

Burns Harbor Redevelopment Commission Minutes of Wednesday, January 9, 2019

The Redevelopment Commission of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Wednesday, January 9, 2019 in the Town Hall. 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 Enslin (Brad)	Present
Commissioner Hull (Eric)	Present
Commissioner Loving (Nick)	Present
Commissioner Poparad (Ray)	Present
Commissioner Stone (Ronald) (non-voting member)....	Absent

Additional Officials Present

Attorney-Clay Patton
Karnerblue Era-Consultant -Tina Rongers
SEH of Indiana-Dan Botich
Clerk-Treasurer-Jane Jordan
Fire Chief-Bill Arney
Chesterton Tribune-Lily Rex
Recording Secretary-Marge Falbo

Others Present

Sarah and Wilbur Oudman
Sam Falbo

Reorganization

Commissioner Poparad makes a motion for Eric Hull to be President and Brad Enslin, Vice President. Commissioner Biancardi seconded the motion. Commissioner Biancardi-Aye, Commissioner Enslin-Aye, Commissioner Loving-Aye, Commissioner Poparad-Aye, Commissioner Hull-Aye. Motion passed.

Approval of Minutes

Commissioner Poparad makes a motion to the approve the December 12, 2018 meeting minutes. Commissioner Loving seconded the motion. Commissioner Biancardi-Aye, Commissioner Enslin-Aye, Commissioner Loving-Aye, Commissioner Poparad-Aye, Commissioner Hull-Aye. Motion passed.

Discussion

Commissioner Poparad asks if vendor contracts were approved at the December meeting or are they up for tonight for engineers and anyone else. Commissioner Hull says the only one we have is Karnerblue. Clerk-Treasurer Jordan says you have your attorney. Commissioner Hull says the attorney is done by the Town along with Global Engineering. Commissioner

Biancardi says what did Rongers send to us after the meeting. Rongers says I forwarded the SEH renewal for the economic development. For example, Dan Botich is available to help with some of the economic development questions and planning work. Commissioner Poparad says only if we need him and he is on an hourly basis. Rongers says that's correct. Commissioner Poparad says with a cap. Commissioner Biancardi says he mentioned last year that his work is minimal. Commissioner Poparad says who has the authorization to call him. Commissioner Hull says the President and Rongers at the President's direction. Commissioner Poparad says and that is for coordination of economic development growth, period. Commissioner Hull says yes. Commissioner Poparad says I just want to be up to speed, that's all. Commissioner Hull says I don't have a problem with that, and correct me if I'm wrong, all the contracts that are covered by the Town were approved in December. Attorney Patton says yes.

Reports

Commissioners

Marquette Greenway Trail

Commissioner Poparad says I had a ten-minute conversation with Commissioner Enslin and Rongers at the AmeriPlex facility for a meeting with a perspective Master Developer. We discussed a number of projects that this Board has taken on. One of them is the Marquette Greenway Trail on the West side. I was assured through Rongers and Peterson of SEH that we will have an answer by February 15th on the Marquette Greenway Trail to the West of us for whatever is taking place. Rongers says the application is due on February 15th and Peterson and I are working on that application and the details of that. Commissioner Poparad says make sure the application is submitted on time and when do they award it. Rongers says April or May. Commissioner Poparad says I still think we need to finish up the application process to get it approved and that is all the cost we need to occur at this time. I asked Clerk-Treasurer Jordan to pull some numbers for engineering expenses for this Board alone, and it was \$295,047.64 for SEH and \$88,060.00 for Global which totaled \$383,107.64. The total engineering cost for the entire Town including all the different departments (prior to December 10, 2018) is \$535,247.64. I just think we need to put the brakes on this thing.

BP Easement on Four-Acre Site

Commissioner Biancardi says is there anything on-going with that particular project at the moment other than the grant. Commissioner Hull says currently the only thing that is opened engineering-wise is the BP Easement on the four-acre site and then on the 28-acre site later. Commissioner Biancardi says so there is no necessary advanced work for this. Commissioner Poparad says how are they doing on that BP Easement. I thought that was signed, sealed and delivered.

