

**MINUTES OF A REGULAR MEETING OF THE  
MICHIGAN CITY REDEVELOPMENT COMMISSION  
APRIL 11, 2022**

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 Monday, April 11, 2022, 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 Access LaPorte County Media.

**CALL TO ORDER**

President Chatfield called the meeting to order at approximately 5:10 p.m.

**ROLL CALL**

**Commissioners in attendance:**

Ken Behrendt, Chris Chatfield, Kathy Dennis, Angie Nelson Deutch, John Hendricks (all in person)

**Commissioners absent:**

Non-voting advisor Thomas Dombkowski

**Staff in attendance:**

Executive Director Skyler York (in person), Attorney Alan Sirinek (in person), Assistant Planning Director Aaron Borngaber (in person), Administrative Assistant Debbie Wilson (observing via Zoom to take minutes)

**MINUTES**

The chair entertained a motion for approval of the minutes of the 03/14/22 executive session, the 03/14/22 hybrid regular meeting, and the 03/28/22 hybrid special meeting.

***Motion made by Commissioner Behrendt – seconded by Commissioner Deutch approving the minutes of the 03/14/22 executive session, the 03/14/22 hybrid regular meeting, and the 03/28/22 hybrid special meeting as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

**CLAIMS**

Mr. York reviewed the claims list dated April 11, 2022, revised 2, noting that payroll for March 2022 totaled \$14,089.64. Mr. York read the claims listed into the record. In summary, April claims totaled: (Operating) \$343.95; (North TIF) \$479,441.80; (South TIF) \$21,966.81; (2018 Ohio Street Bond) \$1,250.00.

Mr. York pointed out that the invoices for Begley/Concord Trail Creek clean-up are being paid from insurance money the Commission receives back.

Attorney Sirinek added and explained that they are being paid with the money from the agreement the Commission won based on the litigation the Commission commenced against the primary polluter.

The chair entertained a motion.

***Motion made by Commissioner Deutch – seconded by Commissioner Dennis approving the claims list dated 04/11/22 revised 2 as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 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 02/28/22, summarizing cash balances as follows: Operating Account \$204,605.64; South Side TIF Account \$8,643,447.33; South Side TIF Debt Reserve Account \$335,988.51; South Side TIF Capital Account \$16,836.84; North End TIF Account \$3,858,968.42; Northeast TIF Account \$261,753.64; for total cash of \$13,321,600.38. 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 \$13,475,961.87.

The chair entertained a motion.

***Motion made by Commissioner Deutch – seconded by Commissioner Hendricks approving the 02/28/22 financial report as submitted. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

### **REQUEST TO UTILIZE REDEVELOPMENT-OWNED PROPERTY**

Mr. York explained that this is a request to utilize a portion of the You Are Beautiful lot. This is something the Commission has approved in the past. He acknowledged Janet Bloch being present representing Lubeznik Center for the Arts.

Janet Bloch (appearing in person), Executive Director for Lubeznik Center for the Arts, explained their request to allow them to park on the north half of the You Are Beautiful lot during their Annual Art Festival. The requested dates are August 19, 2022, for setup and the two days of the festival on August 20 and 21, 2022. She referenced a map that she provided indicating where the parking would be on the lot. Ms. Bloch confirmed that

they will provide proof of liability insurance and will go before the Board of Public Works & Safety on April 18, 2022, for their approval of street closures during the event.

Mr. York explained that this is a two-part process with the first part being approval from the Redevelopment Commission, then approval from the Board of Public Works & Safety. He pointed out that the Commission has signed an agreement with a developer for development on that property, although he has checked on the construction timeline with the developer who indicated that those dates would still be good on that portion of the property.

The chair entertained a motion.

***Motion by Commissioner Dennis – seconded by Commissioner Deutch approving the request by the Lubeznik Center for the Arts to utilize the north half of the You Are Beautiful lot for parking during the Lubeznik Arts Festival on the dates of August 19 through August 21, 2022, contingent upon providing liability insurance and getting Board of Public Works & Safety approval. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

#### **I-94/421 OVERPASS - ANNUAL INDOT INSPECTION**

Mr. York recalled that this item was tabled last month so he could do more research on this expenditure. He explained that this is for an annual inspection of the decorative elements/betterments which the Redevelopment Commission committed to during INDOT's general reconstruction of this overpass. As part of that, the Redevelopment Commission was tasked with the annual inspection. Global Engineering designed the decorative elements of the overpass, and in the past have done the annual inspections. They provide an inspection checklist to INDOT and the City. Mr. York made it clear that this is not a maintenance agreement. This inspection report goes to the Board of Public Works & Safety/City indicating items that need repair. When this project was originally done, the Redevelopment Commission set aside about \$50,000 in a fund to pay for those inspection fees. There is about \$38,000 remaining in that fund. Any maintenance would happen at the City level, not the Redevelopment Commission.

The chair entertained a motion.

