

**Burns Harbor Redevelopment Commission  
Minutes of May 13, 2020**

The Redevelopment Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Wednesday, May 13, 2020 in a Microsoft Teams Virtual Meeting. The meeting was called to order by Redevelopment Commission President, Eric Hull at 6:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

**Roll Call:**

Commissioner Biancardi (Toni).....	Present
Commissioner Bozak (Roseann).....	Present
Commissioner Enslin (Brad) .....	Present
Commissioner Hull (Eric) .....	Present
Commissioner Loving (Nick) .....	Present
Commissioner Stone (Ronald) (non-voting member)....	Absent

**Additional Officials Present**

Attorney-Clay Patton  
Karnerblue Era-Consultant-Tina Rongers  
Recording Secretary-Marge Falbo

**Approval of Minutes**

Commissioner Loving makes a motion to the approve the April 8, 2020 meeting minutes. Commissioner Bozak seconded the motion. Commissioner Biancardi–Aye, Commissioner Enslin–Aye, Commissioner Loving–Aye, Commissioner Bozak–Aye, Commissioner Hull–Aye.  
**Motion passed.**

**Reports**

None

**RDC Attorney**

None

**RDC Engineer**

None

**RDC Consultant-Karnerblue**

Rongers says I had just prior to tonight’s meeting sent over a monthly project report in a new format. This format comes at the request of the Commissioners. Basically, it provides more of a snapshot of where each of our major projects are either by Phase, if we are talking about Marquette Greenway or by Westport PUD by which phase of development, we’re in. Then, just our general economic development activity that we have in Town as it relates to some of the key sites that are available. So, each month going forward, you’ll receive this report that shows the current activities as well as what’s ahead in the next 30 days and some of the milestones that might be within in that 30 days or shortly thereafter. Currently, all of our projects are on track and generally reflects what the total cost is. It also reflects what is local share and what is non-local share of project costs. By non-local share it could be the grants coming from federal state sources or donations such as Arcelor Mittal or it can be through the private developer process. I would welcome any comments or feedback on this format so I can make adjustments to it. In addition to this project summary you’ll also begin to receive a second summary that shows these three project areas: Marquette Greenway Trail, Westport PUD, economic development, as it relates to contractors and the status of the drawdowns of those contract values. I have been working with Clerk-Treasurer Jordan to make some adjustments to our project costs in light of anticipating revenue changes here in the next 90 days. I’ll get an updated report to you so you can see that format prior to next month’s meeting and comment on that as well. Are there any questions about this updated format? Commissioner Biancardi says “it’s great.” Commissioner Hull says that

speaks for itself. It helps a lot. Sometimes the information that we have been getting is a little bit behind the curve and it doesn't necessarily reflect the activity that has happened versus what we want to happen. There's a lag in between the time we approved something and when the work gets done, when the invoice comes in and when it gets paid. We don't always reflect that in some of the reports that we generate or use for reporting purposes. We will be able to make better decisions since we'll have more current information at our fingertips which will be crucial as we go through the next couple of months. Thank you.

Rongers says it's an exciting time. The Town is making significant progress in the planning and implementation of these key projects. I think this one-page format highlights that and will help us also be better able to communicate and share with people where we're at and what's going to be happening in the next 30 – 60 days. I'm glad that the initial feedback is positive on that.

#### **Duneland School Board Representative**

None

#### **Correspondence**

None

#### **Old Business**

##### *Marquette Greenway Trail Update*

Rongers says we have three phases to the project. I want to begin with Phase 3 which is the portion of the Trail that's from State Road 149 west to the Town limits with the City of Portage. The Next Level Trails grant is a Governor's initiative and we have felled the trees by the March 31<sup>st</sup> deadline, and final clearing of the trees within the corridor will occur once we have the permitting that is expected in June. Also, we will be able to complete that project. Homer Tree Service is the contractor that is engaged in that activity.

SEH of Indiana continues to coordinate with the DNR for the Trail grant plan approval and authorization to go to bid which is expected next week. SEH continues to coordinate with the Army Corps of Engineers and National Park Service regarding the overall environmental assessment that covers the entire corridor and then the necessary wetlands permitting process. They will be submitting that documentation next week. Once that permitting is in place, they will continue to complete the wetland mitigation plan. Just as a reminder, we do have some wetlands that are going to be affected on the Next Level Trails section of the project. I believe it's under an acre and the intent is to mitigate that wetland over in the Mnoke Prairie, which is in Phase 1 of our project and is also on National Park property. There is a lot of coordination and a little bit of complexity when you're dealing with federal partners and the nuances of the Army Corps and National Park, but SEH is doing a good job in communicating with them and everybody is moving forward as fast as they can to work on the permitting and environmental review.