Oltmanns of Global Engineering says I have an update for that actually. Today I received a notice from BP that they have given us a Permanent Facilities Agreement that I need to have Attorney Patton review. Attorney Patton says is that the document you emailed me two-hours ago. Oltmanns say, yes. I just received that this afternoon. It basically says that they have approved the design and they have a contract of the things that your design can and can't do.

Commissioner Poparad says did they shrink the right-of-way down. Oltmanns says no it's 50-feet. Commissioner Poparad says originally it was 200-feet, I thought. Oltmanns says it was set at 50-feet. Commissioner Poparad says alright.

Commissioner Enslin says these permitted structures that you're talking about are things that can be put on there right away. Oltmanns says yes, basically the roadway crossing and the sidewalk are the two things and the additional fill coverage that's required over the pipeline. They noted those three things. The contract is a legal document and it states the things you can and can't do and that's why I forwarded it Attorney Patton to review. Commissioner Hull says my understanding is its pretty boilerplate and is used across the country for pipelines. There are some items in there that I would like for them to provide some clarification on because there are some items that they are adding to the design that would increase part of the cost of the project.

Commissioner Enslin says this is relevant to 28-acre site. At some time in the future I would like to see a Trail go down the pipeline as a linear park on the 28-acres. I understand if they have to dig up the pipeline, we're out of luck, but my point is when we come to the negotiations about the 28-acres, our criteria are a little bit different. Oltmanns says my experience with them is they have strict writing on what you can do within their easement. Crossing of their pipeline with any kind of pavement or roadway they prefer it to be at a 45 or 90-degree angle. If there is anything linear over the pipeline, they tend to frown on it. If it's a hard pathway like a sidewalk over the pipeline or if it's a gravel pathway, those things would have to be negotiated with them on what they will allow you to do as far as pathways. A lot of things that I had originally designed with them, like the hill and any landscaping, they can take it out because you would be violating their right-of-way agreement on the easement. Commissioner Biancardi says so there won't be a big berm or anything. Oltmanns says there will be, but I had to move it out of the 50-feet. Commissioner Poparad says I'm getting caught up on all this. So, with Global being on this project, was it a lump sum figure, hourly or not to exceed and you will continue to work on this project until it's rectified for the same amount of money. Commissioner Hull says BP is hourly. Commissioner Poparad says do you know how much you have in it so far. Oltmanns says I'm not sure so far but I know that being towards the end here it should be wrapped up. Commissioner Poparad says quickly. Oltmanns says I would hope so. We've been going back and forth for a couple of months, but usually it's comments and me responding to their comments. Commissioner Hull says, correct me if I'm wrong, but I understand it to be a thousands of dollars' project, not a "tens" of thousands of dollars' project to get an Easement Agreement. If it's a "tens" of thousands of dollars' project, then we have a problem. Commissioner Poparad says ok, as long as we're on the same page.

Commissioner Loving says I have a question on the Easement Agreement. Do we own it? Commissioner Hull says we own the land. Commissioner Loving says do they have the ability to dictate with that agreement. Commissioner Enslin says it depends on how it was originally written. Attorney Patton says I have to look at the language but technically we don't own it yet. It should be deeded over to us within the next 60 days. I have to look at the specific easement language but I do believe that they can control what is placed on top of the easement. As Oltmanns said, we can't have any permanent structures including pavement. If you want a path on it, maybe a mulch path might be more suitable, but I think a path going the length of the pipeline I'm not sure about that. Oltmanns says the process they went through with me is I submitted to their engineering department and they reviewed what was requested and then they would approve or deny it.

