

MINUTES OF THE LITTLE CALUMET RIVER BASIN DEVELOPMENT COMMISSION

HELD AT 6:00p.m., WEDNESDAY, JUNE 13, 2018

Location: MUNSTER TOWN HALL, Munster, IN

Vice-Chairman Wichlinski called the meeting to order at 6:00 p.m. Pledge of Allegiance was recited. An Executive Session/Work Study Session was held prior to the public meeting. There were six (6) Commission members present at roll call. Quorum was declared.

Commissioners:

Tom Wichlinski, Vice-Chairman
Dave Castellanos
Derek Nimetz
Ron Ware
Levon Whittaker
Tom Gozdecki

Laurie Czulno – Hammond
Carolyn Marsh – Whiting
John Garcia – Garcia Consulting Engineers
Christine Gaynes – FEMA
David Nellans – Munster Town Council
Natalie Mills – USACE
Fred Baginski – Friends of the Little Cal
Phil Ross – Rieth-Riley Construction
Linda Anguiano – Prog. Democrats of America
Shannon Pollard – HNTB Corp.

Executive Director:

Dan Repay

Attorney:

David Wickland

Jamie Miller – DNR
Sandy O'Brien – Hobart
Kathy Murphy – Ellas Construction Co, Inc.

Staff:

Jodi Lambert

Steve Truchan – Hobart
Paul Labus – The Nature Conservancy
Terry Steagall – Highland

Visitors:

Tom Silich – Hobart Township Trustee
Sam Henderson – Hoosier Environ. Council
S. Boldt – Munster
Charlie Svitko – Munster
Bill Conner – Munster
T. Ahearn - Hammond
Karen Slager – Highland
Darren Olson – CBBE
Roxann & Frank Paulson - Munster
Julie O'Connor – Munster
Brandon Dothager - Highland

Barb & Len Holajter – Munster
Dean Button – City of Hammond
Katie Kirley – Steel City Academy
Salvatore DiBernardo – Ciorba Group
Barbara Whitaker – Munster
Andrew Slage – Highland
Matt Lake – Town of Merrillville
Mike Kummeth - DLZ
Jennifer Duncan – Highland
Roz Jovanovich - Munster
Diane Dzurozak - Highland

Approval of Minutes -

Commissioner Ware made a motion to approve the minutes as presented; motion seconded by Commissioner Castellanos; motion passed with 6 aye votes.

Chairman's Report –

Vice-Chairman Wichlinski welcomed all to the meeting and thanked them for attending. Currently, we are in the midst of design, award and construction for the 2018 season. This Commission is tasked with the ongoing and deferred maintenance of this \$275 million man-made flood project and we are far better prepared now than we have been in the past. The Commission continues the practice of meeting with the communities in the Watershed on a monthly basis to ensure we are ready in case of a flood event. The goal of this Commission is a true regional flood project.

Finance –

Vice-Chairman Wichlinski referred to the June claims in the amount of \$711,547.86. Commissioner Whittaker made a motion to approve the claims as presented; motion seconded by Commissioner Castellanos. Mr. Repay explained a few of the claims starting with payment to Chicago Title Company for a total amount of \$144,843.47. These claims represent the purchase of several properties along Deep River in Lake Station necessary for the levee project in the area. Clearing work continues on Hart Ditch with payment made to Wiltjer Excavating in the amount of \$63,300.00. Dyer Construction was paid \$226,837.50 for work on the 35th & Chase Grade Adjustment Project. The Commission made a few minor changes regarding the quantity of pipe and fill for the project that increased the overall cost of the project by. Finish Grounds Care was paid \$20,400.00 for mowing of the levees for the first time this season. The grass was cut right before the Memorial Day holiday and will be cut for the second time before inspections and the Fourth of July holiday. DLZ submitted a claim for the Harrison Street Bridge Project in the amount of \$19,190.37 and for the Kennedy Avenue Bridge Project in the amount of \$24,500.00. The bids for the Harrison Street Bridge Project will be open and awarded later in tonight's meeting. \$13,750.00 was paid to Greater Indiana Title Company for title work on pump station easements necessary for the federal project. Finally, Great Lakes Electrical Maintenance was paid \$7,083.00 for monthly pump station inspections and maintenance.

Vice-Chairman Wichlinski asked if there were any questions and called for a roll call vote. Motion passed 6-0.