***Motion by Commissioner Behrendt – seconded by Commissioner Hendricks approving Task Order 13074.01 with Global Engineering for the annual INDOT inspection/reporting of the I-94/421 overpass betterments, in an amount not to exceed \$3,500.00. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

**FAÇADE GRANT(S)**

**825 Franklin Street:** Aaron Borngraber, Assistant Planning Director, presented a Façade Grant request from 825 Franklin Fund, LLC/Michael Connor for façade work at 825 Franklin Street to include repainting the already painted brick façade, grinding and repairing existing brick façade where needed, and replacing any missing brick or brick pieces. Mr. Connor plans to convert the second floor into two residential units and will be requesting an Upper Story Grant as well. The building is located within the Franklin Street Historic District. Mr. Connor has provided two quotes for facade work: one in the amount of \$11,700 and the other in the amount of \$13,450. Both quotes are consistent with conditions of approval from the Historic Preservation Commission. The amount to be reimbursed by the Redevelopment Commission will depend on which quote is used and will either be \$7,020 or \$8,070, respectively. Mr. Borngraber noted that the approval would also extend the timeline from six months to a year (extended to April 10, 2023), so both projects (Façade and Upper Story) could be worked on simultaneously and close out at the same time. Staff recommended approval.

Regarding the two quotes, Mr. York pointed out that the Commission's application does not specify using the lowest bid. He felt the choice should be left up to the developer/owner for preference on the contractor. Mr. York suggested that Mr. Connor decide which contractor he would like to use before the Commission makes their decision.

Michael Connor (appearing in person) addressed the Commission, stating that the catalyst for both the Façade Grant and Upper Story Grant are tenants. He said he has owned the building for 7-8 years, going through a few tenants and doing renovations on the ground floor. Mr. Connor stated that the current tenant has spurred the catalyst to do both the façade and the second floor at the same time; due to Mr. Farina's investment on the ground floor it would be impossible to work on the second floor after he has built out. It must be done all at once to accommodate Mr. Farina. Mr. Connor stated that timeliness is the most important factor for them and even though it is more money, the contractor who could start the soonest is Chavez.

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Dennis approving a Façade Grant request by 825 Franklin Fund, LLC for façade work at 825 Franklin Street in a not to exceed amount of \$8,070.00 to be reimbursed by the Redevelopment, and completion of work extended to April 10, 2023. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

**UPPER STORY GRANT(S)**

**825 Franklin Street:** Aaron Borngraber, Assistant Planning Director, presented an Upper Story Grant request from 825 Franklin Fund, LLC/Michael Connor who is proposing to convert the second floor into two residential units. Unit 1 will be approximately 1,079 square feet and unit 2 approximately 895 square feet. This interior work is outside the purview of the Historic Preservation Commission. Again, Mr. Borngraber pointed out that Mr. Connor has two quotes of \$139,380 and \$150,750. The amount to be reimbursed by the Redevelopment Commission would be \$30,000 (\$15,000 maximum per unit). Staff recommended approval with completion by April 10, 2023.

Commissioner Behrendt asked the end plan for the units.

Mr. Connor provided pictures to the Commissioner's showing the quality of work, noting that he lives above Royale at 827 Franklin Street and another one he did is above Mucho Mas at 727 Franklin Street. He explained the intent is to create two residential units either for long-term lease or short-term lease.

Commissioner Behrendt wanted it to be clear that the Commission's original intent for this program was permanent residents, and he therefore felt short-term leases do not fit into the program originally discussed by the Commission.

Mr. York added that originally when the program was written, Airbnb's were not as prolific as they are now and so readily available. Originally, the goal was to encourage development of upper story residential over historic buildings in the Downtown (which has since expanded) to create permanent living units for long-term residential to create critical mass Downtown.

Commissioner Behrendt asked Mr. Connor if he could guarantee the units would be used for long-term residential instead of short-term.

Mr. Connor replied that he would like to let the market determine that. He pointed out that there is a building down the street from this that does short-term rentals. He commented that the short-term rentals do bring a certain amount of money into the neighborhood. He said he thinks short-term rental would work there, but he would also enjoy the flexibility of doing that if it was financially more beneficial.

Commissioner Deutch commented that there are some short-term rentals Downtown, but the Redevelopment Commission did not incentivize them; she believes the intent of the Commission is long-term.

Mr. York added that a housing study has been done and there is a shortage of housing Downtown. The Commission's goal lately has been to provide new housing in Downtown to create critical mass.

Commissioner Chatfield commented from his perspective that the Redevelopment Commission guidelines they provided do not state that it can or cannot be short-term. He suggested if the Commission wants to change what they want and move forward past today, they can change the terminology in their agreement and how they approach it. He said either way is okay from his perspective because it still provides, and there will be more housing within the next 18 months. He said from a tax perspective you are still paying real estate taxes, and Mr. Connor interjected that if you are doing Airbnb or Vrbo you are paying Innkeepers Tax.