Rongers says the on-going engineering coordination required for Marquette Greenway is the environmental assessment and that is an on-going conversation with the National Park Service and some coordination with INDOT. That would be some activity that will still need to continue because the environmental is the entire stretch and that part isn't parceled into Phase I or II. The National Park needs to consider that as a whole, not separate. I just wanted to clarify that particular aspect...Commissioner Poparad says and that's through SEH. Rongers says correct. Commissioner Poparad says through one of their subs because SEH doesn't do it themselves, do they. Rongers says for the archeology, there is a sub that specializes in that, so there is some correspondence that's been going back and forth. We receive a copy of that communication. It is SEH and the particular subs that are engaged in that. Commissioner Hull says I'm ok with that.

Attorney

None

RDC Engineer

None

RDC Consultant-Karnerblue

Rongers says on the Grant side of things, the year-end reports we talked about last month were submitted, received and accepted by the funders. That was the Porter County Community Foundation and Indiana Dunes Tourism. Those grants are complete. I'm helping to lead the Next Level grant application process. This, again, is from State Road 149 over to Portage. We are working on that and the deadline is February 15, 2019.

Duneland School Board Representative

None

Correspondence

None

Old Business

Marquette Greenway Trail Update

Rongers says I think just to back up to the Next Level, it would be helpful at this meeting to have documented approval to submit that application. We do anticipate local match to be coming in the form of a donation of an easement and or property, but as of right now, there is not a local match request to the RDC. I would just ask the Commission to entertain a motion to approve submittal of the application so we can have that on record.

Commissioner Biancardi makes a motion to approve the submittal of the Next Level Trails Grant application. Commissioner Enslin seconded the motion. Commissioner Biancardi-Aye, Commissioner Enslin-Aye, Commissioner Loving-Aye, Commissioner Poparad-Aye, Commissioner Hull-Aye. Motion passed.

Sidewalk Stamps for RDC Projects

Commissioner Hull says this will be addressed in the future.

New Business

Approval of Vendor Contracts

Commissioner Hull says the only two we have outstanding is Rongers and SEH. Attorney Patton says I believe I reviewed them last month. Commissioner Hull says we just waited for the new Board to approve them. Commissioner Hulls says I would entertain a motion to renew Karnerblue's contract.

Commissioner Enslin makes a motion to renew Karnerblue's contract for 2019. Commissioner Biancardi seconded the motion. Commissioner Biancardi-Aye, Commissioner Enslin-Aye, Commissioner Loving-Aye, Commissioner Poparad-Aye, Commissioner Hull-Aye. Motion passed.

Commissioner Poparad says we approved Karnerblue but SEH is basically as needed, correct. Commissioner Hull says correct. Commissioner Poparad says on an hourly basis authorized by you or Rongers. Commissioner Hull says authorized by Rongers with my or the Board's permission.

Commissioner Hull says I would entertain a motion to renew the SEH contract on an as needed basis. Biancardi says does this also include "not-to-exceed." Commissioner Hull says yes.

Commissioner Biancardi makes a motion to renew the SEH contract for 2019 on an as needed basis with a "not-to-exceed" provision. Commissioner Poparad seconded the motion. Commissioner Biancardi-Aye, Commissioner Enslin-Aye, Commissioner Loving-Aye, Commissioner Poparad-Aye, Commissioner Hull-Aye. Motion passed.

NIRPC NOFA Grant

Commissioner Hull says this just popped up and didn't make the agenda. I received some correspondence about the NIRPC NOFA grant and one of the line items we had as a project that we wanted to work on and designated to accomplish over the course of time as a Board is the Haglund Road sidewalk project or trail.

