

**MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT  
COMMISSION HELD AT 6:00 P.M. WEDNESDAY, NOVEMBER 4, 2009**

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

Chairman Dan Dernulc called the meeting to order at 6:05 p.m. Pledge of Allegiance was recited. A roll call vote confirmed all 5 members were present. There were no corrections to the minutes; they stand as posted.

**Development Commissioners:**

**Dan Dernulc  
William Baker  
Kent Gurley  
Tom Wichlinski  
Ron McAhron**

**Staff:**

**Jim Pokrajac  
Sandy Mordus  
Judy Vamos  
Lorraine Kray**

**Attorney:**

**John Reed**

**Visitors:**

**Bridget Bodefeld – Munster  
John Mogle - Munster  
Bernie/Karen Moshura - Munster  
Holly Cummings - Munster  
Paul/Mary Lou Daniels - Munster  
Chuck Rice - Hammond  
Bob/Pat Olson - Munster  
Pat Leach - Munster  
Jerry Lippeil - Munster  
H. -land - Dyer  
Mike Wood - Munster  
Kim Poland – Hammond 4<sup>th</sup> District  
Tula Kavadias – Munster  
M. Callahan**

**Visitors:**

**Dave Nellans – Town of Munster  
Jeff Burton – The Times  
Doug Anderson - USACE  
Sheldon Edd - USACE  
James/Kalliope Dedelow - Munster  
Ruth Mores – Southmoor Rd, Hammond  
John Harrigan - Hammond  
Vanessa Villarreal, USACE  
Phil Gralik – R.W.Armstrong Co.  
Jayson Reeves - Gary  
Steve Enger – Citizens of Munster  
Richard White - Munster  
Bob Griffin - Munster  
Sylvia Vucich - Munster  
Don & Carol Goldman - Munster  
Jim Bereolos, Munster  
Imad Samara - USACE  
Drew Jackman - Munster  
Leon/Alice Kozlowski - Munster  
Bill Howard - Munster  
Michael Rakoczy – Chicago IL  
Karen Lorenz – 270 Southmoor, Hammond  
Don/Josie Seagraves - Munster  
Trudy Wasik - Hammond  
Tina Kutkoski - Hammond  
Fred Baginski - Hammond  
Marc Campagna – Munster  
Bob Farag – Griffith Golf Center  
J. Calaway – Munster**

**Chairman's Report** – Chairman Dernulc introduced Attorney John Reed, who is filling in for David Wickland. Mr. Dernulc also stated that an Executive Session was held on October 21.

• Chairman Dernulc announced that a Stakeholder Conference was held today at the Centennial Park Clubhouse in Munster, which proved to be very productive. All the affected municipalities were present, as well as guests from other agencies. Chairman

Dernulc thanked the town of Munster for their assistance and Kent Gurley and Ron McAhron for organizing the event.

- Chairman Dernulc added an item to the agenda for approval. After the time that Jody Melton served as Interim Director, he agreed to continue signing time sheets and state draws for the Commission; however, there was never any official action taken. Given that, Kent Gurley made a motion authorizing Jody Melton to sign time sheets and state draws on behalf of the Commission retroactive to January 1, 2009; motion seconded by Tom Wichlinski; motion passed with a roll call vote 5-0.
- Chairman Dernulc asked Army Corps representative Sheldon Edd to give a report on the status of Stage VII. Mr. Edd reported that the contractor, CERES Environmental, is still on for 9/24/10 completion date. The removal of trees within the work limits is almost completed. They have started fencing on the north side. Riprap and sheet piling will be starting within the next month. Commissioner Baker added that the trees that are being taken down do not include all the trees down to the water line. Imad Samara confirmed that tree removal only includes trees 15' from the toe of the levee or the center line of the sheet piling. Another future contract will remove all loose or fallen trees within the river basin from the state line to I-65.
- Regarding Stage VIII, Mr. Edd reported that Walsh Construction is also on schedule for 12/9/10 completion of the structural portion of the contract. Tree removal is ongoing (completed at Riverside Park).

