

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. WEDNESDAY, MAY 3, 2006
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman William Biller called the meeting to order at 6:15 p.m. Eight (8) Commissioners were present. Pledge of Allegiance was recited. The guests were recognized.

Development Commissioners:

George Carlson
Arlene Colvin
Robert Huffman
William Biller
Steve Davis
Mark Reshkin
Kent Gurley
Charlie Ray

Visitors:

Elizabeth Johnson – Congressman's Office
Bill Petrites – Highland resident

Staff:

Dan Gardner
Jim Pokrajac
Judy Vamos
Sandy Mordus

A motion to approve the April 5, 2006 minutes was made by Arlene Colvin; motion was seconded by Bob Huffman; motion passed unanimously.

Chairman's Report – Chairman Biller updated the Commission on Cabela's property. He reported that a proposed commitment letter from the State had been sent to Cabela's committing that the state would construct the access road into the property up to \$3 million and also stating that, in return, Cabela's would donate the needed easements to the Commission. The letter also stated that they would work with us and make a "good faith effort" to complete construction for Stage V-2 by December 2008 (accelerating the funding of the project up to a maximum of \$6 million). This figure was based upon information that the Commission provided to the State. Cabela's would want to start soon so the store could be opened by the fall of 2007; additional construction at the south end of their property would follow once the floodplain designation was lifted. The process is moving forward; the State is now waiting for a response from Cabela's. Once we know that it is a "go", we can work with the city to start making offers on the properties across from Cabela's at the Interstate Plaza.

- Chairman Biller stated that we talked to Councilman Dan Repay, 5th District Hammond Councilman, who will coordinate to have a public meeting set for Tuesday, May 16, at the Morton High School cafeteria from 6-9 p.m. Mr. Repay will contact his district residents to invite them to the meeting. Mr. Gardner, as well as Imad Samara, will give an updated presentation of the upcoming and ongoing construction and schedule.

Action Required – Treasurer Arlene Colvin referred to page 10 for the claims. She proceeded to make a motion to approve the claims in the amount of \$116,027.76; motion seconded by George Carlson; motion passed unanimously.

- Ms. Colvin then presented the O&M claims for approval in the amount of \$39,219.66. Ms. Colvin made a motion for approval; motion seconded by George Carlson; motion passed unanimously.

- Ms. Colvin presented an increased offer on DC-1104. Judy Vamos added that the business has asked for a 15% increase on their original offer because they are losing 10 parking spaces. The Corps has approved the 15% increase. We need permanent and temporary easements from them. Bob Huffman made a motion to approve the increased offer to \$33,350; motion seconded by Arlene Colvin; motion passed unanimously.

- Judy Vamos also asked for approval of a condemnation on DC-1101. It was suggested that she provide written information on the condemnation. She agreed to produce it for consideration later in the meeting.

Executive Director's Report - Mr. Gardner referred to the letter on Page 12 that was written to Spike Peller, Director of Gary Sanitary District and the Gary Storm Water Management, whereby we officially let them know that we have received the 25% cost share in the Burr Street Phase 2 Gary portion levee construction in the amount of \$623,061. We understand that Superior is under contract with Gary and they are proceeding with pre-construction paperwork. The Corps of Engineers will oversee the project.

- In regards to Burr Street Phase 2 Little Cal portion, the NSRR still remains an issue. They have not signed the easement agreement yet; the attorneys are still working out the agreement language. Commissioner Mark Reshkin suggested that we let the Congressman's Office know of the situation.

Finance Committee - Treasurer Arlene Colvin presented the financial status sheet on page 13 in the agenda packet.

- On page 14 is the letter from the Corps requesting our local cash contribution for FY 06 in the amount of \$516,000. This will allow the ongoing west reach contracts to continue.

- On page 15 is the letter from the Corps identifying \$350,000 for the Burr Street Phase 2 Little Cal portion as the Commission share to initiate construction. They are requesting \$300,000 at this time. Mr. Gardner added that these letters necessitate our need to ask the State Budget Agency to allocate the other \$1 million from the 05/07 budget.

Land Acquisition/Land Management Committee - Land Acquisition Agent Judy Vamos reported that the gross appraisal on the Stage VII (Northcote to Columbia) Munster tracts has been received from the appraiser. This will enable us to go the town of Munster and discuss their ability to help us acquire these easements.

- Mrs. Vamos stated that there are 37 acquisitions in Stage V-2 (Kennedy to Northcote, both north and south levees); we have accepted offers on 18 properties. (6 acquisitions are held up until a decision from Cabela's is made)

- Ms. Vamos reported that title work and survey work has been completed for Stage VII. Appraisals are in progress.

- Jim Pokrajac referred to an updated lease income sheet.

Project Engineering Committee - Committee Chairman Bob Huffman reported a walk-thru with Lawson-Fisher took place on May 3. Most of the levee meets IDNR levee height requirements; only a small portion is not. Some trees would have to be removed. Mr. Huffman also asked about the trail system in this area. Mr. Pokrajac stated he was going to send another letter to the EJ&E RR to see if they would reconsider their position on the trail crossing.

