

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION**  
**HELD AT 6:00 P.M. WEDNESDAY, JUNE 7, 2006**  
**6100 SOUTHPORT ROAD**  
**PORTAGE, INDIANA**

In Chairman William Biller's absence, Vice Chairman Robert Huffman called the meeting to order at 6:05 p.m. Eight (8) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

**Development Commissioners:**

George Carlson  
Arlene Colvin  
Robert Huffman  
Bob Marszalek  
Steve Davis  
Mark Reshkin  
Kent Gurley  
Charlie Ray

**Visitors:**

Elizabeth Johnson – Congressman's Office  
Bill Petrites – Highland resident  
Mark Lopez – Congressman's Office  
Pete Schroeder – View Outdoor Advertising  
Jim Guelcher – Committee for Preservation of  
Wicker Woods  
Meda Enger - " " "  
Imad Samara – Corps of Engineers

**Staff:**

Dan Gardner  
Jim Pokrajac  
Judy Vamos  
Sandy Mordus  
Lou Casale

A motion to approve the May 3, 2006 minutes was made by Arlene Colvin; motion was seconded by Mark Reshkin; motion passed unanimously.

**Action Required** – Treasurer Arlene Colvin referred to page 4 for the claims. She proceeded to make a motion to approve the claims in the amount of \$141,217.56; motion seconded by Bob Marszalek; motion passed unanimously.

• Ms. Colvin then presented the O&M claims on page 5 for approval in the amount of \$10,299.52. Ms. Colvin made a motion for approval; motion seconded by Steve Davis; motion passed unanimously.

• Ms. Colvin made a motion to close out the existing marina sinking fund which still had \$82.75 and move that money into the administrative account since the marina account was not needed anymore; motion was seconded by Mark Reshkin; motion passed unanimously.

• Mr. Gardner referred to a proposed license agreement given to us by View Outdoor Advertising for approval. After a brief discussion, attorney Casale asked that it be discussed and reviewed at a committee meeting first and then brought back at a later date to the Board members. Pete Schroeder from View Outdoor was present at the meeting to answer any questions. Mr. Casale stated that we would consider the agreement at a committee meeting and get back to VIEW OUTDOOR quickly. Commissioner Mark Reshkin directed staff to write a letter to View to let them know of our intention. Mr. Gardner mentioned this was one of three options of the Commission for additional, much needed, revenue. The other two were wetland conservancy and the 32 acres for wetland banking east of Clay Street.

• Mr. Gardner distributed the proposed agreement with NSRR for the easement needed for Burr Street – LCRBDC. It is in a substantive form with all major areas of concern being approved and that Corps guidelines had been met. Attorney Casale added that he has been working for about six months to get the agreement in a form that is acceptable to the railroad, the Corps, and the Commission. He felt we were finally there. Although there will be a few minor changes (commas, misspellings, etc) all major points were acceptable. He asked for Commission approval tonight to allow the Chairman to sign the agreement once it is in a final form. This is expected within a week and, given the timetable for us to have the real estate for Burr Street Phase II LCRBDC portion, approval is needed before the next Commission meeting so the Corps can advertise this segment. Bob Marszalek proceeded to make a motion accepting

and approving the easement and deed of easement in its substantive form as presented; motion seconded by Mark Reshkin; motion passed unanimously.

**Chairman's Report** - Mr. Gardner referred to the news articles on pages 6-10 regarding the announcement that negotiations between Cabela's and the state have been successful and Cabela's is coming to Hammond. The store is looking toward a late 2007 or early 2008 opening. This means that Stage V-2 (Kennedy to Northcote, both sides of the river) can proceed and allow this segment to be advertised, which would keep us on schedule to complete the construction by the end of 2008. The state has committed up to \$6 million to accomplish this and Cabela's will donate the needed easements to the Commission as part of the negotiations. The ROE for property access to do soil borings will be coordinated by the Corps. When this segment is completed, it will eliminate flood insurance payments for about 1500 homes in Highland and 1900 homes in Hammond. Cabela's is having a team in the area soon to meet with the city, the Corps, and the Commission to identify everything that needs to happen to stay on schedule and move forward. At this point, only the main building will be constructed, with the out buildings following, after the area comes out of the floodplain (when levee construction is completed and FEMA approval is finalized). Mr. Gardner displayed a map showing Cabela's proposed plan. Another good point is that the Commission will save significant expense by not having to secure easements from Tri-State.

- Mr. Gardner reported that a public meeting was held with concerned residents in Hammond at the Morton High School, at the request of Councilman Dan Repay who wants to keep the people in his district informed of the project. Mr. Gardner gave an updated presentation of the project. The Corps also attended the meeting and presented details of the upcoming construction. There were about 60 people in attendance. The LCRBDC has been working with Councilman Repay, and have explored other mechanisms for funding from the city that will help to move the project forward. Concerns were voiced regarding FEMA regulations and how the flood insurance program works.

