00	346.00	459,31	0.00	1,329,108.31	1,007,964.69
5882 UTILITY RELOCATION EXP.	100,000.00	194.46	129.64	1,955.00	0.00	153.02	0.00	2,432.12	97,567.88
5883 PROJECT LAND CAP. IMPROV.	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
5884 STRUCTURES CAP. IMPROV.	5,000.00	- 0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
5892 PROJECT COSTSHARE/ESC ACCT	472,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	472,500.00
	3,227,073.00	72,496.27	1,257,472.21	210,133.06	66,708.76	42,645.80	57,255.26	1,706,711.36	1,520,361.64

20								UNALLOCATED
V	2005						ALLOCATED	BUDGETED
	BUDGET	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER DECEMBER	TOTAL	BALANCE
5801 PER DIEM EXPENSES	10,000.00	0.00	0.00	0.00	0.00	0.00	2,850.00	7,150.00
5811 LEGAL EXPENSES	8,500.00	283.33	283.33	283.33	283.33	283.33	3,145.13	5,354.87
5812 NIRPC SERVICES	130,000.00	11,412.61	11,435.66	11,164.23	11,305.56	11,408.92	124,389.28	5,610.72
5821 TRAVEL/MILEAGE	10,000.00	9.62	36.04	31.82	70.20	51.05	722.31	9,277.69
5822 PRINTING/ADVERTISING	2,500.00	0.00	0.00	0.00	0.00	0.00	723.87	1,776.13
5823 BONDS/INSURANCE	8,000.00	0.00	0.00	0.00	0.00	0.00	6,406.25	1,593.75
5824 TELEPHONE EXPENSES	5,000.00	491.64	780.66	515.92	431.37	455.84	5,325.63	-325.63
5825 MEETING EXPENSES	6,000.00	0.00	90.20	0.00	222.64	288.90	690.64	5,309.36
5840 PROFESSIONAL SERVICES	600,000.00	34,424.89	37,548.84	92,719.30	75,458.16	57,565.15	590,253.69	9,746.31
5860 PROJECT LAND PURCHASE EXP.	2,337,073.00	31,000.00	0.00	13.00	5,650.00	0.00	1,365,771.31	971,301.69
5882 UTILITY RELOCATION EXP.	100,000.00	270.00	0.00	0.00	0.00	0.00	2,702.12	97,297.88
5883 PROJECT LAND CAP. IMPROV.	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
5884 STRUCTURES CAP. IMPROV.	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00
5892 PROJECTCOSTSHARE/ESC ACCT	472,500.00	0.00	0.00	0.00	0.00	0.00		472,500.00
•	3,227,073.00	77,892.09	50,174.73	104,727.60	93,421.26	70,053.19 0.00	2,102,980.23	1,124,092.77

CLAIMS PAYABLE FOR NOVEMBER 2005

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5811	CASALE, WOODWARD & BULS LLP	283.33	MONTHLY RETAINER THROUGH NOV 27,05
5812	NIRPC	11,277.11	SERVICES PERFORMED OCTOBER 2005
5812	UPS	15,75	OVERNIGHT MAIL
5812	BOYCE FORMS	116,06	OFFICE SUPPLIES
5821	SANDY MORDUS	8.80	MILEAGE FOR NOVEMBER
5821	JAMES E POKRAJAC	42.25	TRAVEL EXPENSE FOR 11/29/05 MEETING AT CORP OFFICE IN CHICAGO
5824	AT & T	330,91	BILLING PERIOD 10/14/05-11/13/05(TOTAL BILL 343.59 KRBC 12.68)
5824	VERIZON NORTH	124.93	BILLING PERIOD 11/16/05-12/16/05(TOTAL BILL 237.07 KRBC 112.14)
5825	SAND RIDGE BANK	288.90	11/29/05 MONTHLY REAL ESTATE MEETING EXPENSE IN CHICAGO
5841	HERITAGE APPRAISAL SERVICE	2,250.00	APPRAISAL FOR DC-1171,DC-1172,DC-1174
5841	HERITAGE APPRAISAL SERVICE	1,500.00	APPRAISAL FOR DC-1115A,1116,1117 & 1185A
5841	HERITAGE APPRAISAL SERVICE	2,250.00	APPRAISAL FOR DC-1107,1112,1113, &01103
5841	HERITAGE APPRAISAL SERVICE	6,000.00	APPRAISAL FOR DC-1126,1120,1123,1101,1104,1115,1169, & 1122
5842	R. W. ARMSTRONG	3,376.55	PROFESSIONAL SERVICES RE: PUMP STATION ANALYSIS
5842	R. W. ARMSTRONG	1,751,42	PROFESSIONAL SERVICES FOR PERIOD ENDED 11/11/05
5842	GARCIA CONSULTING	1,480.00	PROFESSIONAL SERVICES FOR DC-1202
5842	GARCIA CONSULTING	1,500.00	PROFESSIONAL SERVICES FOR DC-1206
5842	GARCIA CONSULTING	1,530.00	PROFESSIONAL SERVICES FOR DC-1212
5842	GARCIA CONSULTING	1,560.00	PROFESSIONAL SERVICES FOR DC-1216
5842	GARCIA CONSULTING	1,530.00	PROFESSIONAL SERVICES FOR DC-1253
5842	GARCIA CONSULTING	1,530.00	PROFESSIONAL SERVICES FOR DC-1256
5843	STEWART TITLE SERVICES OF NORTHWEST	485,00	TITLE WORK FOR DC-617(1 OF 3)
5843	STEWART TITLE SERVICES OF NORTHWEST	485,00	TITLE WORK FOR DC-617 (2 OF 3)
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-617 (3 OF 3)
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-582/583
5843	STEWART TITLE SERVICES OF NORTHWEST	1,099.00	TITLE WORK FOR DC-836
5843	STEWART TITLE SERVICES OF NORTHWEST	585.00	TITLE WORK FOR DC-1002 (PART 1)
5843	STEWART TITLE SERVICES OF NORTHWEST	540.00	TITLE WORK FOR DC-1002 (PART 2)
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-1010E
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-1103
5843	STEWART TITLE SERVICES OF NORTHWEST	100,00	TITLE WORK FOR DC-1101
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-1104
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-1107
5843	STEWART TITLE SERVICES OF NORTHWEST	100.00	TITLE WORK FOR DC-1112
5843	STEWART TITLE SERVICES OF NORTHWEST	505.00	TITLE WORK FOR DC-1115
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1117
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1120
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1120A
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1120A
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1120A
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1122
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1123
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1126
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1169
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1127
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1124
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1129
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1130
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1128
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1125
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1121
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1119
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1216
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1209
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1219
5843 5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1228
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1182
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1232
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1239
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-1253
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DO-719
5843	STEWART TITLE SERVICES OF NORTHWEST		TITLE WORK FOR DC-763
5844 5844	JAMES E POKRAJAC	•	ENGINEERING SERVICES 11/1/05-11./15/05
5844 5844	JAMES E POKRAJAC	•	ENGINEERING SERVICES 11//16/05-11/30/05
5844	JAMES E POKRAJAC	289.60	NOVEMBER MILEAGE

CLAIMS PAYABLE FOR NOVEMBER 2005 PAGE 2

ACCT	VENDOR NAME	AMOUNT	EXPLANATION OF CLAIM
5844	JUDITH VAMOS	977,93	LAND ACQUISITION AGENT SERVICES 11/1/05-11/15/05
5844	JUDITH VAMOS	939,58	LAND ACQUISITION AGENT SERVICES 11/16/05-11/30/05
5844	LORRAINE KRAY	1,084.80	CREDITING TECHNICIAN/LAND ACQUISITION ASST 11/1/05-11/15/05
5844	LORRAINE KRAY	854.40	CREDITING TECHNICIAN/LAND ACQUISITION ASST 11/16/05-11/30/05
5844	SANDY MORDUS	162,50	CREDITING TECHNICIAN SERVICES 11/1/05-10/14/05
5844	SANDY MORDUS	275,00	CREDITING TECHNICIAN SERVICES 11/16/05-11/30/05
5849	CASALE.WOODWARD & BULS LLP TOTAL	3,455.17 70.053.19	LAND ACQUISITION/LEGAL SERVICES FOR PERIOD ENDED 11/27/05

APPROVAL TO PAY THE FOLLOWING INVOICES FROM O&M FUND DECEMBER 7, 2005

- \$19.81 to NIPSCO for costs incurred for elec. & gas at 3120 Gerry Street in Gary
- \$2,207.50 to R. W. Armstrong Company for services incurred on pump station O&M

TOTAL \$ 2,227.31

Balance in O&M account after paying this invoice will be \$295,656.12

DECEMBER 1, 2005

nwitimes.com

RIDGE EDITION

Incentives for Cabela's still alive

Hammond, retailer make pitch to land state subsidies

BY PATRICK GUINANE

pquinane@nwitimes.com 317.637.9078

INDIANAPOLIS | Plans for a Cabela's in Hammond caught a lifeline Wednesday with the State Board of Finance postponing a vote

WHAT'S

Cabela's and

convince the

Hammond must

Indiana Economic

Development Corp.,

which advises the

State Board of

Finance on tax

subsidy issues.

NEXT?

on the outdoor superstore's \$40.7 million financing request.

The move gives the company and the city more time to convince the state authorize sales tax' increment financing.

Wednesday's hearing also gave Mayor Thomas McDermott Jr. and Kevin Rhodes, Cabela's real estate director, opportunities to

See CABELA'S, A6

Continued from A1

make a formal sales pitch and answer terse questions/from state Auditor Connie Nass.

"Tell me why Cabela's is going to be a tourist attraction in Hammond," Nass said.

As Rhodes began speaking about drawing shoppers off

then explained what they say sets Cabela's apart from other, a private consultant working retailers. They spoke of an in- on the project. store conservation mountain live trout swimming below.

And, like other Cabela's sites, the proposed 175,000square-foot Hammond store would feature dozens if not hundreds of stuffed deer, an aquarium stocked with giant catfish and a safari exhibit catfish and a safari exhibit. Nebraska company has never complete with a pair of full, built a store without some size stuffed elephants.

"What we're saying is, this isn't Wal-Mart," McDermott said. "It's destination retail. · It's going to put Hammond on the map.'

But first the city needs the postponement sends Hammond and Cabela's back to the Indiana Economic Development Corp., a quasi-governmental body that advises

the Board of Finance on matters involving state tax subsidies.

The group generally opposes using sales taxes to support retail development,

Under the STIF plan, most of the tax on items sold at Cabela's would be used to repay \$40.7 million in 20-year Interstate 80, Nass interrupt- construction bonds. Over that ed. "Tell me why," she said. time, the state's share of the Rhodes and McDermott increased sales taxes would time, the state's share of the be \$44 million, said Ed Krusa,

STIF has never been used with stuffed bears on top and in Indiana, though Hammond is one of four cities authorized to deploy it as an economic development tool, Rhodes said that option helped attract Cabela's to Hammond. Under, Nass' questioning, he said the form of government assis-

Cabela's paid \$14 million to buy the 93-acre Woodmar Country Club where it plans to locate. The store will take up nearly half the land with state's help. Wednesday's the remaining space expected to attract restaurants and possibly a hotel.

Hammond plans to put up \$25 million in property tax financing and give Cabela's

Anticipated Cabela's Jobs

Full-Time: 285 Average Salary: \$41,000 Part-Time: 383

Average Salary: \$20,800.

Public Financing

\$25 million - Hammond \$40.7 million - requested from state How it works: Sales tax increment financing would use 80 percent of

the sales tax generated by Cabela's to repay the \$40.7 million in bonds over 20 years. Other 20 percent goes to state coffers. State gets 100 percent when bonds are paid off. Hammond's financing is similar, but with property taxes.

access to 2 acres of adjacent property worth \$2 million. That land is needed to connect the site to U.S. 41.

"That money is only going to go so far," McDermott told the Board of Finance, adding the city cannot afford to put up additional funds if state financing falls through.

Earlier this week, McDermott, a Democrat, said he thought the all-Republican board would dismiss Cabela's request. But, on Wednesday, all three members agreed to postpone the vote.



INDIANA GOVERNMENT EFFICIENCY COMMISSION

STEPHEN BARANYK CO-CHAIRMAN

JIM BAKER CO-CHAIRMAN

November 9, 2005

Little Calumet River Basin Development Commission Chairperson Little Calumet Rivver Basin Development Commission 6100 Southport Road Portage, IN 46368-6409

Dear Little Calumet River Basin Development Commission Chairperson,

Section 256 of House Enrolled Act 1001 created the Indiana Government Efficiency Commission, in part, for the purpose of determining the continued usefulness of each and every board, commission and/or agency in Indiana. To that end, the Boards and Commissions Subcommittee has been created to study the approximately 300 government organizations in the State of Indiana over this next year in order to eventually recommend to the Governor whether such entities should be eliminated, reorganized, or combined.

Please find enclosed a copy of our enabling legislation, HEA 1001 Sec. 256, and our initial questionnaire which is designed to provide us with in-depth information about your board. It is essential that you return this questionnaire on or before November 30, 2005 in the enclosed envelope in order for us to consider your group's continued viability. After our initial research, we will most likely be contacting you for further interviews before we submit our final report to Governor Daniels in September, 2006.

Thank you in advance for your anticipated cooperation.

Sincerely,

Terry A. White, Co-Chairman

Boards & Commissions Sub-Committee

TAW/kkh

Enclosure

Name of Commission, Board, or Committee:

Little Calumet River Basin Development Commission

When was this group originated?

The Little Calumet River Basin Development Commission was created by the Indiana General Assembly in the 1980 legislative session. A copy of the State Enabling Act is included as Attachment "A".

Was this group created by Federal legislation? If so, what is the citation of the Federal statute?

