

**MINUTES OF A REGULAR MEETING OF THE  
MICHIGAN CITY REDEVELOPMENT COMMISSION  
OCTOBER 13, 2021**

The Michigan City Redevelopment Commission held their regular monthly meeting in the Common Council Chambers, City Hall, 100 E. Michigan Boulevard, Michigan City, Indiana, on Wednesday, October 13, 2021, at 5:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting. This meeting also being available via Zoom and streaming live on My Michigan City, Indiana Facebook. Zoom was hosted by Kaleb Goodwin, City IT staff.

**CALL TO ORDER**

President Chris Chatfield called the meeting to order at approximately 5:00 p.m.

**ROLL CALL**

**Commissioners in attendance:**

Ken Behrendt, Chris Chatfield, Angie Nelson Deutch, Michael Mack, and non-voting advisor Thomas Dombkowski – all appearing in person

**Commissioners absent:**

John Hendricks

**Staff in attendance:**

Executive Director Skyler York, Attorney Alan Sirinek, and Administrative Assistant Debbie Wilson – all appearing in person

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.

**MINUTES**

The chair entertained a motion for approval of the minutes of the 09/13/21 Zoom executive session, the 09/13/21 regular Zoom meeting, and the 10/04/21 hybrid special meeting.

***Motion made by Commissioner Deutch – seconded by Commissioner Behrendt approving the minutes as submitted for the 09/13/21 Zoom executive session, the 09/13/21 Zoom regular meeting, and the 10/04/21 hybrid special meeting.***

Commissioner Behrendt referred to the 09/13/21 regular meeting minutes, the first paragraph on page 7 where it states "...expecting a substantial drop-off in 2028 to just under \$1.9 million, and in the later years to about \$200." Thinking that amount was too low, he questioned if the \$200 was correct or if it should be \$200,000.

President Chatfield asked staff to look into it and make the correction if necessary.

***With a motion and second on the floor, the roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Mack – 4; (Nays) None – 0. With a vote of 4 ayes and 0 nays, the MOTION CARRIED.***

**CLAIMS**

Mr. York reviewed the claims list dated October 13, 2021 revised 2, noting that payroll for September 2021 totaled \$9,366.72. Mr. York read the claims listed into the record. In summary, October claims totaled: (Operating) \$2,713.52; (North TIF) \$62,980.60; (South TIF) \$257,466.10; (Northeast TIF) \$2,800.00; (Refunded 2021 Elston Grove Bond) \$612.50.

The chair entertained a motion.

***Motion made by Commissioner Behrendt – seconded by Commissioner Mack approving the claims list dated 10/13/21 revised 2 as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Mack – 4; (Nays) None – 0. With a vote of 4 ayes and 0 nays, the MOTION CARRIED.***

Attorney Sirinek commented on the Plews Shadley Racher & Braun (PSR&B) invoices, reminding Commissioners that with the agreement they have with PSR&B for environmental cost recovery work on the station block (as well as with other agreements) there is a \$50,000 flat fee, then any recovery that occurs is on a contingency basis.

**FINANCIAL REPORT**

Mr. York reviewed the financial report dated 08/31/21, summarizing cash balances as follows: Operating Account \$186,527.08; South Side TIF Account \$8,076,804.36; South Side TIF Debt Reserve Account \$336,069.73; South Side TIF Capital Account \$17,013.30; North End TIF Account \$3,806,062.95; Northeast TIF Account \$112,211,24; for total cash of \$12,534,688.66. Loans Receivable includes 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 \$12,689,050.15.

The chair entertained a motion.

***Motion made by Commissioner Mack – seconded by Commissioner Behrendt approving the financial report/balance sheet dated 08/31/21 as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Deutch, Mack – 4; (Nays) None – 0. With a vote of 4 ayes and 0 nays, the MOTION CARRIED.***

### **SOUTH TIF CONNECTIVITY IMPROVEMENTS**

Ryan Laughlin (Haas & Associates, Michigan City IN) gave an update indicating that there have been no new access authorizations to the various parcels of land they need to get to for surveying purposes. They have completed additional surveying on the job, including the Ameriplex Drive extended area. They have also completed some wetland surveying in that area since it is owned by the Redevelopment Commission and they have access to it. There are preliminary results indicating some wetland. They had trouble collecting topographic information on that survey because there are a lot of trees and vegetation in that area; they will request some clearing of that land to get a better detailed topographic survey. The preliminary designs are going well, and they should be able to meet with the Redevelopment Commission in the next couple weeks to go over the details.

Mr. York thanked Mr. Laughlin for putting together the letter for the access agreement, stating that letter was provided to DLZ. DLZ responded back today indicating that it will work for them, so their scope of work should start soon.

Commissioner Behrendt asked if all the owners of the properties have been contacted.

Mr. York replied that they have not because DLZ oversees the contacts, although DLZ has identified all the properties and they will be sending out the letters. In that letter there will be permission form that will be sent back to DLZ which will grant permission for the surveying work.

Commissioner Behrendt asked if easements will be requested.

Mr. York replied that this will only be requesting access to the property right now, not the easements yet. He explained that access to the property is needed to survey it and to determine how much space is needed for things like sidewalks, roads, improvements, etc. There could be environmental or soil concerns as well. This will allow the due diligence on those properties.

Mr. Laughlin concurred, stating that they need access for surveying purposes so they can start doing the preliminary design. It will also be useful information for any negotiations with the various landowners about acquiring certain rights to their land. Once the preliminary designs are set in stone, then precise easement dimensions, etc. can be provided to the landowners. He believes some outreach can be done prior to those dimensions being fixed.

Commissioner Behrendt commented that we don't want to get too far down the road and find that somebody is not going to give an easement or access.

