

**MINUTES OF A SPECIAL MEETING OF THE
MICHIGAN CITY REDEVELOPMENT COMMISSION
JUNE 7, 2021**

The Michigan City Redevelopment Commission convened in a special meeting via Zoom and streaming live on My Michigan City, Indiana Facebook, on Monday, June 7, 2021, at 5:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting. The meeting was hosted by Kaleb Goodwin, City IT.

CALL TO ORDER

President Chatfield called the meeting to order at approximately 5:09 p.m.

ROLL CALL

Commissioners in attendance:

Ken Behrendt, Chris Chatfield, Angie Nelson Deutch, John Hendricks, and Michael Mack – all appearing via Zoom

Commissioners absent:

Non-voting adviser Thomas Dombkowski

Staff in attendance:

Executive Director Skyler York, Attorney Alan Sirinek, Administrative Assistant Debbie Wilson – all appearing via Zoom

ECONOMIC DEVELOPMENT AGREEMENT – 1215 E 2ND STREET

Attorney Sirinek noted that there were last minute unforeseen circumstances with the agreement, indicating that the issues should be taken care of by next Monday for the regular meeting.

Mr. York added to comments confirming that there has been a small setback in the agreement at the last minute and it is hopeful it will be solved by next Monday; worst case scenario by the July meeting. He asked that this matter be tabled.

The chair entertained a motion.

Motion by Commissioner Behrendt – seconded by Commissioner Hendricks tabling the Economic Development Agreement for 1215 E. 2nd Street. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

HDR CONTRACT – EIS FOR STATION BLOCK ALTERNATIVE

Mr. York began discussion recalling from the last meeting that the Commission talked about going down an alternative route with the station block development – a true mixed-use Transit-Oriented Development (TOD) proposal, although the alternative route will require additional environmental work to be done. Mr. York explained that HDR did the original environmental work, so they already have the modeling created from the original study. Mr. York said he would like the Commission to execute this contract with HDR so they can take their model and reprogram it to fit the need for now, which is an RFP for a developer to develop the station block into a private development which includes the FTA needs, the Redevelopment Commission's wants and needs, and NICTD's wants and needs. Mr. York stated that essentially the environmental section of the process needs to be reopened and remodeled for a private development rather than a parking garage. Mr. York noted that Mr. Mark Fuhrmann from HDR was on Zoom.

Mr. Fuhrmann (HDR) appearing via Zoom, stated that he is the Program Manager for the NICTD Double Track and West Lake projects. He outlined their recommendation/proposal to the Redevelopment Commission to take on this additional work in preparation for the TOD at the station block. He said they have organized it into three tasks: 1) Environmental Work. The original environmental work assumed the four-level garage. They assume that will be different and they will initially model what that assumption would be which is a seven or eight level facility, although they don't know what the developers are going to propose. Once that is known and the City can identify the top-rated proposer, they might need to do further analysis in terms of the environmental impacts. 85% of the \$62,000 proposal is for initial environmental work that may require further work once the developer is known. The other two tasks are much smaller but are required by the FTA; 2) Look at the scheduled impacts of moving down this separate track for the TOD development, which is different than what had first been assumed for the double track project, at a cost of approximately \$3,200; and 3) Look at any potential impact to the NICTD full funding grant agreement (contract between NICTD and FTA), at a cost of approximately \$4,400. Those three tasks total \$62,000 of their initial estimate for the cost to prepare the ground for moving and shifting from the original scope and concept of the station block to a TOD concept.

There were no questions/comments; the chair entertained a motion.

Motion by Commissioner Deutch – seconded by Commissioner Mack approving the estimate of \$62,000 to HDR for additional work on the redesigned station block, to include NEPA re-evaluation, impacts to overall DT-NWI schedule, and impacts to FFGA. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

NCI AMENDMENT TO ENGAGEMENT LETTER

Mr. York explained that this proposal is associated with the same project the Commission just discussed, stating that there is an opportunity for the Commission to go in a different direction to capitalize on the investment that NICTD and the FTA is making at the station block. The opportunity is to go out for RFP to try to find a private developer to take on the station block and do a private development. He said it is a very complicated project with a lot of moving parts to it, so it will take a top-notch team to put out this RFP within the tight timeframe. Everything that must happen within the timeframe includes the RFP being written, the RFP put out to potential developers, a developer must be selected, and an agreement executed with the developer. Mr. York indicated that the final product will be a complicated economic development agreement because of the many funding mechanisms, specifically the federal government which will have a lot of requirements. Mr. York noted that Ruth Wuorenma (the Commission's Development Consultant) was on Zoom. He noted that part of the original reason she was brought on as a consultant was to help the Commission go down this road, but at that time the Commission did not know they would get the opportunity of doing an RFP. He said the Commission has now been offered that opportunity, so he would like Ms. Wuorenma to complete that opportunity for the Commission and get them to the end. He commented that she has put together a top-notch team of people to get the Commission to the end of this project.

