



CEDAR LAKE REDEVELOPMENT COMMISSION PUBLIC MEETING

April 19, 2021, at 6:00 pm

Nathan Vis, President Liaison

Eric Burnham, Vice President

Doug Spencer, Secretary

Jolie Covaciu, Member

Randy Niemeyer, Member

Tracy Haskell, Hanover School District Liaison

Margaret Abernathy, Administrative Assistant to the Town Manager

Brian Smith, Crown Point School District

Robert Carnahan, Town Council Liaison

Rick Eberly, Town Manager

Ryan Deutmeyer, Town Attorney

Jennifer Sandberg, Clerk-Treasurer

Teri Knowles, Recording Secretary

CALL TO ORDER:

Nathan Vis called the regular meeting to order at 6:12 pm., on Monday, April 19, 2021, with its members attending on-site and led all in the Pledge of Allegiance.

ROLL CALL:

Members Present: Nathan Vis, Eric Burnham, Doug Spencer, Jolie Covaciu, Randy Niemeyer. A quorum attained.

Also present: Tracy Haskell, Robert Carnahan, Rick Eberly, Ryan Deutmeyer, Jennifer Sandberg, and Teri Knowles.

Guest present: Margaret Abernathy, Administrative Assistant to the Town Manager.

Absent: Brian Smith, Crown Point School District Liaison

PRESENTATION OF “EXPLORE EVERYDAY COMMUNITY RECOGNITION” AWARDS

Mr. Vis explained the history and purpose of the “Explore Everyday Community Recognition” program and invited Lynn Clements of TJT Tire Services to come forward to say a few words.

Lynn Clements, Owner of TJT Tire Services, stated that her grandfather started the business in 1967; her uncle took it over when her grandfather passed away; and she took it over in 2016. Lynn has six (6) employees, one of whom is her son who will become the fourth-generation owner in the future. Ms. Clements indicated with the Town booming, the business is doing well, and she is looking forward to the expansion.

Mr. Vis congratulated Lynn Clements for the excellent service and presented her with the award letter and certificate.

CONSENT AGENDA:

Mr. Vis advised the next item on the agenda is the Consent Agenda for the March 15, 2021, Regular Meeting Minutes and Work Session Minutes and the monthly claims (Fund No. 404: \$0 and Fund No. 804: \$15,488.92) and entertained any discussion or motions for the same.

Mr. Spencer asked what certain claim line items were paying. Ms. Sandberg responded that they are payments for attorney and engineering fees.

Noting the line item for the Façade Grant Disbursement to the Sportsman's Den, the Commissioners gave accolades to that business for the façade improvements that resemble a step back in time. They also commented that it is a great place to take your children.

Mr. Burnham made a motion to approve the consent agenda; Ms. Covaciu seconded the motion. Motion carried unanimously by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Aye
Doug Spencer	Aye
Nathan Vis	Aye

NEW BUSINESS:

A. Explore Everyday Community Recognition Nomination:

Mr. Vis advised that the next item on the agenda is to nominate a recipient for the "Explore Everyday Community Recognition" award and directed the Commissioners' attention to the nomination in their meeting packets.

Mr. Niemeyer made a motion to nominate "Nagy Automotive"; Mr. Spencer seconded the motion. Motion carried unanimously by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Aye
Doug Spencer	Aye
Nathan Vis	Aye

B. Façade Grant 2021 Applicants:

1. #21-6 Midway, LLC 13050 Wicker Avenue – Petitioner, Eric Lindemulder

Mr. Vis asked Mr. Eric Lindemulder to come to the podium and present to the Commission. Mr. Vis then passed the gavel to Mr. Burnham due to a business relationship he has with Mr. Lindemulder.

Mr. Lindemulder passed out an informational document that provided a more detailed breakdown of the costs associated with the façade improvements and notated the drawings that he had submitted. He commented that there would be added expenses that he did not include that would need to be completed, as some demo costs, painting or removing the fence, caulking, and debris removal.

When asked if replacement quotes were provided, Mr. Lindemulder responded that he called all of the companies and that they would have done the quotes the exact same. He commented that he added another window to the project. Mr. Lindemulder stated that getting exact quotes for a remodel is difficult since some costs are unknown until you get into the project demo.

Mr. Eberly advised that \$10,000 was approved at the last meeting with a contingency to award up to an additional \$10,000 should the Petitioner provide more details for the project estimates.

