

March 16, 2022, Regular Meeting Minutes
HOBART REDEVELOPMENT COMMISSION

President Carla Houck called the March 16, 2022, regular meeting of the Redevelopment Commission (RDC) to order at 8:31 a.m. The meeting was held in the City Council Chambers at City Hall, and also via Zoom with the public issued a dial-in number to allow listening and participation capabilities. The Pledge of Allegiance was recited. Members present: Carla Houck, Shawn Kelly, Marsha Plesac, Matthew Claussen, and Pam Broadaway (*arrived during Treasurer's Report*). Members absent: Stuart Schultz. Also present: Beth Jacobson, Director of Development; Deborah Longer, Clerk-Treasurer; Anthony DeBonis, RDC Attorney (*via Zoom*); Heather McCarthy, City Attorney; Brian Snedecor, Mayor; Ryan Cook, Eichhorn & Eichhorn; and Dawn Hostetler, RDC Recording Secretary.

Under **Approval of Agenda**, a motion was made by Mr. Claussen to approve the agenda as presented; seconded by Ms. Plesac. All ayes; motion carried. (4-0)

Regarding the **Minutes of February 17, 2022, Regular Meeting**, a motion was made by Ms. Plesac to approve the February 17, 2022, Regular Meeting minutes as presented; seconded by Mr. Kelly. All ayes; motion carried. (4-0)

Regarding the **Treasurer's Report (Annual Report of the Redevelopment Commission Treasurer on the Financial Status)**, The February investment statements for Fund 4445 (*formerly 406*) and Fund 4450 (*formerly 410*), plus the most current fund & appropriation reports for Fund 4445, Fund 4450, Fund 4455 (*formerly 412*), and Fund 2527 (*formerly 250*) were distributed in the RDC meeting packet. Also included in the meeting packet was the year-end financial information, which was used to compile the 2021 RDC & Redevelopment Authority (RA) annual report that was approved by both bodies last month. Ms. Longer stated that the RDC will begin to see additional fund reporting for the Albanese bonds in the near future. She explained that the City will receive the TIF funds in June and December, then distribute the amount of TIF revenue generated by allocation area #2 to the bond trustee, who will then pay the bonds from that money. She said there are state and federal reporting requirements that the City will be responsible for in relation to these bonds.

There was no **Old Business**.

Under **New Business**, the first item was the **TRAX Project – Status Report**. Ms. Jacobson stated that Mr. Lorig and Mr. Wolverton of American Structurepoint as well as City Engineer Phil Gralik are attending road school, so they could not be present at today's meeting. However, Mr. Lorig provided a written status report, which is included in the meeting packet along with an updated project schedule. She noted that the right-of-way acquisition costs have been refined, resulting in an increase of \$21,721.50; therefore, the current local cost has increased to \$2,005,472.25. Ms. Jacobson reviewed Mr. Lorig's written status report, in which he indicated that all four parcel appraisals have been completed and approved by INDOT. Offers will be made after the environmental document is approved. She reported that no public comments were received during the public notice period, so a formal public hearing is not needed. She said American Structurepoint is waiting on INDOT to approve the public involvement package. Once received, environmental documents can be sent to INDOT for final approval. If the City opts to hold an open format public information meeting, American Structurepoint can coordinate this meeting, which would likely be held mid-April or early May. The letting date is still

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scheduled for November 16, 2022. Additionally, an appraisal summary of the four parcels was included in the meeting packet. Ms. Jacobson noted that one parcel requires only temporary right-of-way. She said the total appraisal amount is \$195,450.00, and the City's local share is 27%, which is \$52,771.50. Ms. Houck pointed out that the appraisal summary notes that it is pending approval by the City Engineer and asked if Mr. Gralik has approved this. Ms. Jacobson said she has not been informed whether or not Mr. Gralik has approved, but he is to respond to American Structurepoint with his approval.

