

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT  
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, MAY 6, 2009**

**Held at  
Munster Town Hall,  
1005 Ridge Road, Munster, IN**

Chairman Dan Dernulc called the meeting to order at 6:05 p.m. Roll call of six (6) Commissioners declared a quorum. Pledge of Allegiance was recited. Chairman Dernulc thanked the visitors for coming.

**Development Commissioners:**

Dan Dernulc  
William Biller  
Arlene Colvin  
William Baker  
Ron McAhrn  
Mark Gordish

**Staff:**

Jim Pokrajac  
Sandy Mordus  
Lou Casale  
Judy Vamos

**Visitors:**

Ronald Albin - Munster  
Sue Brown - The Times  
Bill Howard - Munster WPNA  
Kaaren/Bernie Mashwa - Monroe St.  
Stan/Bethe Slazyk - Munster  
Lynne Whelan - USACOE  
Vanessa Villarreal - USACOE  
Craig/Bea Hanusin - Howard Ave.  
Bridget Bodefled - Crestwood, Munster  
Bob/Pat Olson - Baring, Munster  
Imad Samara - USACOE  
Senator Frank Mrvan - Hammond  
Elizabeth Johnson - Congressman's Office  
Marc Campagna - Crestwood, Munster  
John Mogle - Baring, Munster  
Leon/Alice Kozlowski - Oakwood, Munster  
John Beckman - Lake Cty Fish & Game

**Visitors:**

Bill Petrites - Highland  
Carolyn Marsh - Sand Ridge Audubon  
David Nellans - Munster Town Council  
Bob Paulson - Northcote  
Ruth Mores - Southmoor Rd, Hmd  
Tina Kutkoski - Hmd  
Mike Zarantonello - Southmoor Rd, Hmd  
Sheldon Edd - USACE  
Rob Mangus - Munster Town Council  
Doug Anderson - USACE  
Jeff Burton - The Times  
Erik Potter - Post Tribune  
Paul/MaryLou Daniels-Castle Dr, Munster  
Elizabeth Howard - Munster WPNA  
Barbara Whitaker - Munster  
Mike/Sue Wood - Munster  
Jayson Reeves 0 21<sup>st</sup> Ave., Gary  
Craig/Beatrice Hanusin - Howard Ave

Minutes of the April 1 meeting were approved by a motion from Bill Biller; motion seconded by Arlene Colvin; motion passed unanimously.

Chairman's Report – Chairman Dernulc referred to the letter to the Army Corps which states that the Commission is almost completed with Stage VIII, except for the Southmoor Addition, and that the Corps can proceed with advertising Stage VIII. The Commission hopes to be able to sign a right-of-entry by May 29. If the Corps does not receive the signed ROE by that date, they will not open bids for the Stage VIII segment. Mr. Dernulc also reported that the agreement with CSX RR has been signed. The attorney continues to negotiate with NICTD, the remaining agreement. The Commission also wrote a letter to the Army Corps requesting the Corps to eliminate the recreational features in Stage VIII west of Calumet Avenue and continuing west to Hohman Avenue.

- Chairman Dernulc asked Imad Samara, project manager, to give an update for Stage VII. Imad reported that the Stage VII contract (Northcote to Columbia, both sides of the river) went to the lowest bidder, CERES Environmental Services, Inc. from Minnesota on April 17, 2009 for a total bid amount of \$13,814,973.70. Paperwork is being filled out; notice to proceed will be issued once that is completed. The Corps construction estimate was \$18 million. There were 10 contractors who submitted a bid. Commissioner Baker asked if there was any stipulation in the specs requiring an out-of-state contractor to use local people on the project. Imad answered that it is not a requirement, but in his discussion with the contractor, they have every intention of using local people. They are not union but will use union people.

- On Stage VIII (Columbia to the state line, both sides of the river), Imad reported that the Corps advertised on May 1. There is a pre-bid meeting scheduled on May 18. Bid opening on Stage VIII will be June 2, as long as the Corps has received the ROE. Chairman Dernulc expressed the concern of some of the residents on River Drive west of Calumet Avenue, who would prefer a floodwall instead of a levee. Imad answered that the contract is currently out for bid; the time is over for any changes and that the Corps design is final.

