

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, JUNE 4, 2008
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman William Biller called the meeting to order at 6:05 p.m. Seven (7) Commissioners were present. Pledge of Allegiance was recited. Guests were recognized.

Development Commissioners:

Mark Gordish
Robert Huffman
Steve Davis
William Biller
Robert Marszalek
Arlene Colvin
David Burrus

Visitors:

Bill Petrites – Highland resident
Elizabeth Johnson – Congressman's Office
Karen Lorenz – Southmoor Road, Hammond
Imad Samara – Corps of Engineers
Traci Powell - IDNR
Susan Brown – The Times
Mike Zarantarello – Southmoor Road
Cy Huerter - citizen
Erik Potter – Post Tribune
Lynne Whelan - USACOE
Vanessa Villarrel - USACOE
Roy Evans – Purdue Engineering Dept.
Mark Reshkin – former Commission member
Charlie Ray – former Commission member

Staff:

Dan Gardner
Sandy Mordus
Lou Casale
Judy Vamos
Jim Pokrajac

The minutes of the meeting held on May 7, 2008 were approved by a motion from Bob Huffman; motion seconded by Steve Davis; motion passed unanimously.

Chairman's Report – Chairman Biller presented an appreciation plaque to both Mark Reshkin and Charlie Ray, former members of the Commission, for their dedicated service to the Commission for the years they have served. Dr. Reshkin served on the Board from 2000 – 2007 and Charlie Ray served from 2003 thru 2007.

• Chairman Biller introduced David Burrus as a new member replacing Charlie Ray. He is an appointment of the Porter County Commissioners.

Action Required – In Treasurer Kent Gurley's absence, Mr. Gardner presented items for action. He referred to the revised claim sheet in the amount of \$224,195.89. Mr. Marszalek proceeded to make a motion to approve the May monthly claims; the motion was seconded by Bob Huffman; motion passed unanimously.

• Mr. Gardner then referred to the O&M claims in the amount of \$3,275.91; motion seconded by Bob Huffman; motion passed unanimously.

• Mr. Gardner then asked for approval of the Munster claim in the amount of \$4,040, which will be drawn from the town of Munster. Arlene Colvin made a motion approving the processing of the Munster claim; motion seconded by Bob Marszalek; motion passed unanimously.

• There was one increased offer on DC-1370. Original offer was for \$4,507; new offer is for \$8,707 (due to overlooked fence & landscape damage and relocation of two sprinkler heads). Bob Marszalek made a motion to approve the increase; motion seconded by Bob Huffman; motion passed unanimously.

Executive Director's Report – Mr. Gardner distributed a letter to the residents on Southmoor Road in Stage VIII, which addressed their questions regarding the project area. The letter included the Commission's legislation as well as a Corps proposed drainage system map. The area will be photographed before and after construction, for the residents' protection as well as the contractor. It was stated we will be as fair as possible with the residents but we must move along and move toward completion. We will meet with the group and individually, to discuss particular offers.

- Mr. Gardner referred to a written request from a resident in Stage V-2 in the Hawthorne Woods area requesting a meeting to talk about the ongoing construction, landscaping in that area, etc. The letter was addressed to the Commission, as well as Frank Mrvan Jr. (Wicker Park North Township Trustee) and Tom DeGuilio (Munster Town Manager). The meeting is scheduled for 6:30 on June 10 at the Wicker Park Club House.

- Mr. Gardner also stated that he will attend the Hammond Mayor's Night Out to talk about the flood control project in Hammond

- It was announced that Mr. Gardner will be on Channel 11 at 7:00 June 9 on the Chicago Tonight show where a segment on the Blue Heron Rookery will be shown.

- Attorney Casale reported that he is still attempting to work out an agreement with NSRR to avoid going to trial. He did request authority to send a letter to the Corps in case we do go to trial and requesting Federal intervention, if needed. Commissioner Bob Marszalek made a motion to authorize the attorney to write the letter to the Army Corps requesting Federal intervention in the lawsuit LCRBDC vs. NSRR, if negotiations break down and an agreement cannot be reached; motion seconded by Bob Huffman; motion passed unanimously.