Mr. Niemeyer asked how we ensure accountability for all grant applications if we don't have definite materials and time. Mr. Vis responded that he has requested that the building permits be checked to ensure the project cost listed on the permit matches what is being listed as the project cost on the application to have that check and balance in place.

Discussion ensued about the percentages and awards wherein it was decided to use a not-to-exceed amount going forward based on a percentage of the receipts submitted.

Ms. Covaciu made a motion to award a total Façade Grant of 20% of the receipts based on the cost estimate of \$104,043 with the total payout amount not to exceed \$20,808.60; Mr. Spencer seconded the motion. Motion carried 3 Ayes to 1 Nay and 1 abstention by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Nay
Doug Spencer	Aye
Nathan Vis	Abstain

Mr. Burnham passed the gavel back to Mr. Vis.

2. #21-7 Cofhen, Inc, 13301 Lincoln Plaza – Petitioners, Richard Henn / John Henn

Mr. Vis advised that the next item on the agenda is a Façade Grant request by Cofhen, Inc, for the property located at 13301 Lincoln Plaza. The petitioners are Richard Henn and John Henn.

Mr. Richard Henn, 13733 Wicker Avenue, stated that he is requesting a Facade Grant to cover work that had been done, including repair or removal and replacement of a portion of the sidewalk, window, doors, stonework, and roofing. He provided before and after pictures to the Commissioners to see the work that had been completed. Mr. Henn noted that the total project cost was approximately \$60,000. He further noted that the property now has city water.

Mr. Henn commented that the interior work is not fully satisfied but should be within the next two (2) weeks. Mr. Henn noted that they have received a purchase offer on the building.

Mr. Niemeyer specified that he is always pleased and impressed with the proposals and plans that the petitioners submit. Mr. Niemeyer stated that there is an issue because this is an after-the-fact request and Façade Grant requests should be done before the project commences, not after it is completed.

Mr. Eberly stated the Façade Grant program anticipates that the requests are to be made before the work is done and that it is written in the grant documentation.

Mr. Niemeyer made a motion to deny the Façade Grant request; Mr. Spencer seconded the motion. Motion carried unanimously by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Aye
Doug Spencer	Aye
Nathan Vis	Aye.

C. Façade Grant Extension Request:

#20-10 Ian Hoffman, DDS, 13136 Lake Shore Drive – Petitioners, Ian Hoffman / Michael Vaidik

Mr. Vis advised that the next item on the agenda is a Façade Grant extension request by Ian Hoffman for the property located at 13136 Lake Short Drive.

Mr. Michael Vaidik, Castle Construction, stated that he is present (via Zoom) to represent Ian Hoffman, requesting a Façade Grant extension. Mr. Vaidik stated that back on August 18, 2020, the project was approved for \$10,120 for Façade Grant improvements. He explained that some permit delays were caused by a stop work order to the project due to a miscommunication between Ian Hoffman and Tim Kubiak, Director of Operations. The Petitioner is requesting an extension for the project to be completed.

Mr. Vis requested to know what the start date would be. Mr. Vaidik responded that they were still working on getting the interior rough work of framing, electrical, and HVAC completed and inspected with a green tag before starting with the façade improvement work, Mr. Kubiak is requiring to be completed all at once for inspection. They are hoping to have it finished within 30 days to start the façade project.

Mr. Niemeyer asked what the permitting issues were. Mr. Vaidik responded that while they were doing the demo work, Mr. Kubiak issued a stop work order. Hoffman misunderstood and proceeded to have furniture brought in and was going too fast.

Mr. Niemeyer advised them to come and talk to the staff in the Building Department and get guidance on things that need to be clarified and to be prepared when they come before the Commission again.

Mr. Niemeyer made a motion to deny the Façade Grant extension made; Mr. Spencer seconded the motion. Motion carried unanimously by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Aye
Doug Spencer	Aye
Nathan Vis	Aye

Mr. Vis advised that the coffers for 2021 are running low and encouraged him to come back hastily if they hope to get it done this year.

D. Fire Department Building Improvements:

Mr. Vis advised the next item on the agenda is Fire Department Building Improvements and asked Fire Chief Todd Wilkening to come forward to the podium.

Chief Wilkening noted that he was here tonight for another reason and not present on behalf of this agenda item.

