

**Burns Harbor Redevelopment Commission  
Minutes of July 14, 2021**

The Redevelopment Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Wednesday, July 14, 2021 in the Town Hall. The meeting was called to order by Redevelopment Commission Vice President, Brad Ensen at 6:00 p.m.

This meeting was made available to the public and was streamed on Zoom and Facebook Live.

The Pledge of Allegiance to the American Flag was recited.

**Roll Call:**

Commissioner Biancardi (Toni).....	Present
Commissioner Bozak (Roseann) .....	Present
Commissioner Ensen (Brad) .....	Present
Commissioner Hull (Eric) .....	Via Zoom
Commissioner Loving (Nick) .....	Present
Commissioner Schnabel (Tom) (non-voting member)..	Via Zoom

**Additional Officials Present**

Attorney-Clay Patton  
Burns Harbor Clerk-Treasurer-Jane Jordan  
Karnerblue Era-Consultant-Tina Rongers  
Recording Secretary-Marge Falbo

**Also Present**

Sarah Oudman

**Approval of Minutes**

Commissioner Bozak makes a motion to the approve the June 9, 2021 meeting minutes. Commissioner Loving seconded the motion. Commissioner Biancardi-Aye, Commissioner Loving-Aye, Commissioner Bozak-Aye, Commissioner Hull-Aye, Commissioner Ensen-Aye.  
**Motion passed.**

**Reports**

**Commissioners**

Commissioner Biancardi: The RDC has been helping support the Ambulance last year and I thought we discussed that using tax abatement money that came in last August to continue to support this year as the Council looked at different avenues to be able to support that. I would recommend that we continue doing that, but we need to get an official action in the meeting so that Clerk-Treasurer Jordan has the authority to do that. I believe we talked previously last year that because tax abatement money comes in towards the end of the year it's not budgeted or appropriated in that current year and so at the time we did not have it earmarked for something and so with the last payment we received at the end of last year was \$310,000.00.

Commissioner Biancardi makes a motion to earmark or allow Clerk-Treasurer Jordan to use the tax abatement monies to pay the employees of the Ambulance service up to the \$300,000. Commissioner Loving seconded the motion.

That's not what we've spent in the past for the year but what we had last year coming back and forth constantly was difficult for Clerk-Treasurer Jordan to be able to manage that. Did I cover what you would have needed Clerk-Treasurer Jordan?

Clerk-Treasurer Jordan: Yes

Commissioner Biancardi: The concern right now (and I feel like I dropped the ball) is making sure it was official because our fund for the Ambulance is going negative while the money is being borrowed from the General Fund. Those accounts can't go negative according to the State Board of Accounts. So that's when I asked Clerk-Treasurer Jordan—Wait, I thought you took care of that and she said, no, it's not official and it needs to be.

Commissioner Hull: I have a question for Clerk-Treasurer Jordan. Is that the abatement from Praxair?

Clerk-Treasurer Jordan: It's a combination of Linde and Cleveland Cliffs.

Commissioner Hull: I remember that conversation multiple times and that started back with Commissioner Poparad when we had allotted the abatements to come to the Town and not RDC. Is that where we were at with that?

Commissioner Biancardi: That's part of the conversation but I don't know that we necessarily made that move to move the money into the Town Fund and Clerk-Treasurer Jordan can correct me if I'm wrong. We continued to earmark the money.

Commissioner Hull: We're just finally taking the final action towards that discussion that we've had quite a number of times.

Commissioner Biancardi: Yes, and our discussion was as of just this year and we need to look at the sustainability of that long-term.

Commissioner Hull: I agree.