- Jim Pokrajac stated he has received quotes from six companies to perform daylighting services needed for pressurized lines in Stage VII & Stage VIII utilities. Commissioner David Burrus made a motion to procure the services of TLC Plumbing for the lowest estimated bid amount of \$8100; motion seconded by Bob Huffman. After further discussion on how to cap the amount without the contractor having to come back to the Board for additional approval if the amount goes over the \$8100, especially because of the time constraint, Dave Burrus amended the motion to read "award the contract to TLC Plumbing for \$8100 using unit pricing to determine the final cost based upon time and material above or below the base bid"; motion seconded by Bob Huffman; motion passed unanimously.

- Mr. Gardner stated that Dyer Construction is removing some undefined catch basins and drain tiles found in the V-2 Cabela's construction area. The work was given to Dyer because they were mobilized on the site and it was work that had to be done immediately in order for them to proceed with the V-2 construction segment. We will be receiving an invoice from Dyer for this additional work.

- Mr. Gardner referred to the letter in the packet from Roy Deda, Corps Deputy for Project Management concerning their decision to delay the advertisement and award of the Stage VIII construction contract. Although all efforts have been put into getting all the needed real estate so we can sign a ROE, there are still easements that have not been acquired. A legal timeline for remaining condemnation is being prepared. Land acquisition requires a good faith effort to acquire willingly based upon appraisal and, if needed, negotiations. Some trusts which control property must be legally advertised before we begin condemnation. This further delays taking possession. The Chicago Army Corps has been

restricted from advertising without easement possession, a change from previous contracts.

Finance Committee – In Committee Chairman Kent Gurley's absence, Mr. Gardner referred to the financial statements for April in the agenda packet. Finance action has already been taken.

- Mr. Gardner also stated that we have not yet received a report from the State Board of Accounts for audit years 2006 and 2007.

Land Acquisition/Land Management Committee – Committee Chairman Bob Marszalek referred to Judy Vamos for a report. She reported that acquisition is ongoing for Stage VII and Stage VIII and construction is ongoing for Stage V-2.

- Mrs. Vamos reported that Stage VIII is our priority. Out of 92 total needed easements, 10 are city of Hammond easements that have been signed; 12 are Munster easements under review; 4 INDOT, 1 NICTD and 1 CSX easements are under review; 12 landowners are waiting for a meeting to discuss project/offers; 35 residential have closed; 2 are in condemnation; 5 more are ready to be filed for condemnation; and 10 are in negotiations.

- Regarding land management issues, Attorney Casale stated that he is working on an agreement for LEL regarding their proposal for the ± 26 acres east of Clay Street in Lake Station and will have it available for the July meeting.

Project Engineering Committee – Committee Chairman Bob Huffman gave the committee report. Mr. Huffman reported that a Stage VII 50% review meeting was held on May 19th. Jim Pokrajac added that the meeting was attended by the municipalities, pipelines, and utilities and went very well. The Corps' design is getting close to the 100% level and we should be receiving it soon for final review.

- Regarding the Stage V-2 pipeline corridor, there are still several pipelines that we do not have an agreement with at this point. Attorney Casale has been reviewing suggested language change in the agreement with Wolverine and Explorer. Mr. Gardner will write a letter to Conoco addressing how payment will be made on the utility work; and T-Cubed is in the process of being reviewed by their attorney. Mr. Gardner added that the funding for the pipeline/utility relocations will come from the second draw of the RDA funds and will be put into an escrow account earmarked for utilities.

- Mr. Huffman asked for an update on the Griffith levee certification. Mr. Gardner will send copies of the draft report developed by the Corps to the Engineering Committee members for their review. He stated that we did allow dollars in our estimated gap funding chart to cover the estimated cost for the Griffith levee. Mr. Gardner will present a scope of services at next month's meeting for review.

- Jim Pokrajac stated that surveys are being done now on the eight houses on Forest Avenue in Hammond. This is the levee that was built back in the 80's by the city of Hammond in compliance with Army Corps specifications. After the survey is complete, we will meet on site with the Corps inspection team to determine what needs to be done to certify the levee. At the very least, a public easement needs to be acquired from the property owners.