- Discussion was held on scheduling a meeting in mid-May with INDOT to discuss the pump station that they will construct in the Stage V-2 area. Now that we are on a fast track for Stage V-2, it means that the pump station will be constructed sooner than originally anticipated. INDOT may want to re-schedule their construction based upon this new information.

- Regarding the Stage VIII engineering review, the Corps has asked us to do location surveys for the properties and then forward any real estate changes to the Corps in order that they will modify their real estate requirements. The current Stage VIII real estate is based upon 6 year old data and new construction will not be shown on the drawings. We want to take the least amount of interest and avoid, to the extent possible, impacts to the backyards.

Operation & Maintenance Committee - Committee Chairman Bob Huffman reported that the legal descriptions for the 2 pump stations in Stage III Remediation area have been given to the Commission attorney to proceed with the city of Gary.

- The remaining 4 Gary pump stations are having the final changes made to the legals and will be forwarded to the Commission attorney.

- A meeting needs to be scheduled with the new administration in Gary to discuss and update what needs to be done for turnover of excess Commission lands to Gary in exchange for O&M responsibility.

- An emergency response meeting was held in Crown Point at the Lake County Emergency Response Headquarters office on April 24. The LCRBDC needs to coordinate with all municipalities to put respective emergency response plans in place as soon as possible. The Corps needs a sign-off from each municipality to assume the responsibility for their respective community to comply with an overall emergency response plan. The Corps wants to schedule a sandbag

closure exercise and a panel closure structure exercise at 35th Street, east of Chase. Mr. Pokrajac added that a sandbag closure exercise is scheduled for May 10th.

- Levee inspections took place on April 25 thru the 28th. It appeared that only minor items existed and have no structural problems that need to be repaired. In addition to the pump stations, the levees will also need to be turned over to Gary for O&M responsibility.

Environmental Committee – Mr. Reshkin reported that we were notified by Carolyn Marsh, an area environmentalist, that there were blue heron nests in the Stage VI-2 construction area. Upon inspection, it was determined that the area west of Cline and south of I-80/94 was an extensive heron rookery. There was a concern that the birds, in their breeding season, were being disturbed. The structural portion of the levee is in place; only grading and seeding remain. A biological specialist from Bloomington is coming to the area to determine if there is a problem. Mr. Gardner will accompany him to the site. Mr. Gardner went on to say that back in 1996, when original design was determined, there were no nests present. After INDOT did additional re-construction at Cline Avenue and I-80/94, the area become much wetter. There are about 60 nests now. The area encompasses three parcels. We only own one parcel; the other parcels have only a flowage easement. We will keep the Commissioners informed.

Legislative Committee – Committee Chairman George Carlson referred to Mr. Gardner for a report. Mr. Gardner referred to the packet that we gave to IDNR identifying the need for additional dollars and where those dollars would be spent. With the letters we've received from the Corps requesting the \$516,000 escrow monies and the \$300,000 for Burr Street Phase 2 Little Cal, it is imperative that we get approval for the remaining \$1 million unallocated to us at this point in time. We are continuing to work with the State in identifying the needed monies to keep on schedule.

- We will continue to explore with the town of Munster and the city of Hammond for any additional funding commitments they can make.

- Mr. Carlson stated that the Congressman has set an aggressive schedule; we are doing everything we can to stay on that schedule. He asked what the Corps was doing to accelerate their work contracts. He felt that the allocated number of days to complete the contract at the time the project was advertised was too long. He feels that some sort of an incentive should be given to contractors to finish early; the way the contracts are now, there is no reason for them to move any faster. The Corps feels they are on schedule. Jim Pokrajac added that the Commission is doing the utility coordination that is really the responsibility of the Corps. We are using our local facilities to look at updating their old data.

Policy Committee – There was no report.

Recreation Committee – Committee Chairman Bob Huffman stated that he has some suggestions on the trail map for V-2. He will get those suggestions to staff.

Marina Committee – Committee Chairman Charlie Ray informed the Commission that the marina property has been transferred to the city. The city of Portage has applied for a permit for the construction of additional slips. There are at least 150 people on a waiting list for boat slip rental; the demand is there. Mr. Gardner added that we had furnished some marina figures to the Corps. Steve Davis reported that, although the DNR permit was still valid, the Corps permit had expired.

Other Issues/New Business – Judy Vamos presented information, as requested, on DC-1101. She asked for approval for condemnation. Staff has not been able to identify a landowner. In order to meet the September 2006 deadline of acquisition, she asked for approval to staff to start condemnation proceedings. The permanent easement has a value of \$5,450 and a temporary easement of \$500. The land is vacant. Bob Huffman made a motion for approval; Arlene Colvin seconded the motion; motion passed unanimously.

Statements from the Floor - There were none.

There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, June 7, 2006