- Commissioner Biller asked about the landscaping time table along the west side of Hart Ditch. Chairman Dernulc had also sent an email to the Corps. Imad stated that there are still several areas not completed yet and the contractor is not done with the work; it is still considered a construction zone. Once the contractor has completed the contract that some landscaping will be done. There are some areas that will not be done by the Corps; they are not in their jurisdiction. The town of Munster agreed to do additional landscaping adjacent to Hawthorne Drive and that they will work with the residents.

Action Required – In Treasurer Kent Gurley's absence, Chairman Dernulc presented items for action.

- Mr. Biller made a motion to approve the revised claims payable for the May meeting at a total of \$104,534.42; motion seconded by Arlene Colvin. Motion passed with a roll call vote of 6-0.

- Mr. Biller made a motion to approve the O&M claims in the amount of \$57.14; motion seconded by Bill Baker; motion passed with a roll call vote of 6-0.

- Mr. Dernulc referred to NIRPC's invoice for the month of March.

Finance Committee – The Financial Statement for the month ending March 31, 2009 is in the agenda packet.

Land Acquisition/Land Management Committee – Commissioner Baker stated that staff will be working with Indiana-American Water Company to develop a long term license agreement for a one acre permanent easement so they can put a pump station on this land located north of 35<sup>th</sup> Avenue west of Grant Street, in Gary.

Engineering Committee – Jim Pokrajac reported that he has been attending weekly progress meetings for Stage V-2, that include status on the pipeline corridor. He reported that the contractor is currently working there. They are on schedule. Pipeline re-locations are all completed. Sheet piling is completed west of the NSRR north of the Little Calumet River except for a small section. The contractor has also started sheet piling north of the river east of the NSRR. By the end of late fall, the lines of protection will be in. Railroad work is ongoing.

- Stage VII utilities - Mr. Pokrajac reported that he has talked to B.P. Pipelines. They were scheduled to start about 1-1/2 weeks ago and were delayed because of rain. They will be starting on the Hammond side east of Columbia in about one to two weeks. It will be completed prior to the contractor starting their sheet pile installation.
- Pump Station contracts – Mr. Pokrajac reported that there are a total of 3 pump station contracts that include a total of 9 stations that are ongoing. By April 2010, the last contract will be completed.

Operation & Maintenance Committee – Jim Pokrajac informed the Board members that we have received a partial reimbursement of \$26,431 from FEMA for emergency work that was done during September floods. More money will come once log jam is removed from culverts west of Martin Luther King Drive. That job will start soon.

- Mr. Pokrajac reported that the Army Corps is revising the O&M manuals. They are updating them due to post Katrina regulations.

Legislative Committee – Commissioner Ron McAhron stated that HB1716, which restructures the Commission, has passed both the House and Senate and is awaiting signature by the Governor. There is no reason to think that it will not be signed. The bill eliminates the existing Commission as of June 30; a new 5-member Board appointed by the Governor will become effective July 1.

- Senator Frank Mrvan addressed the Board relaying his disappointment that the state budget did not pass. \$14 million for the project had been approved by the Senate but when the budget failed to pass, all was lost and must now begin again when the legislators reconvene. He said there was a lot of momentum and support for the project completion even though it is a difficult year obtaining money. No date has been set for re-convening. They should meet at least by mid June; by June 30 a budget must be in place. He will continue to support funding for the project.
- Ron McAhron stated that the Army Corps has bid out Stage VIII. The consensus is that we do need some funding before May 29. The Corps will not open Stage VIII bids on June 2 unless the Commission has the 7% cash share of \$1,204,000. It needs to go forward so we are looking everywhere for money. He also stated that we are looking at the assets the Commission has; it is possible that we may be able to obtain some money from those assets. Attorney Casale stated that there is no legal obligation to freeze up the excess lands. Although we will have new Commissioners, the Commission itself is still here.

Other Business – There was none.

