

MINUTES OF THE SPECIAL MEETING OF THE
LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION
HELD AT 6:00 P.M. THURSDAY, OCTOBER 16, 2008
6100 SOUTHPORT ROAD
PORTAGE, INDIANA

Chairman Bill Biller called the meeting to order at 6:10 p.m. ten (10) Commissioners were present. Pledge of Allegiance was recited.

Development Commissioners:

Mark Gordish
Robert Huffman
John Mroczkowski
Arlene Colvin
Dave Burrus
Kent Gurley
Bill Biller
Ron McAhron
Bill Baker
Dan Dernulc

Staff:

Sandy Mordus
Lou Casale
Jim Pokrajac
Judy Vamos
Lorraine Kray

Visitors:

Mark Lopez – Congressman’s Office
Elizabeth Johnson - “ “
Susan Brown – The Times
John Swanson – NIRPC Executive Director
Erik Potter – Post Tribune
Robert Farag – Griffith Golf course
Paul Daniels – Munster
David Nellans – Munster councilman
Bill Howard – Munster resident
Tom Bell – Munster resident
Mike Mellon – Munster councilman
Tom DeGuilio – Munster town manager
George Janiec - Hammond

Chairman Biller called the meeting to order at 6:10. The special meeting was called to address two items: (1) Interim Director and (2) budget, both short term through the end of the year and long term through end of project.

Chairman Biller welcomed new member Bill Baker, who is a Governor’s appointment. The first order of business is a recommendation to the Board to appoint an Interim Director to oversee the Commission through the end of the year. Arlene Colvin made a motion to select Jody Melton, Director of the Kankakee River Basin Commission, as interim director through December 31, 2008 and the Commission will continue their contract with NIRPC through the end of the year; motion seconded by Bob Huffman; motion passed unanimously.

Chairman Biller stated that a Search Committee has been selected and they are meeting to develop a RFQ for the Director position and it will be available at the next Commission meeting. Dave Burrus made a motion that the long term plan be developed for a director or a management team to replace the Executive Director position; motion seconded by Arlene Colvin; motion passed unanimously.

The second order of business dealt with a short term budget through end of year. Arlene Colvin reported that the Finance committee has met and developed a draft budget plan. They are still gathering some data for a cash flow budget. They are looking at the dollars needed to get us through the end of the year and trying to define a number of dollars for the long term. The first draft budget will be available at next Board meeting. Mr. Biller

thanked Arlene and the committee for the number of hours they have put in already. He asked that they continue working on the budget and report back. Mr. Biller also appointed Ron McAhron to serve on the Finance committee. Mr. Biller stated that he will schedule a Work Study Session before the next meeting. Mr. Biller also stated that the Search committee will meet on October 24.

Ron McAhron questioned whether or not the land acquisition condemnation costs should be discussed at a public meeting. Attorney Casale answered that it is public information and he sees no problem. All of the remaining condemnations in Stage VII are scheduled. Attorney Casale reported that all acquisition of easements is completed for Stage VII; there is still a utility relocation agreement that is outstanding with BP Pipelines. As soon as it is completed, we will be able to sign the ROE for the Army Corps to advertise the contract. Jim Pokrajac added that he has been in constant contact with the pipeline company and they realize the time frame we are under. Mr. Biller asked if the Congressman's Office could help. Mr. Pokrajac will forward the email trail and info to Mark Lopez.

The next meeting was scheduled for 6:00 on Wednesday, November 5. The meeting will be held at the Lake County Visitors and Convention Center in Hammond.

Statement from the floor – Mark Lopez asked about the transparency of this project. He stated that he has never seen all costs of this project and assets the Commission has that yields revenues from leases. He has never seen a complete spread sheet listing everything. He said there would be funding available – as soon as the Commission can answer all questions. Mr. Biller added that we do have a credit asset sheet and properties we own. We have always had that available at any time.

