

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY REDEVELOPMENT COMMISSION
AUGUST 17, 2009**

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, August 17, 2009, 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, Neil Kienitz, and Michael Kniola. (5 present – 0 absent) Staff in attendance: Executive Director John Pugh, Zoning Administrator/Rehab Officer Joseph Siegel, and Secretary Debbie Wilson. Attorney Michael Bergerson was absent as he was making his appearance at a trial in Valparaiso.

Public in attendance: Councilman Bob McKee, Councilman Richard Murphy, Bob Bailey, Dan Radtke, Tim Haas, Sedrick Green, Laurie Wink of the News Dispatch, and Ron Miller of WE-FM.

APPROVAL OF MINUTES

The Chair entertained a motion for approval of the minutes of the regular meeting of July 13, 2009.

A motion to approve the minutes as written was made by Ms. Kaser. The motion was seconded by Mr. Kniola, with the vote as follows: (AYES): Ken Behrendt, Ed Bigda, Lynne Kaser, Michael Kniola, Neil Kienitz (NAYS): None

With a vote of 5 ayes and 0 nays, the motion was unanimously APPROVED.

CLAIMS

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

Payroll

Staff Salaries	07/04/09	3,882.32
	07/31/09	3,724.08
	08/14/09	<u>4,054.80</u>
		11,661.20

Claims (Regular)

Lenore Gregory	Acct services - June 2009	250.00
Michael Bergerson	Legal retainer - August 2009	<u>300.00</u>
		550.00

Claims (N TIF)

Michael Bergerson	Legal services N TIF	9,445.00
Baker & Daniels	Legal services - Sobkowiak	10,054.01
Umbaugh	Prof services - N TIF	36,038.21
Cavolick Consulting	Consulting - Blocksom	3,187.50
Haas & Assoc	Franklin Sq streetscape repairs	6,540.00
Stress Analysis	Consulting - Blocksom	300.00
Environmental Inc	Weber/Sobkowiak litigation	4,950.00
	Grant mgement - Erincraft, N&W	
Environmental Inc	RR	750.00
Heritage Appraisals	Sobkowiak/Weber litigation	3,900.00
Amereco	Environ - demolition old Ice House	<u>31,884.13</u>
		107,048.85

Claims (S TIF)

JF New	Mitigation - Cleveland Ave	830.00
Beam, Longest & Neff	Eng - 400 N	10,716.04
Beam, Longest & Neff	Eng - Towne Center Dr	1,399.32
Rieth Riley	Construction - 400 N	<u>349.83</u>

The Chair entertained a motion for approval of the claims.

A motion to approve the claims was made by Mr. Kniola. The motion was seconded by Mr. Bigda, with the vote as follows: (AYES): Ken Behrendt, Ed Bigda, Lynne Kaser, Michael Kniola, Neil Kienitz (NAYS): None

With a vote of 5 ayes and 0 nays, the motion was unanimously APPROVED.

FINANCIAL REPORT

Mr. Pugh reviewed the financial report ended June 30, 2009.

The Chair entertained a motion for approval of the financial report.

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

With a vote of 5 ayes and 0 nays, the motion was unanimously APPROVED.

REPORT ON THE STATUS OF FRANKLIN STREET REPAIRS

Tim Haas and Sedrick Green of Haas & Associates, 526 Franklin Square, Michigan City, Indiana, came forward to address the Commission with regard to the Franklin Square Streetscape Project. Mr. Haas indicated that they have completed plans and construction specifications. He said that they have met with Mr. Pugh and Mr. Phelps and reviewed the plans and specs. They are ready to go to bid and requested approval from the Commission to do so. The project is estimated at \$250,000 for repairing the existing concrete, brick, tree grates, and adding/repairing electrical outlets along Franklin Square from 4th Street to 9th Street. Mr. Green distributed drawings and an advertisement to bid to the Commission for their review.

Mr. Pugh asked Mr. Haas to discuss the projected schedule if they receive authorization to go to bid.

Mr. Haas explained that if the Commission authorizes them to go to bid tonight, the advertisement to bid could go to the newspaper tomorrow. Bids would be open on September 9th, the bid findings would be reported at the Commission's next meeting on September 14th with a recommendation for award of contract as well. By the end of September everything would be in hand from the successful bidder and would be reviewed in conjunction with Mr. Pugh and Attorney Bergerson. The notice to proceed would be issued to the contractor to begin construction around October 1st with completion around the end of November.

Mr. Pugh advised the Commission that he reviewed the plans and specs and he finds them satisfactory and the estimate is within the budget. He recommended the Commission authorize the bidding to proceed.

Chairman Behrendt asked for questions and/or comments by the Commission.

Mr. Bigda asked if this project has anything to do with the paving of the street.

Mr. Haas confirmed that there is no asphalt work included in this project.

Mr. Pugh explained that all of the work in this project is sidewalk, curb line, and planters. Next spring, if the Commission wants to come back and entertain milling and paving, there would be absolutely no hindrance to that.

Mr. Haas added that the groundwork would already be laid for the milling and paving.

Mr. Kniola asked if the pavers on the crosswalks going into the streets would be affected.