No, the Development Commission was created by the State legislature for the explicit purpose to be the non-federal sponsor agency with the Federal government (U.S. Army Corps of Engineers) on a Federally-authorized flood control and recreation project along ten miles of the Little Calumet River in Lake County, Indiana. The Development Commission's geographic authority extends one (1) mile either side of the river from the Illinois state line to the outlet of the Little Calumet River into Lake Michigan.

The Federal Flood Control/Recreation project was authorized by Congress in the 1986 Water Resources Development Act. The Development Commission has a legally binding "Local Cooperation Agreement" with the U.S. Army Corps of Engineers which details respective roles and responsibilities in implementing and operating the project. The Local Cooperation Agreement is included as Attachment "B".

Does this group have a sunset date established by the enabling legislation? If so, when is that date?

There is no sunset provision in the enabling legislation. The Local Cooperation Agreement details the items of cooperation needed to leverage Federal construction (75% Federal cost participation) and requires the Development Commission provide for the maintenance and operation of the completed construction to keep the project certified and remove the area protected from floodplain designation.

The project is approximately 60% construction complete with a committed construction completion date scheduled for December 2009.

Which Government Agency or Department is responsible for administering this group? In order to qualify for sponsor status, the Development Commission needed to be an independent board. A copy of the current board and its appointing authorities is included as Attachment "C".

If your group is not administered by a Government Agency or Department, who is responsible for staffing your group and to whom does your group report?

The Development Commission functions as a State Development Commission; acquires land similar to the Indiana Department of Transportation; and holds it in the name of the State. The 11 member policy board has a contract for basic administrative services with the Northwestern Indiana Regional Planning Commission. the Development Commission also contracts with qualified professional services to accomplish needed tasks.

The Federal oversight is tightly regulated by the Local Cooperation Agreement, the Chicago District Corps of Engineers, and coordinated by Congressman Visclosky's office.

State funding is coordinated through efforts of the N.W. Indiana legislative delegation and appropriations are subject to review/allocation by the State Budget Committee and Agency. The Indiana Department of Natural Resources has an appointment to the board and the IDNR Division of Water provides technical oversight and coordination.

What is your Mission?

The mission of the Little Calumet River Basin Development Commission is to successfully implement with the Federal government (U.S. Army Corps of Engineers) the construction of a Federal flood control/recreation project along the Little Calumet River in northwestern Indiana. A brief outline of the project along with a project map is included as Attachment "D". Also included is the committed schedule to complete the flood control project by the end of 2009, identified as Attachment "E".

What are your long-range goals? How would you summarize your top three goals?

The Development Commission's top three long range goals are:

- (1) Successfully complete the Federal flood control/recreation construction on time and within cost projections;
- (2) Continue support and cooperation of the Indiana General Assembly in funding the remaining needed non-federal share and the support and cooperation of the local communities in contributing added resources/donations to meet the required 1/4 cost share with the Federal government on the project; thus removing the corridor from the flood plain (over 8,400 homes, businesses, and public structures).
- (3) Successfully implement with the local authorities a maintenance and operations plan to keep the project federally certified.

<u>How would you describe to an outsider your 3 most important accomplishments in the</u> last three years?

In the past three years, major accomplishments have been:

- (1) Maintained support of the area state delegation in providing funding to leverage over \$11 million in Federal construction contracts. There have been three contracts let in the past two years in Hammond and Highland.
- (2) Obtained \$1.4 million commitment from City of Gary for application to Burr Street contracts and over \$550,000 of donations of easements from City of Hammond, Hammond Sanitary District, Hammond Park Department, Town of Highland, and the Highland Park Department. Also, over \$350,000 of needed easements were donated through negotiation with a private industrial land owner.
- (3) Successfully acquired over 344 acres of land at Hobart Marsh to fulfill construction permit conditions for project construction in west reach (Hammond, Highland, Munster) for wetland mitigation.

What are your 3 primary goals for this year?

This year's primary goals are:

- (1) Begin construction of the Burr Street levee segments the last remaining line of flood protection needed in Gary to begin the process of removal from the floodplain;
- (2) Resolve, along with the Corps of Engineers, FEMA technical assurances to allow the floodplain re-designation to proceed:
- (3) Utilize remaining State appropriations and local community contributions/donations to aggressively continue right-of-way acquisition and utility relocation to allow Federal FY07 flood control construction letting of over \$11.5 million.

What is your Annual Budget?

The 2005 Development Commission budget is \$3,227,073. A copy is included as Attachment "F".

What are the 4 largest items in your Budget?

The four largest items in the 2005 Budget are: (1) Project land purchase expenses; (2) Professional Services (to accomplish required local cooperation items); (3) Commission operating expenses with NIRPC; (4) Utility relocation expenses. These are numbered on the Attachment "F" budget page.

How many of your group receives a salary from the State?

No members of the Development Commission board receive a state salary, nor do any administrative staff. One member of the board is appointed by the IDNR. He is an employee of the IDNR and thus is paid by the IDNR. Currently, the IDNR appointment is the Lake Michigan specialist within the Division of Water.

Please list all consultants/contractors/advisors used during the past 24 months, the amount of each contract, and the amount paid to each during the past fiscal year.

Professional contractors hired by the Development Commission are procured to accomplish the required items of non-federal cooperation found in the project Local Cooperation Agreement (Attachment B). The charges are certified by the Corps of Engineers for their project cost eligibility and submitted with documented claims to the state Budget Agency for payment. Prior to submission to the State Budget Agency, claim listings are reviewed and approved by the Development Commission at their monthly meetings.

A complete record of the past 24 months of contractors/professional services claims are submitted as Attachment "G".

Your suggestions for reducing your group's expenditures by a minimum of 10% during the next 2 years?

The best way to reduce project expenditures in the next two years is to receive contributions/donations from the local communities and private land owners benefited by the project. In the past several years, local contributions have included: \$1.4 million from the City of Gary to help fund the Burr Street levee; over \$500,000 worth of right-of-way easements owned by the City of Hammond, Hammond Sanitary District, Hammond

Parks, the town of Highland, and Highland Parks Department; over \$350,000 of easement value donated by a private land owner businessman for value engineering on his property.

The Development Commission must perform certain acquisitions and project items of cooperation according to Federal law, so willing donations are the only way to reduce cost in many situations. The Development Commission is seeking all methods to obtain donations to speed the project and reduce cost.

Administratively, the Commission has held the expenses to no budget increases the past four years with all administrative costs paid from local revenues, not State appropriations.

Does your group representative of all areas of the State of Indiana?

The Little Calumet River Basin Development Commission has a limited jurisdictional area of authority along the river in Lake and Porter counties.

Your recommendations for improving the effectiveness of your group

The effectiveness of the Development Commission to successfully complete the project at the earliest time feasible and at the least cost is tied directly to receiving sufficient State funding in the next two sessions of the Indiana General Assembly. This effort will be coupled with strong pleas to the local communities of Hammond and Munster to assist in meeting the items of non-federal cooperation and help leverage State support. This state/local commitment can then match the Federal construction funding committed by Congressman Visclosky (on a 3-1 Federal cost share) to complete the project.

Your reasons why this group should be continued

The Development Commission, acting as the non-federal project sponsor, is currently engaged on a \$191 million Federal flood control/recreation project. The project is 60-65% complete and the Commission has a legal obligation (Local Cooperation Agreement, Attachment B) to complete the much needed project.

The staff, as well as the Board members, all share a deep personal commitment to the project and are dedicated to seeing the project through to completion.

Overall, how would you rate the job your Commission, Board, or Committee has accomplished in the last 2 years in terms of following your mission and meeting your state goals?

Very Good

How well would you say your group has served the citizens of Indiana? Very Good

Please attach copies of the minutes of your last three meetings, plus the date and location of your next meeting.

The approved minutes of the last three Board meetings (August, September, and October) are included as Attachment H.

The monthly Board meetings are traditionally held on the first Wednesday of each month, thus making meeting attendance easier to plan, not only for the Board members, but for the audience as well. The next meeting is Wednesday, December 7, at our office location in Portage – 6100 Southport Road, Portage, IN.

William Biller, Chairman

Little Calumet River Basin Development Commission

Development Commission

Email address: billerw@hmdin.com

11-28-05

Date

Telephone: 219/853-6413 ext 503

Visclosky secures **\$24M** for projects

.Congressman: Money will improve NWI life

> BY BRANDON HONIG Times Washington Bureau

WASHINGTON, D.C. | U.S. Rep. Pete Visclosky, D-Ind., announced Tuesday that Northwest Indiana will receive \$24.275 million for flood control, infrastructure and environmental projects under the Energy and Water Appropriations Act that is set to pass both houses of Congress and signed into law by President Bush.

According to Visclosky, the projects, which will be directed at flood control projects, environmental cleanup efforts and investment in local infrastructure, are all part of improving the quality of life in Northwest Indiana.

In the legislation, Visclosky secured a total of \$14.7 million for flood control projects in Northwest Indiana. \$6.5 million will go toward the Little Calumet River Flood Control project, which includes 22 miles of levees and flood walls to protect citizens and businesses in Gary, Griffith, Hammond, Highland and Munster

To date, Visclosky has secured \$105.2 million for this project.

In addition, Visclosky secured \$8.2 million for the Cady Marsh Ditch project, which provides a necessary marsh-land offset for the Little Calumet Flood Control Project. This funding amount is \$4.2 million higher than the originally budgeted \$4 million as passed by the House

in May of this year.

Visclosky also secured funding for several environmental projects in Northwest Indiana. The Indiana Shoreline Erosion Project will receive \$275,000 to fund operations. For many years, the natural movement of sand along the lakeshore has been interrupted by harbor structures, causing accelerated erosion of the beach and dunes. The continuation of this project is necessary to slow the erosion and reverse its effects to protect the beaches for future generations.

Visclosky also secured \$300,000 to continue the environmental restoration at Wolf Lake. These funds will assist with the reconstruction of wetlands and aquatic habi-

In Whiting, Visclosky secured \$100,000 for the Whiting Shoreline Protection project. This project will determine the best way to protect the Whiting shore from storm damage and reverse existing damage to the area.

Several infrastructure projects throughout Northwest Indiana will also receive funding.

LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION (as of 12/6/05)

Following are LCRBDC available monies and commitments as of December 05 to September 06 (when we receive the second \$1,000,000 allocation from the state).

Money available: \$1,339,155 (as of 12/6/05)

Commitments:

★ 1.) \$920,400 Burr Street Betterment Levee (first priority) includes \$20,400 offer to the Norfolk Southern RR

2.) \$582,505 Land Acquisition Offers V-2 (title work & surveys completed):

\$ 86,630 Residentials (Highland) (Will request donations, but not probable)

\$ 78,095 Corporates in Interstate Plaza (donation request)

\$ 69,550 Corporates west of Kennedy Avenue

(Wendy's, Whiteco, Visitor's Center (donation request)

\$ 40,780 Municipals- Hammond & Highland (donation request)

\$ 36,100 NIPSCo

\$ 16,350 N.& S. RR

\$155,000 Wicker Park (donation request)

\$???? Tri-State Coach (Appraisal underway)

3.) \$814,400 Land Acquisition V-3 includes:

\$811,400 Cabela's (donation request)

\$ 3,000 INDOT or Hammond entrance (donation request)

4.) \$318,600 Professional Services contracts (\$34,500 per mo. x 9 months)

5.) \$200,000 Cash construction contribution (averages about \$200,000 yearly)

6.) \$250,000 Utility Relocations includes:

\$ 150,000 for already awarded contracts in VI-2 & VI-1 North

\$ 100,000 for Burr Street Phase 2 to be awarded April 05

7.) \$79,700 East Reach Clean-up includes approximately 20 tracts:

- WIND, WLTH Radio Towers, Griffith Golf Center plus

- includes \$9,700 Lawson Fischer Levee Certification (cost not to exceed) plus unknown cost to bring up to FEMA standards

8.) \$65,000 Remaining flowage Gary properties (seek donation)

9.) \$117,000 Land Acquisition VII includes:

\$ 78,000 for 39 surveys @ \$2000 per (title work already here)

\$ 39,000 for 39 appraisals @ \$1,000 per

\$??? land acquisition costs when appraisals complete

Money available next 9 months = \$1,339,155

"Commitments" next 9 months = \$3,347,605

Possible donations = \$ 1,344,455

Monies needed for next 9 months = \$2,003,150

Shared Stranger of the Strange

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LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

CASH POSITION – NOVEMBER 30, 2005

Remaining State monies kept in Indianapolis that we can draw from – Left from previous budget years	\$ 43,464 \$ 10,085
Allocated \$1,000,000 from 05/07 Budget	\$ 919,139
Monies remaining from \$700,000 note	\$ 337,979
Interest monies available from Savings	\$ 18,634
Escrow interest monies available	\$ 9,854
TOTAL MONIES CURRENTLY AVAILABLE FOR LAND ACQUISITION/UTILITIES	<u>\$ 1,339,155</u>
Appropriation of \$1,000,000 remaining from 05/07 Budget – Yet to be allocated	(\$1,000,000)
TOTAL PROJECT MONIES	(\$2,339,155)
TOTAL O&M FUNDS AVAILABLE	\$ 264,773

(This does not include our Administrative Budget)

WORK STUDY SESSION OPERATION AND MAINTENANCE December 7, 2005 BOB HUFFMAN, Committee Chairman

- 1. Upgrading of completed features to "as-built" condition to turn over to city of Gary as part of the responsibilities of the LCRBDC for Gary to accept O&M.
 - A. Four (4) completed pump stations (Grant Street, Broadway, Ironwood, and Burr Street)
 - Final list for scope of work has been completed and will be forwarded to Gary by December 9 for final review.
 - B. Stage III Remediation pump stations (Marshalltown and 32^{nd} and $\sqrt{\text{Cleveland}}$)
 - Resolution tabled at the November 9 Board meeting Attorney working on agreement for the pump stations and will present to Gary for their review.
 - C. Sluice gates and flap gates will be released as a separate contract by LCRBDC. All sluice gates will be lubricated and all flap gates will be cleared.
 - D. Fencing and rusting issues will be released as a separate contract by LCRBDC. Several fenced areas need repair and rusting parts will be cleaned, primed, and galvanized.