Ruth Wuorenma (NCI) appearing via Zoom, commented that the City has an opportunity to right-size the project for that block, and they have the chance to continue what they started in 2017-2018 to make it a site that is not only respectful of the city and its local needs but to also be cognizant of its increasing prominence in the region with the double tracking effort.

Ms. Wuorenma explained that they have streamlined (but largely have maintained) the team they started with in 2018 which created several development scenarios that they tested within the development community and they are now taking that forward. She noted the very tight timeframes to capture the opportunities of this joint development with NICTD and FTA guidelines. NCI's goal is to take what they started in 2018 which was approved by the City, NICTD, and the RDA and to bring that forward, test it with the city to make sure it is still consistent with what the Commission and City wants, adjust it as needed, and then take it to the market. NCI's role is to be the interface between the public sector they represent (in this case also recognizing the specific needs of NICTD and the RDA) and the private sector; they are a development firm that focuses on pre-development on behalf of their clients, which are usually the public sector. Ms. Wuorenma said they will follow the tight schedule established by NICTD, with input and cooperation from KPMG (the RDA's consultant). They will meet that deadline and create an RFP that will go out on August 2nd which reflects the interests and needs of the city and is also of a scale that will attract the kind of developers the City wants. They will get input from KPMG on the FTA requirements as well as on the public finance requirements, they will work with the City and guide the process in such a way that it

attracts the developers' interest, but that the City is fully informed on what the implications might be on each of those scenarios. They will identify top developers within the region and beyond that might have an interest and work with the City when the proposals come in on November 1st to evaluate and rank them as to which might be the best fit. Ms. Wuorenma said the most critical part is for the proposals to come in that are aligned with the City's goals and interests and that they are proposals from the very best quality developers, because under the terms negotiated with NICTD the City needs to have a binding agreement with a developer that can take this forward on March 1st. She said the work the City did three years ago is putting them in very good standing to take this forward. They had a sophisticated team back then and now they are just tying those pieces together verifying they still meet the interests and goals of the city and getting the right developer matched. She detailed the process stating that they will do one, possibly two, developer information sessions – one in Michigan City a week before the RFP. Ms. Wuorenma stated that whole process is strong content, but it is also marketing Michigan City as a great historic legacy city being Indiana's first city on the lake but also a regional center of growing prominence.

Mr. York added to comments stating that in 2017-2018 Ms. Wuorenma's group did the original study which is in the Comprehensive Plan. They did the market study to make sure those scenarios would work but some things may need to be added to them to bring them into 2021. He commented that this is a top-notch team.

Ms. Wuorenma commented about Christine Carlyle on the team stating that she is one of the nation's strongest transit development architects. The fact that she knows the site and all the interfaces at the ground level will be extremely important for developers. They will only have three months to make a very important proposal. They would not be able to do that as meaningfully if they didn't know that they were giving them data on the site as well as on the architecture on the first floor. Without the prior work it would make the results and the responses from the developers not as advanced as they can be now with having the background work.

Commissioner Chatfield commented that it is time that Michigan City understands that we need to bring in top-notch talent to do these types of projects. This is a national scoped project. He said he appreciates Ms. Wuorenma's hard work, the team, and getting the City to the next step; stating that in the end the product she will provide the City with will be great.

Commissioner Mack added that a while back he was sent several of these proposals; one having a blind study of developers talking about the good and the bad in Michigan City. He stated that one of those proposals was so impressive because it spoke of the first floor being an attraction for young people, and all the developers said the same thing that Michigan City is a place with a reputation for some rough stuff, a reputation for some great shopping and retail, great amenities, and great potential if you can engage the youth. On the bottom floor they all seemed to have the same form of logic around

education, training, and development. He said if this leads to those types of things, he thinks this will be a game changer for Michigan City. He indicated that Michigan City could use a project of this magnitude to take care of some of the needs of the housing (higher end), putting through the rail from Chicago for people that want to come and go, and also intentionally attracting young people trying to develop themselves into better people and create a market for service for those people. He said if it is going in that direction, he is 100% for it.