Mr. Haas replied that those will not be milled and paved. He assumes that when the street is milled and paved, those would remain brick pavers. The repairs to those pavers are included in this project.

Mr. Bigda asked what improvements will be made to the tree grates.

Mr. Green stated that the grates will be removed and trimmed out to the proper opening for the tree, debris inside will be cleaned out, the grates that have sunk will be reset to grade, and the brick pavers in and around the grates will be taken out, recompact, and set to grade as well.

Mr. Kienitz asked for an explanation as to the extent of the electrical work to be done.

Mr. Green stated that the receptacles in the tree planters will be removed and abandoned below grade at the junction box. The receptacles at the corner planters and mid-block will be repaired and new surface mount duplex receptacles (20 amp and 30 amp) installed.

There were no other questions or comments from the Board. Therefore, the Chair entertained a motion.

A motion was made by Mr. Kniola authorizing the bidding process for Franklin Street repairs. The motion was seconded by Ms. Kaser, with the vote as follows:

(AYES): Ken Behrendt, Ed Bigda, Lynne Kaser, Michael Kniola, Neil Kienitz
(NAYS): None

With a vote of 5 ayes and 0 nays, the motion was unanimously APPROVED.

APPROVAL OF AGREEMENT WITH “12 ON THE LAKE”

In the absence of the Commission’s legal counsel, Chairman Behrendt advised that this matter will be tabled until the next meeting.

A motion was made by Ms. Kaser to table approval of the agreement with “12 on the Lake” until the next regularly scheduled Redevelopment Commission meeting on September 14th. The motion was seconded by Mr. Kniola, with the vote as follows: (AYES): Ken Behrendt, Ed Bigda, Lynne Kaser, Michael Kniola, Neil Kienitz (NAYS): None

With a vote of 5 ayes and 0 nays, the motion was unanimously APPROVED.

REPORT BY LEGAL COUNSEL

In the absence of Attorney Bergerson, Chairman Behrendt reported that an executed copy of the agreement with Blocksom has been received and is on file.

With regard to the Ice House and Weber litigation, Baker & Daniels has filed an appeal and are now in the process of reviewing the situation to determine if they would recommend pursuing the appeal. There will be an updated report at the next meeting.

With respect to acquisition of the News Dispatch property, the Common Council has amended the resolution and sent it back to the Redevelopment Commission. The Redevelopment Commission has to put it out for public hearing (September 14th). At that time, the Commission has the option of approving it as amended, passing it with additional modifications, or rescinding it.

Chairman Behrendt disclosed 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 we do have an agreement to purchase houses on E Sixth Street – 406 in addition to 408, 410 and 412. Preliminary steps have been taken to assess them for asbestos and environmental conditions. They will be bid for demolition as a package. There will be more information at the next meeting with regard to 406.

PUBLIC COMMENT

Councilman Richard Murphy addressed the Commission to check on the status of the joint workshop between the Common Council and Redevelopment Commission where members of the Council requested the Redevelopment Commission initiate the process to create an amended Plan for the corridor from Franklin Square to Washington Park. The Council was initially encouraged by comments shared by the Commission and Mayor Oberlie in support of taking another look at this corridor and updating the 40 year old Beachway Plan to be more in line with their objectives.

Councilman Murphy stated that the Council is again requesting the Commission consider the release of an RFP stating the objectives to amend the Plan in order to contract a consultant to guide through the planning process that would result in a new Plan for the corridor.

Councilman Murphy asked for comments from the Commission on this request and where the Commission is on this request.

Ms. Kaser stated that she would like to see this put next month's agenda for consideration.

Mr. Kniola stated that the issue he has with the outcome of the workshop is the fact that we are still unsure of where the South Shore tracks will be located. Until that issue is resolved, Mr. Kniola stated that he would prefer not to release an RFP.

Councilman Murphy agreed that it is a good point and they need to keep an eye on that issue; but he said it would be helpful to the Council to know if there is some common ground from the perspective of the Redevelopment Commission that it does make sense to look at this corridor in a new way and get a dialogue to see if they can work together on the spirit of this idea to look at reinventing the corridor.

Ms. Kaser stated that she understands Mr. Kniola's concern, but she does not think there is anything wrong with at least opening it up for discussion. She would still like to see it put on the agenda.

Mr. Kienitz stated that he also understands Mr. Kniola's concern, but he does not feel the location of the South Shore will necessarily determine whether or not the corridor should be opened up. It is his feeling that it should be opened up regardless of where the South Shore is.

Mr. Kniola stated that this is not just regarding Franklin Street and the Franklin Street corridor – it is a Master Plan for the City going from 11th Street to Washington Park. He feels that it would have a big effect on what is going to happen. If there is a modification to 11th Street, it would greatly change the streetscape of the city. He believes there should be discussion involved, but the RFP is more than what the Commission should do at this point.

Councilman Murphy agreed that a discussion item on the agenda would be a great place to start.

Mr. Bigda added that this is a good time to start the discussion.

Chairman Behrendt asked Mr. Pugh to put a discussion on amending the Beachway Plan on the Commission's next agenda.

NEXT MEETING DATE

The next regular meeting will be Monday, September 14, 2009.

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 5:25 p.m.

Lynne Kaser, Secretary _____