

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. THURSDAY, JULY 6, 2000
AT THE COMMISSION OFFICE
6100 SOUTHPORT ROAD
PORTAGE, INDIANA**

Chairman Emerson Delaney called the meeting to order at 6:30 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Quorum was declared and guests were recognized.

Development Commissioners:

John DeMeo
Charles Agnew
Emerson Delaney
George Carlson
John Mroczkowski
Steve Davis
Curt Vosti
Bob Huffman
Arlene Colvin

Visitors:

Bill Petrites, Highland resident
Jomary Crary - IDNR
Jim Flora, R.W. Armstrong Company
Don Ewoldt, LEL
Donna Gonzalez, Dunes/Cal.Audobon
Howard Anderson, F.T.A.
Louise Karwowski, Sierra Club
George Smolka, Sierra Club
Herb Read, Izaak Walton League
Bill White, COE
Imad Samara, COE

Staff

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

Chuck Agnew made a motion to approve the minutes of the June 1st meeting; motion seconded by Bob Huffman; motion passed unanimously.

Chairman's Report – Chairman Emerson Delaney referred to Dan Gardner for a brief discussion on the incoming new Colonel. Mr. Gardner stated that the Change of Command ceremony to officially welcome the new Colonel will be held on July 25th. We have been invited. Also, the new Colonel Mark A. Roncoli is scheduled to meet in our office at 1:30 p.m. on July 17th. All Commissioners are invited. He will meet staff and be given a presentation on the flood control/recreation project.

Executive Director's Report – Mr. Gardner reported on the partnering coordination meeting held with the COE on June 7th from 8 a.m. to 6 p.m. The purpose of the meeting was to establish how we would be able to begin and maintain construction in the west reach in a timely manner, namely to be completed by 2006. At that meeting, there were 5 areas where teams were established and staff assigned to them. The teams were: (1) utility relocations, (2) land buying, (3) appraisals, (4) permitting, and (5) scheduling. A team leader was selected and it was established that there would be monthly meetings and phone calls in between to keep on a fast pace schedule. Overall, it was a very good meeting. Mr. Gardner thanked Judy Vamos for the time and effort put into

preparing a schedule that we felt would work. Bill White added that this is the first time that we've actually sat down and prepared a schedule together and actually identified ways on meeting that schedule. We've identified where the overloads would be and then identified ways to handle those overloads. Curt Vosti asked about the teams that were set up. Mr. Gardner stated that he felt it was appropriate that staff head the teams since we are the local sponsor. Judy Vamos added that she has identified 389 properties in the west reach (Cline Avenue to the IN/IL state line) that will need easements on. We are bringing in appraiser Dale Kleszynski to act as a "manager" over the appraisers that would be working for us. Bob Huffman asked how the facilitator of the meeting worked out. Mr. Gardner replied he did a very good job and was very impressed as to the preparation we had done.

Mr. Gardner introduced Bill White, Chief of Real Estate, and Imad Samara, Project Manager for the Little Calumet River project. He summarized his letter written to Col Rowan on June 15, 2000 seeking the COE's written position on respective mitigation responsibilities and our reiteration that the best way to proceed is to publicly advertise for proposals if property outside the river corridor is required for the mitigation plan. Mr. Gardner referenced the letter by Attorney Casale on September 9, 1998 seeking clarification of the same issues. In summary, he stated that the position of the Commission is to use the lands purchased with State of Indiana funds to the extent possible as they were along the river corridor and already in the control of the Development Commission. We feel that this would be most cost effective and environmentally appropriate. The Hobart Marsh component of the mitigation requirement should be pursued only after our lands are fully investigated.

Mr. Gardner stated that the COE seemed to be in agreement with a public solicitation but upon Washington level review, the position came back to us that the Commission is still responsible for providing the lands for the mitigation. This would make it very difficult for a comprehensive solicitation since lands would be split from implementation and maintenance. He stated that the reason Bill White and Imad Samara have been invited to this meeting was to respond to these two letters, to clarify the COE's position, and to answer questions.

Mr. Gardner read Col. Rowan's letter aloud. Bill White responded that this is a difficult process since lands identified are outside of our jurisdiction and that a third party would probably have to do the acquisition. He added that anyone who wanted to offer lands could do so for evaluation. Bill White added that he felt that it was still possible to do a segmented solicitation once lands were identified. Imad Samara added that following Federal regulations are simple if we could identify the lands first. Don Ewoldt spoke saying that he felt there was enough land but felt that the COE does not have enough money identified. Wetlands in the Chicago area are going at \$40,000 an acre for mitigation not including land acquisition. The COE responded that their budget was thought to be adequate once all of the lands are identified.