Commissioner Biancardi makes a motion to earmark or allow Clerk-Treasurer Jordan to use the tax abatement monies to pay the employees of the Ambulance service up to the \$300,000. Commissioner Loving seconded the motion. Commissioner Bozak-Aye, Commissioner Biancardi-Aye, Commissioner Hull-Aye, Commissioner Loving-Aye, Commissioner Enslin-Aye.  
**Motion passed.**

#### **Clerk-Treasurer**

Clerk-Treasurer Jordan: On June 10, 2021 the Town received the June TIF distributions for RDC totaling \$380,542.00 that goes into your Redevelopment General Fund. You also received tax abatements in the amount of \$259,558.23 of which \$88,171,000 was from Mittal/Cleveland Cliffs. In your claim book there is a repayment to the County Treasurer in the amount of \$524.76. The Auditor's office in error charged Masterlink (a business in Town that is getting tax abatement) a tax abatement fee for the resolution of the ask for him to pay that. We caught that error and basically you're just repaying money that isn't yours to have. When the County Auditor receives that they can reimburse the gentlemen that owns Masterlink. That's all I have right now.

#### **RDC Engineers**

None

#### **RDC Consultant-Karnerblue**

Rongers: I just want to report that we completed the close-out of the Next Level Trails Marquette Greenway grant. As you know early in June we had a Ribbon Cutting and that was well covered. We also had a site inspection that day. I worked with Clerk-Treasurer Jordan and staff to finalize the grant close-out. The State paid out \$1.4 million for the construction of the project and then we had a match amount so the total project cost for construction was \$1.5 million. If you recall there was a disbursement of the construction funds several months ago, I believe in November of last year for the construction amount. Not all of those funds were spent for the project because a couple of items came under budget. Construction oversight being one of them, so we do have a request by the State of Indiana DNR for the Town to pay back \$101,276.99. I would just defer to Clerk-Treasurer Jordan if there is anything you want to add with respect to that.

Clerk-Treasurer Jordan: Yes, that claim is also in your claim book so hopefully that claim will be taken care and paid back to the State.

Commissioner Biancardi: That was a result of lower construction costs?

Rongers: Construction and Inspection.

Commissioner Loving: The Inspection budget was \$208,000 and we spent \$64,905.

Commissioner Hull: Being under-budget--Is that something we can highlight in future grants?

Rongers: The State highlighted that during the Ribbon Cutting so I think it is something that is a positive for our project. Yes.

The other grant update that I want to tell you about is the Lake Michigan Coastal Program, which is also an Indiana Department of Natural Resources program. If you recall you received funding to support planning for the Marquette Greenway Corridor. So, trail maintenance, trail plan, how to maintain operation and maintenance of the trail and then also looking at invasive species control. We're waiting release by the State of the grant agreement and once we have the grant agreement we'll be putting that project out to bid. That would be a planning project to help us with maintaining Marquette Greenway going into the future.

I do have another grant opportunity that's due tomorrow. We can discuss it now or wait under New Business.

Commissioner Loving: Now is fine.

Rongers: This is the grant opportunity that was brought to our attention just in the past two weeks. It's due tomorrow. It's an Indiana Finance Authority grant for State Water Infrastructure Fund ("SWIF"). This will provide grant dollars for drinking water, wastewater, stormwater and infrastructure at the Westport PUD. I've been coordinating with Abonmarche, Holladay Properties and Global Engineering to get information that we need to submit that grant application. As of tonight we don't have a budget for the project. The cap of the grant is \$5 million. What action I would need tonight is just the RDC's authorization to submit the grant application. I can send you an email tomorrow indicating what the budget is and I can also relay that once again at next month's meeting. This, if awarded, would help to offset some of the costs of the Westport Development.

Commissioner Loving: Just for clarification, most of these are the same, but you will submit the application and then no penalty for withdrawing.

Rongers: That's correct.

Commissioner Enslin: What's the split? Is there a share?

Rongers: I did not see that there's a share percentage but there are costs that are excluded. I don't have what the Town's cost and what the project cost is at this point.

Commissioner Biancardi makes a motion to authorize Karnerblue Era to submit the Indiana Finance Authority grant for the State Water Infrastructure Fund. Commissioner Loving seconded the motion. Commissioner Loving-Aye, Commissioner Bozak-Aye, Commissioner Biancardi-Aye, Commissioner Hull-Aye, Commissioner Enslin-Aye. **Motion passed.**

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

Commissioner Schnabel: The Yost staff is going on a field trip next week to see a couple of new elementary school buildings that have been built recently. One in Hobart and one in Valparaiso. So, they will get a first-hand look at what they like and don't like about those buildings. I'm sure they'll give the architects their notes on that. Aside from Burns Harbor, the Yost building is the big news. We are going to tear down the current Yost, but now the question is where is the new building going to be? Will we build on the current site or are we going to find another site? We're in that process right now. That should be nailed down by September or October.