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Chatfield approving the Upper Story Grant request by 825 Franklin Fund, LLC for two upper-story residential units at 825 Franklin Street with an amount of \$30,000 (\$15,000/unit) to be reimbursed by the Redevelopment Commission, with a completion date of April 10, 2023. The roll was called, and the vote taken: (Ayes) Commissioners Chatfield, Deutch, Hendricks – 3; (Nays) Commissioners Behrendt, Dennis – 2. With a vote of 3 ayes and 2 nays, the MOTION CARRIED.***

Mr. Connor added, commenting that he does not know if short-term is the route they will go. He said he has four lofts on Franklin Street with three above Mucho Mas and his, all being annual leases. He stated that he has never done short-term before. If the market on rent supports the investment they are making, he said he would personally rather deal with annual tenants than short-term. Although, he said at some point possibly the front unit is an annual tenant and the back unit a short-term rental.

#### **LANDSCAPE MAINTENANCE CONTRACTS FOR 2022**

Mr. York stated that he just received the contracts today and needs more time to review them. He asked that this be tabled until the May meeting.

***Motion by Commissioner Deutch – seconded by Commissioner Hendricks tabling the landscape maintenance contracts with PR's Lawn care for the 2022 season until the May 9, 2022, Redevelopment Commission meeting. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

#### **PUBLIC HEARING – EASTSIDE ECONOMIC DEVELOPMENT AREA**

Randy Rompola (appearing in person) with Barnes & Thornburg, LLP, addressed the Commission explaining that this is the final action of completing the action the Redevelopment Commission took in January to designate the Expansion Area in the Eastside Economic Development Area. The Expansion Area is primarily the territory that was previously annexed by the City into the city. This will expand that Eastside

Area to pick up that territory so it will allow the Redevelopment Commission to use whatever incentives it has available, not only in the existing area but also in the Expansion Area. This has been before the Plan Commission and Common Council, approved by each body. Tonight, is the final action for the Redevelopment Commission to conduct a public hearing, receive public input, and then consider the Confirming Resolution. Mr. Rompola stated that the notice was published in the newspaper and proof of publication was provided to staff. Also, staff sent notice to the owners of property in the Expansion Area indicating that this hearing will be held tonight. As required, Baker Tilly has provided the overlapping taxing units with a Tax Impact Statement. Mr. Rompola explained that the resolution approves of the expansion, concludes the approving of the expansion, and lists out reasons and Findings of Fact indicating that this will help provide incentives for economic development which will provide greater job opportunities than not doing it.

Attorney Sirinek added that the reason to do this tonight is to be able to go retroactive back to January 2022 for the base year for the increment to be calculated.

The chair opened the public hearing.

Commissioner Deutch commented that the Council unanimously passed a resolution in March to support this.

Commissioner Behrendt asked for clarification on the attached map (Exhibit A2).

Mr. York explained that the only thing not included in the TIF is the northwest part of Swan Lake Cemetery, because before it was annexed, Swan Lake was half in the county and half in the city, so it is not designated as one of the parcels that was noticed. The railroad parcels were carved out of it as well. All others in the annexation area were noticed. This is fulfilling part of the City's pre-agreement for annexation to try to bring them into the East TIF.

There were no other comments; the chair closed the public hearing.

### **RESOLUTION 3-22**

**RESOLUTION 3-22 CONFIRMING RESOLUTION AMENDING BOUNDARIES OF EASTSIDE ECONOMIC DEVELOPMENT AREA AND APPROVING AMENDMENT TO ECONOMIC DEVELOPMENT PLAN FOR EASTSIDE ECONOMIC DEVELOPMENT AREA**

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Dennis adopting RESOLUTION 3-22 CONFIRMING RESOLUTION AMENDING BOUNDARIES OF EASTSIDE ECONOMIC DEVELOPMENT AREA AND APPROVING AMENDMENT TO***

***ECONOMIC DEVELOPMENT PLAN FOR EASTSIDE ECONOMIC DEVELOPMENT AREA. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

### **STATION BLOCK PROJECT**

Mr. York gave an update stating they have received all the letters of support (about 30 letters) from various organizations to include in the State application for development tax credits. That application will be filed this week. He talked about the overwhelming support from local businesses and larger organizations across the region. He stated that tonight the Redevelopment Commission must ratify the original agreement. At the last meeting, the Commission approved an agreement with Flaherty and Collins, but approval was contingent upon completing language in that agreement.

Attorney Sirinek added, stating that at the Commission's special meeting on 3/28/22 they approved and authorized the Commission's president to execute that agreement. The Commission wanted to see the changes made to the agreement from the one that was provided to them on 3/26/22 and the one executed on 3/31/22. Attorney Sirinek noted that he sent Commissioner's a memo dated 4/1/22 which identified those changes. Also, NICTD requested tentative approval on 3/28/22 with ratification tonight. He explained that in effect what the Commission has is a tentative agreement subject to the Commission's approval to go forth with the mixed-use development project and reaching an agreement within the next 60 days.