The Town closed with Arcelor Mittal on the sixty-acre donation on May 5, 2020. We are celebrating that, and look forward to continuing to engage Arcelor Mittal on the project as we move towards a formal ribbon cutting hopefully with the Governor's office and other representatives in attendance. It will likely happen this summer subject to any of the social distancing restrictions that could still be in place.

I have been working with DNR to submit our quarterly reporting and, also preparing the financial forms to document our expenditures to-date. We do this by project line item and now that we have completed our local match of \$302,000, we can submit paperwork as well as documentation for our land acquisition to Arcelor Mittal. With those two things complete we can submit a financial form to the State allowing us to begin drawdown on the construction funds which is \$1.7 million that we would anticipate receiving in July. We are waiting on DNR to approve the plan and authorize us to go to bid. We anticipate we'll be able to do that this month and at the RDC June meeting we would be awarding the bid to begin construction on the Next Level Trails. Exciting news! You all have received an email from me regarding Trail furnishings. There is an opportunity for us to buy some of the Trail furnishings. We could save some costs on that activity and the Town may purchase and do the installation of park benches, some trash receptacles, bike racks and so forth. So, if you have an opportunity, check out those links and let us know what kind of design and features you are interested in.

Commissioner Hull says to wrap-up, we closed on the sixty-acres – that's all taken care of. Phase 1 and 2 and are still in progress. Phase 3 is the exciting one right now – we have met our local match – so we are ready to begin construction as soon as the State gives us the authorization.

As far as the go to bid, last month we were in a position to allow SEH to go ahead and submit the bid documents however the State held back our permission on that. Is there any objection to continue on with that once the State has approved it and once SEH is ready to go that we continue to put it for bid just like we planned last month? I see no reason to change that unless there is an objection. No objections made.

#### *Westport PUD Update*

Hull says if any of you are not aware the Holladay group on behalf of the RDC submitted the PUD Application to the Planning Commission on Monday, May 11, 2020. Its review is tentatively set for a Public Hearing next month at the next regularly scheduled Plan Commission meeting. Anyone that wants to participate can definitely come and be part of that. I think overall it was accepted very warmly. I think there are just a couple little items they need to work on which we knew about the property such as drainage issues that need to be clarified.

Attorney Patton says just for the record and so everyone knows that meeting is normally the first Monday which is June 1<sup>st</sup> and the Plan Commission moved that meeting to June 8<sup>th</sup> for a number of different reasons and one of them being that currently the public health emergency has been declared either to or through June 4<sup>th</sup> and I believe that is a Thursday. Technically that meeting can still be held electronically. Once the public health emergency is no longer declared we won't have the option to meet as we are meeting now. For all the reasons I just stated that Plan Commission meeting and Public Hearing will be on Monday, June 8, 2020. Commissioner Hull says that is tentative provided we can hold that Public Hearing and we will deal with that when we get closer.

Commissioner Hull says they approved the Holladay Properties Townhall Community Center proposal. That was the architectural services contract that was presented. Commissioner Biancardi says this is a new contract. Commissioner Hull says this is a new contract, it's roughly \$200,000 and will take us from 30% to closer to 90% or so. This is essentially the rest of the architectural work for the community center. Commissioner Biancardi says is there any reason not to hold off given our current situation of possibly receiving tax dollars late. I am just cautious of entering into something new and our current situation. Commissioner Hull says I agree with you to a point. There is nothing I'm aware of that is urgent or pressing where holding back is going to slow us down very much on that project. Slowing down is not going to impact the project. This is a stand-alone and the development has to happen for this one to go.

We have an Advanced Engineering Services proposal for soil boring that everyone is aware of for roughly \$8,000. That is for work on the development section of Westport. This is where they bore down where the roads and infrastructure will go in that portion. If we don't do that, it will slow down the development and back-up the development section.

There is another contract to look at. That is with Faegre Drinker Bond Counsel. The reason I bring all three together is they are all tied to Westport. The Faegre Drinker Bond Counsel is to prepare the bonds for the development area and the community center. So, two bonds for them to do that work with Baker Tilly. We already are in agreement with Baker Tilly as they work with us on a regular basis. However, if we engage them, we incur expense. It will take some time to get this going. This is one that we should definitely consider. If we slow this one down, it slows the whole project down.

These are the three things we have to look at tonight and we can either make a motion to take movement on them or we can table them. I know with the current environment everyone wants to be cautious.