Don Ewoldt commented that the COE is sending a signal that an acre in Indiana is worth only \$6,000 compared to \$40,000 in Illinois. Curt Vosti then asked the COE how the Commission lands were determined to be not suitable for mitigation. Imad Samara responded by saying that the original FDM plan was not coordinated with IDNR, IDEM, or F&W. As they finalized the plan, it was determined that forested wetlands had to be restored and the more they looked at the Commission lands, the less they appeared suitable. It was at that time

that Hobart Marsh was identified. Curt Vosti questioned the geographic distance between the two areas. Jomary Crary stated that the IDNR permit approved in 1995 conditions the type of wetlands to be restored. DNR states that the COE must comply with the permit or construction cannot begin in the west reach. Discussion then centered on how the Hobart Marsh was identified and studied and then emerged as suitable for mitigation.

Mr. Vosti made a motion to dispense with normal proceedings of the meeting and allow the public to speak; motion seconded by Bob Huffman; motion passed unanimously. The following is a summary of the comments that were offered on the wetlands:

George Smolka (Sierra Club) asked if lands abutting the construction are highly impacted wetlands and what are their quality?

Howard Anderson (Fur Takers of America) answered that they were high quality wetlands.

Mr. Gardner added that he thinks our own lands that have been bought with public dollars should be considered first.

Howard Anderson – By using donations from environmental groups, we could conceivably end up with a better area of wetlands.

Herb Read (Izaak Walton League) asked what LEL has in mind for in between the levees.

Don Ewoldt (LEL) – Stated that LEL wants to restore or enhance as much as possible. His main concern is the cheaper value being put on Indiana lands.

Herb Read – Lands in between the levees should be used for what was intended years ago.

Howard Anderson – It is easier to buy forested wetlands than to plant forested wetlands.

Herb Read – You cannot just substitute wetland for wetland. You need to take a piece of land not destroyed and develop it into a wetland.

Don Ewoldt – An entity has to be able to maintain the lands. Costs are high. Ratios are set so there is no net loss because you will have some loss of plantings.

Donna Gonzales(Dunes/Cal Audubon) – Land costs are much higher in Illinois so mitigation lands probably would be higher than Indiana.

Don Ewoldt expressed the concern of setting a precedent.

Imad Samara (COE) Says you cannot compare government lands against private lands relative to mitigation.

Bill White (COE) – Wetlands are scarce in Illinois and that makes a difference.

George Smolka – He distributed a letter that he is sending to the COE strongly supporting the Hobart Marsh area. He thinks this is the most cost effective way to go.

Bob Huffman (LCRBDC) – Asked how the COE can dictate to us what they want without us agreeing to it.

Lou Casale (LCRBDC Attorney) – His concern is the administrative ability to do Hobart Marsh. The Commission, because of the jurisdiction boundary, cannot hold interest in the land. The COE is asking us to supply the money to purchase it but then cannot hold interest. Administratively, he does not know how we can do this.

Imad Samara – If someone else owns the land, he sees the Commission entering into an agreement with the owner for right-of-entry for operation and maintenance. If O&M does not get done, it would revert to IDNR.

Imad Samara – By doing a public notice, we will get some proposals in. The COE is against doing an RFP for the entire package. They want to identify lands first. We need an agreement with a third party.

Bob Huffman - How are lands deemed acceptable?

Imad Samra – Replied that they need to be economically viable.

Donna Gonzales – She understood that lands have already been identified in Hobart Marsh. What kind of different lands are we looking for?

George Smolka – Delay of time is a real concern. We need to proceed quickly before the lands in Hobart Marsh are gone.

Mr. Vosti then made a motion to return to the order of business; motion seconded by John DeMeo; motion passed unanimously.

Mr. Gardner added that we will proceed as quickly as we can with the mitigation discussions with the COE.

Mr. Gardner referred to the letter in the packet from Bill Petrites about his concern of adequate drainage in the area once the Indpls. Blvd. bridge comes down. Mr. Petrites has a concern with INDOT's mapping in regard to drainage. Mr. Gardner shared a letter with him that had been sent to INDOT by the COE expressing the same concern. We will have a discussion with the town of Highland and pursue the discussion with INDOT.