Mr. York clarified that tonight the Commission is ratifying the final agreement to satisfy the Joint Development Agreement with NICTD.

Commissioner Deutch asked what time clock starts once this is done.

Attorney Sirinek replied that day one started on April 1<sup>st</sup>. Hopefully in 60 days an agreement can be reached for the mixed-use development project. If both parties are close to an agreement in 60 days, they can agree to extend it for a certain number of days as well.

Mr. York added that the goal is to not do an extension and get it done in the time allocated, although there is a lot to work through.

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Hendricks ratifying the agreement for the garage and garage rooftop amenities portion of the mixed-use transit center project between the City, Redevelopment Commission, and Flaherty and Collins. The roll was called, and the vote taken:***

*(Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.*

### **SOUTH TIF CONNECTIVITY IMPROVEMENT PROJECT**

Ryan Laughlin of Haas & Associates (appearing via Zoom – audio/video) gave an update, noting that there has been a lot of progress on this project since the last meeting. Mr. Laughlin mentioned that the broader South TIF Connectivity Improvement Project has been broken out into Construction Contract No. 1 (CC1) which incorporates the sidewalks in and around Highway 421, Westwind Drive, Larkspur Lane, and a pedestrian crossing at Highway 421/Larkspur Lane. He noted that project management of that has been transferred from himself to Jeff Wright who is now employed by Haas & Associates. He stated that they have been receiving access authorizations letters from DLZ making it possible for them to go in and do additional geotechnical surveying and wetland surveying in those areas. He pointed out that they do not have all the necessary authorizations yet; they are waiting for two parcels that are a part of the Towne Center Drive extended area. All topographic surveying is complete at this point, geotechnical investigation is mostly complete and will continue with the new access authorizations they received. Wetland surveying is somewhat tied up with the lack of access authorizations in the Towne Center Drive extended area. Once those authorizations are received, they can wrap it up and generate the report for all the wetlands on the South TIF project.

Mr. Laughlin continued stating that Jeff Wright and Aaron Borngraber met on site to review the preliminary designs for CC1. Mr. Borngraber subsequently approved those preliminary designs and those are moving swiftly into final design. They anticipate being ready to let the project for bidding soon, but it is contingent up securing the necessary land rights for the sidewalks on Highway 421, Larkspur Lane, and securing the INDOT permit for the pedestrian crossing. He said they are on schedule for letting the project for bid by no later than July 1st, and hopefully significantly earlier.

### **VON TOBEL PROJECT**

Attorney Sirinek gave a brief history stating that when the Redevelopment Commission was doing the flex buildings on Cleveland Avenue, a right turn lane was put in on Highway 20 as it related to Cleveland Avenue. Haas & Associates were overseeing the implementation of that project and making sure everything was done according to INDOT requirements and the overall project objectives. When the Water Department saw the plans for that project, they were concerned that the location of the right of way was going to make it impractical to do any kind of repairs on that main. So, during this project the water main was moved to the south of where it was, paid for by both the City and the Redevelopment Commission. As a result of that relocation, it caused a flooding problem for the Von Tobel business which was exasperated by the fact that there is also a culvert there which is Von Tobel's responsibility to fix. There have been meetings with Von Tobel, the Water Department and Haas & Associates to figure out how to fix this. He referred to a schedule of payments he provided to Commissioners, stating that

where they ended up is that the Redevelopment Commission would authorize expenditures for certain kinds of repairs to be made to alleviate the flooding, the Water Department would also contribute money to alleviate the flooding, and Von Tobel would fix their culvert. He referred to the fourth item for \$6,463.25 which is the Water Department's portion of this. The rest would be relating to what the Redevelopment Commission needs to do to address this unintended consequence that has happened. The total cost being requested is \$26,650.88. \$6,463.25 will be reimbursed to the Redevelopment Commission from the Water Department. The Redevelopment Commission's responsibility is \$20,187.63 after reimbursement by the Water Department. Haas & Associates assisted with the engineering and produced the plan that all parties agree with.

The chair entertained a motion.

It was noted that Commissioner Behrendt recused himself from voting because he is on the Water Board.

***Motion by Commissioner Deutch – seconded by Commissioner Dennis approving the Von Tobel drainage improvement project in the amount of \$26,650.88, with the understanding that the Redevelopment Commission will be reimbursed \$6,463.25 of that total amount from the Michigan City Water Department, leaving \$20,187.63 as the Redevelopment Commission's responsibility. The roll was called, and the vote taken: (Ayes) Commissioners Chatfield, Dennis, Deutch, Hendricks – 4; (Nays) None – 0; (Abstain) Commissioner Behrendt – 1. With a vote of 4 ayes, 0 nays, and 1 abstention, the MOTION CARRIED.***

Attorney Sirinek noted that Haas & Associates put out a Request for Quotes with Woodruff & Sons being the only one that responded. All legal requirements have been satisfied.