**Executive Director's Report** - In Chairman Biller's absence, Dan Gardner reported that the State Budget Committee hearing, held on June 2, was very successful. He attended the meeting where a total of \$3 million was allocated. This included the \$1 million remaining from the 05/07 budget and then an additional \$2 million that was rescinded back in the 03/05 budget (\$7 million was appropriated but only \$5 million was received). He referred to the "gap analysis" chart distributed to Board members where it shows that, without help, there is not sufficient funding in place to complete Stage V-2 by November of 2008. And, even when Stage V-2 is completed, that still leaves Stage VII (Northcote to Columbia) and Stage VIII (Columbia to the IL state line) to be completed before the end of December 2009. Survey work has been started to keep on schedule. We need to be working on all stages at one time in order to meet the schedule. There is only one more budget session, 07/09, that we can secure additional state monies. Commission member Kent Gurley asked whether appraisals were completed in Munster. Mr. Gardner stated that the appraiser did a "gross appraisal" where an approximate cost of the total real estate was identified in order that we could share the information of the cost with Munster town officials; individual real estate easement appraisals are currently being done. Commission member Mark Reshkin asked if there was a way staff could develop an "easy-to-read-and-understand" chart so that public officials, as well as private residents, could have a better understanding of the money needed and be able to follow it along as we do complete acquisition and stages.

- Regarding Burr Street Phase 2 Gary portion of construction, Jim Pokrajac attended a meeting on June 2 with the Corps, the city, their engineering consultant, and Superior Construction to discuss the scope of work and schedule. A pre-construction meeting is scheduled for June 15. Deputy Mayor Gerri Tousant requested that Superior report back with the percentage of Gary residents that would be working on the contract (the contract calls for 75%). Superior will contact the sub-contractors and report back to her. It is hoped that construction could begin in July.

- Regarding Burr Street Phase 2 Little Cal portion, project manager Imad Samara stated that he hoped a contract could be awarded in August for this portion of construction. Once the Norfolk Southern railroad agreement is signed, we can give the Corps a right-of entry for this segment.

**Finance Committee** – Treasurer Arlene Colvin stated that the financial status report could be found on pages 14 & 15 in the agenda packet.

**Land Acquisition/Land Management Committee** – Land Acquisition Agent Judy Vamos reported that there were no increased offers on condemnations needed this month. She reported that we were on schedule with Stage V-2. 28 offers have been made to landowners since January. We will be talking with North Township very soon with a request to donate their easements for the project. In Stage VII, the gross appraisal was completed and it was submitted to Munster in order that they may be able to participate with local funds to help expedite project completion. There are about 54 real estate acquisitions in this stage. It was agreed at the Real Estate meeting that we would move forward with location surveys for Stage VIII to identify landowners and needed easements. There are about 90 properties in this stage, most of them being residential. The LCRBDC has offered that we are available for public meetings or for informational private meetings with landowners.

- Regarding land management issues, Jim Pokrajac reported that we received a request letter from ARC Bridges (formerly the Lake County Assoc. for the Retarded) with an interest in obtaining ownership of the property east of their existing facility. We will write them a letter informing them that this is some of the land that we will be turning over to the city as part of the O&M turnover and that they will have to coordinate their request with the city of Gary.
- In regard to the proposed option license agreement from View Outdoor for additional billboards, it has previously been discussed.

**Project Engineering Committee** – Committee Chairman Bob Huffman referred to Jim Pokrajac for a report we received from Lawson Fisher regarding certification of the Griffith levee. Although they did fulfill their contractual obligation for Phase 1, it was primarily information we already knew. Their estimate for a Phase 2 would cost in the range of \$75,000 - \$95,000. Mark Reshkin mentioned that the Corps had previously agreed to help us. Imad Samara said he would have the Corps look at it, but Lawson Fisher needed to provide additional information.

- Jim Pokrajac referred to the response letter from the Corps on pages 7-9 of the engineering report that addressed the issues in V-2 concerning to the "Committee for the Preservation of Wicker Woods", the area west of Hart Ditch in Munster. Imad stated he would like to set up a meeting with these Munster residents to discuss the Corps design. Mr. Gardner added that we have tried to be as accommodating with design as the project will allow us to be. There are some federal guidelines that must be followed. Some options would not be a federal cost but could be added as a local cost. We staked out the toe of the levee west of Hart Ditch, and with Cabela's agreeing to have the recreational trail on the north side of the river, the trail would be able to be removed from the south side of the river adjacent to Hawthorne Drive. Also, we can talk to the town and township about the replanting/landscaping that could be done after levee completion. Mr. Gardner went on to say that he thinks common goals can be achieved by working together.
- Jim Pokrajac reported that he has a meeting scheduled for June 27 with the Corps and the pipeline companies that have pipelines in the Stage V-2 corridor. They all have the current design drawings and the intent of the meeting is to discuss their concerns and try to finalize that section of design. There are 14 different pipelines and 8 different pipeline companies.
- Mr. Huffman passed around some pictures he had taken of the ongoing levee and sheet pile construction.