Oltmanns says basically it's to run a bike and pedestrian type trail down the North side of Haglund from Westport to Lakeland Park. It would connect Lakeland Park to the Town Hall and eventually to the Marquette Greenway Trail. The grant is looking for providing money for items that provides for trail expansion and for connection in Town between trails and town centers and parks or green spaces. It's an item that has an opportunity for providing some money. I think it's an 80-20 match. Commissioner Poparad says who is that through. Oltmanns says it's through the NIRPC, it's a Federal grant. Commissioner Poparad says I know this year the State has allocated money through this Community Crossing process also for rails to trails. I don't know if we are looking at that. Rongers says NOFA essentially captures all of the funding programs. So it would be Community Crossings and some of the others. Commissioner Poparad says at State level and Federal is what you're saying. Rongers says this is the Federal money that NIRPC manages. It's the Federal dollars that come into NIRPC. Commissioner Poparad says your proposing that on the North side. Commissioner Hull says that was the project where the planning work was initiated in 2017 and that work has been completed to an extent...Oltmanns says there are some other things that we would have to look at. Since it is a Federal grant there are a couple of other processes to it, like the amoeba evaluation, which is an environmental and it's a real extensive process since it's on the Federal level. The State level doesn't require it. There are all types of things the Federal requires but otherwise from the construction side it's the same. There is some paperwork involved that adds to it. Rongers says we're bringing this funding opportunity to the RDC and Park because essentially for the past two years this issue between the connectivity to Lakeland Park and the four-acre site has been kind of a priority or an interest of the RDC. So, tonight, is in part, to affirm whether or not this is something that is still important. If so, we can apply for this grant. We may or may not get it. We will be competing with other communities across the region for that. Commissioner Biancardi says and our match would be 20%. Rongers says correct. Commissioner Hull says it funds in 2022. Rongers says 2021 through 2024. Tonight, if you want to proceed, you will need to approve Global's time to prepare that application, and secondly you would need a letter of commitment that you would be willing to commit to that 20% match. That 20% match wouldn't be on your 2019 budget. It would be out on your 2021 or a little bit different time. Commissioner Hull says we have previously allocated \$600,000 for it. Oltmanns says we would have to look and see what's changed but we have to submit this by Friday. Commissioner Poparad says this Friday. How long did you know about it? Oltmanns says Monday. Commissioner Hull says so at that point I asked them to prepare an estimate of what it would cost and bring it to the Board. Commissioner Poparad says how much did you put together on a price to do this. Commissioner Hull says our estimate for this task is 24 hours of professional services and \$3,480.00 total to submit the grant application. Commissioner Poparad says \$3,500 for a \$600,000 investment, I make a motion we do it. You will meet the deadline, right? Oltmanns says yes.

Commissioner Poparad makes a motion to approve the submittal of the NIRPC NOFA Grant. Commissioner Biancardi seconded the motion. Commissioner Biancardi–Aye, Commissioner Enslen–Aye, Commissioner Loving–Aye, Commissioner Poparad–Aye, Commissioner Hull–Aye.
Motion passed.

Discussion

Commissioner Hulls says I have a point. I would like this to be a not-to-exceed, not an estimate. Fire Chief Arney says I just have a question. It's not about the funding, it's a great idea to have a sidewalk. When you are planning and talking about it, did you look at the fact of not only the easement, and that's a concern, there is a huge NIPSCO gas main that just got put down that easement. This is where I'm assuming you're putting the sidewalk in. It's not just a drainage easement and I just wanted to make you aware of it. Commissioner Poparad says I thought about that when he said he proposed it on the North side because the South side is nothing but the catch basins taking it to the North side. Fire Chief Arney says basins and culverts. Commissioner Hull says if we apply for the North side and in two years we decide to go the South side how does that change the application. Oltmanns says I think right now they just require you to estimate a cost of the application. They don't care about location at this point. If you get selected, they will move into a phase where they will want to see plans. Commissioner Hull says let me clarify this, is this a trail or sidewalk. Oltmanns says because bicycles are involved it is a trail. Commissioner Hull says a trail is different from a sidewalk when it comes to funding and we need to be clear about that. Oltmanns says for this grant, if it's a trail its \$370,000 available, if it's a sidewalk there's \$2,750,000 available. So they have put an emphasis on trails over sidewalks.

Attorney Patton says I am just going to point out that the estimate is for

- 24 hours of professional services,
- \$3,480.00, and
- any extra costs not associated with this scope will be subject to Global's 2019 Fee Schedule.