2. O&M Manual

- A. LCRBDC currently re-visiting our previous reviews of the O&M manual and will present follow up questions to the Corps for update to assure a current and accurate manual.
 - Additional items will need to be incorporated by the Corps for the Betterment levee.
- B. Staff is currently working on final coordination between Gary and LCRBDC and will attempt to schedule an O&M committee meeting before the end of 2005.

WORK STUDY SESSION LAND MANAGEMENT DECEMBER 7, 2005

Bob Marszalek, Committee Chairman

1. Chase Street Farm Stand turnover to Gary Fire Department

 Received Commission's approval on November 9th to pursue interest in this property.

• Staff has worked out an agreement with the Gary Fire Department to lease the facilities for one year for \$1 year.

• Memo to Commission attorney to review agreement on November 21st and asked for concurrence (Ongoing).

• Fire Department contacted NIPSCO & expects electric turn on and propane light up by December 9th.

2. INDOT request for real estate (Harrison to Broadway – South of I-80/94)

• Received a call from INDOT on November 30th indicating their engineering consultant would contact LCRBDC with intent of design.

3. Drainage ditch south of 35th, between Chase and Grant, has regular blockages of flow and requires regular ditch cleaning.

 Greeley & Hansen contacted LCRBDC on November 7th indicating they would look into it.

WORK STUDY SESSION 7 December 05

LAND ACQUISITION COMMITTEE Robert Marszalek, chairman

1.) There are no increased offers. There is one condemnation:

EWIER DC 128 Owner Busch-Raymond Corporation We need a Flowage Easement on the North 1/2 Lot 35 Grant Street Plat in the East Reach (Cline Avenue east to 1/65). Busch-Raymond Corp. is a dissolved Indiana Corporation with chain of title problems and we can't find any representatives of the company. We will condemn for a Flowage Easement.

2.) Update on Land Acquisition Schedule:

V-2 Kennedy Avenue to Northcote - we are on time.

Appraisals are all approved except for Tri-State Coach, Wicker Park, and a few easements south of Tri-State on Indianapolis Boulevard. We have given the Corps drawings which show a modified easement on Wicker Park. An earthen levee could be constructed farther north on Cabela's property instead of the more expensive sheetpiling and concrete formliners now required on Wicker. The appraisal would be modified to show the new easement.

V-3 Cabela's - newest developments? (Dan)

VII Northcote to Columbia - we are about three weeks behind schedule. This time can be made up during the appraisal/review phase. Title work is coming in. Surveys should be here by 12/16/05.



WORK \$TUDY \$E\$\$ION ENGINEERING COMMITTEE

December 7, 2005 Bob Huffman, Committee Chairman

- 1. Stage V-2 and V-3 have been combined into one project and will be advertised in one contract (includes Cabela's property).
 - A kick-off meeting for this segment is scheduled during the week of January 16, 2006. (This would be a preliminary field walk-thru for site familiarization)
 - A conference call was held with Lake County Highway Department and the Army Corps on December 6, 2005 for Kennedy Avenue bridge. Corps will pursue agreement with Lake County Highway for the installation of Little Cal flood control features as part of their project.
- 2. <u>Burr Street II Gary</u> Coordination conference call was held on November 28, 2005. (See page 2 of the attachments to the Engineering Report)
 - The Memo of Agreement will be reviewed at the Gary Board of Public Works meeting on December 7.
 - Advertisement will be scheduled during the week of December 12; and the pre-bid meeting is scheduled for December 19, 2005.
 - Bid due date is January 18, 2006.
- 3. Status of agreement with Lawson-Fisher to provide scope of work for Griffith levee certification
- 4. Steve Enger letter sent to Army Corps on November 22, 2005 requesting review and comments to see if some of their concerns were feasible to address for engineering modifications.
- 5. Pump Station 1A status with Overstreet (Refer to attachment page 22 to the Engineering Report)

Say vell

ulu six.

PROJECT ENGINEERING MONTHLY STATUS REPORT

For meeting on Wednesday, December 7, 2005
(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps)

Report period is from November 4 – November 30, 2005

COMPLETED CONSTRUCTION

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

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

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

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

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

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

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

Project completed in September, 1998.
 Rausch Construction – Contract price: \$3,288, 102

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

Project completed in December, 1998.
 WEBB Construction – Contract price: \$3,915,178

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

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

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

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. Project completed in November, 2004.

Dyer Construction – Contract price: \$4,285,345

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. The only item needed to be completed is to assure turf growth in all areas.
 - 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.
 - We received a response from the Corps on January 7, 2003, addressing vegetation.
 - Currently, the entire concrete ditch bottom is filled with silt and dirt and has cattails growing. LCRBDC got a cost to clean the concrete bottom of the drainage ditch on August 18 during dry conditions in the amount of \$8,200; and wet conditions in the amount of \$11,640.

A letter will be sent to the COE requesting their participation for a design modification to prevent this sloughing from re-occurring.

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

1. Project completed in November, 1998.

Dyer Construction – Contract price: \$3,329,464

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. Project completed in July, 2001.

Dyer Construction. – Contract price: \$2,228,652

STATUS (Stage V Phase 1) Wicker Park Manor:

1. Project completed on September 14, 1995.

Dyer construction – Contract price: \$998,630

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%)

The lift station at the Southwest corner of the existing levee that will handle interior drainage has been completed as part of the Stage III remediation project. (See Stage III remediation in this report for details.) Pump station final inspection was held on June 23, 2005, and was found to be satisfactory.

2. This pump station is in the process of being turned over to the city of Gary for O&M responsibility.

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. Project completed in September 2001.
 Thieneman Construction Contract price: \$2,120,730

ONGOING CONSTRUCTION

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

- 1. Contract award date June 30, 2004
- 2. Notice to proceed July 29, 2004 (430 days to complete)
- 3. Bids were opened on June 30 and the low bidder was ECO SYSTEMS, INC.
 - 104 acres included in bid 100 to be herbicided, remaining 4 acres are ditches.
 - First seeding is scheduled to be done in the Fall of 2005.
- 4. A walk-thru inspection was held with the COE and the contractor on October 25, 2005.
 - Scope of work Approximately ½ of East Reach to plant trees, do herbiciding starting next spring, clean up growth in collector ditches, plant new native grasses on levees.
- 5. Received monthly Construction Status Report from Corps on December 1, 2005.

STAGE III Drainage Remediation:

- 1. Project completed on June 23, 2005.
 - A. Dyer Construction Contractor
 - B. Final Inspection June 23, 2005
 - Received partial O&M manuals and spare parts from the COE on July 13, 2005;
 received remainder of manuals & spare parts on August 23.
 - Awaiting as-built drawings. (This is the last item that will be needed to turn over the (2) pump stations to Gary for O&M responsibility)
 - A letter was sent to the Corps on August 16 indicating that the 32nd & Cleveland and Marshalltown pump stations cannot be turned over to Gary until drawings, training, and parts and warranties are available. (Refer to O&M Report).
 - C. Project money status:
 - Original contract estimate \$1,695,822
 - Original contract amount \$1,231,845
 - Current contract amount \$1,625,057
 - Amount overrun \$70,765 (4%)

STATUS (Betterment Levee - Phase 2 - Gary) Colfax to Burr St.

- 1. This portion of construction will be advertised, partially paid for, and coordinated by the City of Gary. The Army Corps will oversee the design and construction to assure compliance with federal specifications.
- 2. The issue of water quality in the drainage ditch, south of the NIPSCO R/W, between Colfax and Burr St., as part of the Burr St. (betterment) levee Stage II Gary. This will be included as part of the bid package and the design will be provided to the Corps by J. F. New.
 - A. A conference call was held on November 28 to address questions by Gary regarding final design as part of the plans.
 - It was agreed that all bid documents would be completed by the Corps and be available for advertisement by December 7, 2005 (Gary has their board meeting that day would give approval).

- Computer disks with all updated engineering and specifications were provided to Greeley & Hansen on November 30 for final review and comment.
- Pre-bid meeting is scheduled for December 19 at Gary City Hall at 10 a.m.
- Bid due date is January 18, 2006.

STATUS (Betterment Levee – Phase 2 - LCRBDC) 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 Corps and LCRBDC as a betterment levee.
- 2. The revised schedule has a goal to submit plans for final review on December 9, 2005; and to advertise by February 20, 2006.

STATUS (Stage V Phase 2) Kennedy Avenue to Northcote

- 1. An initial kickoff meeting is being scheduled for the week of January 16, 2006.
- 2. Buckeye Partners:
 - Received comments from Buckeye Partners regarding pipeline impacts due to our construction on November 4, 2005, and submitted them to the Corps on November 9, 2005.
- 3.5
- A letter was sent to Buckeye on November 9 thanking them for their comments and indicating the Corps will resume engineering in March 2006 and will address their concerns.
- 6
- 3. NIPSCO pipeline corridor east of the Norfolk Southern Railway Company, west of Kennedy Avenue. (LCRBDC received conceptual drawings from the Corps on May 11, 2005)
 - A. Letters have been sent to all of the pipeline companies requesting their comments, engineering review, easement agreement with NIPSCO, and cost information.
 - Follow-up letters were sent to all of the owners of the pipelines on October 18-Oct. 19 requesting comments on design and to provide cost estimates.
 - B. With the engineering for plans and specs to re-start in April, 2006, it is the intent to gather all information from the pipeline companies and forward it to the COE as they come in, in order to incorporate this data and their design concerns, into the plans.
- 4. INDOT drainage issues at Indianapolis Blvd. and the Little Calumet River.
 - A. LCRBDC received an e-mail from United Engineering (INDOT consultant) on May 19 questioning our current schedule and requesting cost and design information
 - An e-mail was received from United Engineering on September 19, 2005 indicating review is completed and this phase of INDOT construction (Ridge Road to Little Calumet River) has been suspended due to lack of Little Cal matching funds. INDOT is unable to assist in any funding for the levee project.
- 5. LCRBDC discussed the possibility of modifying design west of the NSRR by using the "sheet pile & bridging" technique to eliminate the \$450,000 directional bores for (2) 8" pipelines.
 - A letter & design were sent to Phillips Pipeline on June 2, 2005.
 - A follow-up letter was sent on September 1st, 2005.
 - A second follow-up letter was sent on October 19 enclosing COE drawings for design on the east side of the NSRR and explaining the intent of design for the "bridging" technique. (Ongoing)
- 6. A meeting was held with representatives from The Committee to Preserve Wicker Woods (CPWW) on October 25 to review their concerns and suggestions.
 - Preliminary concerns include design modification along the E/W portion adjacent to the river (use sheet piling instead of levee), working with

COE/Munster/LCRBDC for landscaping, and the possibility of eliminating the recreation trail in this area.

• His letter, dated October 25, 2005, was forwarded to the COE for review, comments, and consideration on November 22, 2005.

STATUS (Stage V Phase 3) Cabelas' Retail, Inc.

- 1. Refer to Land Acquisition report for status of appraisal.
 - (Stage V-3 will now be advertised with Stage V-2 as one contract)
- 2. An e-mail was sent to the COE on November 1, 2005 indicating legals are being modified to move the line of protection from the north part of Wicker Park to the south part of Cabelas' Retail, Inc. to do an economic analysis.
 - LCRBDC received modified legals from GLE on November 22 and will submit these to the Corps for review and comments prior to having the modified appraisals done.
- 3. Request was sent to the COE on the November 1, 2005 e-mail that we would still pursue the total acquisition from INDOT west of Indianapolis Blvd. at the "K-Mart light" to the river, but use the north River Drive parcel for construction access and permanent easement for flood fighting, inspections, and maintenance.

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) \$6,503,093.70 (Awarded September 30, 2004)(6% over estimate)
 - Current contract amount \$6,733,494 (10% over estimate)
 - 700 days to complete from contractor receiving his "Notice to Proceed" (November 4, 2004)
- 2. Received monthly Construction Status Report from the COE on December 1.
- 3. LCRBDC received a request from the Highland Fire Dept. (Bill Timmer) on November 11 to install some access to the Little Calumet River to launch a boat to perform any necessary rescue services.
 - A letter was sent to the Corps on November 21 enclosing this letter, and information, and requesting Corps consideration to incorporate this into this contract.
 - Received an email response from the Corps on November 22 indicating that the Corps could not add an access where there was none before the project. (A meeting will tentatively be scheduled with the COE, Highland, and LCRBDC on December 12 to discuss this issue.

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

- 1. The bid results for this project were posted on August 24, 2005 and the low bidder is the Illinois Constructors Corporation.
 - The bid amount is \$5,566,871, and the Army Corps estimate (without profit) is \$6,525,253. (Official award was September 30, 2005)
 - The bid is \$958,382 (or 14.7%) under the Federal estimate
- 2. Coordination with the Lake County Highway Dept., LCRBDC, and the Army Corps will be required for the upcoming construction by the county for their bridge and our construction on and adjacent to Kennedy Ave.
 - The county is only re-building the existing bridge deck.
 - COE agreed we could accept the cost for the incremental difference for a 10' cantilevered recreational 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. (Needs to be facilitated.)
- A letter was sent to the COE on October 3, 2005 indicating County engineering is 90% complete, and if the walkway or concrete closure structures are to be included in their contract coordination should begin immediately.
- A conference call is being set up with Lake County Highway, COE, and LCRBDC.
- 3. A request for the COE to review & approve a NIPSCO utility re-locate in the amount of \$13,712 was sent out on September 23rd, 2005.
 - Submitted executed agreements to NIPSCO on November 14 in the amount of \$13,712 for downguy re-locations and a new pole installation at 179th Street and New Jersey Avenue.
- 4. Received COE approval, and an agreement was sent to NIPSCO (Site 2.1 S.E. Hessville pump station).
 - Submitted executed agreements to NIPSCO in the amount of \$5,713 for downguy re-locations at the S.E. Hessville pump station.
- 5. Received monthly Construction Status Report from the COE on December 1.
- 6. The contract set of drawings were sent to Motel 6 engineer on November 16 indicating modifications to their parking lot drainage system. (they were aware of design, but needed pertinent drawings for record).