Action Required – Treasurer Kent Gurley presented items for action. Mr. Gurley referred to two separate financial guideline procedures he would like adopted as standard procedure for staff to follow that would require the appropriate review of invoices received and a procedure for the issuance of checks. He proceeded to make a motion to adopt FN-0001-09-01 and AP-0001-09-01; motion seconded by Bill Baker; motion passed by a roll call vote of 5-0. This procedure will ensure thorough review and follow-thru.

- Mr. Gurley referred to a budget transfer on page 8 of the agenda packet. He proceeded to make a motion approving a budget transfer of \$1,047.07 from Budget Line 5812 into Budget Line 5822 to cover incurred cost of placement ads for the Executive Director position and a second budget transfer of \$24,012.00 from Budget Line 5882 into Budget Line 5883 to cover incurred cost of soil analysis from IDEM; motion seconded by Ron McAhron; motion passed by a roll call vote of 5-0.
- Mr. Gurley referred to the monthly budget report for November. He proceeded to make a motion to approve the Claims Payable for November in the amount of \$196,675.74; motion seconded by Ron McAhron; motion passed by a roll call vote of 5-0.
- Mr. Gurley made a motion to approve the O&M claims for November in the amount of \$57.24; motion seconded by Bill Baker; motion passed by a roll call vote of 5-0.
- Mr. Gurley proceeded to make a motion authorizing the attorney to settle out of court on DC-1319 at a cost of \$40,000. The Commission has originally paid \$51,000 into court to take possession of the property; the court will now refund the \$11,000 back to the Commission; motion seconded by Ron McAhron; motion passed by a roll call vote of 5-0.

Finance Committee – Treasurer Kent Gurley referred to the Financial Statement for the period ending September, 2009.

- Mr. Gurley referred to the invoice from NIRPC for the month of September.

- Mr. Gurley referred to the Army Corps letter requesting \$1,331,000 as a partial 7% cost share for 09/10. The Commission has already paid \$175,000 to the Corps for a total request of \$1,506,000 for Stages V-2, VII, VIII, and Pump Station 2B contracts for FY2010.

Land Acquisition/Land Management Committee – Commissioner Bill Baker stated there was no report.

Engineering Committee – Commissioner Kent Gurley distributed a document to the other members on an O&M procedure that staff is developing. He also stated that Jim Pokrajac will be doing a weekly routine inspection of pump stations and will be submitting a weekly pump station report. Austgen Electric will also be doing inspection of pump stations twice a month and submitting a report. Mr. Gurley also distributed a full packet of the monthly utility relocations reports for Stages V-2, VII, and VIII. They will be updated monthly and distributed. If there are any questions regarding this report, please direct them to Mr. Pokrajac or Mr. Gurley.

- Mr. Gurley talked about addressing the north Chase Street closure. He asked the Commission to consider passing a resolution to send to the city of Gary asking them to permanently close off Chase Street at the 28<sup>th</sup> Street and on the south, just north of 35<sup>th</sup> Street. This would include the north line of protection, and would still be accessible from the south for NIPSCO but will not act as a thoroughfare for public use. . It has been talked about; but no action has been taken. Kent Gurley made a motion to send a resolution to Mayor Rudy Clay asking for Chase Street closure; motion seconded by Ron McAhron; motion passed with a roll call vote of 5-0.

Operation & Maintenance Committee – Mr. Gurley stated that one item talked about at the Stakeholder Conference today was that the Commission will come back to the stakeholders with a draft procedure of an emergency response process prior to the wet spring weather ahead. The Army Corps O&M/ Emergency Response manuals are huge 9th the LCRBDC received 2 sets of Volume I at the meeting) so a condensed smaller version that is workable is being developed by staff. It will set forth the requirements and recommendations that are necessary.

Legislative Committee – Commissioner Ron McAhron stated that he will be updating the Commission's bylaws. With the new statutory legislation in place, the current bylaws are out dated. They currently call for one month's notice of changes, citing that he is giving notice and to expect updated bylaws soon.

