

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY REDEVELOPMENT COMMISSION
FEBRUARY 10, 2020**

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 10, 2020, at 5:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting.

CALL TO ORDER

President Behrendt called the meeting to order at approximately 5:07 p.m.

ROLL CALL

Commissioners present:

Ken Behrendt, Chris Chatfield, John Hendricks, Pat Kowalski, John Sheets

Commissioners absent:

None

Non-voting adviser present:

Deborah Chubb

Common Council liaison present:

Councilwoman Angie Nelson Deutch

Staff present:

Executive Director Skyler York, Attorney Alan Sirinek, Administrative Assistant Debbie Wilson

Staff absent:

None

APPROVAL OF MINUTES

The chair entertained a motion for approval of the minutes of the executive session of 01/13/20 and the regular meeting of 01/13/20.

Motion by Commissioner Chatfield – seconded by Commissioner Sheets approving the minutes of the executive session of 01/13/20 and the regular meeting of 01/13/20 as submitted. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

CLAIMS

Mr. York reviewed the claims docket dated February 10, 2020 as revised noting that payroll for January totaled \$15,194.01. Mr. York read aloud all claims listed. In

summary, February claims totaled: (Operating) \$3,663.95; (North TIF) \$679,182.39; (South TIF) \$50,594.69; (US Bank – Ohio Street) \$250,760.91; (US Bank – Elston Grove) \$1,225.00.

Commissioner Behrendt inquired into the Ameriplex Marquette option payments.

Attorney Sirinek explained that when the Commission entered into a project agreement with Holladay Corp. for the flex buildings on Cleveland Avenue, it included a guarantee for occupancy. These invoices are for August through November 2019 being the Commission's occupancy payments, calculated by the vacant rentable square footage of the building on the last day of the month.

Commissioner Behrendt asked the duration of the option payments.

Attorney Sirinek replied that he would have to double-check but thinks in 2020 we move into the last year and the cap is \$25,000.

The chair entertained a motion.

Motion by Commissioner Kowalski – seconded by Commissioner Hendricks approving the claims docket dated February 10, 2020 as revised. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

FINANCIAL REPORT

Mr. York reviewed the financial report dated 12/31/19 summarizing the cash balances as follows: Operating Account \$186,994.14; South Side TIF Account \$6,504,628.39; South Side TIF Debt Reserve Account \$336,265.24; South Side TIF Capital Account \$17,543.91; North End TIF Account \$3,218,717.95; Wabash Street Streetscape Construction \$122,267.66; Wabash Street Streetscape Debt Reserve \$216,018.58; Northeast TIF Account \$260,775.01; for total cash of \$10,863,210.88. Loans Receivable include a loan to the Eastside TIF from the Operating Account in the amount of \$21,028.49, and the County Business Loan Fund in the amount of \$133,333.00, for a total of \$154,361.49, bringing total assets to \$11,017,572.37.

The chair entertained a motion.

Motion by Commissioner Sheets – seconded by Commissioner Kowalski approving the financial report dated 12/31/19 as presented. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

US 12 BRIDGE

Mr. York acknowledged that Commissioners received a copy of the proposed insignias for the railing on the bridge. He noted that last month Commissioners approved a change order for the lights on the bridge; this railing option, if the Commission so chooses, would have to be a change order as well.

Chris Murphy (American Structurepoint, Indianapolis IN) gave background stating that discussion took place several months ago regarding the aesthetic elements to be included in the cost Michigan City is providing toward the improvements to the reconstruction of the bridge deck. There is a pedestrian railing on either side of the bridge; on the north side of the bridge there is a 10' wide multi-use path, on the south side of the bridge there is 6' wide sidewalk. The non-vehicle use areas are separated from traffic by a crash wall consisting of 18" of concrete with pipe tubing guardrail above it to see through it and enjoy the view going over the bridge. The pipe railing at the edge of the bridge is a standard pipe railing with appropriate spacing for pedestrian safety. The discussion was if there would be ways to enhance that standard pipe railing to give it more of a personal character for Michigan City. There was previous discussion that it would not necessarily be an element included in every panel of the railing, but possibly in the four corners or intermittent spacing throughout the length of the railing. Structurepoint provided some ideas on different approaches to aesthetic elements for the Commission's consideration. There are two ways to mount these elements to the railing; one is to have the element fabricated within the pipe railing, the other is to detail a decorative element and bolt it to the finished pipe railing. Advantages of bolting it on is that it could be removed or replaced in the future and it would not be as costly as fabricating something within the railing. Mr. Murphy noted that these elements would have a bit of a lead time.

Commissioner Hendricks questioned if the current outer concrete barriers will be removed.