The next item of business was the **Letter of Engagement – Eichhorn & Eichhorn, LLP**. Attorney McCarthy indicated that Attorney DeBonis has served as primary counsel to the RDC over the last couple of years despite the fact that he is semi-retired. She noted that several attorneys have assisted on various RDC projects over the last year, which has allowed for the transition of new legal representation for the RDC. She said she has discussed this transition with Attorney DeBonis, and he has indicated that he will continue to make himself available to assist with any projects that require institutional knowledge. Attorney McCarthy thanked Attorney DeBonis and said she is grateful that he has agreed to continue to provide legal assistance when necessary. Ms. Houck stated that having served on the RDC with Attorney DeBonis for many years, she is grateful for his invaluable input, which has contributed to the Commission's success. Attorney DeBonis reiterated that he will remain available if there is a need for his assistance. He said he appreciates having had the opportunity to serve the City and the RDC for so many years and he has enjoyed doing so. He indicated that since 1993, he has served the Hobart RDC in various capacities, such as member, president, and attorney. He stated that the RDC has changed Hobart in very fundamental and wonderful ways, which the Commission should be proud of. Ms. Houck noted that Attorney DeBonis played an instrumental part in the positive changes made by the RDC. She said his service over the years is very much appreciated. Mayor Snedecor reflected on Attorney DeBonis' many years with the RDC. He indicated that even before he became City Attorney, Mr. DeBonis had an affinity for understanding what role the RDC could play in growing the community. He thanked Attorney DeBonis for the knowledge and leadership he brought to the City. Attorney DeBonis congratulated Attorney Cook and indicated that the City has chosen an excellent counsel to serve the RDC. Attorney McCarthy noted that Attorney DeBonis's wife Sheila has also had a remarkable impact on the RDC and the City. She said she hopes to do great things for the City, and wants everyone to be aware that Attorney DeBonis was her mentor. She stated that he had a tremendous impact on her career and how she practices law. She thanked both Attorney DeBonis and Sheila DeBonis for their influence on her career. Mr. Claussen stated that Attorney DeBonis' explanation of RDC matters at City Council meetings was very helpful to the Council in making informed decisions. He thanked Attorney DeBonis for everything he has done for the City.

Attorney McCarthy said she is sure there will be many projects moving forward that will require Attorney DeBonis' advisement. However, there was a need to identify legal counsel locally to represent the RDC. She stated that Attorney Cook's background includes serving as in-house counsel at Citizens Energy Group for over a decade. She explained that Citizens was legally the department of utilities for the City of Indianapolis. She said Attorney Cook is now an attorney with Eichhorn & Eichhorn. Attorney McCarthy stated that much of the work that she has been unable to manage as City Attorney has been accomplished by attorneys at Eichhorn & Eichhorn,

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and she has been pleased with their results. She noted that she likes to remain active on cases even when she is not lead counsel, and Eichhorn & Eichhorn’s attorneys have allowed that inclusion. She said another important factor that she considered in identifying counsel for the RDC was that whoever was chosen for the position should have ample resources available in terms of legal opinions and feedback. She indicated that Eichhorn & Eichhorn offers such resources since it has four offices located in Hammond, Indianapolis, Lafayette, and Mishawaka. Attorney McCarthy stated that Attorney Cook has primarily worked litigation at Eichhorn & Eichhorn. She said she believes he is a very well-rounded and experienced attorney. She noted Attorney Cook has worked on several projects for the City over the last year, in which he was successful in bringing the Cressmoor development agreement to a close. She stated that a lot of thought and energy went into identifying a topnotch attorney for the RDC. Attorney Cook stated that he is aware that he has big shoes to fill; however, he pledged to work hard on behalf of the RDC. He said he has begun reviewing past RDC resolutions to gain some background knowledge about the Commission. He indicated that in working with the utility company, he mostly dealt with underground construction; however, he is looking forward to helping the RDC build projects above ground. Ms. Houck welcomed Attorney Cook to the RDC. A motion was made by Ms. Broadway to approve the Letter of Engagement with Eichhorn & Eichhorn, LLP; seconded by Ms. Plesac. All ayes; motion carried. (5-0)

Regarding the **Date for Annual Meeting with Taxing Units**, Ms. Jacobson requested that this meeting be held in conjunction with the RDC’s regular meeting at 8:30 a.m. on June 20th. Ms. Houck noted that June 20th is the observed date for the federal Juneteenth holiday. Mr. Kelly asked if City Hall is closed for this holiday. Ms. Longer said City Hall will be open, but Lake County offices will be closed. Ms. Jacobson said staff will send an email to the Commission with some proposed dates for the annual meeting. Ms. Houck suggested rescheduling the RDC regular meeting for the same day to avoid having two separate meetings. Ms. Jacobson said “Save the Date” letters will be sent to the overlapping taxing units once a meeting date is set.

