

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, JULY 2, 2003
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairperson Arlene Colvin called the meeting to order at 6:10 p.m. Eight (8) Commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

Development Commissioners:

Arlene Colvin
Robert Huffman
Mark Reshkin
George Carlson
Steve Davis
Charlie Ray
Emerson Delaney
Curt Vosti

Visitors:

Jomary Crary – IDNR, Div. of Water
Kelsee Waggoner – Congressman's Office
Imad Samara - COE
Bill Petrites – Highland resident
Sandy O'Brien - Hobart
Jim Flora – R. W. Armstrong Company
Don Ewoldt - LEL

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos

The minutes of the June 5, 2003 meeting were approved by a motion from George Carlson; motion seconded by Bob Huffman; motion passed unanimously.

Chairperson's Report – Chairperson Arlene Colvin referred to the updated 2003 Committees/phone list distributed to members. If there are any changes, get them to Sandy.

- Ms. Colvin informed the Board members that a Land Acquisition committee meeting will be scheduled in the near future.

Executive Director's Report – Executive Director Dan Gardner talked about the upcoming State Budget Committee meeting to be held August 13-15, with the actual meeting taking place on the 15th. Mr. Gardner has been in communication with Sean Fahey and Amy McFadden, budget analyst. Staff is working on a funding timetable schedule to coincide with the COE construction schedule. Mr. Gardner reiterated that we need to have a commitment for Burr Street Phase 2 construction, pursue mitigation, and obtain the DNR permit. He and Arlene Colvin met with Representative Earl Harris last month and discussed the problem of Burr St. not being creditable and the State not releasing funds. Mr. Gardner referred to the letter he wrote to Rep. Harris. The Commission needs to have their budget request into the State by next Friday. The issue of Burr Street Phase 2 needs to be resolved by then. He asked Arlene Colvin about scheduling a meeting with the Mayor in an attempt to secure a City commitment for funding. The State Budget Agency has said that the \$2.3 million needed for Burr Street will not be on the agenda.

- Imad Samara stated that the COE cannot advertise Stage VI-1 without completing all east reach construction. The COE needs a commitment in place for Burr Street because the construction in the west reach would impact the area on Burr St. Mr. Vosti asked for a clarification of the impact; Imad replied that buying the easements needed and doing any utility work in the west reach will not impact Burr St. – only construction would. Imad emphasized that if we are not able to build Burr St. Phase 2, the Commission would have to write a letter to the COE stating such and then they would have to re-look at the original position. He stressed that, no matter what, the control structure west of Hart Ditch must be built and for that to happen, Stage VI and V should be completed. Hydrologically, the COE cannot increase the impact upstream or downstream; all levees east of the control structure must be built, whereby the project

could conceivably end at the control structure. Further discussion ensued on re-looking at the original flood-proofing plan for the Burr Street area. Imad said dollars spent for flood-proofing would be creditable. At this point, the Commission remains hopeful that Mayor King will commit in writing to funding the "betterment" portion of Phase 2.

- Mr. Gardner informed the commission that he had a conference call with INDOT and Federal Highway on June 23, 2003 regarding highway credits. He stated that he and Imad both felt that progress is being made. INDOT has identified a person who will break down the costs associated with the \$19 million used for highway construction. He credited INDOT and Laurie Mauldin for working with us to get this crediting issue resolved.
- Mr. Gardner stated that he would be going to the Change of Command ceremony where Col. Mark Roncoli will be leaving and Colonel Ray Johnston would be installed.

Land Acquisition/Land Management Committee – Committee Chairperson Arlene Colvin gave the report. She proceeded to make a motion to increase the offer on DC1011-B to \$64,883; motion seconded by George Carlson; motion passed unanimously.

