

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT**  
**COMMISSION HELD AT 6:00 P.M. WEDNESDAY, MAY 7, 2008**  
**6100 SOUTHPORT ROAD**  
**PORTAGE, INDIANA**

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

**Development Commissioners:**

Mark Gordish  
Robert Huffman  
Steve Davis  
William Biller  
Robert Marszalek  
Kent Gurley

**Visitors:**

Bill Petrites – Highland resident  
Elizabeth Johnson – Congressman’s Office  
Karen Lorenz – Southmoor Road, Hammond  
Imad Samara – Corps of Engineers  
Ruth Mores – Southmoor Road citizen group  
Susan Brown – The Times  
Mike Zarantarello – Southmoor Road  
Barbara Whitaker – Munster resident  
Carolyn Marsh – Sand Ridge Audubon  
Lynne Whelan - USACOE  
Vanessa Villarrel - USACOE  
Tracey Powell – IDNR, Div. of Water  
Rob Wolf – J. F. New

**Staff:**

Dan Gardner  
Sandy Mordus  
Lou Casale  
Judy Vamos  
Lorraine Kray

The minutes of the meeting held on April 9, 2008 were approved by a motion from Bob Huffman; motion seconded by Steve Davis; motion passed unanimously.

**Chairman’s Report** – Chairman Biller referred to several meetings with the city of Hammond that Mr. Gardner will talk about in his report.

**Action Required** – Treasurer Kent Gurley presented items for action. He proceeded to make a motion to re-approve the corrected March monthly claims of \$203,850.18; the motion was seconded by Bob Marszalek; motion passed unanimously.

• Mr. Gurley proceeded to approve the April claims in the amount of \$133,920.06; motion seconded by Bob Huffman; motion passed unanimously.

• Mr. Gurley then made a motion to approve the O&M claims in the amount of \$8,478.07; motion seconded by Steve Davis; motion passed unanimously.

• Committee Chairman Bob Marszalek referred to Judy Vamos for a report on the proposed condemnation action needed to implement Stage VIII. She informed the Board that we need easements from 4 trusts. We have no personal contact with any of the landowners; we work through the bank. Closing on properties that are held in a trust usually take a longer period of time. We also have one property that we are unable to find the owners. In addition to these 5 properties, there are 35 remaining properties that require condemnation action because of the time schedule for available lands to the Corps. We are hoping that most of the properties will be willing buyer-willing seller but, at this point, she is seeking approval for condemnation, only if necessary. Bob Marszalek proceeded to make a motion authorizing the attorney to file condemnations, where necessary, on 40 properties which are DC1351, 1352,1364, 1364-A, 1316, 1303, 1304, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1328, 1329, 1330, 1331, 1332, 1334, 1335, 1340, 1342, 1344, 1360, 1361, 1362, 1363,

1368, 1370, 1371, 1372, 1378, 1380, 1382, 1387, 1388, 1389, 1391, and 1397; motion seconded by Kent Gurley; motion passed unanimously. Mr. Gardner added that, in total, there are 92 easement acquisitions in Stage VIII. The Army Corps must let the contract this summer in order to have the segment completed by the fall of 2009 to keep on schedule. Judy is working with landowners in acquiring the easements but because of the compressed time schedule, approval to condemn is necessary if an agreement cannot be reached with the landowner.

Executive Director's Report – Mr. Gardner stated that another coordination meeting was held with the city of Hammond, IDNR, Congressman's Office, Corps of Engineers, and FEMA on April 29. Discussion ensued on the project moving forward as well as FEMA approval so that the area will be able to come out of the flood plain as soon as possible to the time the construction is completed. The entire process is fairly complicated so all parties must work together. Commissioner Mark Gordish added that the city has procured a consultant to help them move forward as quickly as possible. FEMA officials need to be involved early on and continue working toward certification of the levee. The paperwork can be underway while construction is ongoing. We understand that there is at least a three month review process. Imad Samara added that they are working on all the completed sections to be able to come out of the flood plain – not just the Cabela segment. Commissioner Kent Gurley asked if Hammond will accept the O&M then. Mr. Gardner stated that an O&M agreement has to be in place with all communities in order for them to come out of the flood plain. With Hammond taking the lead with FEMA, Mr. Gurley sees it as an opportunity for the other communities to follow their lead with O&M. Mr. Gardner thanked the Congressman's Office for scheduling the meeting. The next meeting is scheduled for May 14.

- Mr. Gardner referred to the Times news article stating that the Earth Tech report on the August flooding causing the closure of the Borman in Highland has been completed and can be viewed on line. The key recommendation is to complete the levee construction west of Kennedy Avenue and north of the river as soon as possible, to help alleviate any future flooding problems.
- Mr. Gardner referred to a letter from the Natural Resources Conservation Service (NRCS) regarding the 200 acre wetlands reserve program application. This would be made available to them for acreage that would be used for wetland restoration. They asked for clarification from us to ensure that the acreage does not have any mitigation obligation to the Corps before they proceed any further. Mr. Gardner has talked to Greg Moore of the Corps office regarding this and he was encouraging. A discussion needs to be set up with Marty Maupin from IDEM for clarification.