Ms. Jacobson reviewed the invoices on the **Register of Claims**. A motion was made by Mr. Claussen to approve the register of claims in the amount of \$360.00; seconded by Ms. Plesac. All ayes; motion carried. (5-0)

| <u>Invoice Date</u> | <u>Invoice Number</u> | <u>Claimant</u> | <u>Amount</u> |
|---------------------|-----------------------|-------------------------------|-----------------|
| 2/11/2022 | 2898 | Anthony DeBonis, Jr. & Assoc. | \$140.00 |
| 2/11/2022 | 2899 | Anthony DeBonis, Jr. & Assoc. | \$80.00 |
| 2/11/2022 | 2900 | Anthony DeBonis, Jr. & Assoc. | \$140.00 |
| Total: | | | \$360.00 |

Regarding the **Approval of 2020 Bond Register of Claims**, Requisition No. 30 includes a payment to Attorney DeBonis (Invoice 2901) in the amount of \$160.00 for legal services related to the Local Trax project, a payment to BF&S (Invoice 95394) in the amount of \$6,453.20 for inspection services related to the 69th Avenue project, another payment to BF&S (Invoice 95531) in the amount of \$28,554.00 for engineering related to the Colorado Street widening which ties into the Local Trax project, and two payments to INDOT (Invoices 69607, \$31,050.00; and

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70097, \$21,721.50) related to the Local Trax project. A motion was made by Ms. Plesac to approve Requisition No. 30 in the amount of \$87,938.70; seconded by Ms. Broadway. All ayes; motion carried. (5-0)

Staff Report – Ms. Jacobson reported that the RDC has received a final reimbursement payment from the Regional Development Authority (RDA) for the 69th Avenue improvement project in the amount \$410,379.78.

Ms. Jacobson reported that there were a couple of tree grates in downtown (one on Center Street & one on 3rd Street) that were broken this winter during the snow removal process. She said Brandon Towle of BF&S is assisting staff in the replacement process. She indicated that when the tree grates in front of City Hall were ordered in 2018, the cost for one 4-foot by 8-foot grate was \$1,101.00, and the lead time was 6-8 weeks. Due to the long lead time and high shipping costs, staff has discussed the possibility of ordering replacements for the broken grates as well as a couple of extra to have on hand in the event of future breakage. Ms. Jacobson said staff has requested an updated estimate and current lead times, but has not yet received this information. She said she would like to get the RDC's input and authorization regarding the replacement of these tree grates. Mr. Claussen asked how many pieces comprise one complete grate. Ms. Jacobson said that each 4-foot by 8-foot grate is divided into four separate sections. Ms. Hostetler stated since only the interior sections were broken, the RDC may consider ordering only these pieces instead of the complete four-piece set. Ms. Houck asked how many sections are broken. Ms. Jacobson said there are a total of three interior panels that are broken. Ms. Houck suggested only replacing the sections that are broken, but indicated that the RDC will entrust staff with making a decision. Ms. Jacobson stated that as per the RDC's purchasing policy (Resolution 2020-06), the spending limit for other engineering or professional services without prior approval of the RDC is \$4,000.00. Mr. Claussen made a motion to allow the Director of Development to order replacement tree grates in an amount not to exceed \$6,000.00; seconded by Ms. Plesac. All ayes; motion carried. (5-0)

Ms. Jacobson reported that Merrillville Conservancy District (MCD) Attorney Bill Touchette recently sent a letter addressed to Bob Fulton regarding various items related to the 69th Avenue sanitary sewer extension project and the 73rd Avenue sanitary sewer project. She stated that the letter was not included in the RDC meeting packet because the majority of its contents and exhibits were related to the 73rd Avenue project, which does not pertain to the RDC. However, the letter also includes a refund request of the remaining funds in the MCD escrow account in the amount of \$54,307.41. She noted that this amount does not take into account paving costs paid from MCD's escrow to Walsh & Kelly in the amount of \$48,634.83 as authorized in a letter from Attorney Touchette dated December 18, 2020. Ms. Jacobson stated that the amount remaining in escrow that can be refunded to MCD is \$5,672.58. A response letter has been sent to Attorney Touchette stating the actual remaining escrow amount and requesting confirmation that his records match this amount. She said she will update the Commission once there is a conclusion.

Ms. Hostetler reminded the Commission that the ribbon-cutting ceremony for the 69th Avenue project is scheduled for 10:30 a.m. on Friday, March 18th.

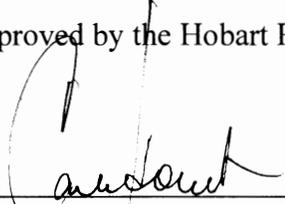
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Mayor Snedecor reported that Nothing Bundt Cakes located in Schererville will be opening a location at the former Helzberg Diamond building on US 30 in Hobart. Additionally, he said Chipotle is relocating to the former Don Pablo's property.

Adjournment - The meeting was adjourned at 9:22 a.m.

Minutes were prepared by Dawn Hostetler, Clerical Assistant to the Director of Development.

Minutes approved by the Hobart Redevelopment Commission on APRIL 18, 2022.



Carla Houck, President



Attest: Marsha Plesac, Secretary