Land Acquisition/Management Committee – Committee Chairman Chuck Agnew reported there were no increased offers or condemnations. Mr. Agnew made a motion approving staff to select lowest bidder on getting some selected levees mowed; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Agnew then proceeded to make a motion to approve the Commission providing 2.5 acres of land for mitigation to the town of Highland (to allow for an extension of Franklin Street) in exchange for some property that we will need from Highland for our construction project; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Agnew then made a motion directing the attorney to draft a new lease agreement with Stan Stann to increase his lease payment according to the Metropolitan Chicago Consumer Price Index; motion seconded by Arlene Colvin; motion passed unanimously. Mr. Agnew then made a motion to donate 5 gallons of paint to the Urban League of Northwest IN (cap of \$100) to paint their building since it was dirtied because of our construction in the immediate area; motion seconded by Curt Vosti; motion passed unanimously. Mr. Agnew also reported on a meeting held July 13th relative to the handicapped park discussions. The architect was at the meeting and had plans available. The attorney is working out an agreement to allow for this development.

Project Engineering Committee – Committee Chairman Bob Huffman gave the engineering report. He informed the Board that a pre construction meeting for Burr Street betterment levee was held on June 6th. COE says contractor utilities were there; minority participation reports were discussed. Jim Pokrajac added that the staging area is being set up. No construction has started yet. Mr. Huffman also reported that bids were received on June 26th for the pump station 1B project. The low bid was received from Thieneman Construction and was below the government estimate. Mr. Huffman then reported a design review coordination meeting with Hammond and the COE was held on June 28th to review upcoming contracts.

Legislative Committee – Committee Chairman George Carlson reported on the meeting held earlier today in the Congressman's office. Mr. Gardner, attorney Lou Casale and the Legislative Committee met with the Congressman and his staff to reiterate to him our need for increased dollars in order to keep up with the COE construction. The Congressman has been very successful in securing large sums of Federal dollars but we, in turn, have not been as successful in securing State dollars. The Congressman did seem very receptive and understood our plight. Mr. Gardner feels that it is essential to be in the Governor's budget. We will try to schedule a meeting with Pete Manous, who can talk on our behalf to the Governor. Mr. Gardner will also talk to key legislators and the Congressman will talk to the Governor. The Congressman would like to see this project completed so he can move on to other commitments. August 1st is the deadline for the Commission to send in the budget request for 01/03.

Recreational Development Committee – Committee Chairman Curt Vosti reported that the handicapped park discussions seem to be moving forward. He also indicated that the COE appear to be receptive to the idea of moving the trail to the landward side of the I-wall to allow better connection of all 4 trails. Imad stated that he would officially respond to our request letter soon. Mr. Vosti asked staff to prepare a list of proposed recreational enhancements for the west reach.

Marina Committee – In Committee Chairman Bill Tanke's absence, Mr. Gardner gave an update on the dredging of Burns Waterway. Commissioner Steve Davis stated that the dredging is complete now and the dredgings are being placed on the beach. Mr. Tanke also stated that discussions are underway with Jerry Hodges, Portage Port Authority, as to the completion of the marina. The additional 100 slips are still the Commission's obligation to construct.

Finance Committee – Committee Chairperson Arlene Colvin referred to the monthly financial status sheet and claims in the amount of \$72,986.85. She proceeded to make a motion to approve the financial status sheet and the June claims; motion seconded by George Carlson; motion passed unanimously. Ms. Colvin also referred to the letter from Valparaiso Insurance Professionals for the renewal of the Commission's liability policy to cover our property. She proceeded to make a motion to renew the insurance; motion seconded by George Carlson; motion passed unanimously.

Minority Contracting Committee – In Committee Chairman Marion Williams' absence, there was no report.

Other Business – Commissioner Curt Vosti welcomed John DeMeo back from his months in Florida. Commissioner Bob Huffman asked that an effort be made in getting the committee agendas out in the mail with the regular agenda meeting packet a week before the meeting date. Executive Director Dan Gardner thanked the Legislative Committee members for accompanying him to the Congressman's office.

Statements to the Board – Herb Read thanked the Board for the discussion on the mitigation topic and although it took a lengthy amount of meeting time, he felt the discussion time was worth it. Mr. Gardner assured him that we are making every effort in working with the COE to find a solution everyone can live with.

There being no further business, the next regular Commission meeting was scheduled for 6:00 p.m. Thursday, August 3, 2000.

/sjm