Finance Committee – Committee Chairman Kent Gurley reported that finance action was already taken. He referred to the financial statements for February and March in the agenda packet.

- Mr. Gurley also stated that the State Board of Accounts is still auditing the financial records for 2006 and 2007. They should be finished shortly; a report will be given at the next meeting.

- Mr. Gurley asked about RDA draws. Mr. Gardner stated that we have drawn the first draw of \$1,315,000 for the 7% local project cost share that has been placed in an escrow account for the Corps' use. We will be making another request for an estimated amount of \$1.7 million to be placed in escrow for utility costs. We need the \$1.7 million based upon Corps design impacts and approved utility estimates for protecting/relocating the utilities. The \$1.25 million previously identified to be funded as part of the IEDC commitment to use for utilities is no longer available to us. (The latest release of the \$2 million appropriated in the 2007-09 biennium was viewed as all that could be funded.)
- In regard to the State Board of Accounts auditing the Commission for 2006 & 2007, it has been completed but we will not receive a report for several weeks.

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.

- For Stage V-2, there are still two remaining real estate acquisitions that have not been resolved. She referred to attorney Casale who stated that there have been ongoing conference calls with the NSRR to try to reach an agreement. Mr. Casale agrees to their proposed language but the Army Corps does not. If an agreement does not get signed soon, it will have to go through the condemnation process. The NIPSCO easement is in the process of being signed. We are hoping to receive it soon. Imad Samara stated that the Corps needs the right-of-entry by September 30.
- Regarding Stage VII (Northcote to Columbia, both sides of the river), Mrs. Vamos reported that of the 34 needed easements, 27 landowners have accepted; there are 3 condemnations; 2 utilities that are reviewing engineering; 1 landowner awaiting Corps new mapping; and 1 landowner that has 11 heirs and is taking time to secure all 11 signatures.
- Mrs. Vamos reported that Stage VIII is our priority. Out of 92 total needed easements, 30 are municipalities and expect to be donated; 22 are closed; 8 are willing sellers; 13 are reluctant sellers, and 18 are in negotiations. Staff is working hard to acquire by Corps deadline. Commissioner Steve Davis asked if the appraisers are looking at the value of trees on properties. Judy replied that if a tree is within the work limits, the landowner will be compensated.
- Regarding land management issues, Attorney Casale stated that a meeting was held with LEL to discuss their proposal for the ± 26 acres east of Clay Street in Lake Station. LEL is proposing the following: They would enter into an agreement with the Commission to develop, operate, and market a mitigation wetland bank for the ±26 acres; option fee would be \$10,000 paid full upon execution of agreement; option would be to January 2009 and would allow time to apply for permits to develop the wetland bank on behalf of the Commission. Upon execution of option, they would pay an additional \$95,000 to the Commission. Upon sale of mitigation credits, they would pay the Commission 10% of proceeds in sales plus \$750 per sold acre which would be held in escrow for maintenance of their project. Rob Wolfe from J. F. New informed the Board members that LEL currently has the property north and east of the 26 acres which has been restored to wetlands and credits are sold. LEL would assume all liability for the project and secure all permits. Considering the payment of monies we would receive, and considering that this is surplus

property to the project and is outside the project area, it appears to be a viable project for the Commission. Bob Marszalek made a motion for the attorney to proceed with developing the contractual documents with LEL; motion seconded by Bob Huffman; motion passed unanimously. Mr. Marszalek thanked Mr. Wolfe for coming to the meeting.

Project Engineering Committee – Committee Chairman Bob Huffman gave the committee report. Mr. Huffman reported that Stage VII 50% review has been distributed.

- He also reported that the pre-bid meeting was held on the Pump Station 2A contract (for Tapper and Forest Ave. pump stations). Bid opening would be May 27 and the award would be in June.

- Staff is still pursuing securing all the necessary V-2 pipeline corridor utility agreements.
- Imad Samara stated that he has given us a draft report of the Griffith levee certification. It appears there should be no drastic measures that need to be addressed. Commissioner Davis asked if the report identifies deficiencies. Imad Samara replied that the report gives examples of deficiencies. Staff will review the draft report and then the Corps will issue a final report. We will then have to hire an engineering consultant to identify the corrections that have to be made for certification approval.

- Regarding the Forest Avenue levee in Hammond, we contacted all property owners. We do have as-built drawings of what was constructed. Corps will do a field inspection when surveys are complete. We do need to establish a public easement and then identify what corrective measures need to be done. We should know more after Corps inspections. Mr. Gardner added that the current levee seems to be well built and up to Corps standards according to the as-builts.