Ron McAhron stated that IDEM was here on Monday and they expect to have some information back from them on the soil contamination issue. This is another piece that will need to fit into the budget. At first, IDEM thought the Corps was doing the investigation. Once they knew that the Corps was not, IDEM has been very proactive and willing to help. Mr. Nellans added that he hoped this issue wouldn't delay any work. It should not compromise the contractors work that is going on now. He hopes the Army Corps is watching that.

Bob Farag from Griffith Golf Center looked to the Commission for help. This is the second time he has gone through a flood event of this magnitude. He has had a working relationship with the Commission but nothing seems to move forward. Although FEMA helps out private residents, it does not help out businesses. And his business is ruined. The Corps has identified his property as a floodway and has offered a minimal amount for a flowage easement. He doesn't understand why his golf course would stay in the floodway but Wicker Park does not. He was very frustrated and doesn't know what his step is. Attorney Casale offered that he will call him to discuss further. Mr. Casale added that the Corps tells us what to acquire; we do not make that determination ourselves – only the Corps. Their engineers design the project and we do the easement acquisition based upon that design.

Mike Mellon, town of Munster, stated that the Town has passed a resolution on October 6 at their Board meeting requesting that the State of Indiana take immediate action to insure that the flood control project be completed in a timely manner and that a comprehensive property-funded operation & maintenance plan be developed (copy attached hereto as made part of these minutes as Attachment A).

Munster Town Manager Tom DeGuilio asked if there were any Munster properties in Stage VIII. Judy Vamos answered that there were 3 properties; CSX RR, NICTD, and the Hammond Clinic. Easements are needed on all 3 properties. Mrs. Vamos indicated that we are hopeful in working out suitable language details with them. Only a temporary easement is needed on the Clinic property. Attorney Casale added that all condemnations have hearing dates. A few may have to be changed due to publication dates but they are all in the works. Chairman Biller added that, to be cautious, he would estimate a April completion for acquisition. Attorney Casale stated that once money is paid into Court as the appraisers come back, we can take possession of the land. The problem here is that we do not have the money, at this point in time, to pay into court. He stated that the last scheduled hearing is in November, but may have to be moved to December.

Dave Nellans, Munster town councilman, urged the Commission to move as quickly forward with Stage VIII as they can. He would like to see a time line, as well as a total budget. Mr. Biller stated that we are working on that. Mr. Nellans thanked the Commission for moving their meetings to the West Reach.

Tom DeGuilio asked the Commission to consider making Southmoor an option to the contract. Mr. Casale stated that was the original idea but it was changed. Mark Lopez added that having an option usually adds additional cost onto the project and takes longer but we will look at all avenues to keep moving forward.

Discussion ensued on the removal of the sand bags that Munster is now putting in place on the levee by Northcote. Imad said that he probably could put the removal of those bags by the contractor into the Stage VII contract. They will discuss further.

Paul Daniels asked if the plan of the stages was available to the public. Mr. Pokrajac will get him a project map that shows the stages. Detailed design plans are available to look at here at the office or at the Munster Town Hall. There is a Corps web site that posts a project map also. Mr. Daniels also inquired whether a contractor will have to stop work because of weather conditions. Mr. Huffman answered by saying that the contractor can be quite a bit in cold weather except for possible pouring of the I-wall.

Tom Bell inquired who is responsible for cleaning the river debris until the project is complete. Mr. DeGiulio answered that they have cleaned out debris many times, as well as Hammond and Highland. They have worked together with them on clean-up jobs; they have also had to hire a contractor when the job has been too big. There were some blockages after the August tornado that had not been cleaned up yet when the flood event hit in September. The Public Works Dept. does as much as they can. All municipalities need to do their part so blockages will not form further down stream. They all need to share the problem. When the project is completed, an entity must be considered that is funded that needs to be able to go in immediately to get a problem taken of and have funds available to do that. Mr. Bell asked why it was not the responsibility of the Army Corps since they built the levee system but Chairman Biller stated that it has been clearly spelled out that they are not responsible for maintenance. Mr. Farag asked if all the levees have been certified that have been built. Mark Lopez answered that the new levees that the Federal government builds are certified. The Griffith levee is not certified and the Corps did not build it.