#### **Correspondence**

Commissioner Enslin: I have an Electronic Meetings Policy Resolution for the RDC.

Commissioner Loving:

#### RESOLUTION NO. 2021-01

A resolution of the Redevelopment Commission of the Town of Burns Harbor establishing the policy by which members of the Redevelopment Commission may participate by electronic means of communication.

**RESOLUTION NO. 2021-01**

**A RESOLUTION OF THE REDEVELOPMENT COMMISSION OF THE TOWN OF BURNS HARBOR ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE REDEVELOPMENT COMMISSION MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION**

**WHEREAS**, P.L. 88-2021 (HEA 1437), SEC. 3, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

**WHEREAS**, a member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

**WHEREAS**, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

**NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF BURNS HARBOR, INDIANA:**

Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.

(b) This resolution shall be known as the "Electronic Meetings Policy" of the Commission and applies to the Commission and any committee appointed directly by this Commission or its presiding officer.

Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

(1) identify each member who:

- (A) was physically present at the meeting;
- (B) participated in the meeting by electronic means of communication; and
- (C) was absent; and

(2) identify the electronic means of communication by which:

- (A) members participated in the meeting; and
- (B) members of the public attended and observed the meeting if the meeting was not an executive session.

Section 5. No member of the Commission may participate by means of electronic communication in a meeting at which the Commission may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Commission's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. (a) If an emergency is declared by:

- (1) the governor under IC 10-14-3-12; or
  - (2) the Town Council president under IC 10-14-3-29;
- members are not required to be physically present for a meeting until the emergency is terminated.

(b) Members may participate in a meeting by any means of communication provided that:

- (1) At least a quorum of the members participate in the meeting by means of electronic communication or in person.
- (2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
- (3) The minutes or memoranda of the meeting must comply with Section 4 of this resolution.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 7. This resolution shall be effective from and after adoption by this Commission and compliance with IC 36-5-3-10.

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PASSED AND ADOPTED this 14<sup>th</sup> day of July, 2021.

TOWN OF BURNS HARBOR  
REDEVELOPMENT COMMISSION

Eric Hull, President

Brad Enslin, Vice-President

Toni Biancardi, Secretary

Roseann Bozak, Commissioner

Nick Loving, Commissioner

ATTEST

Marge Falbo, Recording Secretary

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Commissioner Biancardi makes a motion to adopt Resolution No. 2021-01 establishing the policy by which members of the Redevelopment Commission may participate by electronic means of communication. Commissioner Bozak seconded the motion. Commissioner Bozak-Aye, Commissioner Biancardi-Aye, Commissioner Loving-Aye, Commissioner Hull-Aye, Commissioner Enslin-Aye. Motion passed.

Attorney Patton: Just for clarification—once the Public Health Emergency is no longer declared by the Governor this would allow members to appear remotely, electronically, virtually but there still has to be a physical quorum present. So out of the five voting members, there still need to be at least three physically present and you can't miss two in a row or more than 50% of the meetings in the year. You will need to have Zoom and/or Facebook Live available at meetings in order to see and hear a Commissioner's virtual vote. The minutes will have to reflect any members attending virtually.

Commissioner Hull: On the two meetings in a row or 50%--can a Board work with that?

Attorney Patton: There are provisions in the statute, and I believe in the Resolution that there are exceptions if there is a major illness, military service or death in the family.

## **Old Business**

### *Marquette Greenway Trail Update*

Rongers: There are a couple of items that I can report on. The first is that NIRPC submitted to the Federal Department of Transportation, the Regional Raise grant for Marquette Greenway. This is a grant (a funding request) to cover the cost of unbuilt portions of the Marquette Greenway in Burns Harbor that would cover the section of our trail given the railroad and bridge solution that we're still funding. That's about \$4 million. So a little over \$4 million in Burns Harbor was included in that regional ask to support the Marquette Greenway implementation.