**Operation & Maintenance Committee** – Committee Chairman Bob Huffman reported that a levee inspection was held with the Corps, Gary personnel, and the Commission on April 25-27. We did receive a summary from the Corps of the levee inspections. No structural problems were found; minor corrections needed.

- Jim Pokrajac added that a sand bag closure exercise was also held on May 10 at Northcote bridge in Munster. Jeff Miller from Lake County Emergency Management, is the coordinator for emergency response. Each community is responsible for their emergency response plan within their respective community and we are responsible to get that information for the Corps. We also need to establish new points of contact.

- Mr. Pokrajac also stated that we need a coordination meeting with Gary officials very soon to resolve the issue of the pump station O&M turnover. Legals of the pump station areas have been given to the LCRBDC attorney to pursue an agreement for O&M. A meeting would be pursued with the city officials and storm water district.
- Mr. Pokrajac referred to an updated list of approved contractors that can do work for the Commission. He added that anyone can submit their qualifications for review and approval.

**Environmental Committee** – Mr. Reshkin referred to Mr. Gardner for an update of the blue heron nesting area in Highland near the levee construction. Mr. Gardner reported that a field investigation by an U.S. Fish & Wildlife expert was done and the construction appears to not have impacted the nests. There are about 100 nests. It was determined that the contractor can proceed. Most of the levee construction is already done. It appears that a “viewing area” of the blue heron nests is being considered by the town. They’ve requested a map showing exactly what property we own. Mr. Gardner will attend the next town council meeting.

**Legislative Committee** – Committee Chairman George Carlson referred to page 19 in the agenda packet where the news article states that \$15.5 million in funding was secured for the project. The Congressman has secured over \$120.7 million in Federal funds for the Little Calumet River project.

- Mr. Carlson had a discussion on the way the Corps advertises their contracts and how the number of days to complete are arrived upon. He felt that there was a lot of wasted time and that the contracts should call for a shorter period of time for completion. A lengthy discussion ensued.

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

**Recreation Committee** – Committee Chairman Bob Huffman stated that he has submitted a modified plan for trail realignment on the Cabela’s property and adjacent facilities. that he feels would reduce costs. He will work with staff.

**Marina Committee** – Committee Chairman Charlie Ray had no report and suggested this committee be taken off of the agenda since it is no longer needed.

**Other Issues/New Business** – Commissioner Bob Marszalek referred to the news article on page 10 in the agenda packet where it states about \$1,000 a year, on average, would be saved by individual residents on flood insurance premiums once they come out of the floodplain. He asked how many households would qualify. Mr. Gardner stated that a survey of the entire floodplain would result in about 8,800 structures that are currently in the floodplain. There are about 1,900 homes in Hammond in the Cline to Northcote segment; and about over 1,500 structures in Highland.

**Statements from the Floor** – Mr. Jim Guelcher, a Munster resident on the Committee for Preservation of Wicker Woods, submitted a response letter to the Corps letter dated May 2, and asked that it be entered into the minutes (attached hereto as Attach 1). The Committee still has a concern about the design of the levee in Stage V-2 and asked the Corps to look at alternate designs. They want to work with us to come to a better solution.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, July 5, 2006

June 4, 2006

Dan Gardner  
Executive Director  
Little Calumet River Basin Development Commission

RE: Response to Letter dated May 2, 2006 to Dan Gardner from Imad Samara, Project Manager, USACE – Chicago District

Dear Mr. Gardner,

Thank you for the copy of the above referenced letter.

After meeting with a few of our committee members on Sunday June 4, 2006, we hereby provide the BCOE and LCRBDC with the following comments, questions and requests.

Generally, we found the letter late, inadequate and in some places factually incorrect. Nevertheless, we hope to resolve this issue to the mutual satisfaction of all concerned parties.

My letter sent to you was dated **October 25, 2005**. The response to my letter from Imad Samara is dated **May 2, 2006** --- fully six months after my letter was submitted to the LCRBDC. In the monthly public meeting of March 1, 2006 Imad Samara promised a timely response to my letter so that our Committee could be prepared for the BCOE review in June 2006. Frankly the timing of the release of this letter, just weeks before the BCOE, smacks of insincerity and brinksmanship.

**Factual errors found in the letter and drawing are as follows:**

Paragraph 1, line 3: “north of South River Road”

Correction: My letter pertained to both north of South River Road and East of Hawthorne Drive.