Ms. Wuorenma commented that this is a project that is dear to so many peoples' hearts. She said most of her clients are communities like Michigan City that have these great histories and such unbelievably strong assets, but they have been constrained because the markets have changed. She said she sees the goal as using the station block to unify the areas north and south of the tracks as well the region. She stated that the reason Michigan City was the first Indiana city on the lake is because they have the best assets, one of those being the lakefront; Michigan City has assets that usually are associated with major cities. She stated that to find a developer that respects that and understands the special part of Michigan City's history and take it forward is a real honor. Ms. Wuorenma said there will be people who will be very excited about working with Michigan City, and she is hopeful they will get good attention from developers around the region.

Commissioner Chatfield agreed, recognizing the great team, stating that Michigan City is very fortunate.

Attorney Sirinek commented that he reviewed the contract, noting that there is nothing objectionable for going forward with it.

There were no other questions/comments; the chair entertained a motion.

Motion by Commissioner Deutch – seconded by Commissioner Mack approving the Neighborhood Capital Institute (NCI) Transit Block Amendment to Engagement Letter – Adding Phase 3, Developer Solicitation. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

Commissioner Chatfield commented on the history of Michigan City, acknowledging that when Michigan City was founded at the bottom of Lake Michigan, it was to be Chicago, but we didn't get there, and it moved a little bit west. He said that is the sad part about it, but it is also the beauty of it because now we have our own little cocoon with a lot of good stuff going on. He said he is looking forward to the next step.

BUTLER FAIRMAN & SEUFERT (BFS) CONTRACT – SINGING SANDS SIGNAGE

Mr. York noted that Jake Dammarell from BFS was present via Zoom. Mr. York began discussion stating that there is some leftover construction money in Singing Sands Phase 1. Originally there was to be signs created for the trail, but it was not done because the total construction cost of the trail was not known at that time. The leftover money is enough to pay for the sign package for construction, but it is not enough to cover the engineering of the sign. This contract with BFS for \$5,500 would allow for the engineering of the sign. This needs to be done very quickly because the project will be closed out and any money leftover would go back to the state. Mr. York said this is an opportunity right now to get the trail signage out on the trails. He feels this is a moderate request with respect to getting the current project engineers going on this. He asked Mr. Dammarell if he knew the amount of money left over.

Mr. Dammarell replied that he did not know the amount of construction money remaining but said he can find out and distribute that information. He concurred with Mr. York's comments on what they are trying to do. He stated the contractor is Walsh & Kelly. Mr. Dammarell stated that they are basically going to utilize all the remaining funds to maximize the federal contribution, explaining that the way they will do it is by doing an estimate with the contractor for different types of signs to get to the point they utilize all the remaining federal funds. He stated that the good thing about this is that in the meantime NIRPC went through and did a sign standardization for all the trail projects in our region, so some of those standards will be able to be used for these signs so they match the atmosphere of the Singing Sands Trail or the Marquette Greenways as it is known throughout the entire region from Lake, Porter, LaPorte County, and into the State of Michigan soon. Mr. Dammarell talked about their agreement stating that it is an hourly not to exceed figure, so only what they expend on time is what the Commission will be charged, not to exceed \$5,500.

Mr. York stated that he believes there is about \$120,000 in leftover money so it is a significant amount that we don't want to send back to the state; this is an opportunity to get a nice sign package. The signs will look like signs on other trails.

There were no questions/comments; the chair entertained a motion.

Motion by Commissioner Behrendt – seconded by Commissioner Deutch approving the contract with Butler Fairman & Seufert for Singing Sands Trail Signage Design in an amount not to exceed \$5,500. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

RESOLUTION 7-21 POLICY FOR ELECTRONIC ATTENDANCE AT PUBLIC MEETINGS

Attorney Sirinek explained that this matter arises from the pandemic when electronic meetings became vogue and necessary, stating that one of the side benefits from that is people have realized the efficiency of electronic meetings in certain settings, and that

the option is available. Statute I.C. 5-14-1.5-3.5 indicates the Commission can do this but they must have a policy in place for that and it must include certain things. The statute also indicates that you must permit the electronic meetings and that you can be more restrictive with the requirements if you choose to do so.