Operation & Maintenance Committee – Committee Chairman Bob Huffman stated that inspections should be scheduled shortly.

- Austgen Electric has almost completed all corrective measures to the sluice/flap gates.

- Staff has re-requested comments on the O&M manual review from municipalities. No comments to date have been received.

- Relative to the O&M turnover in the city of Gary, Mr. Gardner is attempting to have another meeting scheduled with the city. He will call Commissioner Colvin and seek her assistance in scheduling that meeting with the Mayor and their attorney.

- Discussion ensued on how communities would address the O&M funding within their respective cities. Mr. Gurley asked whether we have pursued anything with Umbaugh. Mr. Biller replied that we first need to have another meeting with the city of Gary. Mr. Gurley urged that a meeting be scheduled before the next Commission meeting.

Legislative Committee – There was no report.

Environmental Committee – There was no report.

Recreation Committee – There was no report.

Policy Committee – There was no report.

Other Business – Mr. Gardner referred to the news articles in the agenda packet.

Statements from the Floor – Ruth Mores of Southmoor Avenue in Hammond stated that she has not received a written response to her letter of February 28, although Mr. Gardner did

acknowledge it. She has submitted another letter. Although she specifically is opposed to the project, she has specific issues she wants addressed. A neighborhood meeting will be set to discuss one of the major concerns regarding the drainage issue in their area once the levee/flood wall is in place. She is also requesting to keep neighborhood access to the river, which they now have. The residents are also working with an arborist to set a value to the old growth trees on the levee line; she feels they were not addressed in her offer. The residents are also worried about damage that a contractor would cause in their backyards given it is such a tight area with little room to work. Mr. Gardner responded to her by saying that a written response to her previous letter is coming. He cannot address all the issues raised in the letter; the Corps must address some of it. A schematic design of how drainage will flow and how it is going to adequately work will be given to the residents. Also, we have directed our surveyor to re-stake the center line of protection in the affected backyards based on approved requests of the residents. The surveyor will be contacting the residents before he enters their property.

- Mike Zarantarello, a Southmoor Avenue resident, questioned the re-mapping of the flood zone area. Mr. Gardner stated that FEMA is redoing all of Lake County. The Little Calumet River area was removed from the general contract because of the project construction. Remapping of that area will be applied for after construction is complete and not be dependent upon the rest of Lake County. Mr. Zarantarello questioned whether the Cabela's area would be taken out of the floodplain before line of protection is complete. Mr. Gardner replied that we are working on getting everyone out of the floodplain by end of 2009. Imad Samara stated that anyone can file a petition to FEMA to get out of the floodplain. Cabela's is a private entity and pursuing the removal on their own. Mr. Gurley reiterated that we are favoring Cabela's to get that area out of the floodplain first. Mr. Zarantarello asked who would be responsible if basements flood; Mr. Gardner replied that the Corps drainage design will prevent that from happening.

- Karen Lorenz, a Southmoor Avenue resident, inquired whether we have done a study regarding the rain water; she is worried about standing rain water in her backyard after completion of the floodwall because the water will not be able to get to the river. Mr. Gardner stated that the Corps design of the federal project is calculated to handle all the surface water, and will allow it to flow to the river. Imad Samara asked us to get all the residents questions to him and he will have the appropriate Corps officials address all questions in writing. Mrs. Lorenz has contacted FEMA and was told this is not a FEMA project; it is a Federal-State project.

- Barbara Whitaker, a Stage V-2 resident, stated that she is still waiting for a response to her letter. She acknowledged that Imad Samara met with her at her house. She stated that the residents in that area do not want a cyclone fence across from them; they want something that will provide more privacy. She also has a concern about the plantings and aesthetics in the area. She was told that when construction is complete, the aesthetics will be addressed. She also questioned why a phone line would be needed at a building that is going to be demolished (the small pump house on Hart Ditch).

- Carolyn Marsh representing Sand Ridge Audubon Society, questioned the Commission, as well as the Congressman's Office, why we did not feel an environmental report is important enough to have at each of our meetings. She also questioned how the RDA fits in with the Commission. Mr. Gardner replied that the RDA has provided gap funding at the request of

**Governor Daniels and Congressman Visclosky so that the project can be completed on schedule. She also expressed concern about potential development at the Griffith golf course on Cline Avenue that would disturb the Blue Heron Rookery; she also inquired where the 26 acres was located that LEL is interested in creating as a wetland mitigation area. She also asked to be invited if a meeting is scheduled with NRCS to discuss the 200 acres between Chase & Grant.**

- **Bill Petrites, a Highland resident, asked if INDOT's Indianapolis Blvd. project that includes the building of a new pump station was still on schedule for 2009. He was told by others that it had been pushed back to 2010. Staff will check with INDOT.**

**There being no further business, the meeting was adjourned. The next scheduled Board meeting is set for 6:00 p.m. on Wednesday, June 4, 2008.**