Mr. York stated that those will have to be dealt with on a case by case basis.

Commissioner Chatfield asked how many landowners there are.

Mr. Laughlin replied that he would guess around 10-15. He wanted it to be clear that DLZ is contracted with the Redevelopment Commission to handle all the land acquisition and negotiations; Haas is not integrally involved in that process at this point.

Mr. York agreed, stating that DLZ has a separate department to handle land negotiations. He added that he also believes there are about 15 properties, pointing out that it is not just Towne Center Drive extended; it also includes the land off and behind Meijer.

### **STATION BLOCK**

Ruth Wuorenma (NCI) was attending a continuing education conference, so Mr. York provided an update indicating that last Thursday was the developer's session at Uptown Social. He thanked Uptown Social for the use of their facility for this event. Around 35-40 people attended the event including developers, architects, and engineers. It was very successful. The RFP for 11<sup>th</sup> Street Central has received approximately 87 downloads. October 29<sup>th</sup> is the due date for the letters of intent to submit an RFP. The RFP can be downloaded at the [emichigancity.com](http://emichigancity.com) website.

Commissioner Deutch attended the event, stating that it was a great turnout with a diverse group of people including consultants, developers, and businesses (some local, some not). She said it was a good presentation with a lot of good questions.

Commissioner Chatfield also attended the event, stating that the most important word that he has seen in the press and that day was transformational for Michigan City. He said it is a very important project and it is going to change some of the trajectory of what is going on with respect to the overall economic outlook for Michigan City. He stated that as a community we need to understand that this is a time to look at this project as being a positive event; it will change the outlook of Michigan City for the next 50-100 years. The South Shore has been here for 100+ years. He acknowledged Commissioner Behrendt, some City Council members, Attorney Sirinek, and Mr. York with being involved in getting us here today. He said we need to be proud of Michigan City and what we have done and how we have come together, stating that we need to continue to push hard. Commissioner Chatfield commented that we need to understand that this is change, and change is always hard; this project and other projects, are important for our longevity as a community.

**REPORT BY LEGAL COUNSEL**

Attorney Sirinek recalled the Commission being presented with an invoice earlier in the year from IDEM for the Trail Creek cleanup project. He explained that the cleanup project is being undertaken with funds the Commission acquired through a settlement agreement with the principal polluter, Begley Cleaners. At that time and in response to that invoice of \$14,763.75, Attorney Sirinek stated that he wrote IDEM a letter indicating that under three provisions of the Indiana Statute on this issue, he believes the Redevelopment Commission is exempt from any type of fees. Those exemptions based on the fact that the properties were part of a Sheriff's sale for failure to pay taxes, the Commission acquiring them through a tax certificate from LaPorte County, and the City's overseeing a cleanup of a Brownfield. Attorney Sirinek advised that he never heard back from them and assumed that was the end of it, but unbeknownst to him Plews Shadley Racher & Braun (PSR&B) was getting monthly invoices and they assumed he was getting them as well. PSR&B received an invoice in September indicating it was a final notice before going to collections, with the cost now being assessed at \$15,532.50. Comparing it to a cleanup site IDEM identified near the MCAS administrative building, Attorney Sirinek said where this really grates him is that IDEM identified the site, and nothing has happened since then. He said they have the gall to say that they want to charge us for their "oversight" for a site the Commission identified and referred to them, for a matter the Commission litigated, took the risk on, and took the action of getting a judgment in their favor through a settlement that would cover a majority (if not all) of those cleanup costs; he said it is annoying for IDEM to say they want their administrative costs after the Commission did all the heavy lifting and all the work. Attorney Sirinek advised that he will write them a letter again indicating that the Commission respectfully disagrees, and if they want to pursue it, they can. If that happens the Commission will need to decide at that time as to whether they defend it or pay it. He added that because of IDEM's supervision and oversight of the Trail Creek cleanup, we are two to three months behind where we would be if they had been more responsive to our reports. August Mack (the Commission's consultant on overseeing the cleanup and monitoring) does the reports, analyzes the data, and submits the reports as per the deadline set by IDEM (IDEM's deadline is giving a response back in 30 days), but 60-90 days later August Mack is still waiting for a response from IDEM.

Commissioner Chatfield suggested Attorney Sirinek detail out the timelines and send it to Governor Holcomb. He said the Commission should not be bullied about this because they have done the right things with respect to all their projects.

**REPORT BY DIRECTOR**

Mr. York announced the hiring of a new Assistant Planner, who will start on October 18<sup>th</sup>. That person will help with project coordination. He will introduce him at the Commission's next meeting.

**PUBLIC COMMENTS**

None.

**COMMISSIONER COMMENTS**

Commissioner Chatfield commented that with what has happened over the last couple months with high level meetings with developers, he feels privileged that the Commission is making great strides in what they are doing with economic development and working with Clarence Hulse and the EDC. He said there will be some very good things coming out in the next 60 days. He said he believes the word transformational is a great word for what is happening in Michigan City right now, we need to embrace it, we need to live it, and we need to really look to the future. He expressed his excitement about the next 60 days and beyond that the Commission has a very good trajectory of what they are doing; it is good leadership with Mr. York and his team and the Redevelopment Commission. He said the Redevelopment Commission has been in force for many years, acknowledging Commissioner Behrendt being a foundation of this group for many years and being so knowledgeable and so important to this group.

**NEXT MEETING DATE**

President Chatfield announced that the next regular meeting is scheduled for November 8, 2021.

**ADJOURNMENT**

The chair called for a motion to adjourn.

Motion made by Commissioner Deutch and seconded by Commissioner Mack to adjourn. The chair declared the meeting adjourned at approximately 5:35 p.m.

  
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Angie Nelson Deutch, Secretary