Statements from the Floor –

- John Beckman represented the Lake County Fish & Game Protective Assoc. in Chesterton referred to the wetland resolution he previously shared with Board members declaring that the Association endorses using open lands for water storage capacity in flood events. He stated that the resolution was on the NIRPC agenda on May 7 for discussion and support. He talked to elected officials and feels that the public is misinformed in that they think the Army Corps is in charge of wetlands. That is not true. The individual cities and towns are in charge of managing wetlands. He feels there are plenty of administrative bodies to work together to use wetlands for storage.
- Bob Paulson from Munster asked whether there would be any problems with the contractor for Stage VII being non-union. Doug Anderson from the Corps replied that the Corps cannot require the contractor to be union; but the Davis-Bacon Act will be complied with that requires all workers be paid union scale (prevailing wages). A lot of non-union contractors sign agreements that they will hire sub-contractors out of the union hall. They expect this contractor to do that.
- Carolyn Marsh from the Sand Ridge Audobon Society referred to a news article in which Congressman Visclosky approved the wetland permitting authority to be transferred to the Chicago Army Corps district instead of the Detroit district, which she opposes. Commissioner McAhrn informed her that this is not a Commission issue. We have no control regarding wetlands regulations/permitting; it is not part of our responsibility for the flood control project. He also stated we have provided all required lands for mitigation for this project. Ms. Marsh answered that filling in the wetlands causes flooding and for that reason, the Commission should be concerned with wetlands permitting. She also referred to a news article in which it stated that the city of Gary wanted to move a casino boat in the Little Calumet River. Since Gary already has a huge flooding problem, she feels this would cause worse flooding by installing hard surfaces as part of the development. Chairman Dernulc stated that the Commission has not been approached on this subject; feels it is speculation.
- Bill Howard from Munster inquired as to what construction was at the confluence of Hart Ditch and the Little Calumet River. Sheldon Edd from the Corps stated that rip-rap was being installed and is part of Stage V-2 to prevent erosion. It is not Cabela's that is doing the work in that area.
- Senator Frank Mrvan informed the Board members that he and Representative Mara Candelaria-Reardon will work very hard to get the \$14 million reinstated back into the state budget for the project. The Senator also talked about Gary's request to move the casino boat to the Little Calumet River and whether they could actually do that. Imad Samara answered by saying that there are multiple agencies that would have to approve that request. There has been no location identified. This project is very complex and the Army Corps has run and re-run the modeling on this entire project to determine flood stages and elevation. No agency would allow any negative impact on this project. Any permitting would be looked at very carefully. Even if the state legislators approved the move, an evaluation and determination would be made to see if it were viable. Imad Samara also added that this is the first time he has heard of this. The Corps has not seen a design or a plan; they would not approve anything if it poses a negative impact to the project.
- Barb Whitaker from Munster asked whether we will have a final walk-through on V-2. She is concerned about a pole that is on Alta Vista and Hawthorne that she feels is not

necessary. It previously served the monitoring gage station but that gage has been removed. Also, she stated that across from the ditch, there is orange fencing there and blocks of concrete left on the inside of the ditch and asked whether it would be removed. Chairman Dernulc stated that he assumes the area will be cleaned upon once the contractor is completed. He will look into it and let her know.

• Craig Hanusin from Munster thanked the Commissioners for working with the residents. He hoped that some appointments will remain so there would be some continuity. He also asked if the issue of funding will have anything to do with the Corps issuing a Notice to Proceed with Stage VIII. Chairman Dernulc informed him that the Corps is proceeding; they have already advertised. He also asked whether or not Wicker Park golf course will continue to be part of the overflow water retention; this area is bound to have heavy rainfall again. Chairman Dernulc answered that he knows that the contractor is working on the line of protection adjacent to Hart Ditch and will seed as called for as noted in the specifications and he believes they plan to seed shortly. Mr. Hanusin also asked if the Corps levee would be higher or lower than the elevation that the town of Munster built to on the south side of the river. Imad Samara answered that it should be a 602 elevation; that is the same elevation that the Corps plan has; the new levee will not be lower.

There being no further business, the meeting was adjourned. The next meeting is scheduled for Wednesday, June 3, 2009 at the Munster Town Hall, with a work study session scheduled at 5:30 and the public meeting at 6:00.