

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. THURSDAY, APRIL 3, 2003
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairperson Arlene Colvin called the meeting to order at 6:00 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

Development Commissioners:

Arlene Colvin
Robert Huffman
Mark Reshkin
George Carlson
Steve Davis
Mark Lopez
Emerson Delaney
Bob Marszalek (Work Study only)
Curt Vosti

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos
Lorraine Kray

Visitors:

Jim Flora – R.W.Armstrong Company
Kelsee Waggoner – Congressman's Office
Imad Samara - COE
Bill Petrites – Highland resident
Sandy O'Brien - Hobart
Spike Peller – GSD
Jomary Crary – Div. of Water, IDNR
Sean Fahey – Div. of Water, IDNR
Bob Blaesing – ACOE, Munster
Phil Gralik – R.W.Armstrong Company

The minutes of the March 6, 2003 meeting was approved by a motion from George Carlson; motion seconded by Bob Huffman; motion passed unanimously.

Commissioner Vosti asked whether the \$35,101 bid received on the Berkheimer property was the only bid; he was informed that it was. It was mentioned the offer was above the appraised value.

Chairperson's Report – Chairperson Arlene Colvin welcomed a new Commissioner to the Board. Mark Lopez will be serving as the Lake County Commissioners' appointment, replacing Marion Williams.

Executive Director's Report – Executive Director Dan Gardner reported that staff has contacted Board members to try to find a new meeting date, other than the first Thursday of the month. Mr. Gardner recommended we set an established date of the last Thursday of each month. Commissioner Bob Huffman could not make that date. Staff will try again to establish another date. When a date is found, it will take 2 monthly meetings to adopt it, according to the new by-laws adopted by the Commission.

Mr. Gardner stated that he attended a Washington conference on behalf of NIRPC and was able to spend some time with Congressman Visclosky and staff (the Congressman has a new Chief of Staff, Rich Kaelin) to talk about the Little Calumet River project and its funding. Mr. Gardner said it was a good discussion. We are continuing discussions on the local level with Mark Savinski and Kelsee Waggoner and how they can help to maximize State funding support. Talk ensued on the impact to the Illinois side of the river if the levee construction was halted. Mr. Gardner had an opportunity a while back to talk to Jesse Jackson Jr., an Illinois Congressman, whose district abuts the State line, about their Metropolitan Water Reclamation District and the efforts they are making in flood control. He informed him of our project. It was discussed that maybe we may be able to explore something in a joint effort with them. They are naturally concerned about our project and what the impact would be on Illinois if not completed. Mr. Gardner went on to explain that the MWRD not only has taxing authority to raise money, but they also run sewer treatment for the greater Chicagoland area. They have an annual budget of about \$1 billion. They are going faster on their flood control project

than we are and want to finish their project quickly, but may not realize full regulatory relief at the State line without our project being constructed.

Land Acquisition/Land Management Committee – Committee Chair Arlene Colvin gave the report. She stated that there was one increased offer. She proceeded to make a motion to increase the offer on DC-1013-C to \$5,500 (from \$5,000) to cover attorney costs; motion seconded by Curt Vosti; motion passed unanimously.