Commissioner Biancardi says what extra costs would there be. Oltmanns says I wouldn't anticipate any...Commissioner Hull says I would like an amended proposal, please. Attorney Patton says I would say anything over 24 hours of work. Oltmanns says so not-to-exceed and take the last line off. Commissioner Biancardi says, right, "any extra costs not associated with this scope will be subject to Global's 2019 Fee Schedule." Commissioner Hull says moving forward most everything we do will be having "not-to-exceed." Clerk-Treasurer Jordan says I am just curious if the grant money is for construction only or it includes engineering costs. Commissioner Hull says the grant specifies services explicitly not included are:

- Right-of-way review and analysis
- Right-of-way survey, and
- Design or project design construction document creation

Clerk-Treasurer Jordan says so our engineering costs could be part or 20%. Commissioner Hull says, yes, absolutely. Clerk-Treasurer Jordan says because Community Crossing is not. I just wanted to understand it. Commissioner Poparad says so we have to make sure at budget time we allocate it for 2020. Rongers says Commissioner Loving and I maintain a multi-year budget spreadsheet and we still have the \$600,000 for Haglund sidewalks. So it is in our planning spreadsheet that we've been using. We may need to move it to a different year than what we have it in but just to let you know we still have that on our radar. Commissioner Hull asks Rongers to provide a copy of the spreadsheet to Commissioner Poparad.

Commissioner Hull says are we doing anything with the review committee for the RFQ. Do we have anything? Commissioner Enslen says what we're going to need to do is hold off on any recommendation for a while. There are some things at the Town and the Plan Commission need to do in regards to the 28-acre site and we should figure out what those are. In other words, as the property owner, we need to get everything in order first. Commissioner Hull says, right, but we have a timeline that we have to follow to some extent. Attorney Patton says you can amend that. I understand the committee makes the recommendation to this body for a Master Developer and then once they are identified then there are negotiations to enter into an actual contract agreement with that Master Developer. Commissioner Enslen says I would like to make the recommendation at the February meeting. Commissioner Hull says does that meet the timeline. Commissioner Hull says to Falbo make sure to get that on the agenda for next month: RFQ Process. Commissioner Hull says Commissioner Enslen will meet with other Boards and bring back comments/recommendation so that everything ties together at the appropriate time in the timeline. At the least, Commissioner Enslen can research it for next month.

Approval of Claims Register

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

Approval of Financial Report for the Month of December 2018

Commissioner Poparad made a motion to approve the Financial Report for the Month of December 2018. Commissioner Loving seconded the motion. Commissioner Biancardi–Aye, Commissioner Enslin–Aye, Commissioner Loving–Aye, Commissioner Poparad–Aye, Commissioner Hull–Aye. Motion passed.

Good of the Order

Fire Department Building Addition and Fire Truck

Fire Chief Arney says I just want to give you an update on the funding that you did on the building addition. We came into some issues with the Building Commissioner resigning. So there were some things that we had to play make-up on and little more out-of-pocket. We're at the point where the drywall will be up in the next week. Then painting, furnishings, and that building will be wrapping up, other than landscaping and the paving work in the Spring. You'll see those numbers are on there, as well, even though some things won't take place until later next year.