Mr. Eberly advised that he brought this project to Mr. Vis' attention and asked for an opportunity to discuss this with the Commission. He further advised that Chief Wilkening has been working very hard to get interior improvements done. Mr. Eberly noted that Dick Henn from Henn and Sons offered to do the project for amount of \$140,000, and further noted that Tim Kubiak was surprised that Henn and Sons would do it for that price because Mr. Kubiak feels it is at least \$250,000 worth of work.

Mr. Eberly advised that Chief Wilkening has \$100,000 committed to the project from the Town Council. He further advised that Chief Wilkening was looking at ways to lower the cost by possibly removing the cabinets from the list and maybe bringing it down to \$133,000. Mr. Eberly stated that he thought, perhaps, that the RDC Commission might be able to help with the extra funds needed to reach \$140,000.

Mr. Vis asked Chief Wilkening to explain what is being done and why it needs to be done in order to help encourage the Commission to make their decision.

Chief Wilkening explained that the Fire Station was built in 1943, that it has had four (4) or five (5) additions since then, and that electrical upgrades need to be done. He further explained that the building is not ADA compliant anymore. There are females working and using the living quarters, and they do not have separate quarters, which is required. They are outgrowing the space and want to convert the upstairs meeting hall into bunk rooms with separation for the women. He explained that the current showers are only downstairs and in need of upgrades, the kitchen needs to be updated, painting and flooring that needs to be replaced or updated, and a washer and dryer is needed upstairs for contaminated clothing. Chief Wilkening noted that the facility truly needs about \$300,000 worth of upgrades. There are also lighting issues and outside gutter work in great need of upgrades. The facility needs to be made more habitable for the people that are living per shift.

Mr. Niemeyer stated that the Council talked about this for a lengthy time during last year's budget season and budgeted \$100,000, which is a drop in the bucket for what is needed. He stated that it needs several million dollars invested into it to do all that is truly needed to meet specific standards. Mr. Niemeyer stated that this is a necessary upgrade and that he is in full support of moving forward with this project as long as the RDC has the funds and can use them for that project.

Mr. Niemeyer asked if the TIF funds can be utilized for the Fire Station investment. Mr. Eberly stated that he does not see why they can't and deferred to Attorney Austgen. Attorney Austgen advised that they can be used.

Mr. Vis stated that it is the job of the RDC to incentivize growth within the community, which creates the need for more EMS and Fire, whether that be manpower-womanpower personnel or equipment needed with this. The Fire Department needs to grow arm-in-arm with the community's growth. Mr. Vis stated that it fits within the Commissions parameters and that he highly encourages the Commission to support the Fire Department with their needs.

Mr. Vis clarified that this would come out of the RDC's TIF Funds and not the Façade Grant budget. He asked Ms. Sandberg if there were ample funds. Ms. Sandberg responded in the affirmative.

Mr. Niemeyer made a motion to approve the additional funding for the Fire Department upgrades in an amount not to exceed \$40,000; Mr. Burnham seconded the motion. Motion carried unanimously by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Aye
Doug Spencer	Aye
Nathan Vis	Aye

E. Summer Winds Commercial Agreement

Nathan Vis advised the next item on the agenda is Summer Winds Commercial Agreement. He called Brad Lambert to the podium and thanked him for the wonderful things in that area and that he is happy with those investments. Mr. Vis stated that Mr. Lambert came to the RDC to request funds to assist with the development. Mr. Vis read the motion regarding said development from the meeting minutes of May 20, 2019;

"A motion was made by Randy Niemeyer and seconded by Doug Spencer is an investment of \$270,000 over the course of 7 years; distribution agreed upon between the parties; and internal distribution of funds based upon what funds they come out of; and RDC to approach Utility Board for a prorated contribution towards their investment."

Mr. Vis stated that we didn't hear anything after that, and then Mr. Lambert came back today with the completion of the project to effectuate the motion that was made and approved back on May 20, 2019. Mr. Lambert concurred.

Mr. Vis asked Mr. Lambert to share what has been done with the project.

Mr. Brad Lambert stated that DVG just completed the "As-builts" for all the major infrastructure, which a portion was submitted to Commission back before seeking TIF funds for the public infrastructure that was part of the Summer Winds Plaza development, which included the paving the east-west roadway connection and the replacement of the water main that ran both north-south and east-west on the north portion of the perimeter property and the east portion of the property. Mr. Lambert noted that it was all submitted as a package of the request for TIF funds to be associated with those public infrastructure improvements.