- Although a settlement is still being pursued on DC-1023/DC-1024, Ms. Colvin made a motion authorizing condemnation in the event a settlement could not be reached; motion seconded by Bob Huffman; motion passed with one abstention from Steve Davis.
- Regarding our leased property (Chase Street Farm Stand), we originally sent a revised lease agreement increasing the monthly rent from \$1,700 to \$2,000 (the rent had not been increased for at least 5 years). We received a letter from them asking that the monthly rent be reduced from \$1700 to \$1500 per month due to Chase Street being closed at I-80/94 and their business is suffering from the closure. Jim Pokrajac informed Mr. Vosti that their lease is a month-to-month lease, they have been good tenants, and have never missed a payment. The street will probably be closed at least 2-3 months. After discussion, George Carlson made a motion allowing the reduction in rent from the \$1700 to \$1500 as a temporary reduction until Chase Street re-opens. When it re-opens, we will re-negotiate the lease agreement with them; motion seconded by Emerson Delaney; motion passed unanimously.
- It was then determined that Chairperson Arlene Colvin could not legally make any motions. Since she had made 2 motions, they were declared void and 2 new motions were made. They were:
 - Bob Huffman made a motion to increase the offer on DC-1013-C by \$500; motion seconded by Emerson Delaney; motion passed unanimously.
 - Bob Huffman then made a motion to condemn DC-1023/DC-1024 (only if necessary); motion seconded by Emerson Delaney; motion passed with 1 abstention from Steve Davis.
 - Bob Huffman reported that the O&M committee met on March 18. Minutes are available if interested.

Environmental Committee – Committee Chairman Mark Reshkin gave an update on the Hobart Marsh mitigation properties. He reported that a meeting had been held (prior to tonight's meeting) with IDNR and the COE. After discussions at the meeting, he felt a little more optimistic than last month. IDNR has requested we continue pursuing the properties in Hobart Marsh. Since we have been unsuccessful to date in obtaining several critical parcels, other properties are being pursued. Appraisals are being done and we are attempting to get on a fast track. As appraisals come in, we will approach those owners with a request to purchase. Mike McCurdy from Trust for Public Lands will play a larger role and seek options. Property owners may be more receptive to them as a non-governmental agency rather than us. TPL is optimistic that we should be able to get at least 200 acres (311 acres are needed). It was discussed to increase the budgeted \$250,000 for mitigation property purchase; perhaps we should amend our estimated budget and take more funds from VI-1.

- Mr. Vosti inquired if the State people would indicate a threshold level of offers at which they could say we are making a good faith effort. Dr. Reshkin replied that discussion of that nature took place but no commitment was made that if we accomplish purchasing x number of parcels, that we would have no problem in securing a west reach permit. It was not felt at this time that the number of acres needed for mitigation would be reduced. Dr. Reshkin felt that if we increased the level of activities on acquiring the properties, monies would be spent and a permit would be secured. The original concern was that if we only had \$250,000 budgeted for these lands, and if we made an offer on a number of the properties – that if they had all been willing sellers, we would not have had the money to actually give to them to complete the transaction. That is why one parcel at a time had to be pursued. As we got a refusal, we would go on to the next parcel. We will continue to pursue some of the smaller properties. Where we can move ahead, we will.
- Mr. Vosti asked if the properties that refused would still be pursued by TPL. Dr. Reshkin emphasized that new tracks of land are being added so the order of offers to be made will be changed.

Legislative Committee – Committee Chairman George Carlson gave the legislative report. He announced that the committee plans to meet with the Editorial Boards at the Times and Post Tribune. Mr. Carlson referred to the letter that the Regional Planning Commission has written to the legislature on behalf of the Commission and our need of State monies.

- Mr. Gardner added that he understands that an amendment has been inserted in an Indiana Ports Commission bill as a vehicle to place funding. We do not have any detailed information on this yet. He went on to say that the Hammond Park Board will pass a resolution at their next meeting on the Commission's behalf. Mr. Gardner also has been in contact with the Construction Advancement Foundation for the Building Trades support.

- Mr. Vosti stated that he went to Indianapolis with Mayor Dedelow and took the opportunity to stop in at the Governor's Office. As a Governor's appointment, he stressed his concern regarding the funding. He has talked to Mike Gery, Executive Assistant to the Governor, who is aware of the Commission's request. Mr. Gardner thanked Curt for his diligence in taking the time to go to the Governor's Office.

Project Engineering Committee – Committee Chairman Bob Huffman gave the engineering report. He reported that discussion is still ongoing with INDOT in regard to the pump station in the Tri-State area. The issue is not whether the pump station is needed but who is going to pay for it. Discussions are ongoing.