### **YOU ARE BEAUTIFUL SITE**

Mr. York provided an update recalling that the Redevelopment Commission executed an agreement with the developer. From that point of execution, they have 90 days to do their due diligence. They have hired engineers and have been surveying. Mr. York has been providing them with surveys, environmental, and any in-house documents available. There have been discussions making sure things are progressing so at the 90 days this can be taken to the next level if both parties so choose.

### **1215 E 2ND STREET**

Steve Murray (appearing in person) representing Burn 'Em Brewing, requested an extension on the project regarding having their financing in place by April 14<sup>th</sup>. He requested an extension until the end of the month. Mr. Murray provided a timeline stating that on February 1<sup>st</sup> they received their conditional approval from Centier Bank;

February 7<sup>th</sup> reviewed and negotiated terms and signed the final letter; the loan was referred to the Regional Development Corp (RDC) for SBA approval by Centier immediately; February 14<sup>th</sup> received the application and list of items needed to turn into the SBA; February 18<sup>th</sup> that was completed, with supplements requested on 2/22, 2/24, and 2/28 all completed by March 4<sup>th</sup>; March 23<sup>rd</sup> the RDC reached out for clarification on an item, which was provided on 3/24; April 4<sup>th</sup> received notification of approval by RDC and loan committee and passed onto the SBA on that day with turnaround for approval being 8-10 business days, with 4/18 being the projected approval by the SBA. He said after SBA approval they will be ready to close assuming the lender and the EDCMC are ready to go. He has an architect on standby waiting to send their plans down State as soon as there is approval by the SBA. Tonn & Blank will be their contractor and they will not have any problems starting as soon as the plans are approved down State. Average time for State approval is about a month. They anticipate starting construction around June 1<sup>st</sup>.

Mr. York added comments, acknowledging that this is a natural progression of where it is at, and it is not any fault of Burn 'Em asking for the extension. They have been doing a diligent job of getting everything organized. Mr. York also mentioned that as previously approved, the Redevelopment Commission has removed and remediated the boiler for asbestos. The Redevelopment Commission also has made the commitment of installing the water main for their new water service.

Attorney Sirinek noted that Mr. Murray has done everything he was asked to do. For reference, he pointed out that the Redevelopment Commission executed the agreement on November 15, 2021, and the project needed to be completed within 150 days or April 15<sup>th</sup>. The purpose of the extension is to be consistent with the agreement and get to the end of the month.

There was discussion and the question raised if the end of the month would allow enough time, or if the Commission should extend it to their next meeting.

Attorney Sirinek advised that assuming they get their approval, the Redevelopment Commission needs to be in the position to convey the property to the EDC who will in turn sell it to Burn 'Em Brewing.

It was suggested by Commissioner Chatfield to give them until May 10<sup>th</sup> after the next Redevelopment Commission meeting.

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Hendricks approving the request by Burn 'Em Brewing for an extension of time until May 10, 2022, to provide their financial commitment for the project at 1215 E. Second Street, and upon their obtaining approval from the SBA, the Redevelopment***

***Commission will convey the property to the EDC consistent with the agreement. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

### **MARQUETTE MALL MARKET STUDY**

Mr. York talked about the inquiries over the years about the future of Marquette Mall. He said a few months ago he proposed that the Redevelopment Commission think strategically about Marquette Mall which is equally important to the south side of the city as the train station is to the north side. It is approximately 50 acres of land. There are multiple land owners but there are some majority land owners who own 70-80% of the land. At the time of the proposal, the Commission asked that Mr. York speak to all the property owners. He stated that he, along with Clarence Hulse, have met with all the large owners as well as a couple of the small owners who make sense from a land planning standpoint or positioning of vacant land. At this point in time, there is an aggressive schedule, but they would like to do a Master Plan for the 50 acres being respectful of what is there now without displacing or relocating businesses currently there. Mr. York referred to the proposal before the Commission from Town Planning & Urban Design Collaborative (TPUDC), based out of Franklin Tennessee. They specialize in planning of underutilized, vacant, or re-developable land. He pointed out that the City is currently working with TPUDC on the Transit Development District, so they are already familiar with our zoning code, our city, and they understand that while it may not be Downtown, there is a relationship on how it fits into our city. Mr. York stated that they have been asked to do a Master Plan but also a market study so it will include what is being market driven. Mr. York stated that they would like to have this completed by May 21<sup>st</sup> to take this and market it at an upcoming site selector conference. Mr. York stated that the cost is \$118,035.00, noting that the total cost was reduced by \$15,000 because he can perform some of the due diligence and provide the information to them.

Mr. York added that they have also talked with Kabelin Ace Hardware, and they are also wanting to do some development there as they own a lot of the land around it. They also talked to Sears who has a new owner. They are trying to figure out what to do with Sears, so they see this as being helpful in defining what they want to do. There are some new businesses moving in the mall frontage.