- Jim Pokrajac referred to the letter in the packet that the Army Corps wrote to Superior Construction, who constructed the Burr Street Betterment Levee Phase 2-Gary. Upon inspection by the Corps, they found some areas unsatisfactory regarding to plantings, vegetation, and erosion control. The Corps stated that it is still within the one-year

contingency/corrective period and are asking Superior to assume the responsibility to remediate.

- Jim Pokrajac stated that he talked to the town of Highland and INDOT regarding the construction of the pump station west of Indianapolis Blvd. in Highland. He stated that contract is still scheduled for advertisement in February 2009 and construction will happen next year. A coordination meeting will be held shortly between Highland and INDOT. INDOT does not want to delay the project because they do not want to jeopardize the funding.

Operation & Maintenance Committee – Committee Chairman Bob Huffman stated that inspections should be scheduled shortly. Jim Pokrajac stated the Army Corps staff has prioritized to complete Stage VII & VIII prior to doing inspections at this time. It is hoped they will take place in late July or early August.

- Mowing will be done in about two weeks.

- Austgen Electric has almost completed all corrective measures to the sluice/flap gates. Only two locations are left. The river levels have been a problem because of all the rain we have had.

- Relative to the O&M turnover in the city of Gary, Dan Gardner and Attorney Casale met with Gary city officials. A time schedule was agreed upon; attorneys Casale and Carmouche will finalize draft agreement for O&M acceptance. We are working toward final approval to go to the city in August. Final inspections need to happen before then. The Commission will do a transfer of surplus land to the City. A follow-up meeting has been scheduled for 11:00 a.m. July 17. Agreement should be ready to go before Board of Public Works and Gary Stormwater Board in August for approval.

O&M Funding Committee – There was no report but Imad Samara did state that, at his request, he provided Treasurer Kent Gurley with a funding chart.

Legislative Committee – Mr. Gardner stated that he will work with RDA for the next drawdown of funds (to be used for utility relocation costs). He also needs to see how to proceed with the State since the RDA funds are a “loan”.

Environmental Committee – Mr. Gardner referred to the highlights in the agenda packet of the Little Calumet River Watershed Management Plan prepared by R. W. Armstrong Company for the city of Gary Storm Water Management District.

Recreation Committee – There was no report.

Policy Committee – There was no report.

Other Business – There was none.

Statements from the Floor – -Mike Zarantonello of Southmoor Avenue in Hammond brought up several issues. He questioned the sandbagging of the levee. Imad said that the sandbagging that would be done is within the freeboard of the levee top across streets. Jim Pokrajac added that it would be the responsibility of Hammond on the north side and Munster on the south side. In past flooding situations, the municipalities respond immediately. There is a flood emergency response plan in place. Mr. Zarantonello also

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expressed displeasure in how Garcia Surveying attempted to contact the residents so surveys could be performed on their property. The residents took offense that the Commission's letter to them implied that it was their "fault" the surveys were not done sooner. Jim Pokrajac added that, at this point in time, it was his understanding that all the surveys were re-done to stake out the modified center line at the request of the residents. Mr. Zarantonello asked the Corps if the V-section where the wall and levee meet will be filled in and Mr. Samara stated he would check and let him know. Imad will also check if the easement has been modified to reflect that only 15' is needed from the center line of the wall.

Imad stated that the levee at Cabela's will tie it in to the Corps levee. The contractor is using it for access at the present time but it will tie in; a continuous line of protection will be provided. Imad also stated that a pedestrian bridge will be provided west of Indianapolis Blvd. and south of the river by the bus terminal.

- Karen Lorenz of Southmoor Avenue in Hammond stated that an arborist has been contacted, as well as a real estate broker, to advise the residents on Southmoor. They also wish to engage an engineer to review the Corps plans for drainage to see if they are adequate. Mrs. Lorenz also expressed displeasure on how Garcia Surveying attempted to contact them for property access. She also informed the Board that a bill has been passed in the Senate and now going to the House that would require residents living in a flood plain to carry flood insurance. Imad Samara stressed that the intent of this levee project is to prevent flooding from the river and not to get people out of the floodplain. Being relieved of paying for flood insurance is only part of the benefit of the construction.

Mrs. Lorenz also stated that she would hope that the residents have three months to respond back to the Commission, since that is how long it took before receiving a written response to them from the Commission/Corps.

There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, July 2, 2008.