Executive Director's Report –

Mr. Repay gave updates on some of the projects:

- The 35th & Chase Grade Adjustment Project is approximately 50% complete. This project was awarded to Dyer Construction at a previous meeting and will eliminate the post and panel closure at this location.
- The USACE managed In-Project Mitigation project continues. This 5 year project is about 1/3 of the way complete.
- The Hobart Marsh Mitigation Project is progressing on schedule.
- The Clark Street Grade Adjustment Project is in final approval process and we will request the authority to advertise for bids later in tonight's meeting.
- The Chase Street Pedestrian Bridge Project is also in final permitting and authority to advertise for bids will be requested later tonight.
- USACE annual inspections were completed in Highland, Hammond and Munster. Inspections for Griffith, Gary, INDOT and Pump Stations will begin on the 25th.
- Work continues on acquiring the remaining 30+ parcels in Gary as well as easements for the Pump Stations throughout the project area.
- We continue to move forward in the purchase of properties in Lake Station. Once complete we will be able to design a levee to protect over 200 residences in Lake Station.
- Our office has received many calls regarding erosion concerns on Hart Ditch. A meeting is scheduled later this month with County Commissioner Tippy, the County Surveyor's Office, Town of Munster and the Commission to begin discussions on a long-term plan.
- The USACE has met with us to review the concerns and issues after the February rain event. A report on their findings and the corrective measures will be issued in the near future.
- The pedestrian bridged that cross the Little Calumet River will be inspected at no cost by the City of Hammond.
- The CFER Bridge 434.97 Replacement Project was awarded to IHC Construction. After review and negotiation, the final project award amount is \$4,396,271.80.
- We are partnering with the USGS to add a water temperature gauge at all of our monitoring stations at no additional cost to the Commission.

Commissioner Ware asked if the towns of Dyer and Schererville were invited to attend the meeting regarding Hart Ditch erosion. Mr. Repay said that an invite was extended to them as well as any other interested parties.

Update from the USACE -

Natalie Mills of the USACE gave the following updates:

Work continues on the Hobart Marsh Mitigation Project. The project is currently in year two of a five year contract with continued work on clearing, planting and fencing. There are two minor change orders expected regarding fencing and a culvert issue.

The In Project Mitigation Project is progressing. The Contractor is currently working on clearing and herbicide application.

Work on crediting is moving forward. There are currently 14 million dollars in INDOT crediting currently under review by the USACE.

Commissioner Gozdecki requested clarification on the total project cost as there are several inconsistencies stated in the Cost Share Financial Summary. Ms. Mills stated that she would work with the USACE accountants to determine the correct total project cost and have something available by the next meeting.

Ms. Mills introduced Christine Gaynes from FEMA to give an update on the status of the State Line LOMR. Ms. Gaines stated that FEMA was undergoing a Political Boundary Revision based on discrepancies found in the boundary maps. FEMA is working with the City of Hammond and Town of Munster to determine the political boundaries. Once concurrence is achieved, the LOMR will be issued, which is also the beginning of a 90 day statutory appeal period. Once the appeal period is closed, a 30 day administrative processing period is needed after which the LOMR will become effective.

Other Issues/New Business ~

Commissioner Ware made a motion to open bids for the Bridge No. 248 on Harrison Street over the Little Calumet River in Gary, IN Project, and award to the lowest and most responsive bidder, pending review by engineer, attorney and staff; motion seconded by Commissioner Castellanos. Vice-Chairman Wichlinski asked if there were any questions and called for a roll call vote. Motion passed 6-0. The bid openings were as follows: Ellas Construction Co., LLC - \$2,780,844.35; Rieth-Riley Construction - \$2,658,967.64; Ellas Construction Co., Inc. - \$2,357,547.25; and McHugh Construction Co. - \$3,382,000.00.

Commissioner Gozdecki made a motion to approve an agreement with DLZ Engineering to provide construction engineering services for the Bridge No. 248 on Harrison Street over the Little Calumet River in Gary, IN Project in an amount not to exceed \$179,880.00; motion seconded by Commissioner Ware. Vice-Chairman Wichlinski asked if there were any questions and called for a roll call vote. Motion passed 6-0.

Commissioner Nimetz made a motion to authorize the Executive Director to advertise for bids on the Clark Road Grade Adjustment Project; motion seconded by Commissioner Gozdecki. Commissioner Castellanos asked if there were any requirements for Minority Participation from contractors that bid on our projects. Mr. Repay stated that along with State of Indiana requirements, this Commission passed a resolution in October of 2015 that set forth our minority participation goals. This resolution is included in the bid documents. Vice-Chairman Wichlinski asked if there were any further questions and called for a roll call vote. Motion passed 6-0.

Commissioner Whittaker made a motion to authorize the Executive Director to advertise for bids on the Chase Street Pedestrian Bridge Project; motion seconded by Commissioner Castellanos. This bridge will serve as a connection point to the north and south levee trails in Gary. Vice-Chairman Wichlinski asked if there were any questions and called for a roll call vote. Motion passed 6-0.