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

- 1. Dyer Construction was awarded the contract on July 29, 2005.
 - Corps estimate (without profit) \$5,720,757
 - Low bid (awarded amount) \$4,205,645 (approx. 26% under Corps estimate)
 - 540 days to complete from contractor receiving his "Notice to Proceed" (August 11, 2005)
 - Current construction completion date February 2, 2007
- 2. Project Description
 - Construct a levee protection system consisting of 8,250 lineal feet of earthen levee, 1,600 lineal feet of steel sheet pile floodwall, (3) gatewell structures, culverts & sewer appurtenances, and miscellaneous tree planting and seeding.
- 3. NIPSCO utility coordination
 - A. An executed agreement was submitted to NIPSCO on November 10, 2005 in the amount of \$25,907.
 - Scope of work includes utility re-locations west of Cline Avenue and new pole installations on Liable and Kleinman.
 - B. A letter was sent to NIPSCO on September 12th, 2005, providing authorization to do pipe reinforcements adjacent to out sheet piling installation West of Cline.
 - The cost will be determined on T&M costs provided in previous NIPSCO estimates.
 - Excavation started on November 1 The 8" pipe had (2) reinforcements, the 30" pipe will require one, and the 36" also required (1) reinforcement.
 - A letter was received from NIPSCO on November 18 indicating final cost in the amount of \$59,598 original estimate if (3) pipes needed (2) reinforcements each was \$102,451.
 - Modified estimate sent to Corps on November 23 to review NIPSCO costs for crediting purposes.
- 5. Received monthly Construction Status Report from the COE on December 1.

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17-18

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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 schedule shows a June, 2008 construction start and a July, 2009 Completion.
- 3. All survey work north of the river has been completed with the exception of easements on North River Drive. Anticipate completion by December 2.
- 4. Survey work south of the river should be completed by December 16 (27 residential properties)
 - All field work and legals have been done. Several drawings are completed and are currently under review.
 - Some discrepancies have been found in the field using GPS and the modified project coordinates will be sent to the Corps.

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

- 1. The COE indicated at the October 20 Real Estate meeting that they will be focusing engineering on Stage VIII until April, 2006 in order to assure real estate acquisitions are current and accurate.
 - The Corps has set a goal to provide final real estate plans by January 6, 2006.

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

- 1. Bids were opened on September 17, 2002, and <u>Renewable Resources, Inc.</u> (from Barnesville, Georgia) is the successful bidder.
 - The current contract amount is \$1,341,940.96
 - Amount overrun \$420,838 (above their bid). This is approx. a 46% overrun.
- 2. A final inspection was held on both sites on May 12, 2004, with the Corps, LCRBDC, project A/E, and Renewable Resources and was found to be satisfactory for this portion of the overall project.
- 3. The 24 month monitoring period began on May 15, 2004 (Cost \$3,000/month)

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 \$4,974,280.67
 - Original contract amount \$4,638,400
 - Amount overrun \$335,880 (7.2%)
- 3. The COE sent Overstreet a cure letter on October 19, 2004 due to lack of progress.
- 4. Project currently on hold Refer to construction status report.
- 5. Received monthly Construction Status Report from the COE on December 1.
 - Refer to this Report for status on all four (4) stations and the status of the "termination of contract".
 - Most recent action was October 21, 2005 whereby a revised termination of default memo was sent out for verification and signatures.

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
- 2. LCRBDC received a copy of the pre-inspection punch list from Highland on February 2, 2004. (Dated January 29, 2004.)
- 3. Minor items remain to be completed.

Griffith Golf Center (North of NIPSCO R/W, East of Cline Avenue)

- 1. LCRBDC was directed by the COE to obtain a flowage easement on the entire property in a letter dated October 7, 2005.
 - An e-mail was sent to the COE on November 1, 2005 informing them that the appraisal process has begun using Ted Oetsel and that he has all the information needed to complete this appraisal. (Refer to Land Acq. Report)

General

- 1. INDOT coordination for Grant St. & Broadway interchanges with I-80/94.
 - A. 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 Corps, which could be credited to the LCRBDC for that portion constructed for the flood control of the Little Calumet River.
 - LCRBDC had a call with INDOT on March 17, 2005 whereby INDOT projected a potential cost of approx. \$650,000 at the interchanges for flood protection related features. (This would be creditable).
 - A follow-up e-mail was sent to INDOT on October 27, 2005 requesting the construction status of these interchanges and to provide us a detailed cost breakdown that we could use for crediting.
- 2. Letters were sent to (2) interested Hammond residents (north of I-80/94, between Kennedy and Cline) on November 16 that attended the October 5 Board meeting at the Jean Shepherd Center in Hammond.

LANDSCAPINA-PHASE II

				TS-C-S
CONTRACT NO.: CONTRACTOR:	W912P6-04-C-0003 Eubanks & Associates, Incorporated of			D. Anderson Druzbicki
DESCRIPTION:	Little Calumet River Landscaping, Phase	8 2 km i minut i 		Rimdzaitis
NTP DATE/CURRI		- No Mods Issued -	30-Jun-04 29-Jül-04	648,995⊋5 648,995,25
	ACT COMPLETION DATE/ORIGINAL CT COMPLETION DATE/REVISED DU		2-Oct-05 2-Oct-05	4 3 0)
	ILED COMPLETION DATE/PENDING		2-Oct-05	0
ESTIMATED PROC				anenana a
B. Est	imated Earnings thru end of reporting perio	od		20,000.00 36,000.00
	lue of work Performed on Directed Mods (D PROGRESS (A+B+C)	Earnings not paid for)		56,000.00
D. Wo	ork Paid for but not in Place (Materials in S	itorage)		0.00
TOTAL VALUE OF	PHYSICAL PROGRESS (A+B+C-D)			56,000.00
E. Pot	ential Termination Costs (% of Remaining	Costs){If Applicable}		0.00
FINANCIAL PROG	RESS - (A+B+C+D-E)			56,000.00
	D FINAL CONTRACT AMOUNT rient Contract Amount thru Mod.	No Mods Issued		640.005.p.c
G. Cu	rent Value of Overruns/Underruns (+/-)	No woos issued		648,995.25 0.00
	ected, Pending Modifications D FINAL CONTRACT AMOUNT (F+G+	-Н)		<u>0.00</u> 648,995.25
FUNDS OBLIGATE	D FOR PAYMENT: thru Modification	No Mods Issued		20,000.00
ACTUAL PERCENT	COMPLETE (A+B+C+D-E)/(F+G+H)			8.63%
SCHEDULED PERC	ENT COMPLETE (per NAS or Progress (Chart)		10.00%
TOTAL EARNINGS	AT THE END OF FY05			20,000.00
Hidenshiraterrakasa 224 mi	Pod Portugue de Participa de Pa		selections and the second selections are selected as the second selection of the selection	

PROJECT STATUS/MAJOR ISSUES:

- Initial herbicide of woody invasive vegetation is complete. Eubanks is proposing to delay follow-up applications until spring 2006 due to drought conditions.
- Tree planting completed along with site debris removal.
- Office field site inspection made on 25 Oct 05 for progress payment.
- Mod will have to be processed to allow for planting of plugs in spring 2006. This would have had to be done in fall 2005 under existing contract which would not have given plugs a good survival rate.

154 CONFERENCE (

Jim Pokrajac

From:

"Scott Dierks" <SDierks@jfnew.com>

To:

"Hayes, Darien" <dhayes@greeley-hansen.com>; <jmeyer@meyerwyattpc.com>; "Drew Bender"

<ABender@jfnew.com>; <imad.samara@usace.army.mill>; <jpokrajac@NIRPC.org>;

<spike@garysan.com>; <willette@garysan.com>

Cc:

"Smales, Donald" <dsmales@greeley-hansen.com>; "Niec, Jay" <jniec@greeley-hansen.com>

Sent:

Tuesday, November 22, 2005 4:35 PM

Subject:

RE: USCOE Betterment Levee Project Teleconference call

Drew and I could do a Monday afternoon call on Monday 11/28 between 3:30 and 5, but I will be traveling and on my cell phone for the call.

Scott Dierks, P.E.

Ann Arbor Manager

JFNew

POB 7780

Ann Arbor, Michigan 48107-7780

phone: 734-222-9690 fax: 734-222-9655 sdierks@ifnew.com

www.jfnew.com

From Native Seed to Ecological Solutions

From: Hayes, Darien [mailto:dhayes@greeley-hansen.com]

Sent: Tuesday, November 22, 2005 3:04 PM

To: jmeyer@meyerwyattpc.com; Drew Bender; Scott Dierks; imad.samara@usace.army.mill;

jpokrajac@NIRPC.org; spike@garysan.com; willette@garysan.com

Cc: Smales, Donald; Niec, Jay

Subject: USCOE Betterment Levee Project Teleconference call

Please use the following telephone number for the teleconference call scheduled for Monday November 28th @ 10:00am.

Items of Discussion

Micro-Station to Autocad conversion of USACOE drawings or conversion to .PDF files for all project drawings for distribution.

 Completion of JFNEW project documents (plans and specs) for inclusion into USACOE documents (plans and specs).

Incorporation of JFNEW comments regarding USACOE design into USACOE drawings.

Party responsible to advertise the completed project documents (USACOE, LCRBDC or City of Gary?)

Preparation of Division 0 contract document to append to existing USACOE Technical specifications (and JFNEW plans and specs).

Project timeline.

Project funding.

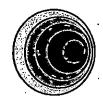
Call-in Instructions

- Dial 1-888-264-3078
- When prompted enter PINCODE: 3078#
- When connected announce your name

This is a one time use number. If you have any questions or experience difficulty, call Darien Hayes/Greeley and Hansen @ 938-8354.

BUCKEYE PARTNERS, L.P. 5002 Buckeye Road Emmaus, PA. 18049

Telephone (484) 232-4303 Fax (484) 232-4289



November 4, 2005

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

Attn: Mr. James E. Pokrajac

Engineering / Land Management

Re: Little Calumet River Flood Walls, Hammond, IN

Buckeye Pipelines ID Nos:

(1) 8-inch / NPL / HD156KG

(2) 8-inch / NPL / KG155HD

(3) 10-inch / BPL / EC010XF

(4) 14-inch / WPL / WO160EH

Dear Mr. Pokrajac,

This memo is in response to your letter dated October 18, 2005. In your letter, you inquired about the cost estimates and construction impacts resulting from the proposed Little Calumet Flood Wall. The letter also included a depiction of the pipelines crossing the river. To summarize my understanding of your current proposal for the flood wall on the north side of the river, it involves driving z-piles very close to the pipelines and then building a wall on top of the piles. In the plan view, the flood wall has a zigzag appearance with segments both parallel and perpendicular to the pipelines. The z-piles are proposed within 1 to 2.5 feet of the pipelines, and the base of the wall will be 1.5 to 3 feet above the pipelines. The pipelines are currently between 2.5 and 4.0 feet below grade and the proposed grade will be higher on each side of the wall by approximately 3.0 feet. The proposed increase in cover will cause the two 8-inch pipelines to be more than the Buckeye maximum depth requirement of 6 feet.

Buckeye's first comment regarding the design is the south flood wall is unclear based on the drawings that you sent to us in an earlier correspondence. It would be logical to expect the south wall design to be similar to the north wall. However, what has been provided is a straight wall with what appears to be a single line of very short piles that stop above the pipelines. Secondly, the proposed wall design allows gaps between the z-pile structures for the pipelines to pass. Under a flooded condition, subsurface water will naturally tend to flow through these gaps and would most likely follow the pipelines. If the pressure and flow is great enough the soils surrounding the pipelines could be washed out allowing the pipeline to sag and experience locally increased stresses. Buckeye will require installation of anti-seep collars or other methods to prevent soil surrounding the pipelines from being washed away.

From a construction standpoint, Buckeye's concerns are as follows:

- 1. Methods for protection of the pipelines from the crossing or staging of construction equipment Buckeye has external loading limitations for equipment passing over the pipelines. Specific loading situations are evaluated on a case-by-case basis.
- 2. Vibration induced by installing the z-piles Buckeye's requirement is that peak particle velocity at the ground directly above the pipeline shall not exceed 2 inches per second.
- 3. Requirement to expose the pipelines during pile installation Depending on the proximity of the pile driving activity, Buckeye will require that the pipelines are exposed to ensure that the piles safely pass the pipeline.

I am attaching a copy of Buckeye's <u>Right-of-Way Use Restrictions</u> specifications for your reference. This specification outlines the requirements for safely working in the vicinity of Buckeye's high pressure petroleum pipelines. This specification should be incorporated into any design or construction package that you are going to release. You will find that NIPSCO, Wolverine, Amoco, and Marathon have requirements similar to those of Buckeye's.

At this point in time, I do not have a scope of work or an estimate for the protection required for Buckeye's pipelines. I believe that all of Buckeye's concerns, as outlined above, can be addressed during the design phase of the flood wall. If you should have any technical questions regarding the above, please feel free to contact me at (484) 232-4303 or email me at <u>DSamala@Buckeye.com</u>. If you should have any questions regarding Buckeye's permit, please contact Mr. Kory Ecklund at (219) 397-3656.

Sincerely,

Donald G. Samala Relocation Engineer

Enclosure

cc: w/o enclosure Linda Conrad, Roy Haase / Central Right-of-Way Kory Ecklund / District Right-of-Way Al Kosior, Barry Reminder / Operations



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

November 9, 2005

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS
Dept. of Natural Resources
Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney Mr. Imad Samara Project Manager U.S. Army Corps of Engineers

111 North Canal Street Chicago, Illinois 60606-7206

Dear Imad:

Enclosed is a letter from the Buckeye Partners, L.P. dated November 4, 2005 indicating their concerns regarding the upcoming construction of the flood walls both north and south of the Little Calumet River on the NIPSCO right-of-way as part of the Stage V-2 construction. Also enclosed is a copy of Buckeye's Right-of-Way Use Restrictions that need to be taken into consideration when the Corps resumes design in this area.