Mr. Murphy replied affirmatively, adding that there will be four railings. Located on either side of the bridge between the traffic lanes and the sidewalk and multi-use path will be a crash railing that consists of 18" of concrete and on top of that crash tested metal/steel railing elements which will provide see through views for drivers, as well as the pedestrian-bicycle railings on the outsides of the bridge itself to protect pedestrians from going over the edge.

Commissioner Hendricks asked if there is any fencing or anything on top of that railing like he has seen on some bridges going over railroad passes.

Mr. Murphy replied that there will not, adding that typically on those railroad bridges it is a requirement of the railroad to prevent people from throwing something out of a car onto the train. He advised that it would not be a requirement of INDOT over a navigable waterway, although it could be provided if it is something the Commission wants.

Commissioner Hendricks noted his concern of not being able to see that added element when driving by it.

Mr. Murphy stated that the view would mostly be from the pedestrian-bicycle users and those underneath the bridge. He agreed that there probably won't be much of a view of it driving across the bridge.

Commissioner Hendricks inquired into the stationing/positioning of the lights and thought it might be a good idea to put banners on them.

Mr. Murphy stated that it could be appropriate. He recollected that there might be half a dozen lights on the bridge deck itself and the balance extending down the approaches to the bridge; a total of 30 lights.

Commissioner Behrendt asked if the railing elements could be added after the fact.

Mr. Murphy replied affirmatively, stating that the bolt-on elements could.

Commissioner Chatfield commented that it is an interesting idea and a great way to display some of the historic things in Michigan City. He asked Mr. Murphy if they have put any costs to this yet.

Mr. Murphy replied that they have not, only indicating that if something is fabricated to the railing itself as opposed to bolt-on it will be more expensive. He commented that there was discussion about fabricating something like a 2' diameter ring into the railing and having a bolt-on element to go inside the ring which could be changed out. Although, he said if there ever is a time where no element is in that ring, it would still have to meet the appropriate spacing requirements for safety.

Commissioner Behrendt asked the drop-dead date on this.

Mr. Murphy replied that he did not know until they have further thoughts on what to pursue. He pointed out that the railings are typically last to be installed, but they are also a long lead time in fabrication, although Phase I of the project will be completed before they begin Phase II. It is anticipated that Phase I would be completed sometime in July and Phase II sometime in October or November. If the Commission wants to just do something at each corner of the bridge, then fabrication is not as involved. If a standard size ring is included in the fabrication of the railings, then fabrication becomes standard. If a different element is done at each location, that involves more fabrication and time.

Commissioner Chatfield confirmed that the railing could be designed and then the Commission could come back after the fact and have the bolt-on elements put on.

Mr. Murphy replied affirmatively.

Commissioner Chatfield questioned if the circular ring would be sturdier or not.

Mr. Murphy said it would not necessarily be sturdier, but it would provide a more definitive location to where the element would be installed. He pointed out that the advantage of the bolt-on to the standard railing system would be that more elements could be added in the future if desired.

Commissioner Chatfield said he would be in favor of getting an idea of costs for both the bolt-on and the inset fabricated on the railing. He felt that this adds another dimension to what the Commission is trying to do with the bridge and Michigan City.

Mr. Murphy stated that he could have something available by the next meeting.

Commissioner Behrendt asked that Mr. Murphy distribute it prior to the meeting.

Mr. Murphy acknowledged that he would.

FORMER MEMORIAL SITE

Attorney Sirinek reported that he talked to Tim Smith who indicated that their group met last Friday. They are still putting together the final draft of what their plans will look like so that negotiations can begin. Attorney Sirinek will wait to hear back from them, hopefully sometime this week.

SALARY ORDER ADJUSTMENT

Mr. York stated that in executive session the Commission reviewed the salary of an employee for which the Commission sets their salary -- the CDBG Coordinator, Sherry Wilson. He asked for a motion to adjust her salary as discussed in executive session.

Motion by Commissioner Chatfield – seconded by Commissioner Hendricks to adjust the salary ordinance for Sherry Wilson as discussed in executive session.

Attorney Sirinek advised that the motion should specifically identify the total dollar amount by which her salary is being adjusted. The motion should also include as discussed in executive session that it reflects a satisfactory job performance appraisal at this point.

Commissioner Chatfield amended his motion – seconded by Commissioner Hendricks approving a salary order adjustment to increase the salary of the CDBG Coordinator, Sherry Wilson, by \$10,000 retroactive to the first pay period of 2020, being reflective of a satisfactory job performance appraisal.

It was noted by Commissioner Chatfield that the Commission pays out the CDBG dollars throughout the year and is reimbursed. These funds are reimbursed through drawdowns from HUD.