Recreation Committee – Committee Chairman Emerson Delaney stated that there was no report at this time.

Marina Committee – Committee Chairman Emerson Delaney reported that the marina revenue bond payment has been made to the bank.

Finance Committee – Committee Chairman Curt Vosti gave the financial report. He made a motion to approve the financial status sheet and the claims for the month totaling \$49,570.20; motion seconded by George Carlson; motion passed unanimously.

- Mr. Vosti referred to 2 additional claims received that will be paid out of the LEL funds (for O&M). These 2 invoices were incurred because the renters have moved from our rental house and until we rent it out again, we will have NIPSCO and water bills. Mr. Vosti proceeded to make a motion to pay the NIPSCO bill in the amount of \$124.64 and the American Indiana Water Company invoice in the amount of \$7.89 out of the LEL fund; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Vosti reported on a joint Finance/Legislative committee meeting held on March 31. He suggested that another meeting be scheduled with the Environmental committee to discuss the impact on the finances in regard to mitigation costs. Several other issues discussed were the build-out of Burr Street Phase 2 and the city financing the cost if the State does not come through. Other possible alternatives for funding were discussed, including the sale of the house on Gerry Street. The only means of borrowing money we have is through revenue bonds. Talked about was the potential of having eminent domain power extended to the Hobart Marsh area. Establishing a conservancy district was also talked about. Attorney Casale had done some research on this awhile back which he will share with members. Mr. Vosti viewed it as a tool that the people could use to build the levee (if no state funds were received); Dr. Reshkin viewed it more as a means for funding O&M after the project was in place. Either way, the attorney stated it was very difficult to establish a conservancy district. Mr. Gardner is still hopeful that the State will come through with money and stressed the need to be as aggressive as possible.

- Mark Lopez asked how responsive have communities been to their doing O&M. Mr. Gardner replied that we have an agreement with Highland for them to maintain the pump stations. We are in the process of finalizing an agreement with the Hammond Sanitary District. There are still some issues that need addressing with the Gary Sanitary District and then we will enter into an agreement with them regarding pump stations they are de-facto operating. The Lake County Emergency Management is already managing the flood warning system as part of their emergency plan. Mr. Lopez inquired whether the benefit to the community is that high that they would assume the costs of O&M. Mr. Gardner

stated the benefit was there. And when there is flooding, there is tremendous cost to the community. Another big factor to take into consideration is the residents not having to carry flood insurance once the levee project is in place, and hundreds of acres could be developed when the lands come out of the floodplain. Emerson Delaney added that in years past, when we had a flood, some residents were actually land-locked and could not get out of their homes.

Policy Committee – Committee Chairman George Carlson referred back to the discussion earlier about finding an alternate meeting date. Staff will pursue. Once a date is found, it will take 2 meetings to formalize it – as per our by-laws.

Public Relations Committee – Mr. Gardner stated that we will work with River Forest Elementary School to set a date for a dedication of the Charles Agnew Handicapped Park.

Other Issues – There were no other issues.

Statements from the Floor – Jomary Crary stated that the Natural Resources Commission plays an active role in establishing a Conservancy District. She has some information she can share with us if we are interested. She also mentioned a flood control revolving fund that the State offers to communities where the pay back is only 3% over a 10 year period and can borrow up to \$300,000.

- Imad Samara speculated whether we could get actual real dollar amounts from the communities that they are spending to maintain the pump stations. The figures that the COE has provided are basically for the entire area, not broken down by community. Mr. Gardner stated that Hammond and Highland already had pump stations in their community where as Gary did not. The Gary Sanitary District is working with their consultant, Greeley and Hansen, and the COE in trying to resolve the outstanding issues they have with the pump stations turnover and an O&M agreement can be negotiated.

The next scheduled meeting was scheduled for 6:00 p.m. Thursday, May 1, 2003.