

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION  
HELD AT 6:00 P.M. THURSDAY, AUGUST 2, 2001  
AT THE COMMISSION OFFICE  
6100 SOUTHPORT ROAD  
PORTAGE, INDIANA**

Chairman William Tanke called the meeting to order at 6:10 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Quorum was declared and guests were recognized.

**Development Commissioners:**

George Carlson  
John Mroczkowski  
Mark Reshkin  
William Tanke  
Steve Davis  
Bob Huffman  
Emerson Delaney  
Arlene Colvin  
Curt Vosti

**Visitors:**

Bill Petrites – Highland resident  
Jomary Crary – IDNR, Div. of Water  
Malinda Fultz – IDNR.  
Beth Tallon - IDNR  
Greg Main - IDNR  
Dale Gick - IDNR  
David Knipe - IDNR  
Sandy O'Brien - Hobart  
Jim Flora - R.W.Armstrong Company  
Louise Karwowski – Sierra Club  
Imad Samara - Corps of Engineers

**Staff:**

Dan Gardner  
Sandy Mordus  
Jim Pokrajac  
Judy Vamos  
Lou Casale

Commissioner Curt Vosti made a motion to approve the minutes of July 5, 2001; motion seconded by Bob Huffman; motion passed unanimously.

**Executive Director's Report** - Executive Director Dan Gardner reported that a meeting was held earlier today with IDNR, FEMA, ACOE and the LCRBDC to discuss the procedure of removing the city of Gary from floodplain designation. Mayor King is anxious for this procedure to begin. A field visit took place. IDNR & FEMA were shown portions of the completed project area in the east reach and then shown what work will need to be done in the west reach. DNR and FEMA are hoping to schedule a second meeting involving the county. Since the FEMA floodplain maps are outdated, they are looking at county by county map revisions and focusing on the Little Calumet River corridor. Mr. Knipe, section manager at DNR, talked about the physical map changes. They need to see exactly what modeling the COE has available also. Commissioner Arlene Colvin asked if, by looking at a countywide project, that would delay the time for Gary to come out of the floodplain. Commissioner Vosti also expressed his concern regarding the time factor. He asked who at DNR would be making that decision. He was told that the DNR personnel that attended the tour today would be involved in the decision making. Mr. Gardner suggested involving the Lake County Surveyor's office as they are actively working on watershed improvements and stream management.

Mr. Gardner talked about the mitigation issue. Now that the Commission has been approved to draw on the \$3 million allocated to us, we should be able to move forward. Attorney Casale has sent the draft of the third party agreement to the Shirley Heinze Environmental Fund (SHEF) group. They are reviewing it. COE also has the agreement for their review. Mr. Gardner will be calling Ron Trigg from SHEF to talk to him about it. Mr. Gardner has talked to Dale Engquist of IN

Dunes National Lakeshore about the possibility of the National Lakeshore managing the project mitigation lands and they are preliminarily interested. We will meet again with them and inform Congressman Visclosky's office. Mr. Gardner added that in the Hobart Marsh mitigation area, offers will be made on a willing seller-willing buyer basis. Commissioner Huffman asked if SHEF was the only group that we sent the agreement to and he was told that they were the only organization, at this time. Commissioner Mark Reshkin agreed that it is appropriate that SHEF be the only group at this time, even though there are other entities out there that we could approach at a later date. Commissioner Vosti, referring back to the original mitigation meeting we had with the COE, asked whether the matrix that the COE prepared is still the guiding document. Mr. Gardner replied that it is. Jomary Cray stated that the DNR has not yet received the mitigation plan from the COE. Imad Samara, COE project manager, stated that Greg Moore is working on it and it should be completed and submitted to DNR in about 2 weeks.

**Land Acquisition/Management Committee** – Committee Chairperson Arlene Colvin gave the report. She proceeded to make a motion for an increased offer on DC600 from \$3500 to \$4000 to avoid condemnation; motion seconded by Bob Huffman; motion passed unanimously.

She reported that appraisals on Woodmar Country Club and Wicker Park are expected to be completed by mid August.

C&H Mowing has completed the mowing on the Burr Street to I-65 levee segments.

We will contact IU Northwest Professor Kenneth Brock (when he returns from vacation) to discuss his request for mud flats for waterfowl in the Chase to Grant 200 acres the Commission owns.

Ms. Colvin informed the Board members that the Charles Agnew Handicapped Park will be featured as the proto-type of a first class handicapped accessible park in the manufacturer's (Playworld Systems Inc.) new 2002 catalog.

Commissioner Curt Vosti requested an Executive Session be scheduled in September so we can talk about some real estate issues.

**Project Engineering Committee** – Committee Chairman Bob Huffman gave the engineering report. He reported that a final inspection was held on July 23<sup>rd</sup> for Stage IV Phase 2B (Clark to Chase) and the East Reach Remediation area (surrounding Marshalltown).

Discussion took place on July 19<sup>th</sup> with North Township and the Town of Munster regarding re-alignment of the levee adjacent to Hart Ditch. It appears that North Township will compromise moving westward for some modified design considerations.

A plan-in-hand meeting was held on July 31<sup>st</sup> for Burr Street Betterment levee Phase 2. Jim Pokrajac added that the COE has the final specs and staff will be commenting on them shortly. A survey and field visit was done and it appears that much of the construction will be in a very wet swamp-like area so some changes may have to be done to the plans. Commissioner Delaney expressed concern about possible higher costs because of field conditions being so wet.