Commissioner Deutch commented that she attended a Smart Cities Conference in Columbus, Ohio. They talked about smart infrastructure and doing things once and being thoughtful on the problems regions are facing (which for us is housing). She talked about Columbus who in 10 years increased population 100,000 people, with the Central Ohio Region increasing 240,000 people. Commissioner Deutch noted that these large parcels are going to be important for the direction of our area; it not only impacts Michigan City, but it also impacts the entire county. Commissioner Deutch indicated her support of this and stated that she feels it is a step in the right direction.

Commissioner Chatfield agreed, stating that this is a piece of land that is a gateway to Michigan City. He pointed out that it is blighted, although there are good tenants who have done an excellent job of providing commerce to that space and the out lots. He stated that the Redevelopment Commission is the economic development arm of the city to find out what is out there. He indicated his support of this project and study. He commended Mr. York for saving money on this. Commissioner Chatfield said the next step is peddling this to developers.

Commissioner Dennis agreed with comments but questioned if they will have enough time to put together a comprehensive report.

Mr. York replied that TPUDC has indicated if they get started immediately, they may not have a final completed report, but they will have something for the City to take to the conference to be able to market.

The chair entertained a motion.

***Motion by Commissioner Dennis – seconded by Commissioner Deutch approving the proposed scope of work by Town Planning & Urban Design Collaborative for a Master Plan and Market Study of the Marquette Mall property in the amount of \$118,035.00 to be substantially completed for marketing purposes by May 21, 2022, and for Attorney Sirinek to review and approve the contract and authorize Mr. York to execute it. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

### **TRACY CROSS HOUSING STUDY**

Mr. York reported that he has asked for an updated Downtown Market Study for Housing. He asked that this be tabled, giving him time to understand the geographic boundary as it is not a city-wide market study, but he also wants to capture the changes with the future station block.

### **EV CHARGING STATIONS**

Mr. Borngraber recalled that in 2020 Mr. York requested consensus for submission of a \$40,000 grant through IDEM as a part of the Volkswagen Diesel Emissions Environmental Litigation Trusts. Part of that grant was to install two EV stations capable of charging four vehicles and get reimbursed \$18,000. He stated that he has gone out for Requests for Quotes and received two back. Ozinga was in the amount of \$38,980. He stated that even though he asked for a scope of work that was turnkey, Ozinga's scope was not turnkey. The other quote was from Marquiss Electric in the amount of \$57,782 which is turnkey. He stated that staff recommends approval of executing a contract with Marquiss Electric in the amount \$57,782. In support of that, he commented on their existing relationship with the City, their quality of work, being

responsive during the RFQ process, being a local firm, providing a turnkey project, and already having reached out to NIPSCO.

Mr. Borngraber recommended three motions as a part of this which includes allocating the increased sum if going with Marquiss Electric, executing a contract with the contractor, and directing staff to create a service to facilitate the charging of money of the services at the EV stations. He pointed out that no matter which contract the Commission goes with, they will be reimbursed \$18,000 through the grant.

Mr. York expanded on comments providing background, stating that this project was brought to the Redevelopment Commission from the Sustainability Commission. They applied for this grant and asked the Redevelopment Commission to provide the match since it is in the Downtown. The area being considered is the lot at 8<sup>th</sup>/Washington Street. Five spaces would be utilized, to make one of those spaces ADA accessible to EV charging.

Mr. Borngraber referred to the sketch/site plan showing the spaces at the northeast corner. He noted the quotes being a little different with equipment charging slightly faster in one but not operating when cold. The preferred way for the electricity is to have the tower installed directly at the NIPSCO pole, which Marquiss Electric is doing. The other contractor will add additional meters for service and tunnel underneath the parking lot.

Commissioner Behrendt inquired into the number of spaces and charging units.

Mr. Borngraber explained that there are two charging stations for a total of four vehicles. Five spaces are being utilized to add additional space for one space to be ADA compliant.

Mr. York added that they would take the fifth space to make it where you could exit out of the car appropriately. He felt it was a good request by the Sustainability Commission to make it equitable for everyone to be able to access it.

Commissioner Hendricks asked who would manage the payments and the maintenance of the facility.

Mr. Borngraber replied that has not been defined at this time. Part of the motion will be for staff to execute a service that would handle that. He noted that currently the City has an EV station at Millennium Park which the Park Department pays \$300-\$500/year. He said that it could be paid for as part of the general electric bill, or staff could find a service to do it at a cost to the Redevelopment Commission.

Mr. York commented that we are going to see a transition in EV charging in the future. In the next five years it could be a part of everyday planning with a certain number of

spaces being required. He felt it is something the City should consider moving forward and take into consideration when building the new parking garages.

Commissioner Dennis asked how they chose four stations and if there is an idea of how many electric cars are in this area.

Mr. Borngraber replied that they do not have an idea. He pointed out that at Meijer, the Tesla's are expanding their super chargers, and there have been several other inquiries. He explained that two charging units and four vehicles was a requirement of the grant.

Commissioner Behrendt asked about transferring this parking lot to the City.

Mr. York replied that he would not disagree to eventually transfer it, although right now it makes it easy for the Commission to do this project because they own the lot.