As I receive comments from other pipeline companies, I will also forward these to you for your design consideration. If you can provide any answers, or comments, to their submittal, please provide this information to me in order that I can coordinate with that company. If you have any questions regarding this information, please contact me.

Sincerely,

James E. Pokrajac, Agent Engineering/Land Management

/sjm encl.

cc: Eric Sampson, ACOE

Don Samala, Buckeye Partners



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

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS

Dept. of Natural Resources

Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER Executive Director

LOU CASALE Attorney November 9, 2005

Mr. Don Samala BUCKEYE PARTNERS, L.P. 5002 Buckeye Road Emmaus, Pennsylvania 18049

Dear Mr. Samala:

Thank you for the comments and for providing Buckeye's "Right-of-Way Use Restrictions" which would need to be addressed for the installation of sheet pile walls north and south of the Little Calumet River, west of Kennedy Avenue, on the NIPSCO right-of-way. I have forwarded this information to the Army Corps of Engineers who will take this into account when they design this construction segment. The current schedule indicates that engineering in this area will resume in March of 2006. We will also take into consideration comments and concerns from the other pipeline companies in this corridor. We will then schedule a meeting with all owners prior to finalizing the design.

If you have any further questions regarding the installation, please feel free to call me anytime.

Sincerely,

James E. Pokrajac, Agent Engineering/Land Management

/sjm cc:

Imad Samara, ACOE Eric Sampson, ACOE



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

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

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JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY Porter County Commissioners' Appointment

VACANCY Governor's Appointment

DAN GARDNER Executive Director

LOU CASALE Attorney **November 22, 2005**

Mr. Imad Samara Project Manager U.S. Army Corps of Engineers 111 N. Canal Street Chicago, Illinois 60606-7206

Dear Imad:

Enclosed is a copy of a letter we received from Steve Enger on October 25, 2005 regarding residents concerns relative to the current plan for construction in the area adjacent to Hawthorne Drive west of Hart Ditch in Munster. We had a meeting with Mr. Enger, Jim Guelcher, and Chris Buono on October 25 to discuss their ideas and concerns. Following is a brief summary of their main concerns;

- It appears that they don't have a major objection with the north/south line of protection but were concerned about the proximity of the toe of the levee adjacent to River Drive. They would prefer consideration for a sheet pile wall to be driven into the levee in lieu of an earthen embankment going eastward between the Baring pump station and the levee alignment that goes south.
- They expressed a concern to remove a number of existing trees that were in a deteriorating state and that they would try to work with the town of Munster on a 5-year planting program.
- If we concur to install sheet piling on the east/west portion of construction, they would like to move the center line of protection as far north as possible.
- They presented cost figures comparing earthen berm construction with sheet pile construction for your information.
- They requested additional information regarding the cost analysis and environmental impact to this area.

Mr. Imad Samara November 22, 2005 Page 2

We will work with you, and with the adjacent Munster residents, to try to come to an equitable common solution. Our understanding is that the engineering will resume for Stage V-2 in April of 2006 and it may be to our benefit to address some of these concerns in advance in order that we may keep to the Corps current proposed construction schedule.

Sincerely,

Dan Gardner

Executive Director

DG/JEP/sjm

encl.

cc: Sue Davis, ACOE

Rick Ackerson, ACOE

William Biller, LCRBDC Chairman Robert Huffman, LCRBDC Engineering

STAGE II - PHASE I (SWITH)

CONTRACT NO.: W912P6=04-C=0007 CONTRACTOR: Illinois Constructors Corporation : Local Flood Protection Little Calumet River Indiana Stage VI-1 South Levee	TS-C-S D. Anderson Druzbicki Waldrom
ORIGINAL CONTRACT AWARD DATE/AMOUNT: NTP DATE/CURRENT CONTRACT AMOUNT: Mods ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION: REVISED CONTRACT COMPLETION DATE/REVISED DURATION: 4-Dec-06 PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS: 4-Dec-06	6,503,093,70 6,733,493,70 760 760 0
ESTIMATED PROGRESS A. Present Earnings as of Pay Est. No. B. Estimated Earnings thru end of reporting period C. Value of work Performed on Directed Mods (Earnings not paid for) TOTAL ESTIMATED PROGRESS (A+B+C)	3,040,773.17 300,000.00 0.00 3,340,773.17
D. Work Paid for but not in Place (Materials in Storage) TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	3,340,773.17
E. Potential Termination Costs (% of Remaining Costs) (If Applicable)	0.00
FINANCIAL PROGRESS - (A+B+C+D-E) TOTAL ESTIMATED FINAL CONTRACT AMOUNT	3,340,773.17
F. Current Contract Amount thru Mod. P00005& A00001 G. Current Value of Overruns/Underruns (+/-) H. Directed, Pending Modifications TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)	6,733,493.70 0,00 535,000.00 7,268,493.70
FUNDS OBLIGATED FOR PAYMENT: thru Modification P00005& A00001	3,274,999.00
ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	45.96%
SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	42.00%
TOTAL EARNINGS AT THE END OF FY05	3,040,773.17

PROJECT STATUS/MAJOR ISSUES:

- Modification in process for sheet pile wall through dump. Clay cap in place. Rec'd ICC's proposal for hauling off debris.
- Excavation started on new pump station (temporarily stopped until engrs. report on safety of excavation was reed.). Poured base of new pump station.

 Grimmer preparing proposal for mod to sewer work along 81st/Duluth.
- Grimmer has completed demucking, currently placing clay. Preparing for winter shutdown of clay placement.
- ICC will use river muck behind new SSP in dump area. Muck has been approved for reuse on site by IDEM with a few conditions (fencing, must be under 6" of material, not used for crop growth).



WILLIAM TIMMER
Chief

DALE ERIKS 1st Asst. Chief

B.J. ZANDSTRA Asst. Chief - Operations

> RODGER LEWIS Safety Director

HIGHLAND FIRE DEPARTMENT

Emergency 911

Station #1: 923-9876

Station #2: 924-7878

Mr. Dan Gardner
Mr. James Pokrajac
Northwest Indiana Regional Planning Commission
6100 Southport Road
Portage, Indiana 46368

November 11, 2005

Dan & Jim:

As per our phone conversation today, work sites are required under OSHA 1926.35 to have a site safety plan. This plan included rescue procedures and practices in case of unforeseen problems.

The OSHA Emergency Action Plan Checklist (enclosed) recommends that the local fire department be used to provide rescue services. OSHA further stress in its online guide to 1926 that the local fire department be notified to review the site safety plan so that rescue operations can be conducted if needed.

Let this letter serve to notify you and the Corp. that we must have access to the river to launch a boat to perform any type of water rescue in case of any workers falling from the dike construction site into the river along the entire length of the project.

Hopefully this letter will help clarify our concerns and also establish a written record of our request for a boat launch with adequate access to the Little Calumet River from Highland. Thank you

Yours in the Fire Service.

WRITTE

William R. Timmer, Fire Chief

Encl. WRT/sar



November 21, 2005

6100 Southport Road Portage, Indiana 46368

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

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS
Dept. of Natural Resources
Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney

Mr. Imad Samara

Project Manager U.S. Army Corps of Engineers 111 N. Canal Street Chicago, Illinois 60606-7206

Dear Imad:

Enclosed is a copy of the letter we received from Bill Timmer, town of Highland Fire Chief, on November 11, 2005 regarding a request to have emergency access for river rescue operations to the Little Calumet River. In our conversation, it was also pointed out that after construction is completed, the levee top/recreation trail is directly adjacent to the river with a steep down slope which could create a potential problem with those using the trail. Also enclosed is a copy of the "Emergency Action Plan Check List" as provided by Chief Timmer.

Would it be possible to incorporate the installation of an access ramp/boat launch as part of the Stage VI-1South contract? If we receive your concurrence, I could coordinate the specifics locally with the Calumet Area office and Chief Timmer.

If you need any more information or would like to discuss this further, please let me know.

Sincerely,

James E. Pokrajac, Agent Engineering/Land Management

/sjm encl. cc:

Dan Gardner, LCRBDC Executive Director Doug Anderson, ACOE Dave Druzbicki, ACOE Bill Timmer, Highland Fire Chief

Jim Pokrajac

From:

"Sandy Mordus" <smordus@nirpc.org>

To:

<jpokrajac@nirpc.org>

Sent:

Tuesday, November 22, 2005 3:24 PM

Subject:

Fw: Emergenct Access

--- Original Message ---- From: Samara, Imad LRC

To: Sandy Mordus

Sent: Tuesday, November 22, 2005 3:19 PM

Subject: RE: Emergenct Access

Jim, I did have a previous conversation with Bill Timmer from the Fire Chief and informed him that if the project did cross an existing access we would have to make sure that the access is restored. My understanding is that is not the case. I did inform him that we are building a canoe launch on the Hammond side. I'm not sure he knew that. I informed him that we will invite him to the progress meeting when building the canoe launch is near. As I informed him I can work with what we are constructing but we can not add an access where we did not had one before the project. I suggest that we set a meeting at the area office to discuss this.

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

From: Sandy Mordus [mailto:smordus@nirpc.org]
Sent: Monday, November 21, 2005 2:04 PM

To: Samara, Imad LRC
Cc: btimmer@highland.IN.gov
Subject: Fw: Emergenct Access

Imad:

Following is an e-mail I received from Bill Timmer, town of Highland Fire Chief, regarding emergency access for river rescue operations to the Little Calumet River in the vicinity of the Stage Vi Phase 1 South construction. In a conversation between Dan and myself with Bill Timmer, he pointed out that he feels it is necessary to be in compliance with certain OSHA requirements. We will be sending you a letter with a copy of his correspondence to us dated November 11, 2005 along with a copy of the emergency action plan check list.

Jim Pokrajac, Agent Engineering/Land Management

---- Original Message ----From: <u>Jim Pokrajac</u>
To: Sandy Mordus

Sent: Monday, November 21, 2005 1:27 PM

Subject: Fw: Emergenct Access

---- Original Message ----- From: Bill Timmer
To: ipokrajac@nirpc.org

Sent: Thursday, November 10, 2005 2:09 PM

Subject: Emergenct Access

` Jim



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

November 14, 2005

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS
Dept. of Natural Resources
Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney Mr. Mark Pasyk NIPSCO 801 E. 86th Avenue Merrillville, Indiana 46410

Re: Sites 3.2 and 3.3 New Jersey Avenue

Dear Mark:

Enclosed please find three (3) copies of the agreement between NIPSCO and the Development Commission for relocation of utilities for the above referenced project. As per this agreement, the preliminary estimated cost to complete this work is \$13,712.

Please cause to have this agreement approved and executed and then returned to the Development Commission for counter signature. Please note that the agreement requires a notary signature. After counter signing is completed, we will mail a copy back to you for your files.

Thank you for your attention to this matter. We appreciate your cooperation. If you have any questions, please call me at the above number.

Sincerely,

James E. Pokrajac, Agent

Land Management/Engineering

/sjm encl.



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

November 14, 2005

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS Dept. of Natural Resources Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY Porter County Commissioners' Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney Mr. Mark Pasyk NIPSCO 801 E. 86th Avenue Merrillville, Indiana 46410

Re: Site 2.1 – S.E. Hessville Pump Station

Dear Mark:

Enclosed please find three (3) copies of the agreement between NIPSCO and the Development Commission for relocation of utilities for the above referenced project. As per this agreement, the preliminary estimated cost to complete this work is \$5,713.

Please cause to have this agreement approved and executed and then returned to the Development Commission for counter signature. Please note that the agreement requires a notary signature. After counter signing is completed, we will mail a copy back to you for your files.

Thank you for your attention to this matter. We appreciate your cooperation. If you have any questions, please call me at the above number.

Sincerely,

James E. Pokrajac, Agent

Land Management/Engineering

/sjm encl.

STAGE VI- PHASE 1 (NO

CONTRACT NO.: CONTRACTOR: DESCRIPTION:	W912P6-05-C-0010 Illinois Constructors Corporation Local Flood Protection Little Calumet River,	Indiana Stage VI-1 No	rth Leves	TS-G-S D. Anderson Druzbicki Lee
NTP DATE/CURRE ORIGINAL CONTR REVISED CONTRA	ACT AWARD DATE/AMOUNT: ENT CONTRACT AMOUNT: Mods ACT COMPLETION DATE/ORIGINAL DUR. CT COMPLETION DATE/REVISED DURAT FILED COMPLETION DATE/PENDING TIME	ION:	30-Sep-05 -19-Oct-05 21-Jul-07 21-Jul-07 21-Jul-07	5,566,871.00 5,566,871.00 640 640
B. Est C. Val	RESS sent Earnings as of Pay Est. No. imated Earnings thru end of reporting period lue of work Performed on Directed Mods (Earni ED PROGRESS (A+B+C)	ngs not paid for)		0.00 0.00 0.00 0.00
D. Wo	ork Paid for but not in Place (Materials in Storag	e)		0.00
TOTAL VALUE OF	PHYSICAL PROGRESS (A+B+C-D)	*		0.00
E. Pot	ential Termination Costs (% of Remaining Cost	s){If Applicable}		0.00
FINANCIAL PROG	RESS - (A+B+C+D-E)			0.00
F. Cu G. Cu H. Di	ED FINAL CONTRACT AMOUNT rrent Contract Amount thru Mod. rrent Value of Overruns/Underruns (+/-) rected, Pending Modifications ED FINAL CONTRACT AMOUNT (F+G+H)	None Issued		5,566,871.00 0.00 0.00 5,566,871.00
FUNDS OBLIGATI	ED FOR PAYMENT: thru Modification	None Issued		20,000.00
ACTUAL PERCEN	T COMPLETE (A+B+C+D-E)/(F+G+H)	•		0.00%
SCHEDULED PER	CENT COMPLETE (per NAS or Progress Chart)		0.00%
TOTAL EARNING	S AT THE END OF FY05			0,00

PROJECT STATUS/MAJOR ISSUES:

- NTP acknowledged 10/19/2005. Contractor working on submittals.
 Preconstruction meeting held on 11/1/2005.





