

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**  
**HELD AT 6:00 P.M. WEDNESDAY, March 3, 2004**  
**6100 SOUTHPORT ROAD**  
**PORTAGE, INDIANA**

Chairperson Arlene Colvin called the meeting to order at 6:10 p.m. Nine (9) Commissioners were present. Pledge of Allegiance was recited. Secretary John Mroczkowski recognized the guests present.

**Development Commissioners:**

John Mroczkowski  
Robert Huffman  
Mark Reshkin  
George Carlson  
Mark Lopez  
Charlie Ray  
Bob Marszalek  
Steve Davis  
Arlene Colvin

**Visitors:**

Phil Gralik – R.W.Armstrong Co.  
Kelsee Waggoner – Congressman's Office  
Jim Flora – R.W.Armstrong Co.  
Imad Samara - COE  
Steve Enger - Munster  
Jomary Crary - IDNR

**Staff:**

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

A motion to approve the minutes of the February 4, 2004 meeting was made by Emerson Delaney; motion seconded by Bob Huffman; motion passed.

**Chairperson's Report** – There was no Chairperson's report.

**Executive Director's Report** – Mr. Gardner referred to the letters in the agenda that were sent to the COE office from FEMA. Imad Samara was asked to comment on them. He informed the Board that the COE is meeting with FEMA on March 5 to address the items listed that need additional information. Mr. Gardner added that we are working closely with the COE to assure that the process is moving to remove Gary from the floodplain as soon as possible. Discussion ensued regarding INDOT doing reconstruction at Broadway and Grant interchanges. One of the issues is whether or not INDOT construction on these locations needs to be completed before removing Gary from the floodplain. Imad Samara added that it may be possible to remove some of Gary from the floodplain even if all cannot come out without INDOT reconstruction completed.

- Mr. Gardner referred to the COE schedule for upcoming construction contracts. We are trying to hold to the COE schedule for real estate acquisition. We are confident that the right-of-entry can be signed for Stage VI-1South by the March 31, 2004 deadline date. We will be meeting very soon with Jim Meyer and pertinent Gary officials to discuss the Burr Street Phase 2 Gary portion of the construction.
- Mr. Gardner reported that we have received the certificates of approval for construction in a floodway from the IDNR. Two permits were received – one being for the Little Calumet River and a second one being for Hart Ditch. He referred to some of the Special Conditions: #5 states that Stages V, VII, VIII cannot begin until the mitigation requirements are acquired. #6, 7, and 8 stipulates items regarding mitigation that must be fulfilled. #11 states that Stage V, VII and VIII will not begin until Burr Street betterment levee is complete. #12 prohibits construction of the control structure at Hart Ditch until all levee segments east of the control structure, including Burr Street levee and the levee along Hart Ditch are complete. #17 addresses the need for an IDEM permit which the COE will take care of.

**Outstanding Issues** – Mr. Gardner referred to the letter that was sent to the town of Highland and the Highland Parks & Recreation Dept. Staff met with them at a Highland work study session on February 2 at which questions arose regarding the recreational features that were no longer in the COE plans for Highland. They also questioned the displaced baseball diamond where the levee will sit. Staff has checked on some estimated costs in replacing some of the recreational features but stated that there was no money in place at this time to address that. We are hopeful that the town and the park department will recognize the need for the land donation and with our commitment to work them to see how some of these issues can be resolved; they will approve the donation at their respective Board meetings before the deadline date of March 31.

- Mr. Gardner informed the Board members that he has talked to Dan Repay, 5<sup>th</sup> District Hammond councilman. Mr. Repay could not make the meeting tonight but he said he would set up a meeting with the Mayor, city engineer, and other committee members to discuss the project and how it affects Hammond properties. He also said he would work with us in our communications with Krosan.
- Attorney Casale stated that Mr. Askew has received an eviction letter from him. He further stated that we will be filing an eviction notice with the court and a sheriff will serve him a notice to evict.

**Finance Committee** – Treasurer Mark Lopez gave the financial report. He proceeded to make a motion to approve the financial status and the claims for February; motion seconded by John Mroczkowski; motion passed unanimously.

- Commissioner Charlie Ray questioned whether we would have enough money in our budget to pay for the land acquisition this month since the figure was \$1,159,250. Mr. Gardner replied that there is enough money to cover the costs; \$1,066,400 was the cost just for the mitigation property. He added that there is still \$2 million that has been appropriated by the State legislature, but that needs to be allocated for use by the State Budget Committee.

**Land Acquisition/Land Management Committee** – Committee Chairperson Arlene Colvin gave the report. Ms. Colvin made a motion to approve the acquisition of DC1032-A, property owned by NISOURCE. This property would be acquired in fee and be substituted for the DC1032 property which would have been a condemnation. The cost of the NISOURCE property is \$40,000. We are awaiting an approval letter from the COE in order to ensure the crediting. Motion seconded by Emerson Delaney; motion passed unanimously.

- Ms. Colvin made a motion to approve the fee acquisition of DC69 for a total of \$63,000. The original offer of \$38,500 was rejected by the landowner because he felt that he would lose his utility to the land; therefore, a fee take is recommended. The fee value is \$55,000 + the 15% approved increase by the COE for a total of \$63,000. Motion seconded by Bob Huffman; motion passed unanimously.