Commissioner Chatfield commented that when he was on the Park Board they approved the charging station at Millennium Plaza, and he does not believe they are charging users for that service. Although, he believes there will be a time that they will do that. He agreed with Mr. York that at some point in time all new parking lots will have a requirement for EV charging stations. He requested that they do a cost analysis to start looking at the annual cost and moving that to the City.

Mr. York commented that these are in the Downtown and will be more accessible and used more than the one in Millennium Plaza.

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Dennis allocating an amount of \$57,782.00 for turnkey installation of two EV charging stations (capable of charging 4 vehicles at Level 2) at the Redevelopment Commission owned parking lot at the corner of 8<sup>th</sup>/Washington Street. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

***Motion by Commissioner Deutch – seconded by Commissioner Behrendt authorizing the execution of a contract with Marquiss Electric in the amount of \$57,782.00 for turnkey installation of two EV charging stations (capable of charging 4 vehicles at Level 2) at the Redevelopment Commission owned parking lot at the corner of 8<sup>th</sup>/Washington Street. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

***Motion by Commissioner Deutch – seconded by Commissioner Dennis to not charge a fee to users for the use of the EV charging stations during the first year, and directing staff to review and provide a financial analysis to the Redevelopment Commission of the annual cost to operate the EV charging stations so the Redevelopment Commission can make a determination if there is a need in the future to charge a fee to users for utilizing the EV charging stations. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch – 4; (Nays) Commissioner Hendricks – 1. With a vote of 4 ayes and 1 nay, the MOTION CARRIED.***

#### **REQUEST TO UTILIZE FORMER CHRYSLER PARKING LOT AT 11<sup>TH</sup>/MICHIGAN**

Mr. York explained that this request is two-fold. There is a formal request to utilize the parking lot at the corner of 11<sup>th</sup>/Michigan Boulevard (former Chrysler dealership) by Walsh/Herzog to store materials for the duration of the NICTD project along the edges of the property (frontage of Michigan Boulevard and triangular point). Mr. York noted that the Redevelopment Commission is already allowing NICTD to store the façade of the former station inside the storage building on the property. The other piece of this request is from Pleasant Hill Missionary Baptist Church at the corner of Maple/10<sup>th</sup> Streets for parking on this lot during construction. Mr. York proposed that they utilize the fenced-in area behind the storage building which connects to Maple Street via an alley beside the church.

Attorney Sirinek stated that approval should be contingent upon the receipt of liability insurance removing the City and Redevelopment Commission from any harm.

The chair entertained a motion.

***Motion by Commissioner Deutch – seconded by Commissioner Dennis approving the use of Redevelopment Commission owned lot (the former Chrysler dealership) at the corner of 11<sup>th</sup>/Michigan Boulevard to be utilized for storage of construction materials along the edges of the property (frontage of Michigan Boulevard and triangular point) by Walsh/Herzog for the duration of the NICTD project, and the fenced-in area behind the storage building to be utilized for parking by parishioners of Pleasant Hill Missionary Baptist Church during construction of the NICTD project, contingent upon receiving liability insurance removing the City/Redevelopment Commission from any harm. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

#### **ADAMS PARK STORMWATER WETLAND PROPOSAL**

Mr. York recalled that the Sanitary District applied for a Sustain Our Great Lakes Grant (SOGL) several years ago for the Adams Park Stormwater Wetland project on the south side of the city, located at Village Road (east/west) and Crestwood Drive (north/south).

He noted that there has been repaving projects in that area and the South Gateway Transportation Improvement Project is in that area. Adams Park has traditionally been a place for baseball. It is next to a wetland with part of the wetland in the park. The project is to construct 2.5 acres of stormwater wetlands surrounded by 7 acres of restored native prairie on an underutilized municipal park. The goal would be to potentially reduce or eliminate localized flooding in and around this neighborhood, but the greater use would be to improve water quality from the runoff. The total requested in the project grant is \$572,944 (construction costs). This would include trails and amenities and would be a new asset for this neighborhood. Originally the Redevelopment Commission made a commitment of \$292,722. Since then, the Commission had indicated they wanted to see the Sanitary District partner with other people and provide additional matches. As such, the Sanitary District indicated they would provide a portion of the match (1/2) and the Redevelopment Commission would provide the other half of \$146,361.

Commissioner Hendricks asked if there is land purchase involved for this.

Mr. York replied that he does not believe it does, stating that he thinks it is all within the park, but pointed out it does include connecting to the existing wetlands and expanding them, so there could be access authorizations.

Commissioner Chatfield asked the timeline for the work to be completed.

Mr. York replied that he thinks the reason they are asking for this is so that it will hopefully be constructed this summer. He noted that the engineering and design has already been done, Mr. York said they used the same firm that designed the Karwick Nature Center, noting that the Redevelopment Commission provided a portion of that funding as well. This project would be similar with the green technology.

Commissioner Deutch asked if the Park Department is involved.