Expense for New Building Renovation and addition			
Wall and framing renovation	Ant's Drywall	\$2,500	Paid
reroof old building	SHI Construction/Roofing	\$15,450	Paid
Miller Electric	ELE heat work and paint	\$1,339	Paid
Harris Surveying	Replating for Power	\$700.00	Paid
FBI Building	New Building addition	\$67,779	Paid
Flooring Renovation	Ultimate Flooring	\$2,376	Paid
Locate for fibber that was found	Blood Hound	\$200.00	Paid
Security Door lock system	Martin Security	\$2,797	Paid
New Furniture renovation	Fire station Furniture	\$2,492.74	Paid
Menards Misc.	Menards	\$2,155	Paid
Sand	Fireldstone	\$4,125.00	Paid
Concrete Floor	Brenner Concrete	\$9,500 .00	Paid
Menards Framing lumber	Menards	\$2,500	Paid
Miller Electric	Miller Electric	\$2,095.20	
Circle R Electric	Wire building	\$8,125	
Deluxe Flooring	Flooring New Section	\$8,000.00	
Mercury Plumbing	Plumbing	\$9,000	
Tin Crafters Heating &Air	Heating and A/C	\$10,784 .00	
Van-Gouh Dry Wall	Dry wall	\$8,400	
Momper Insulation	Insulation	\$5,000.00	
Reroof New Building	Roof new addition	\$3,900	
Concrete sidewalk	Brenner Concrete	\$2,185.00	
Paving Parking	Paving Parking	\$7,500.00	
LEEPS	LEEPS	\$4,017.00	
AV and Install of network	Always a Solution	\$7,623.79	
shower tile work	Mercury plumbing	\$3,000.00	
Bathroom Vanity 's	Baileys and Wayfair	\$1,020.97	
Paint	Duneland paint	\$4,800.00	
		\$199,364.00	

I just wanted the Commission to see this and if you had any questions, I would be happy to answer them for you. There were no questions. The Commissioners thank Fire Chief Arney. Commissioner Loving says that building is fantastic. Commissioner Poparad says, if you haven't been in it, talk a walk over. It's beautiful. Fire Chief Arney says I do plan on having some type of Grand Opening when the Fire Truck comes in and I hope that they correlate together. I will definitely keep you updated and all of us at the Fire Department are very appreciative. It's just amazing the room we're finally going to have. We really appreciate it.

Town Paving Projects

Commissioner Poparad says I want to plant a seed. I know that we have talked about funding other projects in Town with RDC money. I've done some checking and after conferring with our Clerk-Treasurer I would like to see if the RDC, this coming Summer, can free up some money to pave this Town Hall and the parking lots at the Park in its entirety from the East and West end of the connecting road. I spoke with Clerk-Treasurer Jordan and she says the residents that live in the TIF district use the facilities which is the avenue to use that money to pave the parking lots. Am I correct in that statement? Clerk-Treasurer Jordan says it's a similar argument as the Fire building.

Commissioner Poparad says I wish the Board would think about it and we can discuss it at our next meeting. I have some proposals from Reith Riley already. We're just putting a good base down and a topcoat. I can have those figures for you at the next meeting. Rongers says if you could share those figures with me Commissioner Poparad I can integrate them into our multi-year spreadsheet. Commissioner Poparad says I'll get them to you.

Commissioner Hull says if there are any other things you find around Town that are worthwhile projects, please let us know. It's not a problem to bring ideas to the table.

Town Connectivity

Commissioner Enslin says I have a couple. Commissioner Loving and I talked about this briefly. The Town is made up of pods and residences. The two subdivisions along Babcock need to be connected to the Prairie Duneland Trail because people are riding their bikes and jogging down Babcock which is very unsafe. We need to figure out how to connect those two subdivisions to each other and to the Prairie Duneland Trail. The other is Haglund. Commissioner Loving says connecting Trail Creek and Corlin's to Prairie Duneland is part of the easement process. So the easements on the back end of Trail Creek goes straight through to the Trail. Commissioner Hull says the problem we have is the ditch. Commissioner Poparad says we have some avenues in place for the ditch. A bridge or a culvert. Bob Thompson, at the County level, is open for ideas. We haven't forgotten about this, but dealing with governmental drainage issues are something else. Commissioner Enslin says but these are doable projects.

Adjournment

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

The meeting concluded at 6:50 p.m.

APPROVED on February 6, 2019

REDEVELOPMENT COMMISSION
FOR THE TOWN OF BURNS HARBOR

Eric Hull, President

Brad Enslin, Vice President

Toni Biancardi, Secretary

Nick Loving

Ray Poparad

ATTEST:

Marge Falbo, Recording Secretary