

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
 HELD AT 6:30 P.M. THURSDAY, FEBRUARY 4, 1988
 AT THE COMMISSION OFFICES
 8149 KENNEDY AVENUE, HIGHLAND, INDIANA

The meeting was called to order at 6:30 p.m. by Chairman John DeMeo. Ten Commissioners were present. Guests were recognized and quorum was declared.

Development Commissioners:

Michael Doyne
 George Carlson
 Jack Swike
 Charles Agnew
 William Tanke
 Arlene Colvin
 John DeMeo
 Doyle Niemeyer
 Jerry Pagac
 David Springman

Staff:

Dan Gardner
 Bruce Stouffer
 Lou Casale
 Sandy Mordus

Visitors:

Terry McCloskey - Izaak Walton
 League
 Rickey Austin - Black Oak
 Citizens for Better
 Government
 J. Blee - Black Oak
 Robert Frum Jr. - Lefty's Coho
 Tom Webber - Lefty's Coho
 Pete Zak - South Shore Marina
 Mary Jane Zak - " "
 Stephen Davis - Indiana DNR
 Richard Bundy - Salmon Unltmd.
 Don & Elinor Ewen
 Ernie Davis - LCRBC

The minutes of the January 7, 1988 meeting were approved by a motion from Clyde Baughard; motion seconded by George Carlson; motion passed unanimously.

Chairman DeMeo introduced a new Commission member, Mr. David E. Springman from Crown Point, who has been appointed by the Governor. He will serve the unfilled term left by the death of Don Duran through 12/31/89.

Chairman DeMeo appointed the committee chairman for the year 1988. They are as follows:

Finance/Policy Committee - Arlene Colvin
 Interim Flood Control Committee - Clyde Baughard
 Land Acquisition/Management - Charles Agnew
 Legislative Committee - George Carlson
 Breakwaters/Marina Committee - William Tanke

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Mr. DeMeo stated that anyone wishing to serve on a different committee should inform staff by the next meeting.

Finance/Policy Committee - Treasurer Arlene Colvin presented the financial report for year end December as well as the claims for December & January. Arlene Colvin made a motion to approve the claims as presented; seconded by Clyde Baughard; motion passed unanimously.

Ms. Colvin reported that interest rates have been reviewed quarterly and it appears that Mercantile Bank has the highest overall average interest rate and that Gainer Bank has the lowest overall average interest rate. Ms. Colvin made a motion that the \$350,000 presently invested in Mercantile on a 30 day rollover be changed to yield a higher interest rate on a 12 month rollover and that she be authorized to investigate which bank in Porter County presently has the highest rate on a 12 month rollover and invest accordingly; motion seconded by Chuck Agnew; motion passed unanimously.

Colvin also reported that the total NIRPC expense incurred in 1987 was approximately \$2,000 lower than incurred in 1986.

Legislative Committee - Committee Chairman George Carlson referred to a letter from Richard Carlson, Chief of Planning Div. for the Corps, which transmits the draft and explains the Local Cooperation Agreement. A meeting was held on 1/27/88 with the Corps to discuss this agreement. In attendance at that meeting was Mr. Carlson, Bill Tanke, Mike Doyne, Lou Casale and Dan Gardner. Although the final LCA will not be signed until the first construction contract is to be implemented, the Corps wishes to forward a negotiated draft LCA in the Phase II GDM to Headquarters, Corps in Washington for their review and approval. The final LCA will be signed by the Corps and the Development Commission. The Development Commission will enter into separate local cooperation agreements with the various districts involved in the project. Mr. Gardner stated that similar meetings will be held again with the Corps until a workable, acceptable agreement is reached.

Mr. Carlson reported that H.B. 1109, the bill that replaces the personal property tax on boats with a boat excise tax was not afforded a hearing by the Chairman of the Ways & Means Committee. The bill can still piggyback onto another bill during the Senate process. If the amended bill then passes the Senate, it will return to the House for concurrence.

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Land Acquisition/Management Committee - Chairman Chuck Agnew reported that DC215 (John Nimetz property) has closed. A signed option has been received on DC112 (Temple Israel). Based on committee review, Mr. Agnew made a motion that a counter offer of \$29,700 be accepted from EJ&E R.R. subject to attorney working out agreement between the two parties (original appraisal was \$27,000 because property was thought to be land-locked); motion was seconded by Clyde Baughard; motion passed unanimously.

Mr. Agnew made a motion that the attorney be authorized to take whatever legal action is necessary in order to clear Commission property DC57 of items left by previous owner; seconded by Clyde Baughard; motion passed unanimously.

Mr. Agnew then made a motion to add William T. Davies to the Commission's list of qualified surveyors; motion seconded by Clyde Baughard; motion passed unanimously.

Mr. Agnew made a motion to amend the lease of Gary Dunlap to include an additional 3 acres just acquired by the Commission which brings the total lease amount to \$2,785; motion seconded by Clyde Baughard; motion passed unanimously.

Interim Flood Control Committee - Arlene Colvin reported that a meeting was held on 1/26 between the Corps, Commission staff and Gary officials for the purpose of familiarizing the new Gary officials with the Corps plan for flood control in Gary.

Mr. Gardner stated he and Dave Hunter from the Corps met with some of the Woodmar County Club board members regarding how the Corps plan would affect the Woodmar C.C. Members seemed to be in agreement with the plan. Communication would be maintained.

Mr. Gardner also stated a meeting was held on 1/28 at I.U. Northwest/Gary in which the Corps presented the recreation plan to various park boards involved. This meeting was held prior to a Trails meeting held the same day. More coordinating meetings will be held with the Corps and park superintendents to finalize the recreation plan.