6100 Southport Road Portage, Indiana 46368

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

November 16, 2005

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS

Dept. of Natural Resources

Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney Mr. Bill Hurtado ACCOR NORTH AMERICA 4001 International Parkway Carrollton, Texas 75007

Dear Mr. Hurtado:

As per our conversation last month regarding the upcoming construction (Cline Avenue to Kennedy, north of the Little Calumet River) which is adjacent to the Motel 6, I have enclosed the plans that I recently received from the Army Corps for the construction in this area.

It is the intent of the Army Corps design to construct a new storm sewer line south of your property, and north of our new line of protection. This will allow all landside drainage to be directed to designated areas with sluice gate/flap gate control which will prevent water from the Little Calumet River from back flowing during high water events. In your specific area, your lines that currently drain to the river underneath the existing levee, will be removed from the new storm sewer line to the river. Your lines will then be tied into the new storm sewer line in a catch basin. We will not interrupt the drainage flow from your parking lot nor the existing drainage structures you have in the south parking lot area.

If you have any questions regarding this design or the enclosed Army Corps plans, please contact me at 219/763-0696 or jpokrajac@nirpc.org.

Sincerely,

James E. Pokrajac, Agent Engineering/Land Management

/sjm encl. cc:

Imad Samara, ACOE Eric Sampson, ACOE Lou Casale, LCRBDC attorney

> SERT. 6-1, 6-3 0.4, C-12, 16, 17, 18 0.5-7



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

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

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JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER Executive Director

LOU CASALE Attorney Mr. Mark Pasyk NIPSCO

801 E. 86th Avenue Merrillville, Indiana 46410

Re: Work Order No. 51066-71B

November 10, 2005

Dear Mark:

Enclosed please find a copy of the fully executed agreement between NIPSCO and the Development Commission (Site 5.0) for relocation of utilities in the area known as Stage VI-2 South (Liable to Cline, south of the river). As per this agreement, the preliminary estimated cost to complete this work is \$25,907.

Upon receiving this signed copy, please consider this as your notice to proceed. Please contact me a week prior to start of work in areas not owned by NIPSCO, if necessary, so I can facilitate your entry onto any of these properties. If you have any questions, please call me at the above number.

Sincerely,

James E. Pokrajac, Agent

Land Management/Engineering

/sjm encl.

cc: Lou Casale, LCRBDC attorney



A NiSource Company

801 E. 86th Avenue Merrillville, IN 46410

November 03, 2005

Northern Indiana Public Service Company Utility Highway Affairs

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

RE:

Agreement for Little Calumet River Basin Project

Levee for Site 6.2 South between Cline Ave & Liable Road,

Lake County, Indiana

NIPSCO:

WO# 51066-71B

Dear Mr. Pokrajac,

I have enclosed three (3) executed copies of the Agreement between NIPSCO and the Development Commission for the installation of three (3) poles, four (4) down-guys, conductor re-sag and the retirement of single phase conductor along Liable Road as required to accommodate the Little Calumet River project.

As stated in your letter dated October 24, 2005, please return one (1) copy of the executed agreements for our files.

If you have any questions feel free to contact me at 219.647.4299.

Sincerely,

Mark L Pasyk
Utility Highway Affairs

MLP Enclosures

的数据是对文字的

製造の動物を下れる

J. Hayward, NIPSCO



Northern Indiana Public Service Company Utility Highway Affairs

801 E. 86th Avenue Merrillville, IN 46410

November 18, 2005

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

RE:

Little Calumet River Basin Projects

Levee Stage VI-II from Station 0+00 to 53+92 at the proposed I-wall

Lake County, Indiana

Revised cost estimate for NIPSCO WO# 40331-59.

Dear Mr. Pokrajac,

I have enclosed four (4) copies of the cost estimate for the protection of the welds on the 36", 30" and 6" gas main at the proposed I-Wall located just west of the Cline Avenue frontage road on the 36 – 30 Right-of-Way. This involves the installation of weld reinforcing sleeves on the 30", 36" and 6" steel gas lines. The sleeves are to protect welds during pile driving for the I-Wall. The projected contract labor estimate has bee adjusted to \$40,000 following the exploratory work and reduced labor demand. The original estimate was \$75,000 is based on previous contractor expenses for similar work at Colfax Street several years ago.

The overall cost estimate has been reduced from the original estimate of \$102,451 to \$59,598 as anticipated in the letter from Dan Gardner, Executive Director dated September 12, 2005.

Please review the attached documentation for reimbursement and coordinate the necessary Agreements so we can proceed as necessary.

If you have any questions feel free to contact me at 219.647.4299, or Neal E. Arndt, Gas Transmission Engineer at 219.647.4779.

Sincerely,

Mark L Pasyk
Utility Highway Affairs

MLP Enclosures

N. Arndt, NIPSCO



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

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

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JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY Porter County Commissioners' Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney November 23, 2005

Mr. Imad Samara Project Manager U.S. Army Corps of Engineers 111 North Canal Street Chicago, Illinois 60606-7206

Dear Imad:

Enclosed is a revised cost estimate from NIPSCO along with a cover letter dated November 18, 2005 for the installation of reinforcing sleeves on the three (3) NIPSCO pipelines west of Cline Avenue as part of the Stage VI Phase 2 construction. The original estimate was \$102,451, assuming all three pipelines would require two reinforcement collars on each pipeline. After exposing the pipes, it was determined that we only needed to install one (1) sleeve on the 30" line, one (1) on the 36" line, and two (2) sleeves on their 6" steel gas line, resulting in a revised cost of \$59,598.

Will you please review the attached material and labor estimate in order to assure that their estimate is fair and reasonable and acknowledge to me in writing if this is so in order that we can obtain credit for this full amount.

If you have any questions regarding this request, please let me know.

Sincerely,

James E. Pokrajac, Agent Engineering/Land Management

/sjm encl.

cc:

Mark Pasyk, NIPSCO Neal Arndt, NIPSCO

STAGE VI - PHASE 2

CONTRACT NO.: W912P6-05-C-0006 CONTRACTOR: Dyer Construction Company DESCRIPTION: Little Calumet River, Stage VI-Phase II	TS-C-S D. Anderson Druzbicki Waldrom
ORIGINAL CONTRACT AWARD DATE/AMOUNT: NTP DATE/CURRENT CONTRACT AMOUNT: Mods ORIGINAL CONTRACT COMPLETION DATE/ORIGINAL DURATION: REVISED CONTRACT COMPLETION DATE/REVISED DURATION: PENDING SCHEDULED COMPLETION DATE/PENDING TIME EXTENSIONS: 29-Jul 11-Au 20-Jul 2	9-05 4,205,644.17 -07 540 -07 540
ESTIMATED PROGRESS A. Present Earnings as of Pay Est. No. B. Estimated Earnings thru end of reporting period C. Value of work Performed on Directed Mods (Earnings not paid for) TOTAL ESTIMATED PROGRESS (A+B+C)	60,027.00 39,973.00 0.00 100,000.00
D. Work Paid for but not in Place (Materials in Storage)	
TOTAL VALUE OF PHYSICAL PROGRESS (A+B+C-D)	100,000.00
E. Potential Termination Costs (% of Remaining Costs) [If Applicable]	0.00
FINANCIAL PROGRESS - (A+B+C+D-E)	100,000.00
TOTAL ESTIMATED FINAL CONTRACT AMOUNT F. Current Contract Amount thru Mod. P00001 G. Current Value of Overruns/Underruns (+/-) H. Directed, Pending Modifications TOTAL ESTIMATED FINAL CONTRACT AMOUNT (F+G+H)	4,205,644.17 0,00 0.00 4,205,644.17
FUNDS OBLIGATED FOR PAYMENT: thru Modification P00001	100,000.00
ACTUAL PERCENT COMPLETE (A+B+C+D-E)/(F+G+H)	2.38%
SCHEDULED PERCENT COMPLETE (per NAS or Progress Chart)	2.00%
TOTAL EARNINGS AT THE END OF FY05	0.00

PROJECT STATUS/MAJOR ISSUES:

- Site work limits layed out
- 401 Certification received form IDEM.

2

- NIPSCO completed exploratory work and reinforced pipelines at new I-wall location.

- Contractor working on schedule, expenditures shown are estimate prior to receiving schedule.

PUMP STATION - PHASE LA

		•		
CONTRACT NO.: CONTRACTOR: DESCRIPTION:	DACW27-01-C-0001 Overstreet Engineering and Constru- Little Calumet River - Pump Station			TS-C-S D. Anderson G. Anderson Craib
NTP DATE/CURREN ORIGINAL CONTRAC REVISED CONTRAC	CT AWARD DATE/AMOUNT: TT CONTRACT AMOUNT: Mods CT COMPLETION DATE/ORIGINAL T COMPLETION DATE/REVISED D ED COMPLETION DATE/PENDING	URATION:	5-0et-08 7-Noy-00 8-Oct-02 21-Oct-04 11-Noy-04	4,638,400.00 4,974,280.67 700 1,444 21
B. Estimated	rnings as of Pay Est. No. Earnings thru end of reporting period york Performed on Directed Mods (Ear	nings not paid for)	· .	4,239,286,58 23,548,50 0.00 4,262,835,48
D. Work Paid	for but not in Place (Materials in Store	age)		0.00
TOTAL VALUE OF P	HYSICAL PROGRESS (A+B+C-D)			4,262,835,48
E. Potential I	ermination Costs (% of Remaining Co	sts){If Applicable}		Not Available
FINANCIAL PROGRE	SS - (A+B+C+D-E)			4,262,835.48
F. Current Co G. Current Va H. Directed, I	FINAL CONTRACT AMOUNT outract Amount thru Mod. where of Overruns/Underruns (+/-) cending Modifications FINAL CONTRACT AMOUNT (F+C)	thru A00015 & P00019 (Thru RFP SS039) i+H)		4,974,280.67 0.00 -711,445.19 4,262,835.48
FUNDS OBLIGATED	FOR PAYMENT: thru Modification	thru A00015 & P00019		4,382,627.09
ACTUAL PERCENT C	OM PLETE (A+B+C+D-E)/(F+G+H)			85.70%
SCHEDULED PERCÉ	NT COMPLETE (per NAS or Progress	s Chart)	Ť	100.00%
TOTAL EARNINGS A	T THE END OF FY05		- Same	4,239,286.58

PROJECT STATUS/MAJOR ISSUES:

- Corps sent Overstreet a "cure letter" on 19 OCT 2004 due to lack of progress: Overstreet submitted a number of partial responses. Overstreet unable to obtain a pump rebuilding subcontractor to complete the work.
- The Corps sent Overstreet and Overstreet's bonding company a "show-cause" letter on February 7, 2005 indicating the Government is considering terminating the Contract under the provisions for Default.
- On February 16, 2005. Overstreet responded with a preliminary plan on the remaining Contract work. Overstreet's still unable to finalize a pump rebuilding subcontract. On March 9, 2005, Overstreet provided the lone proposal received for completing the pump rehabilitation work. Overstreet has indicated that the price is unreasonable since the amount is \$500,000 more than the unpaid amount remaining with Viking.
- Overstreet's bonding company met with Overstreet on March 21 and 22, 2005 to collect information on the Contract. A conference call between the bonding company, the Corps, and Overstreet was supposed to be scheduled but never occurred.
- Contracting Officer issued a followup "show cause" notice on 30 MAR 2005. Overstreet has not formally responded and the CO is in the process of terminating them for default.
- It is estimated that only \$23,548.90 was earned by Overstreet between 22 OCT 2004 and 14 APR 2005. No work has been completed since 14 APR 2005.
- The Modification has been drafted in RMS and PD2 and it has been determined that Liquidated Damages need to included from the current contract completion date to date of modification.
- A draft Termination of Default Memo review has been completed and all signatures obtained on 09 NOV 2005...
- If the contract is terminated the majority of the remaining obligated funds will require accrual reversal and deobligation.





6100 Southport Road Portage, Indiana 46368

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

November 16, 2005

WILLIAM BILLER, Chairman Governor's Appointment

ROBERT HUFFMAN, Vice Chairman Governor's Appointment

ARLENE COLVIN, Treasurer Mayor of Gary's Appointment

DR. MARK RESHKIN, Secretary Governor's Appointment

GEORGE CARLSON Mayor's of Hammond Appointment

STEVE DAVIS Dept. of Natural Resources Appointment

SAM DIMOPOULOS Lake County Commissioners' Appointment

ROBERT MARSZALEK Governor's Appointment

JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY Porter County Commissioners' Appointment

VACANCY Governor's Appointment

DAN GARDNER Executive Director

LOU CASALE Attorney Mr. Bryon K. Butala 2718 – 173rd Street Hammond, Indiana 46323

Dear Mr. Butala:

At our monthly Board meeting on October 5, 2005 at the Jean Shepherd Center in Hammond, we had a discussion with attendees regarding our flood control project, particularly in the area between Cline Avenue and Kennedy, north of the Little Calumet River. As we had indicated, we are sending you information regarding the Little Calumet River Flood Control/Recreation Project and have enclosed the following:

- "Little Calumet River Flood Control/Recreation Project" general information dated February 15, 2005.
- The current project map
- A construction progress report through August 2003 that shows portions of the flood control project already completed as well as general information regarding upcoming construction in the west reach.

There are three (3) contracts currently awarded, with construction ongoing between Kennedy Avenue and Cline Avenue, in both Hammond and in Highland. We anticipate all three of these contracts to be completed no later than the summer of 2007. If you have any additional questions regarding the project or need any further information, please free feel to call me anytime.