**Operation & Maintenance Committee** – Bob Huffman informed the Commission that the O&M Committee have received the current updated O&M manuals from the COE. They have also received the updated spread sheet by R. W. Armstrong Company listing out tasks and costs associated with O&M. The O&M committee will be meeting shortly to discuss the new information.

- Mr. Huffman referred to the COE letter serving as notice to perform the O&M on the completed levee segments. The COE has suggested a meeting so items of concern can be addressed and resolved. Jim Pokrajac added that R. W. Armstrong has estimated the yearly O&M costs at \$1.7 million, which needs to be reviewed.

**Environmental Committee** – Mark Reshkin reported that the tenants are moving from the 173 acre parcel in Hobart Marsh that has been acquired; they are eligible for relocation and moving expenses.

- Dr. Reshkin reported that 404 acres is the mitigation requirement. TPL is pursuing a couple of other properties. DNR will be providing an updated list for potential properties for Hobart Marsh. Commissioner Bob Huffman questioned what we actually have to do for mitigation. Mr. Gardner answered that the COE will contract with a firm to plant the mitigation properties. A restoration contract will bring the land up to full enhancement. The COE will bear that cost responsibility. Dr. Reshkin added that we probably want to acquire as much land as we can before a COE contract would be let. We may also want to confer with some environmentalists as they have a lot of knowledge that may be

helpful in this area. He also stated that there are other parties that have managed properties in the area so it would be good to look at the best ways to see if some partnering can be achieved. He has a concern about coordination between all the entities; we need to deal with as a region.

**Legislative Committee** – Committee Chairman George Carlson stated that he met with Marty Wieglos, assistant to Hammond Mayor McDermott. They want to set up a meeting with the Mayor and other council members to get an update on the project and how Hammond properties are affected.

**Project Engineering Committee** – Bob Huffman informed the Board that an Engineering Committee meeting was held on February 23 to discuss engineering issues. Several items discussed was the spreadsheet for tracking construction contracts; pump station assessment reports, emerging west reach project issues; potential of west reach segments being removed from floodplain using railroad embankment as tieback, control structure at Hart Ditch, etc. • Discussion was held regarding removing Hammond segments out of the floodplain as they are completed. Since the railroad embankment acted as a tieback for Wicker Park Manor to be removed from the floodplain, it would appear that the same scenario could be used for Hammond. This will be a discussion point when we meet with Mayor McDermott. Mr. Gardner talked to Siavash Biek from Christopher Burke Engineering, who had the contract with the town of Highland to work with FEMA to remove Wicker Park Manor out of the floodplain. They proved to FEMA that the railroad served as the tieback. Commissioner Huffman asked whether borings had to be taken to determine whether the embankment was of good quality for FEMA to accept. Mr. Gardner answered that it was good enough for Highland to come out of the floodplain so the quality of the embankment should be the same.

• Mr. Huffman referred to the letter from INDOT regarding the lift station proposal for U.S. 41 in Highland. INDOT has agreed to pay for 85% of the maintenance and power costs. The town of Highland and North Township would only be responsible for 15% of the costs. It would be a great opportunity to take advantage of this and if our project could be moved up to take advantage of this, everyone would save. Staff has not met with Highland yet regarding the INDOT offer. More discussion is needed. The problem is timing and if our line of protection is not built, the pump station probably would not work to its potential. The total estimated cost of the pump station is \$1,746,950.

**Recreation Committee** – Jim Pokrajac stated that he has just finished review on the Landscaping Phase 2 COE plans. Committee Chairman Emerson Delaney asked if there were many comments and was told that there were some – i.e. COE proposed work in some of the same area that INDOT is working in now and there was landscaping proposed in some temporary areas. This contract addresses the landscaping in the remaining east reach levee segments. The contract will be awarded in early summer.

**Marina Committee** – Committee Chairman Emerson Delaney made a motion to approve the claim payment of \$28,643.84 for the marina revenue bond payment due April 1; motion seconded by Bob Huffman; motion passed unanimously. Commissioner Charlie Ray questioned whether the marina pays for this payment. Mr. Gardner answered that the proceeds from the marina slip rentals support the two yearly payments made to the bank. Although the revenue bond is with the Commission, we just act as a pass-through for the payment. It does not come out of any Commission monies. The marina revenue continues to exceed the bond payments and operating costs.

**Policy Committee** – There was no report.

**Public Relations Committee** – There was no report. Mr. Gardner added that we would be doing some kind of educational brochure when we get closer to Hammond for construction for sharing with residents regarding the project.

**Other Issues** – There were none.

**Statements from the Floor -** Steve Enger, a Munster resident, questioned why the Commission has to address mitigation. Mr. Gardner replied that because our levee project has impacted wetlands when the levees were first built in Gary, IDNR requires that "pay-back" wetlands be provided. The COE determined that the best area to obtain lands for mitigation was in the Hobart Marsh area. Since that area is outside the Commission's restriction for condemnation, the DNR will work with us and hold title to the lands. The COE will do the restoration of the lands. Mr. Gardner added that if there is any impact to park property, it would be addressed in the appraisal.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, April 7, 2004.