There were no questions/comments; the chair entertained a motion.

Motion by Commissioner Deutch – seconded by Commissioner Behrendt approving RESOLUTION 7-21 ADOPTING WRITTEN POLICY ESTABLISHING THE PROCEDURES THAT APPLY FOR A COMMISSIONER OF THE REDEVELOPMENT COMMISSION TO PARTICIPATE IN A MEETING BY ELECTRONIC MEANS PURSUANT TO I.C. 5-14-1.5-3.5. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

REPORT BY LEGAL COUNSEL

Attorney Sirinek reported that the finish line has been reached in acquisition of all the station block properties. He pointed out that the original agreement with NICTD was to convey these properties over to them but somewhere along the line it got changed to an easement. He said he is not sure why that happened or why it was felt to be in the best interest to do it that way, but he stated that with what has developed since that time as it relates to the possibility of having private development of the parking structure with mixed-use development as well, it makes more sense to only have an easement at this point with NICTD for the property the Commission acquired. Attorney Sirinek stated that he has drafted a general easement and referenced it to being attached to all the legal descriptions of the properties the Commission acquired and will acquire soon. He will then convey the easement to NICTD for the purposes of demolition work and any kind of site development necessary for project development.

There were no questions/comments; the chair entertained a motion.

Motion by Commissioner Hendricks – seconded by Commissioner Mack approving the easement for properties the Redevelopment Commission acquired for the station block so it can be recorded and conveyed to NICTD. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

Attorney Sirinek reported on acquisition of 1002 Franklin Street acknowledging that there are environmental issues on that property; being an IDEM cleanup site. The Commission retained the services of Plews Shadley Racher & Braun to explore that from an environmental cleanup recovery cost in the event the Commission would have to put any money into getting it cleaned up for NICTD. The principal polluters on that site are Bassam Abdulla (owner of property) as well as Begley Cleaners (principal

polluter on the Trail Creek properties). They have been very cooperative recognizing that there is a cleanup cost and have been responding to the Commission's efforts to push to get that cleanup occurring, not only as it relates to the 1002 Franklin Street site, but also the plume that the contaminants have migrated to going towards the north from 1002 Franklin and across the street and further on downstream. They want access to our aspect of the property so they can put in monitoring wells and do injections to clean up the contaminants, so it does not continue to go downstream. He referred to the final draft of the Property Access Agreement giving them permission to come on the Commission's property to put in wells and start doing injections to break down the contaminants in the soil. Attorney Sirinek requested approval of the agreement so they can begin work this week.

Trying to understand everyone involved in the agreement, Commissioner Deutch questioned if the people identified are representing the property owner.

Attorney Sirinek replied the Redevelopment Commission is the property owner. Bassam Abdulla and Begley Cleaners are the polluters. Crossroads Environmental Consulting is who they have retained to do the environmental cleanup and they will be coming on the Commission's property to do the cleanup on behalf of their clients (the polluters).

Commissioner Hendricks asked if there is a time limit to the agreement.

Attorney Sirinek replied that it is an agreement that will be in place until IDEM closes the polluted site. Monitoring wells will be on this property for at least eight quarters and IDEM may extend that further depending upon what the results of the cleanup efforts are. Their standard is a minimum of eight quarters.

There were no other questions/comments; the chair entertained a motion.

Motion by Commissioner Deutch – seconded by Commissioner Mack approving the Property Access Agreement for 1002 Franklin Street. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Hendricks, Mack – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.

Attorney Sirinek noted that 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.

REPORT BY DIRECTOR

Mr. York had nothing else to report at this time.

PUBLIC COMMENTS

None.

COMMISSIONER COMMENTS

None.


NEXT REGULAR MEETING DATE

President Chatfield announced that the next regular meeting is scheduled for June 14, 2021 at 5:00 p.m. but he will not be in attendance. John Hendricks will run the meeting as Vice-President.

ADJOURNMENT

The chair called for a motion to adjourn.

Motion to adjourn by Commissioner Hendricks – seconded by Commissioner Mack and unanimously approved. The chair declared the meeting adjourned at approximately 6:00 p.m.



Angie Nelson Deutch, Secretary