With a motion and second on the floor voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

ST. PATRICK'S DAY PARADE

Johnny Stimley (3205 Tilden Avenue, Michigan City IN) addressed the Commission announcing that the St. Patrick's Day Parade is on March 7th. He explained that they would like to do something a little different this year by having a beer garden to be located on Redevelopment-owned land at the southwest corner of 7th/Franklin Street. The hours would be from 12:00 p.m. – 3:00 p.m. He noted that proceeds would go to the Irish Garden at Friendship Botanic Gardens. He indicated that if approved by the Redevelopment Commission he would then go to the Board of Public Works & Safety for approval and he will provide liability insurance.

Attorney Sirinek advised that if approved it should be contingent upon Board of Works approval.

The chair entertained a motion.

Motion by Commissioner Sheets – seconded by Commissioner Kowalski granting approval for the use of Redevelopment-owned land at the southwest corner of 7th/Franklin Street for a beer garden from 12:00 p.m. – 3:00 p.m. on March 7, 2020 as part of the festivities of the St. Patrick's Day Parade. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

REPORT BY LEGAL COUNSEL

Attorney Sirinek reported on the following:

- In April of 2018, the Redevelopment Commission purchased property at 621 Franklin Street from Bob Lake (Staiger Hardware building). As a part of the purchase agreement, included was an MOU which allows the Commission to do certain things; one of which is paying up to a maximum amount of \$32,000 for roof repairs at 621 Franklin Street. Attorney Sirinek advised that this was approved as part of the purchase. Mr. Lake is now ready to proceed with the repairs as the roof is leaking. Mr. Lake has provided the Commission with an estimate for the repairs in the amount of \$30,115. Once repairs are completed, Mr. Lake will provide the Commission with an invoice and he will be reimbursed up to the maximum amount of \$32,000. Attorney Sirinek asked the Commission for approval so Mr. Lake can go forward with the repairs.

The chair entertained a motion.

Motion by Commissioner Chatfield – seconded by Commissioner Hendricks authorizing the owner (Bob Lake) of 621 Franklin Street to go forth with roof repairs and when repairs are complete, invoice the Redevelopment Commission for reimbursement up to a maximum amount of \$32,000. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

- An executive session was held prior to this meeting. No decisions were made, and nothing was discussed other than what is permitted by Open Door Law.
- August Mack has submitted a proposal for clean-up of Trail Creek properties. Attorney Sirinek explained that this is the subject of an ongoing lawsuit for contamination of that property. As part of that lawsuit, the Commission received a settlement of \$1.8 million from Begley-Concord Cleaners. August Mack has submitted a proposal for environmental services in the amount of \$1.1 million for the clean-up of that property. They have indicated this would be a 2-year project.

The chair entertained a motion.

Motion by Commissioner Chatfield – seconded by Commissioner Sheets approving a proposal dated 01/22/2020 in the amount of \$1.1 million from August Mack for environmental services to clean-up the former Begley-Concord Cleaners Trail Creek properties. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

- There will be a Trail Creek litigation hearing on March 5th. Attorney Sirinek indicated that he will be representing the Redevelopment Commission along with their consultants regarding another polluter on that property. There is a default judgment at this point in an unknown dollar amount. The purpose of that hearing is to see what that dollar amount will be and begin the discussions of either proceeding with that through litigation or getting some kind of settlement for financial contributions to clean up the rest of that property.

REPORT BY DIRECTOR

Mr. York reported that every year the City/Commission does a report to the State DLGF. He has been working with the City Controller on this. Baker Tilly does the financial report for the City/Commission which is due April 15th. The process must start now as it requires a lot of gathering of information. This must also go before the Board of Public

Works & Safety for City approval. Attorney Sirinek has the contract for his review. Mr. York requested approval pending Attorney Sirinek's review of the contract.

The chair entertained a motion.

Motion by Commissioner Sheets – seconded by Commissioner Kowalski approving a contract with Baker Tilly for the annual DLGF report, subject to approval by Attorney Sirinek. Voice vote was as follows: (Ayes) Commissioners Behrendt, Chatfield, Hendricks, Kowalski, Sheets – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

PUBLIC COMMENTS

(None)

COMMISSIONER COMMENTS

President Behrendt suggested a joint workshop on TIF for the benefit of new Commissioners, Common Council, and administration. He recommended Baker Tilly and/or Randy Rompolo conduct the presentation.

Mr. York noted that he has preliminarily spoke to them about it, so it is already in the works.

It was agreed by all.

NEXT MEETING DATE

President Behrendt announced that the next regular meeting will be March 9, 2020.

ADJOURNMENT

The chair entertained a motion to adjourn.

Motion to adjourn by Commissioner Hendricks – seconded by Commissioner Chatfield and unanimously approved. The chair declared the meeting adjourned at approximately 5:40 p.m.



John Sheets, Secretary