Sincerely,

Dan Garaner
Executive Director

/encl. cc:

Dan Repay, Hammond Councilman Bill Biller, LCRBDC Chairman George Carlson, LCRBDC



November 16, 2005

6100 Southport Road Portage, Indiana 46368

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JOHN MROCZKOWSKI Governor's Appointment

CHARLIE RAY
Porter County Commissioners'
Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney Mr. John Gismondi 7323 Arkansas Hammond, Indiana 46323

Dear Mr. Gismondi:

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Sincerely,

Executive Director

/encl.

Dan Repay, Hammond Councilman Bill Biller, LCRBDC Chairman George Carlson, LCRBDC

OPERATION AND MAINTENANCE REPORT

For meeting on Wednesday, December 7, 2005
(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps.

Report period is from November 4 – November 30, 2005)

O&M Committee (Ongoing issues):

- A. Funding to complete O&M obligations.
 - 1. A letter was received from the COE on April 14th, 2004, indicating that FEMA will require that the city of Gary must provide certification that they will provide O&M in compliance with the COE manual prior to FEMA completing their re-mapping of the floodplain.(Ongoing)
 - 2. The issue of water quality in the drainage ditch south of the NIPSCO R/W between Colfax and Burr St., as part of the Burr Street (betterment levee) Stage II Gary has been resolved (Refer to Engineering Report)
- B. A meeting was held with the city of Gary on June 28, 2004, to discuss land transfers, Corps upgrades on lift stations, and Gary Stormwater Management District O&M.
 - 1. Land transfers (approximately 359 acres) were discussed. LCRBDC passed a resolution at the July 7, 2004 Commission meeting to begin process.
 - A meeting will be scheduled with the city of Gary to formulate a method to transfer these lands. This will all be part of the process of entering into an interlocal agreement with Gary that is currently ongoing.
 - 2. The LCRBDC currently is working on an Inter-local Agreement with the Gary Fire Department for them to occupy our currently vacant Chase Street Farm Stand for one year for \$1.00 (Refer to Land Management Report)
 - 3. Inspections were held with the Corps, LCRBDC, and representatives from Gary as follows:
 - A. All four pump stations in Gary were inspected on September 13, 2004 (these included Burr St. North, Grant, Broadway, and Ironwood). Representatives from the Corps, Greeley & Hansen, United Water, and the LCRBDC attended.
 - LCRBDC is currently working on getting a bid package put together for review by Gary. Several comments were received by LCRBDC from Gary that are being reviewed before incorporating into the final plans and specs.
 - A preliminary list of all items to be included as the scope of work (including supplemental comments with more detail from Austgen Electric and the Griffith Army Corps) will be completed by December 2 and will serve as the basis to assemble a bid package. (This will be submitted to Gary for comment).
 - Sluice gates were inspected on September 14 and Sept. 22, 2004 with representatives from the COE, Greeley & Hansen, United Water (provided the compressor), and LCRBDC.

- A. Final sluice gate inspections were held on April 14, 2005 and April 21, 2005.
 - Minor inspections are needed to complete final punch list for sluice gate/flap gate installations.
 - It is the intent to advertise these separately from the pump stations and will include lubrication, clean-up, and punch list items.
- Gary indicated they would take over O&M responsibilities for the (2) recently completed lift stations (32nd & Cleveland and Marshalltown) as soon as all criteria are met by LCRBDC & the COE.
 - Two (2) resolutions were approved at the November 9, 2005 Board meeting.
 We are proceeding with the agreements with Gary to accept O&M for both stations.
 - Agreements are being finalized by LCRBDC
 - Awaiting "as-built" drawings from the COE (Ongoing)
- C. A meeting was held on June 30, 2005 at the Griffith Town Hall regarding the process of Griffith being removed from the flood plain.
 - The COE has completed the initial survey work and provided it to Lawson Fisher.
 - LCRBDC will need to contract out services for Griffith to gather information for levee certification as requested by FEMA.
 - At the October 15th Board meeting, action was tabled by the Commissioners to use Lawson fisher at a cost not to exceed \$9.700.
 - At the November 9 Board meeting, no action was taken. The
 Commissioners felt a sit-down meeting needs to be coordinated with
 Griffith and the Corps to discuss local monetary responsibilities (similar to
 cooperation received by Hammond and Highland for property donations,
 and by Gary in their cost participation with the Burr Street II Gary
 contract costs).
- D. An e-mail was sent to INDOT on October 27, 2005 to re-construct several ramps to our levees in areas where the bridges over I-80/94 were raised and the percent grade of the slopes were not maintained. Also, to clean out a control structure west of Georgia & south of I-80/94. (No response as of November 28)
- E. LCRBDC currently working on final O&M package to Gary.
 - Gary to review, comment, and familiarize themselves with current Army Corps O&M manual.
 - Corps to add to, update, and modify to include most recent construction.
 - LCRBDC is putting together draft memo with summary of outstanding issues & actions.





THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

2293 North Main Street Crown Point, Indiana 46307 Phone: (219) 755-3200 Fax: (219) 755-3064 Rudolph Clay, First District Gerry J. Schoub, Second District Frances DuPey, Third District

CERTIFICATE OF APPOINTMENT

STATE OF INDIANA)

OUNTY OF LAKE)

We, the undersigned, duly elected, commissioned, qualified and acting members of the Board of Commissioners of the County of Lake, State of Indiana, do hereby constitute and appoint R. Kent Gurley, as a Board Member for the Little Calumet River Basin Commission for a term commencing November 16, 2005, to expire on the 31st day of December, 2009.

IN TESTIMONY WHEREOF, We hereunto subscribe our names this 16th day of November, 2005.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE

RUDOLPH CLAY

GERRY J. SCHEUB

mances Duly

CONTRACTOR

LAND ACQUISITION REPORT

For meeting on Wednesday, December 7, 2005
(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps.

Report period is from November 4 – November 30, 2005)

EAST REACH - REMAINING ACQUISITIONS

- 1. In compliance with the Congressman's request to complete the project by December, 2009, we are reviewing remaining East Reach acquisitions for acquisition either on tax sale or from landowner. (Ongoing)
 - •Two offers sent to landowners in October have been returned. DC83 has accepted the offer of \$5,650. DC832 has rejected the offer of \$2,500. We will file condemnation.
- 2. We will be appraising the "WLTH" Radio property, DC813, on Martin Luther King Drive. The owner has requested we finish this acquisition to determine how the flood control project is affecting his property.
 - Survey and title work are complete. We are waiting for the Corps-recommended appraiser to complete the Griffith Golf Center prior to starting this appraisal.

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

- Construction on the WIND Radio station property has been completed using a right-toconstruct. We need an easement on the WIND property for maintenance purposes. A "fixture appraiser" has been contacted to appraise both WLTH and WIND and will be assigned both appraisals at the beginning of 2006.
 - The Corps-recommended appraiser will complete the WIND appraisal with the WLTH appraisal.

STATUS (Stage V-2) Kennedy Avenue to Northcote, both North and South levees

- 1. V-2 appraisal reviews will be completed by November 30, 2005. We will immediately start sending out offers.
- 2. The Wicker Park appraiser is waiting on the new North Township Trustee to provide him the economic information needed to complete the appraisal.
 - LCRBDC received modified legals from GLE on November 22 and will submit these
 to the COE for review and comments prior to having the modified appraisal done.
- 3. A meeting was held with representatives from the CPWW on October 25 to review their concerns and suggestions. (Refer to Engineering Report)
- 4. We sent a letter to Hammond on 8/22/05 requesting re-imbursement for our cost for the Woodmar appraisal.(Ongoing)
- 5. The COE has scheduled a kick-off meeting to review design during the week of January 16, 2006.

STATUS (Stage V – Phase 3) – Northcote to Indianapolis – (Cabelas' Retail, Inc.):
NOTE: STAGE V-3 WILL NOW BE INCLUDED AS PART OF STAGE V-2 AND WILL
BE ADVERTISED AS PART OF THAT CONTRACT.

- Woodmar and Cabelas' signed final sale papers on October 31, 2005. At the Hammond
 meeting on October 14, discussion centered on Cabelas' and the old K-Mart area
 (Interstate Plaza) being a potential economic development site. Changes in the Cabelas'
 entrance, Cabelas' levee construction, etc. was also discussed. We are currently having
 appraisals completed on Interstate Plaza with the expectation that owners may donate
 their compensation.
 - An e-mail was sent to the COE on November 1, 2005 indicating legals are being
 modified to move the line of protection from the north part of Wicker Park to the
 south part of Cabelas Retail, Inc. to do an economic analysis.
 - LCRBDC received modified legals from GLE on November 22 and will submit these to the COE for review and comments prior to having the modified appraisals done.
 - Request was sent to the COE on the November 1, 2005 e-mail that we would still
 pursue the total acquisition from INDOT west of Indianapolis Blvd at the "KMart light" to the river, but use the North River Drive parcel for construction
 access and permanent easement for flood fighting, inspections, and maintenance.

STATUS (Stage VI-Phase 1 South) – Kennedy to Liable - South of the river: Land Acquisition deadline July, 2004

1. Construction is continuing on this segment.

STATUS (Stage VI-Phase 1 North) – Cline to Kennedy – North of the river: Land Acquisition deadline April 30, 2005

1. Bids were opened on August 24, 2005. Illinois Constructors Corporation is the low bidder, submitting a bid approximately 15% under the COE estimate (without profit).

STATUS (Stage VI-Phase 2) — Liable to Cline — South of the river: Land Acquisition deadline April 15, 2005

1. Dyer Construction was awarded the contract on July 13.

STATUS (Stage VII) - Northcote to Columbia:

- 1. In compliance with the Congressman's request to complete the project by December, 2009, we will be re-identifying landowners and parcels, ordering title work and surveys in July 2005, according to our management plan.
 - Survey work south of the river should be completed by December 16 (27 residential properties)
 - All field work and legals have been done. Several drawings are completed and are under review.
 - Some discrepancies have been found in the field using GPS and the modified project coordinates will be sent to the COE.
 - We are two weeks behind our acquisition schedule but that time can be made up in the appraisal procedure. (Ongoing)

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

1. The COE indicated at the November 29 Real Estate meeting that they will be focusing engineering on Stage VIII.

STATUS (Betterment Levee - Phase 1 - Gary) Colfax to Burr Street:

Land Acquisition is completed.

- 1. This portion of construction will be advertised, paid for, and coordinated by the city of Gary. The COE will oversee the construction to assure compliance with Federal specifications. We still need a signed agreement with Gary before we can sign our right-of-entry.
- LCRBDC attorney has presented an agreement for review for the city of Gary. Awaiting response and comments. (Should be completed in time for advertisement on December 7, 2005)
- 3. A conference call was held on November 28 to address questions by Gary regarding final design as part of the plans.
 - It was agreed all bid documents would be completed by the COE and be available for advertisement by December 7, 2005 (Gary has their Board meeting that day expect approval)
 - Pre-bid meeting is scheduled for December 19 at Gary City Hall at 10:00 a.m.
 - · Bid due date is January 18, 2006.

STATUS (Betterment Levee – Phase 2 North of the NSRR east of Burr Street, and ½ mile east, back South over RR approximately 1400':

Land Acquisition deadline is September, 2005

- A uniform offer of \$20,700 for an easement acquisition was sent to the NSRR on June 6, 2005. The railroad has requested changes to the COE design based on safety factors. COE has completed the re-design. This re-design has also been rejected by the NSRC and the LCRBDC attorney filed for condemnation on September 6th, 2005.
 - A conference call was held with the COE, LCRBDC, and the railroad on October 18, 2005. It appears design has now been agreed upon and the COE is currently working on this modified design to present to the railroad for final review. (Ongoing)
- 2. The COE will have the 100% plans and specs available for review by December 9, 2005 and to advertise by February 20, 2006.

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

- 1. We will be reviewing parcels, cost schedule with the Corps in light of Congressman Visclosky's letter to complete the project by December 2009.
- New regulations for 49 CFR Part 24 allow in-house appraisals (waiver valuations) to be increased from \$5,000 to \$10,000. We have been writing new waiver valuations for several remaining acquisitions instead of assigning appraisals (more costly) to contract appraisers. (Ongoing)

GRIFFITH GOLF CENTER (North of NIPSCO R/W, East of Cline Avenue)

- 1. LCRBDC was directed by the COE to obtain a flowage easement on the entire property in a letter dated October 7, 2005.
 - We received an estimate from the appraisal firm of Oetzel & Hartman for \$9,000 to complete the appraisal. We are requesting other appraisal estimates to use as a comparison.
 - The \$9,000 proposal is comparable to other appraiser estimates and Terry Oetzel is completing the appraisal.

CREDITING:

- 1. LCRBDC had a conference call with John Weaver of INDOT on March 16, 2005 requesting incremental cost data at Cline Avenue that would substantiate crediting. Best estimate still is in the range of \$600,000 (Ongoing)
- 2. Detroit Real Estate has asked to make some changes in crediting procedure.

We are working on it. (Ongoing)

GENERAL INFORMATION:

- 1. We continue to supply information to the Congressman's Office as requested.
- 2. We have identified the recipients of unclaimed monies held in court from our condemnation cases. We have written to the court and are still waiting for a reply. (Ongoing)
- 3. We received a request from INDOT to acquire their easements on our easements. It was forwarded; however, it was discussed with Keith Moberg, INDOT's new Land Acquisition representative, how to speed up the procedure we must follow when requesting our easements from them.
 - A. LCRBDC received a request from INDOT in early September for a permanent easement. This would be approximately a 10' strip south of their right-of-way between Harrison and Broadway.
 - Staff needs engineering detail of what will be put in place to see if it impacts our current levee.
 - LCRBDC received a call from INDOT on November 30 indicating that their engineering consultant would contact us to review their design in this area and to assure their construction would not affect our construction.

LAND MANAGEMENT REPORT

For meeting on Wednesday, December 7, 2005
(Information in this report is based upon latest data provided at the time the report is put together. Dates and costs may vary depending upon ongoing design and/or coordination with the Army Corps.