- Mr. McAhron stated that a MBE/WBE compliance report went to the RDA and he thanked staff for that submission.
- The new statute called for several items. One was the Stakeholder Conference to be held; that was done earlier today. Another was a report to the Governor's Office; he circulated a draft copy to the commissioners. Once finalized, it will become a public document and can be shared at the next meeting.

Other Business – Treasurer Kent Gurley made a motion to add an invoice to the Claims Payable sheet for approval. It was an invoice from Centennial Park for food service for the Stakeholder Conference held earlier today in the amount of \$794.47; motion seconded by Ron McAhron; motion passed with a roll call vote of 5-0. He stated that in addition to

representatives from all five cities/towns affected along the river, there were other agencies represented; i.e. INDOT, Army Corps, Senator Frank Mrvan, North Township, County Surveyor; County Highway/Emergency Management. Commissioner McAhrn added the Commission is planning to convey today's power point presentation to the municipalities. Commissioner Gurley thanked Councilman Dave Nellans for use of the Clubhouse and asked him to extend their thanks to his fellow council people.

Statements from the Floor –

- John Mullesa from Munster questioned why there are still trees and debris in the river basin since the trees to the east have been removed. Chairman Dernulc stated that it was talked about earlier today and they will be removed. Mr. Mullesa continued to say that maintenance is really important to keep the river flowing and he is worried about the wing walls on the control structure. He said there is currently debris in the structure and wanted to know who will remove this. Imad Samara explained that the structure is not completed yet. Once all the levees to the east are completed and the NSRR line of protection is in place, then the sides of the control structure will be filled and tied into the adjacent lines of protection; everything you see that is now open outside of the opening will be aggregate. Mr. Mullesa also questioned why the DNR removed restrictions to remove debris from the river and why the other 2 permitting agencies also couldn't do the same.
- Bob Farag from Griffith Golf Center questioned why Wicker Park in Hammond is still flooding. Chairman Dernulc explained we have been talking to Frank Mrvan regarding this issue. He questioned if 9/24/10 is a realistic date of completion and did we receive our money's worth for construction. He wants an answer as to what is going to happen at the Griffith levee; it is not complete as is.
- Tula Kavadias from Munster stated she appreciates the progress the Commission has made in the last year. She asked that consideration be given to the closing of the Northcote bridge in Munster.
- Ruth Mores in Hammond is concerned about the displacement of the raccoons, skunks, possum, etc. due to tree removal from new construction, and they create health hazards to the residents.
- Bill Howard from Munster wondered about trees in the inner portion of the river. Imad Samara stated that once the levee in Stage VII and VIII are complete, the Army Corps will have a separate contract to go back and look at the whole area from State line to Cline and remove trees that need to be removed. Money is in place in the Federal budget. Mr. Howard asked who was invited to the Conference today. Commissioner Gurley replied that only the affected towns and cities in the flood protection area were invited, as well as a few other governmental agencies that play a role in O&M/emergency management. The meeting was held at a manageable level but there will be future meetings where the public will be invited. Mr. Howard expressed concern about the buildup of silt in the river. He inquired about the pipeline under Columbia Avenue bridge and the debris buildup there; sees it as potential problems. Jim Pokrajac added that the Columbia Avenue bridge will be raised next spring.
- Harvey Kleman from Munster asked if the lots he owns on Castle Drive will come out of the flood zone once project is complete. The floodway will always be the floodway; but the landward side of the levee will be out of the flood zone. He stressed that the levees have to be completed before the administrative portion starts with FEMA.
- Mike Wood from Munster expressed his concern that it doesn't make sense to have a contractor come back and cut the trees later; it should be done the first time around. Imad Samara explained that the contractor is there to build the levee, not remove trees. The

**contractor is concentrating on building the levees and only taking trees at this point that are in the work limits. All trees within 15' from toe of levee or 15' either side of sheet pile walls are coming out now. The contractor cannot lose sight of the projected project completion date.**

**There being no further business, the meeting was adjourned. The next meeting was scheduled for Tuesday, December 1, 2009 at the Munster Town Hall at 6:00.**