Commissioner Whittaker made a motion to approve the 2nd Addendum to the Executive Director's Employment Contract; motion seconded by Commissioner Ware. Vice-Chairman Wichlinski asked if there were any questions and called for a roll call vote. Motion passed 6-0.

Commissioner Nimetz made a motion to fund the Little Calumet Marsh Bird Conservation Area for a two year period in the amount of \$150,000 per year. These funds would be used for boots on the grounds restoration including invasive species plant control, planting of native vegetation, monitoring of marsh birds and the potential installation of platforms for marsh birds; motion seconded by Commissioner Gozdecki. Vice-Chairman Wichlinski asked if there were any questions and called for a roll call vote. Motion passed 6-0.

Commissioner Wichlinski stated that the Merrillville Stormwater Utility – Meadowdale Lateral Floodwater Storage Basin Watershed application listed on the Agenda will be deferred until next month. Additional information is needed from Merrillville before the Commission can act on the application.

Statements from the Floor –

Linda Anguiano, Hammond, expressed concern on the Maya Energy Project. She requested that the Commission rescind the license agreement and not extend the agreement with Maya Energy.

Laurie Czulno, Hammond, stated that she has been attending meetings for 10 years. There are still 22 parcels that pay flood insurance and now they are being asked to wait even longer. She expressed her disappointment in FEMA.

Diane Dzurozak, Highland, spoke in opposition to the Maya Energy Project. While she was happy with the flood control work done by the Commission, she was confused by the Maya Energy Project and why the Commission would approve of such environmental destruction.

Bill Connor, Munster, spoke of the hyper erosion happening at his home and that of his neighbors in the Twin Creek subdivision. He passed out documentation to the Commission and asked for help in protecting their properties from the erosion along Hart Ditch.

Brandon Dothager, Highland, stated his opposition to the Maya Energy Project. He stated his concerns of the project near the flood plain, that the project did not serve a public need and the need to protect public lands. He asked the Commission deny the Maya Energy Project.

Katie Kirley, Steel City Academy, stated she attended a meeting several months ago where she expressed her concern regarding the Maya Energy Project. She stated that the school and community members sent their written comments to IDEM. She values the work done by the Commission and requests that they stand with the community and not extend the license agreement with Maya Energy.

Barbara Whitaker, Munster, received the written comments from the USACE regarding Hart Ditch and requested information on who answered the questions.

Terry Steagall, Highland, asked several questions regarding the dates of the Maya Energy License Agreement extensions and whether Maya Energy had submitted an earnest money payment as required in the agreement.

Carolyn Marsh, Whiting, asked that local organizations such as the Dunes Calumet and Sandridge Audubon be allowed to participate in the Marsh Conservation Project. She also stated that the Maya Energy Project did not fit with the conservation efforts of the Commission.

Sam Henderson, Hoosier Environmental Council, stated that the Maya Energy did not receive all of their required permits and the project was a liability for the Commission. He distributed handouts to the Commissioners regarding his concerns.

Julie O'Connor, Munster, had several questions regarding Maya Energy and asked that the project be put on the July Agenda.

Steve Truchan, Hobart, spoke in opposition to the Maya Energy Project. He didn't feel that a license agreement met the IDEM requirements to have a solid waster permit issued. He asked when the license agreement will be addressed by the Commission.

Roz Jovanovich, Munster, asked several questions regarding the Commission's ability to terminate the license agreement with Maya Energy. She also asked who would pay for the costs to return the land to its former state if the license agreement is terminated in the future.

Commissioner Nimetz stated he is excited about the Little Calumet Conservation Area and the opportunities to improve habitats for marsh birds in Northwest Indiana.

Commissioner Gozdecki thanked the public for their input and he appreciates their passion. He further stated that there is a long timeline on the Maya Energy Project which began, for example, before the school came into existence. He stated the Commission did its due diligence on the project.

Commissioner Whittaker thanked the public for coming out and showing their interest on projects such as Maya Energy and the Little Calumet Marsh Bird Conservation Area. We are in the midst of construction season and approved several projects tonight as well as addressed issues related to the February rain event. He would like the community to show the same type of passion in bringing opportunities to Gary as was shown in voicing their concerns on the Maya Energy Project

Commissioner Ware thanked everyone for taking the time to attend the meeting. He appreciates the passion displayed on the Maya Energy and Marsh Bird Conservation Projects. The Commission has the responsibility to spend our money wisely and as Commissioners we also live in the communities we represent.

Commissioner Wichlinski thanked everyone that spoke at the meeting and the Commission values their input. There being no further business, the next meeting was scheduled for 6:00 p.m. Wednesday, July 13th, at the Munster Town Hall.