Paragraph 2, line 4: “several old growth cotton wood trees”

Correction: There are actually over 200 mature trees, primarily elms, hawthorns, and cottonwoods, with a diameter of greater than 12”. These are just the trees on the flat section of the area of concern. There are an equal number of trees existing in the present berm and along the ditch and riverbeds.

Paragraph 2, line 5: “mowed by the owner, North Township”

Correction: The Town of Munster mows the area.

Paragraph 3, line 2: “The primary advantage would be a reduced foot print.”

Corrections: The primary advantages are (1) preserving the aesthetics (2) preserving the ecological environment, (3) preserving recreational opportunities for the citizens, (4) preserving the historical features, and (5) preventing diminution of real estate values.

Paragraph 4, line 2: “situated relatively deep in their lots”

Correction: All lots are built according to Munster building codes, 40 foot off the lot line. “Relatively deep” is ambiguous, slanted terminology that benefits the Corps in it’s assertion, smacks of bias, and calls into question the objectivity of the (as yet unnamed) appraiser obtained by the Corps.

Paragraph 4, lines 3, 4 and Paragraph 5, all lines: “slightly beyond the existing toe of the levee”

Correction: While the author notes the minimal extension of the toe of the proposed levee east of Hawthorne Drive, he omits any mention of the green space north of River Road where the toe of the proposed levee will be more than half way out over the existing flat area --- almost 25 feet from the street curb from its current 75 to 100 feet from the street curb.

Drawing, Ref # C-00, Wicker Woods Alternatives, Attachment 2:

The stretch of the road from Fairway Ave, north to the bend of the road is incorrectly labeled “River Road.” It should be labeled “Hawthorne Drive”.

### **Inadequacies:**

A review of the three options on the drawing indicates inconsistencies.

**Example #1:** The proposed sheet pile has a linear length of approximately 900 feet, 16 foot depth, and estimated area of 21,124 square feet. This would indicate an average height of 8 feet.

2. [ The proposed berm has a 10-foot service road on top, an average height of 8 feet and a 2.5:1 slope. These parameters give a cross section of the berm equal to 240 square feet. For a berm 900 feet long with a cross sectional area of 240 feet the volume of impervious fill would be 8,000 CY not the stated volume of 3,467.74 CY. This corrected volume for fill would more than double the cost of the originally proposed berm as noted on the drawing.

**Example #2:** Option 2 and Option 3 both use steel pile to tie into the existing pump station and proposed flow control structure. However, the drawings show the two sheet pile walls terminating at different termini approximately 100 feet apart. Why?

**Example #3:** Sheet pile embedment is 16 feet, roughly 2-foot depth for 1-foot height. As the berm is located in a no wake retention area and is driven into an existing earthen berm, 2:1, depth: height ratio seems a bit excessive.

### **Disagreements with COE stated Opinions:**

The Committee totally disagrees with opinions stated by the COE in paragraphs 6, 7, & 8

The Committee disagrees with all of the cost estimates for reasons of factual errors or omissions of values.

The Committee disagrees with the stated Recommendations.

**Requests by the Committee to the LCRBDC:**

The Committee is requesting copies of the real estate appraisal performed by the COE real estate appraiser as mentioned and referred to in Paragraphs 4, 5, 6 and 7.

The Committee is requesting “USACE-Bid abstracts from Other Little Calumet Projects and USACE guidelines” as referenced and used in the table of the summary of primary differences on page one of the referenced May 2, 2006 letter.

The Committee is requesting copies of the engineering and cost estimating calculation sheets as used to determine the quantities and costs as noted on the drawing: Sheet Reference Number: C-00, “Little Calumet River, Indiana Local Flood Protection Stage 5 Phase2, Wicker Woods Alternatives Attachment 2”.

Would the LCRBDC be willing to provide these requested documents to the Committee, without the Committee filing a Freedom of Information Act” request?

**Reason for Hope for Mutually Satisfactory Resolution:**

The Committee strongly supports the reconstruction of the flood protection berm along Hart Ditch and the Little Calumet River along Hawthorne Drive and South River Drive. We have endeavored for more than three years to work in a cooperative, open and nonconfortational manner to achieve a reconstructed berm that meets both the required flood protection and the needed preservation of Wicker Woods.

It is encouraging that even using the flawed designs and cost estimates as recorded in the May 2, 2006, we appear to be AT THE WORSE only \$400,000, (0.2% of the total estimated cost of \$250,000,000 and only 1,000 feet of a multi-mile berm), apart on construction costs for the proposed and the desired alternative berms.

I’m certain that a more stringent evaluation would prove this \$400,000 difference to be much less. The Committee strongly desires to continue our cooperative, open and nonconfortational workings with the LCRBDC. It is the Committee’s hope that the LCRBDC can go back to the ACE and have them refined their design and estimate.

Thank you for your consideration.

Sincerely,



Steve Enger

The Committee to Preserve Wicker Woods