The first one is the Faegre Drinker Bond Counsel. Attorney Patton says I have reviewed it and have no issues. I have worked with Faegre Drinker numerous times in the past. Essentially, they will take care of all the paperwork, logistics and advertising the bonds to potential lenders to get the best rates. This is a highly specialized area of practice of law and is pretty much all this group of attorneys does. Commissioner Biancardi says this is the one that is not to exceed \$43,000. Commissioner Hull says, yes, is should not exceed \$43,000. Attorney Patton says the actual hours worked with a "not to exceed" \$43,000 plus out-of-pocket and with the existing TIF financing "not to exceed" \$45,000. So, for whatever reason we stop this project due to the current economic situation, it will just be a "per hour" and I believe will be very minimal. Commissioner Biancardi says are we ready for this. Commissioner Hull says I believe we're ready to enter into contract with them so we can tell them when we're ready. Right now, this is one of those things that doesn't take anything other than a movement to get it going. It's not costing us to enter into the contract. This is where we're at.

Commissioner Loving makes a motion to approve the Faegre Drinker Bond Counsel contract not to exceed \$43,000. Commissioner Bozak seconded the motion. Commissioner Loving–Aye, Commissioner Bozak–Aye, Commissioner Biancardi–Aye, Commissioner Enslen–Aye, Commissioner Hull–Aye.

Attorney Patton says this is a good time to borrow money as the rates are low. Commissioner Hull says that's what Faegre Drinker indicated as well.

Commissioner Hull says the next one we have is Advanced Engineering Services contract.

Commissioner Loving makes a motion to approve the Advanced Engineering Services contract for soil boring not to exceed \$8,500. Commissioner Biancardi seconded the motion. Commissioner Enslen–Aye, Commissioner Loving–Aye, Commissioner Bozak–Aye, Commissioner Biancardi–Aye, Commissioner Hull–Aye.

Attorney Patton says I reviewed this contract and requested they change "full payment is due within 30 days" rather than "15 days" of the invoice as was originally stated in the contract.

Commissioner Hull says the next one is Holladay Properties Townhall Community Center proposal. Commissioner Loving says I think we should table that one. Commissioner Hull until next month.

Commissioner Enslen says I have no problem with the interior of the building and the design. If it's good with the Town Council that's great. The exterior of the building can be designed however we choose, the problem is the building looks like the schools we built in the 1950s and 60s. It's not aesthetically pleasing. I know there is only so much that can be done but take a look at the elevations that were provided that were in the minutes of the last meeting and we're looking like an aircraft hangar. We're going to have to live with this for a long time. Is there a way to ask them... Commissioner Hull says this is something you need to discuss with Laura Small as she is the lead from Holladay on that. I am going to speak for myself, I don't believe anyone is going to argue with you about wanting to talk with her about making that aesthetically pleasing from another point of view. To get all your questions answered and/or make a change on it, you are welcome to participate in the team meeting at Holladay. I will find out about that meeting on Monday and let you know. You can also meet with Small to discuss your ideas--you are welcome to do that.

### **New Business**

#### *Duneland School Corporation Agreement*

Commissioner Hull says the last time we talked about this we have been working on some alternatives to the contract we formerly had with the Duneland Schools and we're still in review of that right now. We haven't come to any decisions and will continue to discuss it until we come up with a good solution. Commissioner Loving says it should be reflected as Old Business on the agenda indefinitely until we come to an agreement.

### **Approval of Claims Register**

Commissioner Loving makes a motion to approve the Claims Register. Commissioner Bozak seconded the motion. Commissioner Bozak–Aye, Commissioner Biancardi–Aye, Commissioner Enslen–Aye, Commissioner Loving–Aye, Loving–Hull–Aye. Motion passed.

### **Approval of Financial Report for the Month of April 2020**

Commissioner Biancardi makes a motion to approve the Financial Report for the Month of April 2020. Commissioner Loving seconded the motion. Commissioner Biancardi–Aye, Commissioner Enslen–Aye, Commissioner Loving–Aye, Commissioner Bozak–Aye, Commissioner Hull–Aye. Motion passed.

**Good of the Order**

None

**Adjournment**

Commissioner Loving makes a motion to adjourn. Commissioner Bozak seconded the motion. Commissioner Loving–Aye, Commissioner Bozak–Aye, Commissioner Biancardi–Aye, Commissioner Enslin–Aye, Commissioner Hull–Aye. Motion passed.

The meeting concluded at 6:58 p.m.

**APPROVED on June 10, 2020**

REDEVELOPMENT COMMISSION  
FOR THE TOWN OF BURNS HARBOR

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Eric Hull, President

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Brad Enslin, Vice President

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Toni Biancardi, Secretary

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Roseann Bozak

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Nick Loving

ATTEST:

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Marge Falbo, Recording Secretary