Commissioner Huffman reported that the COE has substantially completed most of the concerns that the Gary Sanitary District had regarding engineering and hydrology. A meeting needs to be scheduled with Gary Sanitary, city of Gary, WREP and the COE to address any remaining questions/issues and the future operation and maintenance. Commissioner Vosti expressed his concern about the importance of local participation when it comes to operation and maintenance of the pump stations. Commissioner Reshkin asked if this project can reach completion without a shared responsibility; Mr. Gardner answered that he thinks not.

**Legislative Committee** – Committee Chairman George Carlson referred to the letter in the packet addressed to Dan Novreske at the State Budget Agency. The letter outlines the steps we have taken to continue to pursue that past appropriations are reviewed for additional credit and the release of existing and future appropriations will receive full credit by the COE. Discussion was held about the COE signing off for creditability on the Commission's draws before

their submittal to the State Budget Agency. Staff and the COE are working on language that would be acceptable to both parties. Mr. Gardner emphasized that the Budget Agency has made it clear that more state dollars need to be credited to the project and by the COE first signing off on the Commission's claims creditability is one way to identify the credits up front. Mr. Gardner explained the process. Commissioner Carlson asked about Burr Street Betterment credit. Mr. Gardner replied that the Congressman's Office is reviewing the environmental justice issue in regard to Burr Street construction and it is hoped that they can justify why it should have been made part of the project in the first place, thus eligible for added credit.

**Recreational Development Committee** – Committee Chairman Curt Vosti gave the Recreation Report. Most of the activity has focused on trail realignments. Mr. Vosti referred to the letter from the city of Gary indicating that our proposal for the recreational trail in the area east of Gilroy Stadium to 32<sup>nd</sup> Avenue is the best use location from Harrison to Grant. We will be starting survey work, legals, and engineering on August 6<sup>th</sup>.

Mr. Vosti reported that several meetings were held involving the Highland trail realignment. We have sent to the COE for their review the proposed trail location. Although this may be the best alignment of the trail, it may not be the most cost effective. We need to meet with the COE to discuss it. Commissioner Tanke asked about our liability if we use sidewalks as trails; Attorney Casale responded that the Commission's liability is somewhat limited because we would be using existing public sidewalks.

Commissioner Huffman inquired about several areas of trail. He stated that there are 2 places where the trail is not accessible. Jim Pokrajac responded that the trail crossings would be completed in both of the areas when the levee is completed. There will also be ramps to access the trail when it is on the levee. Mr. Pokrajac also mentioned that it appears that EJ&E has relented somewhat and is willing to let us cross their railroad crossings with a trail.

**Marina Committee** – Committee Chairman Bill Tanke referred to the COE public notice for the city of Portage's application to dredge material from Burns Ditch.

Mr. Gardner added that he is still hopeful in scheduling a meeting soon with the Mayor to discuss the build-out of the marina to meet our obligation with the Federal government. There are still about 100 slips needed at a cost of approx. \$1.5 million. Commissioner Delaney asked that he be informed of the meeting when it is scheduled.

**Finance Committee** – Treasurer Curt Vosti gave the monthly financial status report. He presented the claims for approval and proceeded to make a motion to approve the financial status report and claims sheet totaling \$155,164.33; motion seconded by Arlene Colvin; motion passed unanimously.

Mr. Vosti referred to the letter whereby we gave the COE \$66,000 for our share of the non-federal cost escrow monies. The COE is requesting an additional non-federal cost share amount in order to keep the contractors working through September. That amount is \$239,272. Mr. Vosti made a motion to approve borrowing the \$239,272 out of the \$316,000 invested note the Commission has and it would be paid back to the note once we are able to draw down from the appropriated \$3 million; motion seconded by Bob Huffman; motion passed unanimously.

**Minority Contracting Committee** – There was no report.

**Other Business** – Commissioner Bob Huffman inquired about the vacancy on the Commission. Mr. Gardner stated that we have notified the Governor's Office and have also notified Jeff Viohl, the federal liaison in Washington to the Governor.

Chairman Bill Tanke read a thank you note from Joyceann Agnew.

Mr. Gardner referred to the thank you letter we sent to Senator Bill Alexa for his assistance in having the State Budget agenda amended to include our \$3 million drawdown request.

Chairman Tanke then announced that when we receive the Woodmar appraisal, an Executive Session would be called. Curt Vosti made a motion to have an Executive Session now - before the appraisal is received; motion seconded by George Carlson. After a lengthy discussion was held on this issue, it was determined that we should wait and have the meeting after the appraisal is received; thereby, eliminating the need to have 2 meetings. Mr. Vosti withdrew his motion.

Mr. Gardner will call the appraiser and tell him we want to receive the appraisal within 2 weeks so we can schedule this meeting. He will be told that completing this appraisal is now his #1 priority. Commission members will be notified, as well as the required media, of the meeting date. There will be no action taken at the next meeting regarding this issue. Chairman Tanke asked George Carlson (Legislative chairman) and Curt Vosti (Finance chairman) to set up a meeting date to jointly talk about funding strategy for the next biennium. Mr. Carlson requested first a meeting with the chairman and staff before a meeting be scheduled with the members of the 2 respective committees. A date will be identified.

**Statements to the Board** –There was none.

The next meeting was scheduled for Wednesday, September 12, 2001. Please note that this is not our regularly scheduled first Thursday of the month. Several commission members displayed their displeasure with the date change. They felt that everyone is used to having the meeting on the first Thursday; the public is used to it as well. They encouraged that, in the future, the date not be changed unless it falls within a holiday period or for a very good reason.

/sjm