Report period is from November 4 – November 30, 2005)

A. CHICAGO TOWER LEASING CORPORATION:

- 1. Received a proposal with the rental increase, based upon the consumer price index for the last (5) years from Chicago Tower on July 12, 2005
 - Current monthly rental is \$1568/month
- 2. LCRBDC received a letter from Chicago Tower on July 22, 2005 proposing additional lease space for Verizon Wireless
 - They would require an 11' x 15' space for a diesel generator site to provide emergency backup power in the event of a power outage.
 - LCRBDC will coordinate and negotiate, after receipt of information from Chicago Tower.

B. Chase Street Farm Stand

- 1. Received a "hand written" notice from Bert Witvoet on October 27, 2005 that the final day of business was October 15 and that premises will be vacated on October 31, 2005.
 - Premises was vacated on October 31, 2005.
 - Final field visit was held with lessee on November 10. Received all keys and inspected premises and they were found to be satisfactory.
- 2. All closure structure material was re-located to the adjacent "Nike site" which is currently being used by the Gary Fire Dept. as a training site. This was done on October 26 by the United Water Services.
 - The spare parts for the (4) Gary pump stations, were re-located in a spare building at the GSD Headquarters on the same day. An inventory list was completed as the material was loaded on their truck.
 - LCRBDC is working with them to finalize the list, and turn these over to Gary as part of the O&M acceptance by the city.
- 3. Building is being occupied Staff recommended leasing this facility, and property, over to the city of Gary Fire Department for supplemental use for their training facilities at the November 9 Board meeting and the Commissioners made a motion to approve.
 - The Fire Department expressed interest in occupying this facility and said they could do so immediately, which would help LCRBDC to avoid vandalism, get heat in the building, and have insurance for an occupied building.

- Memo to LCRBDC attorney on November 21 for review and concurrence. Agreement will initially be for a term of one year for \$1.
- C. LCRBDC received a request from INDOT in early September for a permanent easement. This would be approximately a 10' strip south of their right-of-way between Harrison and Broadway.
 - Staff needs engineering detail of what will be put in place to see if it impacts our current levee.
 - INDOT contacted LCRBDC on November 30 indicating that their engineering firm will contact us for a review to assure their request will have no impact to our project.
- D. Ditch maintenance south of 35th Street between Chase and Grant is an ongoing problem.
 - 1. An e-mail was sent to Gary on October 27, 2005 requesting they clean and maintain this ditch. LCRBDC and Berkheimers have been doing this for years at their expense. (Awaiting response Ongoing)
 - Debris accumulates and dams up the ditch. The water table rises causing problems for Berkheimers. When the debris is removed, it flushes through our control structure east of Chase. This has forced the flap gate and sluice gate to not be able to close.
 - NIPSCO was also contacted on November 15 to see if they could clear the land south of the ditch on their R/W and also to lower their exposed gas services lines below the invert of the ditch bottom.

E. VIEW OUTDOOR ADVERTISING

- 1. A letter was sent to View Outdoor Advertising on October 18 as an approval to extend the length of the License Agreement to the end of 2005 as approved at the October 15 Board meeting.
 - Construction started on November 16, 2005, and is anticipated to be completed by December 21, 2005.
- F. Received approval from LCRBDC attorney, Chairman, and head of Land Management Committee to extend farm leases for (1) year.
 - Will probably be the last year for LCRBDC to farm because these lands are all part of the lands we will be turning over to Gary as part of their accepting O&M responsibility.



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CHARLIE RAY Porter County Commissioners' Appointment

VACANCY Governor's Appointment

DAN GARDNER
Executive Director

LOU CASALE Attorney November 3, 2005

Mr. Bert Witvoet Village Farm Stand d/b/a Chase Street Farm Stand 1 West Sibley South Holland IL 60473

Dear Bert:

I received your notice on October 27 that you had closed your business as of October 15. You also indicated you will be vacating the premises on October 31, 2005. I would like to have a field visit with you to review the condition of the building as well as to assure that all items that were in your possession, or that were left there, that are not the property of the Development Commission, are removed. I also need to get the keys for this building in order that we can get access to the building in the future. Please call me to arrange for a meeting whereby we can complete these actions. Thank you for your immediate response to this request.

Sincerely,

James E. Pokrajac, Agent

Land Management/

Engineering

·/sjm cc:

Bob Marszalek, LCRBDC

Arlene Colvin, LCRBDC, City of Gary

Lou Casale, LCRBDC attorney

Sandy Mordus

From:

"Angela M. Ogrentz" <aogrentz@cwblawfirm.com>

To:

<jthompson@atg.state.in.us>

Cc:

"'Gregory A. Sobkowski" <gsobkowski@hodgesdavis.com>; "Dan Gardner (LCRBDC)"

<littlecal@nirpc.org>; <E.Johnson@mail.house.gov>

Sent: Attach: Monday, December 05, 2005 12:04 PM Interlocal - City of Portage - Marina.doc

Subject:

Interlocal Agreement - Little Calumet River Basin Development Commission and the City of

Portage

Dear Mr. Thompson:

Attached please find revised Interlocal Agreement between the Little Calumet River Basin Development Commission and the City of Portage for the Transfer, Development and Operation of the Portage Marina. Please review and contact me with comments as quickly as possible.

Thank you,

Louis M. Casale CASALE, WOODWARD & BULS, LLP 9223 Broadway, Suite A Merrillville, IN 46410 (219) 736-9990 (219) 736-9991 Fax

e-mail: lcasale@cwblawfirm.com

LMC/amo

THIS MESSAGE ORIGINATES FROM THE LAW FIRM OF CASALE, WOODWARD & BULS, LLP. IT CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL OR PRIVILEGED AND IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE. IT IS PROHIBITED FOR ANYONE ELSE TO DISCLOSE, COPY, DISTRIBUTE OR USE THE CONTENTS OF THIS MESSAGE. ALL PERSONAL MESSAGES EXPRESS VIEWS SOLELY OF THE SENDER, WHICH ARE NOT TO BE ATTRIBUTED TO CASALE, WOODWARD & BULS, LLP, AND MAY NOT BE COPIED OR DISTRIBUTED WITHOUT THIS DISCLAIMER. IF YOU RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY AT 219.736.9990. THANK YOU.

INTERLOCAL AGREEMENT BETWEEN THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION AND THE CITY OF PORTAGE FOR THE TRANSFER, DEVELOPMENT AND OPERATION OF THE PORTAGE MARINA

WHEREAS, the Little Calumet River Basin Development Commission, a public body corporate and politic, organized, existing and operating under the laws of the State of Indiana, hereinafter the "COMMISSION" and the City of Portage, a municipal corporation organized existing and operating under the laws of the State of Indiana, hereinafter the "CITY" entered into an Interlocal Cooperation Agreement dated the 3rd day of October, 1991 for the construction and operation of a public access marina, boat launch ramps and ancillary facilities in the City of Portage, State of Indiana, a copy of which is attached hereto and marked Exhibit "A," hereinafter the "INTERLOCAL AGREEMENT;" and,

WHEREAS, the COMMISSION and the CITY have, pursuant to the attached INTERLOCAL AGREEMENT operated, maintained and developed a public access marina, boat launch ramp and ancillary facilities hereinafter to be referred to as the "PORTAGE MARINA;" and,

WHEREAS, the COMMISSION owns fee simple title to the underlying real estate upon which the CITY operates the PORTAGE MARINA; and,

WHEREAS, the CITY desires to complete the development of the PORTAGE MARINA and to operate it solely at its expense and pursuant to the Local Cooperation Agreement between the COMMISSION and the U.S. Army Corps of Engineers a copy of which is attached hereto and marked Exhibit "B," hereinafter the "LCA," upon the transfer of ownership of the underlying fee simple title to the real estate upon which the PORTAGE MARINA lies from the COMMISSION to the CITY; and,

WHEREAS, the COMMISSION and CITY desire that this AGREEMENT replace the INTERLOCAL AGREEMENT attached hereto.

NOW THEREFORE, in consideration of the mutual promises and covenants set out herein, the undersigned parties promise and agree as follows:

A. <u>DURATION, PURPOSE AND FINANCING.</u>

- 1. The term of this Agreement shall be from the date it is signed by both parties hereto and shall thereafter run concurrently with the "LCA" and shall terminate either upon termination of the LCA or upon substitution of the CITY for the COMMISSION as Local Sponsor in the LCA and termination of the COMMISSION'S obligations regarding the Midwest Steel Jetty as outlined in paragraph 3a herein.
- 2. The purpose of this Agreement is to effectuate the transfer of ownership of the real property upon which the PORTAGE MARINA lies from the COMMISSION to the CITY, and thereafter for the CITY to complete the development, maintenance and operation of the PORTAGE MARINA in conformance with the LCA, the funding for which shall be furnished solely by the CITY. The Portage Port Authority will budget for the construction, operation and maintenance of the Marina and will be responsible for the administration thereof.

B. TRANSFER OF REAL ESTATE AND MARINA DEVELOPMENT

- 1. Upon the execution of this Agreement by the COMMISSION and CITY, and approval by the Attorney General of the State of Indiana, the COMMISSION shall execute a quit claim deed in the form as attached in Exhibit "C" conveying fee simple title to the CITY of the real estate underlying the PORTAGE MARINA to the CITY.
- 2. After transfer of the said real property from the COMMISSION to the CITY pursuant to this Agreement, the CITY shall commence, at its sole cost and expense, to complete the development of the PORTAGE MARINA in conformance with the LCA.
- 3. Operation and maintenance of the PORTAGE MARINA shall continue at the sole cost and expense of the CITY.

C. <u>ASSUMPTION OF OBLIGATIONS</u>

- 1. The CITY agrees to assume the obligation to any and all financial institutions and or owners of the revenue bonds sold to finance development of the PORTAGE MARINA pursuant to the INTERLOCAL AGREEMENT attached hereto, and shall execute any and all documents as is necessary to assume said obligation and to relieve the COMMISSION therefrom or, in the alternative, to indemnify and hold the COMMISSION harmless from said obligations.
- 2. The CITY and COMMISSION entered into a lease with NIPSCO, a copy of which is attached hereto and marked Exhibit "D," hereinafter the "NIPSCO LEASE," so as to allow the operation and development of access and parking for the PORTAGE MARINA. The CITY hereby agrees to provide lease payments and all other payments thereunder and to hold harmless and indemnify the COMMISSION from any liability, lawsuit, claim or damage arising by reason of the NIPSCO LEASE and will endeavor to assume all obligations thereunder subject to NIPSCO'S acquiescence thereto.
- 3. The CITY hereby agrees to assume at its sole cost, the ongoing maintenance obligations of the COMMISSION under the LCA with the U.S. Army Corps of Engineers, except as provided in Paragraph C3a below, and shall legally substitute itself as local sponsor in said LCA, subject to U.S. Army Corps of Engineers concurrence.
 - a. The COMMISSION shall retain maintenance responsibility for the Midwest Steel Jetty as provided in Paragraph 1J of the LCA for a period of five (5) years from the date of this Agreement or until the Midwest Steel Jetty is federalized, whichever comes first. In the event the Midwest Steel Jetty is not federalized within five (5) years

the CITY will be responsible thereafter for its maintenance as provided in the LCA.

- 4. The CITY agrees to indemnify and hold the COMMISSION harmless from any and all damages, claims, liability or action that may have arisen or that might arise during, or as a result of, the ownership, development, operation and maintenance of the facilities by the CITY or pursuant to the operation and development of the PORTAGE MARINA pursuant to the INTERLOCAL AGREEMENT unless caused by the negligence of the COMMISSION or its contractors or employees.
- 5. If any term, covenant or condition of this Agreement or the application thereof shall be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition other than those as to which are held invalid or unenforceable, shall not be affected thereby and each term, covenant and condition of this Agreement shall be valid and may be enforced to the fullest extent permitted by law or in equity.
- 6. The administration and oversight of the terms and conditions of this agreement shall be governed by the JOINT BOARD which shall be composed of the Mayor of the CITY and the Chairperson of the COMMISSION who will meet at least quarterly to oversee the terms and conditions and operation, construction and maintenance of the Marina, and of this agreement and insure compliance with the LCA.
- 7. This Agreement shall bind the successors and assigns of the Parties hereto, and shall not be assignable without the written consent of the Parties hereto.
- 8. This Agreement is subject to U.S. Army Corps of Engineers and the State of Indiana Attorney General's approval.

The Parties sign, seal and deliver, 20	this document this day of
THE CITY OF PORTAGE	THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
BY: TITLE:	BY: TITLE:
ATTEST:	ATTEST:
BY: TITLE:	BY: TITLE:
REVIEWED AND APPROVED:	
STEVE CARTER, ATTORNEY GENERAL FOR THE STATE OF INDIANA	

This instrument prepared by:
LOUIS M. CASALE, Casale, Woodward & Buls, LLP,
9223 Broadway, Suite A, Merrillville, IN 46410, Telephone: 219/736-9990

REVIEWED AND APPROVED:	
UNITED STATES ARMY CORPS OF ENGINEERS	
BY: TITLE:	

This instrument prepared by:
LOUIS M. CASALE, Casale, Woodward & Buls, LLP,
9223 Broadway, Suite A, Merrillville, IN 46410, Telephone: 219/736-9990

DEVELOPMENT COMMISSION ATTENDANCE ROSTER

NAME OF MEETING: /	CR	B	DC	DATE:	12	-7-	05	

LOCATION: 6100 Southpart Rd. Portage CHAIRMAN: Bill Biller

PLEASE SIGN IN

	PLEASE SIG	
	NAME (PLEASE PRINT)	ORGANIZATION, ADDRESS, PHONE NUMBER
1	JOSH REASONER	R.W.ARMSTRONG (219)738-2258
2	Imad Samara	BCOE
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12-7-08

6100 Southport Pd. Portage Bill Biller