There being no further business, the meeting adjourned. The next regularly scheduled Board meeting is November 5 at 6:00 p.m. at the Lake County Visitors Center.

RESOLUTION 1851

A RESOLUTION REQUESTING THE STATE OF INDIANA TAKE IMMEDIATE ACTION TO INSURE THAT THE LITTLE CALUMET RIVER FLOOD PROTECTION PROJECT BE COMPLETED IN A TIMELY MANNER AND THAT A COMPREHENSIVE PROPERLY FUNDED OPERATION & MAINTENANCE PLAN BE DEVELOPED.

WHEREAS, the Little Calumet River Basin Development Commission was created in 1980 by the Indiana General Assembly to be the local sponsor for the Flood Control and Recreation Project (PROJECT); and

WHEREAS, the PROJECT encompasses the construction flood protection and recreation facilities along the 22 miles of the Little Calumet River from Martin Luther King Drive in Gary west to the State line and is designed to protect to the 200 year flood level; and

WHEREAS, the PROJECT was originally funded beginning in 1986 under the Federal Water Resources Development Act with "local" funding to come from the State of Indiana; and

WHEREAS, completion of the PROJECT has been delayed over the years by lack of sufficient local funding, delays in securing easements, redesigns and other issues; and

WHEREAS, the residents of Munster remain exposed to flooding with inadequate flood protection 22 years after federal funding was initially secured; and

WHEREAS, the Town of Munster experienced catastrophic flooding from severe rains from September 12-15, 2008, resulting:

1. in over-banking of the Little Calumet River in multiple locations in Munster;
2. the mandatory evacuation of almost 500 homes and businesses;
3. the recommended evacuation of more than 700 residences;
4. the evacuation of 193 patients and accompanying staff of the Munster Med Inn and Hammond Clinic;
5. the loss of business income to dozens of private businesses, many of whom remain closed;
6. private property damage to structures and contents totaling tens of millions of dollars;
7. damage to public property and infrastructure including streets, water pumping facilities, sewer pump stations, sewers, parks, and school property;
8. the use of Munster High School as an evacuation shelter;
9. the cancellation of public and private schools for up to a week;
10. the Town of Munster and other agencies assisting have incurred response and clean up costs estimated to exceed \$1.75 million; and

WHEREAS, the PROJECT still has two significant construction phases remaining in Munster and Hammond before residents can be assured of 200 year level flood protection; and

WHEREAS, after construction is completed the municipalities and governmental agencies that have jurisdictions along the Little Calumet River will be responsible for a significant amount of operations and maintenance of the flood protection project including debris removal and emergency closures. Because the "chain will only be as strong as the weakest link" it is critical that a consistent level of operations and maintenance be performed along the PROJECT; and

WHEREAS, after the PROJECT is completed the areas will still be in the Flood Plain until such time as the Federal Emergency Management Agency (FEMA) revises the National Flood Plain maps. That will not be done until the Army Corps of Engineers (ACOE) certifies the PROJECT is complete and FEMA is satisfied that the local jurisdictions have an adequate operation and maintenance plan in place.

Attachment A (14)

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Munster, Lake County, Indiana urges the State of Indiana to create a new Little Calumet Commission that will be properly funded and authorized to:

1. Insure that Stages 7 and 8 be completed within the next twenty-six months.
2. That the final contract to clean out the invasive species and complete the recreation elements along the West Reach be let as soon as possible after construction of Stage 5-2, 7 and 8 are completed.
3. That the Governor and Indiana General Assembly work together to develop the New Little Cal Commission and all jurisdictions develop a plan that will properly fund an ongoing Operation and Maintenance program that will insure that the completed PROJECT is properly maintained and all emergency flood control measures are in a state of readiness.
4. That a copy of this Resolution be sent to Congressman Pete Visclosky, Governor Mitch Daniels, all members of the Indiana General Assembly in Leadership positions and representing northwest Indiana, and officials along the Little Calumet River in Lake County.


RESOLVED and ADOPTED this 6th day of October, 2008 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA



Helen Brown **President**

ATTEST:



David F. Shafer
Clerk-Treasurer