We are making some progress on the INDOT Environmental Review of our project. We'll hear more on that but we're still awaiting the environmental approval.

We are still managing the Indiana Department of Natural Resources Recreational Trails Program grant for Westport. The bookends of Westport, so we are staying in contact with the State regarding that.

Those are the three updates on the Marquette Greenway Trail.

Also, this goes back to the Next Level Trails section. There is the Indiana American Water Company that did some work which disrupted part of the Trail. We've not heard back yet from them with respect to coming back out to resolve that matter. We also are still working with NIPSCO for coming to do some utility markings so that we can install some handicapped signage in the parking lot area. So those are two utility dependent activities that we're still pressing to get done.

Commissioner Biancardi: Are those activities something that Peterson of SEH is communicating to them about?

Rongers: Yes

Commissioner Hull: Everything is still progressing along. Micka of Holladay Properties and I still have to get together to finalize the Development agreement. Once I get a good draft of that I'll work with some individuals to review it, get a feel for it and then get it to everybody to take a look at and then go through that process.

### *Westport PUD Update*

Commissioner Biancardi: When I looked at the past minutes and previous conversations I felt there was a consensus on the Board for street names. Community Drive, the roadway leading to the Community Center. Road C would cross the Trail as Trailhead Crossing and there were conversations about Road B while it doesn't line up exactly with Navajo of carrying that over. Road D was the last road and we discussed trying to incorporate something to do with "steel". Some of the challenge that was discussed was not using another street name that was in Porter County especially. So that took out some of our options. I would suggest today something like Ironworks Drive. Just a suggestion. Does everyone agree with Community Drive and Trailhead Crossing? The two that we were solid on?

Commissioner Loving: Those two I'm solid on. Yes.

Commissioner Biancardi: So we incorporated the idea of community, trail, steel...

Commissioner Hull: I'm looking at the map that Holladay Properties sent over. Community Drive is the closest to north-south. Ironwork Drive is the other north-south road. Trailhead Crossing is the south east-west road. And then Navajo Trail is the one we still need to come up with.

Rongers: If I may, there was discussion about Mnoke Avenue or Mnoke Prairie Avenue.

Commissioner Hull: I like that.

Commissioner Biancardi: There is an urgency to select the street names so while we're tossing them around, we definitely need to settle on them before the next meeting.

Commissioner Hull: How about Bethlehem? That was the first mill that started this whole thing in Burns Harbor.

Commissioner Loving: That's ok with me as long as it's not used somewhere else in Porter County.

Commissioner Biancardi: So Road A is Community Drive, Road C is Trailhead Crossing, and the other two we need to..

Commissioner Loving: I'm leaning heavily towards Bethlehem. Give it a month to talk about it but know that we're going to come next month with an answer.

**New Business**

None

**Approval of Claims Register**

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

**Approval of Financial Report for the Month of June 2021**

Commissioner Loving makes a motion to approve the Financial Report for the Month of June 2021. Commissioner Biancardi seconded the motion. Commissioner Loving–Aye, Commissioner Bozak–Aye, Commissioner Biancardi–Aye, Commissioner Hull–Aye, Commissioner Enslin–Aye. Motion passed.

**Good of the Order**

Oudman from the audience—just a thought on Bethlehem. There could be some people in Town that would have negative comments on that. Something to keep in mind.

**Adjournment**

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

The meeting concluded at 6:35 p.m.

**Approved on August 11, 2021**

REDEVELOPMENT COMMISSION  
FOR THE TOWN OF BURNS HARBOR

\_\_\_\_\_  
Eric Hull, President

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Brad Enslin, Vice President

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Toni Biancardi, Secretary

\_\_\_\_\_  
Roseann Bozak

\_\_\_\_\_  
Nick Loving

ATTEST:

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Marge Falbo, Recording Secretary