Ms. Colvin referred to a letter written to the IDOH bringing to their attention the Fairbanks St. culvert under the Borman is clogged and in need of cleaning.

Lou Casale has been investigating ownership of Erie R.R. bridge. He reported he has received original deed from L.B. Foster; he will now check to see if it matches those deeds granted to DNR and city of Hammond. The Commission should be able to obtain

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quit claim deeds from entities needed to allow the Development Commission to assume ownership as long as legal descriptions all match. Staff will continue pursuance.

Ms. Colvin reported that a permit application on the Harrison St. bridge replacement has been received from the DNR for the Commission to concur that this project is compatible with the flood control project. Bill Tanke suggested that a letter from the Corps be obtained stating the Corps concurs with the proposal.

Preliminary plans for Grant St. bridge replacement are also contained in packet.

Breakwaters/Marina Committee - Committee Chairman Bill Tanke deferred to the attorney for his announcement that the Appellate Court has ruled in the Commission's favor with regard to Commission's condemnation action with Lefty's Coho Landing. Mr. Casale also reported he has just received a ruling from the Jasper County Circuit Court on the lawsuit filed against the Commission by Lefty's Coho. The Court dismissed the suit filed by the plaintiffs.

Mike Doyne stated he and Dan Gardner have met with Mayor Sammie Maletta from Portage to discuss the city's position on marina development. The city is looking at the possibility of building the marina themselves. They will respond back to the Commission. Other items of importance, such as phone line relocation, raising the bridge over the waterway, dredging, etc. were also discussed. The mayor is very supportive of marina development in the city.

Mr. Tanke stated the meeting with the Corps on 1/27 went very well. Col. Franco suggested quarterly meetings be held between the Commission and the Corps so a clear line of communication will be established between both parties. C-Way claim was discussed; Corps will keep the Commission informed.

Statements to the Board - Mr. Tom Webber, attorney for Lefty's Coho Landing, referred to an item in the previous meeting minutes in regard to the last lease fee that was payable to the Commission. He stated that it was referred to as an unpaid bill with Lefty's for \$3500. He stated that the lease was entered into with the Brock family for a ten year period, May 1 to end of April on a yearly basis. He further stated that the attorney, with direction from the Commission, sent correspondence to Lefty's Coho Landing terminating their use of the property at the end of the 1987 boating season, which is approximately October 1, 1987. Thus, he contended they were deprived of the use of that

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land for approximately seven months. Mr. Webber feels that only half that year's payment should be made to the Board and that payment was previously made. Consequently, this is the reason the \$3,500 was not paid. Mr. Webber asked the Commission, by motion, to withdraw its instruction to its counsel to proceed with the lawsuit with Lefty's over failure to make the last payment.

Lou Casale, attorney for Commission, asked permission to review his file in light of Mr. Webber's comments and report back with a recommendation at next meeting. Mr. Tanke made a motion for the attorney to report back with his findings; seconded by Jack Swike; motion passed unanimously.

Richard Bundy, Salmon Unlimited, stated he felt public comments should be included in the minutes. They were previously left out. Clyde Baughard made a motion for the attorney to investigate the proper contents of minutes and report back; seconded by Mike Doyne; motion passed unanimously.

A request was made to the Board from John Blee to contact the Lake County Highway Dept. to see about bridge replacement on Colfax and Burr Streets. Jack Swike responded by suggesting all private people write to the Lake County Councilmen urging them to increase the appropriations for Lake County highway maintenance; the present bridge tax is not sufficient to cover all the repair/replacement of county bridges.

Terry McCloskey, Izaak Walton League, inquired if anyone had seen the recent fill activity of Mr. Halcarz. Mr. Gardner responded that the Detroit Corps is seeking a funding source to offset the cost of sampling work the Corps is considering having done in that area to determine quality of fill. Mr. McCloskey also inquired whether any new information has developed on the Corps' citation of the Lake County Commissioners and Lake County Park Dept. for the illegal dump on Chase St. Attorney Casale responded that no new developments have incurred.

Rickey Austin, Black Oak Citizens for Better Government, thanked the Board and staff for writing the letter to the State Highway re. culvert clogging at Fairbanks. He also informed the Board that on January 22 there was a diesel fuel leak at Truck Stops of America that went into the storm ditches in area. Mr. Austin was informed by Jack Swike that there is a recently formed county committee in Lake County to deal with the Hazardous Material Response Program in which Mr. Lamprecht, Civil Defense Director, coordinates.

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Dan Gardner stated that the State Highway Dept. has been out to inspect Fairbanks culvert at I-94 and has determined that the culvert itself is functional; the problem is other culverts upstream and downstream that are not draining well. Interior drainage is the problem and relief must be sought in that area.

Ernie Davis, LCRBC and Black Oak resident, informed the Board of a 140 acre sandpit in the Little Calumet River watershed that is being considered to be used as a garbage dump. He asked the Board if they would investigate matter to see what could be done to stop it (either in the way of a restraining order or a letter to the Dept. of Environmental Management). Chairman DeMeo asked the attorney to consider what legally could be done.

Robert Frum, Jr., Lefty's Coho Landing, inquired if the Commission has itemized expenditures of what has been spent thus far on the small boat harbor in Portage. He was informed that all Commission expenditures are public record and are kept in the files at the Commission office.

The next meeting was scheduled for 6:30 p.m. Thursday, March 3, 1988. There being no further business, the meeting adjourned 8:00 p.m. by a motion from Clyde Baughard; seconded by Mike Doyne.

/sjm