- Ms. Colvin proceeded to make a motion approving the condemnations of 9 properties, only if needed. They were DC1010-B, 1010-D, 1010-E, 1010-F, 1011-C, 1012-C, 1014, 1022, 1023, 1024, and 1032. Staff will continue to negotiate with landowners and only use condemnation as a last resort. Since we are on a tight timetable to meet the COE deadline to advertise in October 2003 for Stage VI-1, staff did not want to wait for the next meeting to obtain authorization for condemnation. Motion was seconded by George Carlson; there was (1) abstention. Motion passed.
- Ms. Colvin made a motion to authorize C&H Mowing to do a 1st and 2nd mowing at a total cost of \$9,500 (lowest bid); motion passed unanimously.
- Mr. Pokrajac explained that INDOT has requested a 12' temporary right-of-way easement from the Commission in an area between Chase and MLK Drive, south of I-80/94. Ms. Colvin made a motion granting the right-of-entry to INDOT contingent upon COE engineering approval after review, and the LCRBDC attorney reviewing the ROE request submitted by INDOT to assure that all legal requirements are met; motion passed unanimously.

Operation & Maintenance Committee – Committee Chairman Bob Huffman gave the O&M report. He reported that the committee met on June 19. The committee decided that an example "summary of tasks" will be completed for Stage II-3C (Grant St. to Harrison, south levee), and will also complete a detailed breakdown of O&M tasks using sluice gates as an example. Another meeting of the O&M Committee will be scheduled in the near future.

- Mr. Huffman reported a pre-construction meeting was held on June 13 with GSD regarding the pump station at 27th & Chase. A problem exists with the invert elevation at the sluice gate along the north line of protection being higher than the invert of the drainage ditch, which blocks drainage from the north going to the Little Calumet River. The COE is reviewing; this is one of items that GSD wants addressed.

Environmental Committee – Committee Chairman Mark Reshkin was happy to report that the Commission is making progress in the Hobart Marsh area, with assistance from IDNR and Trust for Public Lands. He is hopeful that the Commission is coming closer to meeting the Hobart Marsh obligation. A figure of about \$1.5 million will probably be needed to accomplish this. Negotiations are ongoing with property owners. He stated that an Executive Session will be scheduled shortly to discuss real estate and related issues.

- Dr. Reshkin went on to say that a meeting will be held with LEL on July 10 to discuss wetland mitigation with regard to Commission owned lands. Our current agreements with LEL will expire shortly and we need to see what our mutual efforts and approaches will be.
- Mr. Vosti questioned the Carlson-OxBow 89 acre parcel that he said could be available to help meet the mitigation obligation. Although the COE has stated that these acres are not suitable, nothing has been formally transmitted to the Commission. Mr. Vosti made a motion for staff to write a letter to Greg Moore of the COE asking him if their position is the same and to send us a letter of explanation with supporting documentation; motion seconded by Emerson Delaney, motion passed unanimously.

Legislative Committee – Committee Chairman George Carlson commended Mr. Gardner for doing a fine job in covering the State funding issue. Mr. Gardner added that in his contact with Sean Fahey and Amy McFadden, he understands that the State Budget Committee will be in northwest IN from August 13-15. They indicated that they want to talk to us and plan to do so on August 14 for a couple of hours. They want to see the video and go on a short tour. Staff is also updating the construction status booklet for their use. Dr. Reshkin added that, in addition to seeing the levees, they need to view the pump stations and utility relocations.

Project Engineering Committee – Committee Chairman Bob Huffman gave the engineering report. He reported that SEH Engineering and NIES Engineering are doing the utility coordination for Stage VI-1 (SEH is doing north side of the river and NIES is doing the south side of the river). Approval is needed to add on to their contracts (current cap is \$7,000). Mr. Huffman made a motion approving the add-on scope of work subject to attorney review and concurrence; motion seconded by Curt Vosti; motion passed unanimously.

- Mr. Huffman reported that 2 meetings were held on June 13. The first meeting was a review with contractors, along with Gary, GSD, and COE, for the Grant Street project. Imad Samara mentioned that the Grant Street Pump Station was designed by the COE, which eliminated one of our small pumps for Stage III Remediation. A second meeting was the pre-construction meeting with GSD for 27th & Chase pump station.

Recreation Committee – Committee Chairman Emerson Delaney stated that there is no ongoing recreational construction at this time.

