

**MINUTES OF THE REGULAR MEETING OF THE  
MICHIGAN CITY REDEVELOPMENT COMMISSION  
FEBRUARY 8, 2010**

The Michigan City Redevelopment Commission met in a regular meeting in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Monday, February 8, 2010, at 5:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting.

**CALL TO ORDER**

Chairman Ken Behrendt called the meeting to order at 5:00 p.m.

**ROLL CALL**

The following members were noted present for the record: Ken Behrendt, Ed Bigda, Lynne Kaser, and Neil Kienitz. Michael Kniola was absent. (4 present – 1 absent)  
Staff in attendance: Executive Director John Pugh, Zoning Administrator/Rehab Officer Joseph Siegel, Attorney Michael Bergerson, and Secretary Debbie Wilson.

**APPROVAL OF MINUTES**

The Chair entertained a motion of approval of the minutes of the regular meeting of January 11, 2010.

***A motion to approve the minutes was made by Ms. Kaser. The motion was seconded by Mr. Bigda, with the vote as follows: (Ayes): Ken Behrendt, Ed Bigda, Lynne Kaser, Neil Kienitz (Nays): None***

***With a vote of 4 ayes and 0 nays, the motion was unanimously APPROVED.***

**CLAIMS**

Mr. Pugh distributed and reviewed the claims list for February:

**Payroll**

Staff Salaries	01/29/10	<u>3,318.72</u>
		<b>3,318.72</b>

**Claims (Regular)**

Michael Bergerson	Legal retainer - Feb 2010	300.00
Lenore Gregory	Acctg services - Dec 2009	<u>400.00</u>
		<b>700.00</b>

**Claims (N TIF)**

Michael Bergerson	Legal services N TIF	2,025.00
Rieth Riley	Req 2 - Franklin Sq repairs	54,510.80
Haas & Associates	Franklin Sq repairs	3,367.50
Michael Bergerson	Legal services N TIF	<u>2,025.00</u>
		<b>59,903.30</b>

**Claims (S TIF)**

Beam Longest & Neff	Eng - Towne Center Drive	<u>968.76</u>
		<b>968.76</b>

Mr. Pugh noted that the fee for Lenore Gregory is more in December due to the fact that she prepares tax forms.

Mr. Behrendt noted that there is a duplicate fee for Michael Bergerson.

The Chair entertained a motion for approval of the claims list with the duplicate fee being deleted.

***A motion was made by Ms. Kaser to approve the claims list as amended with the duplicate fee of \$2,025.00 being deleted. The motion was seconded by Mr. Bigda, with the vote as follows: (Ayes): Ken Behrendt, Ed Bigda, Lynne Kaser, Neil Kienitz (Nays): None***

***With a vote of 4 ayes and 0 nays, the motion was unanimously APPROVED.***

**FINANCIAL REPORT**

Mr. Pugh reviewed the financial report ended December 31, 2009.

***A motion to approve the financial report was made by Mr. Bigda. The motion was seconded by Mr. Kienitz, with the vote as follows: (Ayes): Ken Behrendt, Ed Bigda, Lynne Kaser, Neil Kienitz (Nays): None***

*With a vote of 4 ayes and 0 nays, the motion was unanimously APPROVED.*

### **TIF RESOLUTION**

Mr. Pugh reported that Randy Rompola of Baker & Daniels contacted him and indicated that it is not necessary for him to be here today to present the bond issue process. The Redevelopment Authority has passed their resolution. They will proceed for a March sale. Mr. Rompola will keep the Commission updated and the matter will be placed on the agenda when necessary.

### **REVIEW OF RFQ FOR MASTER DEVELOPER**

Mr. Pugh reported that he met with Rob Hunden of Strategic Partners. The draft is not ready to be presented today. It will be mailed out 10 days prior to the March meeting for the Commission's review.

### **REVIEW OF MICHIGAN CITY CODE SECTION 38-5, WATERFRONT REHABILITATION PRESERVATION PROJECT**

Mr. Pugh advised that the Mayor and Common Council are going through the Municipal Codes for overall review. They forwarded this section regarding the Redevelopment Commission Waterfront Rehabilitation Preservation Project, which dates back to 1980. He was asked to review it and determine what is significant in today's standards. This was mailed out to the Commission. The map will also be forwarded. Mr. Pugh stated that many points are significant, but appear to be outdated; i.e. Canada Neighborhood, Pullman Yards. Mr. Pugh stated that he would mark it up and send it out with the next meeting packet.

### **REPORT BY LEGAL COUNSEL**

Attorney Bergerson reported that he continues negotiations and meeting with homeowners with respect to acquisition of real estate.

Attorney Bergerson certified that an Executive Session was held prior to this meeting and discussion was limited to the items on the agenda; no votes were taken and there was no discussion of any other item.

### **REPORT BY DIRECTOR**

Mr. Pugh reported that the City will again be participating in the America In Bloom contest. There will be a resolution to the Common Council recommending a City flower (the daylily) and a City rose (nearly wild rose).

Chairman Behrendt stated it has come to his attention that Harbor Grille has not been in operation since New Year's Day, which violates a provision of the agreement where they are to be in operation 330 calendar days out of the year. As of today, they have been closed for 39 days.

Chairman Behrendt requested counsel to direct correspondence to Harbor Grille to see what is going on. He also asked counsel to determine what the Commission's actions should be.

Attorney Bergerson stated that he would have a report ready for the next meeting and will prepare findings.

Ms. Kaser asked Attorney Bergerson if he could provide his findings to the Commission within 15 days so they can act on it at their next meeting.

Attorney Bergerson advised that he could provide his report but probably would not have Harbor Grille's response until after the 15 days.

### **PUBLIC COMMENT**

John Sheets – owner of Three Sheets Bar and spokesperson for the Michigan City Tavern Association, stated that he would like to know if these licenses are properly looked upon. He said the Association would like a copy of the agreement with Harbor Grille. Mr. Sheets displayed a copy of a newspaper ad listing their hours and stated that according to the hours listed in the ad, they had not planned on being open 330 days. Mr. Sheets stated that it has also been brought to their attention that Mr. Arnold is no longer involved with the project and asked if that would nullify the license.

Chairman Behrendt advised that it would all be part of the fact finding directed to the Commission's attorney.

Mr. Sheets added that he received information from the LP County Convention and Visitors Bureau that the new owner will open in March and it will be a pizza place. Mr. Sheets stated that he would love to see a beautiful North End in Michigan City but hopes it is done the right way.

John Stimley, 3205 Tilden Avenue, questioned whose name the license is under.

Attorney Bergerson replied that the license is under "12 on the Lake, LLC". The Alcohol and Tobacco Commission issued the license subject to approval by the Redevelopment Commission.

Councilwoman Angie Nelson requested that she be provided a copy of the fact finding report and be advised of whatever steps are to be taken to resolve the matter.

Ms. Kaser commented that this is very disappointing news and she is hopeful that the program the Commission put in place will work the way it was intended.

**NEXT MEETING DATE**

March 8, 2010

**ADJOURNMENT**

The Chair entertained a motion to adjourn.

A motion to adjourn was made by Mr. Bigda – seconded by Ms. Kaser and unanimously approved.

The Chair declared the meeting adjourned at 5:24 p.m.

/s/ Lynne Kaser, Secretary