Mr. York stated that he believes the Park Department participated in the design of it.

Commissioner Deutch asked if the baseball fields will remain or be removed.

Mr. York stated that he was not sure but believes they are leaving one field. The back fields do not get played on as much and they are closest to the wetlands. He said he would get a design and bring it back at the next meeting. He commented that he feels it will be a great asset to the neighborhood and serve a purpose from the standpoint of helping with flooding and a reduction of pollution.

The chair entertained a motion.

***Motion by Commissioner Dennis – seconded by Commissioner Deutch allocating \$146,361 as half of the SOGL Grant match for the Adams Park Stormwater Wetland Proposal. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.***

#### **REPORT BY LEGAL COUNSEL**

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.

Attorney Sirinek reported that he provided Commissioners with a proposal from August Mack relating to the Trail Creek cleanup of the IDEM site. As background, he explained that in approximately 2015 the Redevelopment Commission authorized proceeding with an environmental cleanup action against the polluters of the former Begley Cleaners at the site located at the corner of 11<sup>th</sup>/Michigan Boulevard, and all the pollutants that have gone upstream and downstream as it gets to Trail Creek. He recalled the Redevelopment Commission won a judgment of \$1.8 million from that which included attorney fees for representatives in that litigation. Since the award (less attorney fees), the Redevelopment Commission has engaged August Mack to develop a plan to conform with the IDEM regulations to get to the point of getting this property cleaned up and utilized for a future development. Attorney Sirinek referred to the 3/29/22 Change Order #3 which would cover the activities during 2022. The first two years of the project the contaminants were identified, the boundaries of the plume were identified, and the stability of the plume was identified. Now, it gets into the more productive part of doing the cleanup. Because it is an IDEM cleanup site, there must be eight consecutive quarters of monitoring and reporting to IDEM to confirm boundaries of the plume and plume stability. Task 4 will be conducted in 2022 which is installing an interceptor trench along the south side of 8<sup>th</sup> Street. This will take care of the contaminated ground water bubbling up to the surface during flooding. The interceptor will go down 5' and will begin the process of taking the contaminants and passing it through to the Sanitary District where they will then filter that water and clean it up. This gets it to the point of the actual cleanup of the plume. It also will serve as a barrier so no pollutants/contaminants can get into the development area at 8<sup>th</sup>/Michigan. The request tonight is to set a budget not to exceed \$227,200 for August Mack to continue to do the activities as identified. Attorney Sirinek pointed out that this will bring the total amount used for cleaning up to \$915,200. He said it is important to remember of that \$915,200, none of that is taxpayer dollars; it is not coming out of anything other than the settlement the Commission was awarded in their litigation against Begley.

The chair entertained a motion.

***Motion by Commissioner Hendricks – seconded by Commissioner Deutch approving Change Order #3 in the amount of \$227,200.00 (utilizing settlement***

*money) to August Mack for 2022 site activities and Remediation Work Plan for the former Begley/Concord Cleaners – Trail Creek Properties, Proposal No. JV3085.380. The roll was called, and the vote taken: (Ayes) Commissioners Behrendt, Chatfield, Dennis, Deutch, Hendricks – 5; (Nays) None – 0. With a vote of 5 ayes and 0 nays, the MOTION CARRIED.*

**REPORT BY DIRECTOR**

Mr. York thanked the Sanitary District for their help with the Trail Creek cleanup.

**PUBLIC COMMENTS**

Phil Ream (appearing in person), 1011 Franklin Street, spoke to Commissioners commenting that he has been in the Downtown since 1991. He thanked the Commission for funding the 1011 Franklin Street siding project. The work has been completed. He thanked Mr. York for his guidance because this project could have turned out horribly. He thanked Mr. Borngraber for directing him into the right direction. He said despite a couple of procedural construction hiccups in the process, the siding project looks attractive and complete. He also thanked Sue Downs (Building Commissioner) for stopping by on several occasions to observe and suggest. He said she has a wealth of knowledge and skills and has helped him immensely in the past, present, and hopefully the future. He said Christine Vanderborg (Code Inspector) enlightened him on code enforcement, telling him that the code is on line, to look it up, and learn from it. He again thanked everyone for their time, effort, and funding. He talked about the construction process in a Historic District.

Commissioner Chatfield thanked Mr. Ream, commenting that this was an important project for the Redevelopment Commission to step up and do. He stated that this property needs to look good because it is now a focal point as people drive north. He also thanked Mr. Borngraber for his work on this project.

**COMMISSIONER COMMENTS**

Commissioner Chatfield commented that he is proud the Redevelopment Commission allocated funding for the Large Cat House project in the Zoo. He said the project is getting underway and is important. He stated that the next project in his mind is monkey island to be discussed later.

**NEXT MEETING DATE**

President Chatfield announced that the next regular meeting is scheduled for May 9, 2022.

**ADJOURNMENT**

The chair called for 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 7:30 p.m.

/s/ Angie Nelson Deutch, Secretary