- Bob Huffman stated that he bicycled the Marquette Trail in Chesterton and was impressed how well it is maintained. It is a paved trail as opposed to our trail which is stoned. He also felt that overall, our trails have not been maintained and there are areas where grass/weeds have overgrown. Jim Pokrajac added that, once the levees are mowed, that will help a lot with the encroachment of overgrowth, and that we will be receiving a cost to spray the trails to kill existing weeds. Imad stated that the COE has not been maintaining the trails – basically, we have been.

- Mr. Huffman also stated that he observed that the observation deck has not been repaired yet. Mr. Pokrajac answered that it would be done next week.

- Mr. Pokrajac added that he just received a letter today from Lake County Highway Department regarding the Kennedy Avenue walkway, stating that they will be rebuilding the bridge deck and would increase the sidewalk from 6' to 10' to accommodate our trail. They recommend that we do not do a cantilevered walkway because they would be putting in a new sidewalk. Discussion ensued that we would be required to pay the incremental difference, which would be about \$90,000. Their project would be scheduled to advertise in about 1-1/2 years. It would save the Commission a lot of money if this could be done; Imad concurred. Also discussed was the possibility of the Highway Dept. raising the bridge so that sandbagging would not be necessary during flooding. Staff will maintain contact with them.

Marina Committee – Committee Chairman Emerson Delaney stated there was no report.

- Mr. Vosti asked about the Commission's obligation with the city and stated that the issue of building-out the slips should be revisited.

Finance Committee – Committee Chairman Curt Vosti gave the financial report. He referred to and made a motion to approve the financial status sheet and the claims for the month of June totaling \$46,485.90; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Vosti proceeded to make a motion approving four (4) items to be paid out of O&M funds since they are not creditable. They were: (1) \$17.12 to IN American Water Co. for the final bill for water usage at the Commission's rental house; (2) \$39.21 to NIPSCO for electric bill at same rental house; (3) \$562.28 to South Shore Marina for repairing deck at Grant & Harrison; and (4) \$1,380 to South Shore Marina for installation of handrails on breakwater. The four items total \$1,998.61; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Gardner stated that he is hopeful that the Portage Port Authority will take over the responsibility of installing the handrails in the spring and then removing them in the fall. Mr. Gardner will check with the Port Authority for future handrail installation. Kelsee Waggoner added that the COE is currently doing routine repair work on the breakwaters. Mr. Davis asked if South Shore Marina has coordinated with the COE.
- Mr. Vosti asked that staff not list any invoices on the claim sheet unless work has been completed.

Policy Committee – Committee Chairman George Carlson referred to a letter he wrote the Chairperson Arlene Colvin on June 16 regarding the Chairperson's right to vote. At the last meeting, he stated that the Chairperson could not make motions; he apologized in that, after reviewing the newly-adopted bylaws, the Chairperson can make motions as a committee chairperson and they do not require a second motion for passage.

- Bob Huffman asked if missing Commissioners and if the news media had been contacted about the meeting date change. Staff has notified them. The regular Commission monthly meeting date is now the first Wednesday of each month (as opposed to the first Thursday).

Public Relations Committee – In Committee Chairman Bob Marszalek's absence, Mr. Delaney inquired whether or not the information had been passed on to him regarding the sign at the Charles Agnew Handicapped Park. He was informed that Mr. Marszalek is out of the State but upon his return, he will be ordering the sign with some modifications made to it. The dedication will probably take place in the fall.

Other Issues – Commissioner Bob Huffman inquired what the latest status was regarding INDOT pump station at Tri State. Mr. Pokrajac replied that to his knowledge, Highland has not responded to INDOT yet with their letter of commitment. North Township did send a letter to INDOT stating their support and acknowledging the payment of their fair share. The issue will be agreement on the share each party will pay.

Statements from the Floor – Don Ewoldt asked if the \$2.3 million to be spent on Burr Street is creditable. He was informed that it is not; only the portion that would have been spent for the original flood proofing plan, would be creditable.

- Mr. Ewoldt stated that, even if we got the 89 acres at Carlson-OxBow Park for mitigation purposes, it would only be enhancement
- Judy Vamos added that she, along with Commissioners Curt Vosti and Bob Huffman, visited the Boy Scouts at their annual clean-up of the river across from Riley School in Hammond. She said they were doing a great job and have built a couple of bridges there and maintained the trail.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, August 6, 2003.