Mr. Lambert stated that at that time there was a process in place to approve requests like this. Mr. Niemeyer advised that Veridus Group put together a development matrix.

Mr. Lambert noted that the matrix was assessed at the May 20, 2019, meeting and it was decided by the Commission that approximately fifty percent (50%) was the number that came out of improvements that would qualify for the reimbursement. Mr. Lambert advised that the "As-builts" will be submitted to the Plan Commission on Wednesday, April 21, 2021, showing the actual infrastructure has been completed, and they will be requesting a conversion of the Performance Bond to a Maintenance Bond, which triggered the event for him to be here tonight to address the conclusion of what is the next step in the process for distribution of those TIF funds.

Mr. Vis asked for the pleasure of the Commission. He added that, looking back at the minutes of 2019, we were anticipating \$82,000 for earthwork, \$187,000 underground storm sewer and water. The intention that's indicated in the minutes, and that we continue to set, is that our contributions will go towards infrastructure developments.

Mr. Niemeyer complimented Mr. Lambert stating that what he did there is great and asked if he has tenants for all the units. Mr. Lambert responded that they are in very good shape.

Mr. Niemeyer commented that he has some great tenants and that the improvements are appreciated; however, when economic development agreements are contemplated, they are contemplated prior to projects. When there are plans made, like what the Commission did with you, the Town has a "seat at the table" through the development of the project so that the improvements that are being made the that Town's investing in are meeting the standards of a public improvement. The Town was not given that opportunity with this project because you moved forward, and now you're coming back for the reimbursement. This is an after-the-fact request now instead of this being done throughout the process. We didn't have any sort of visual on it other than our inspectors.

Mr. Niemeyer further commented that an economic development agreement (EDA) was never agreed to, there was something approved, but there was never an EDA signed by you and by us that we would do these certain things to ensure that the public interest is being served through that EDA. Mr. Niemeyer added that this would open up the door to other developers to say, "Well, we made all these public improvements, so pay us back." An EDA creates a partnership which means you are partners throughout the whole process.

Mr. Lambert asked at what point would he be informed that, that was part of the process. Mr. Niemeyer responded that after it was approved, Mr. Lambert never contacted us, said when you were going to start the project, nothing was communicated to the Commission.

Mr. Lambert asked what his indication would have been that there was an additional step in the process after the approval was made at that meeting. Mr. Niemeyer responded that there was nothing ever signed by both parties, there was no EDA signed. Mr. Lambert stated that no one ever indicated that he needed to have an economic development agreement. Mr. Niemeyer responded that they brought up an EDA several times in several meetings.

Mr. Lambert asked where that is at in the minutes. Mr. Niemeyer responded it might not be in those minutes, but they had talked with him several times about an EDA. The reason the Town even developed a development matrix was for you. The RDC didn't know if you accepted our offer or declined it because you never said you accepted it or declined it. There was not acceptance in writing. Mr. Lambert responded that there was never anything presented to him to accept or decline an offer. Mr. Niemeyer responded what Mr. Lambert's attorney said was that it wasn't good enough, that you wanted more.

Mr. Lambert stated that they suggested other possible considerations. Mr. Niemeyer countered that it was never presented that there was an acceptance of the \$270,000 but that they would like more; there was never anything submitted that said this was a good agreement.

Mr. Lambert asked what a "seat at the table" means. Mr. Niemeyer explained that it is tangible exchanges of value, oversight, and accountability for the taxpayers' money. We are held accountable when we spend the taxpayers' money, so the Town's seat at the table is making sure that the money is being spent on what it is intended to be spent on.

Mr. Lambert commented that the entire plaza project went through the Building Department. Mr. Niemeyer stated that this is an entirely different and separate board. Mr. Lambert asked if he was supposed to call this board to do inspections. Mr. Niemeyer responded in the negative, and added that there was to be something in place that created accountability for taxpayer money. The offer was never accepted or declined; the RDC did not hear from you anymore.

Mr. Vis asked Attorney Austgen if he would be comfortable with weighing in this evening as to the viability of the motion that was made and approved in 2019, or would he suggest some time to assess and then advise this Commission. Attorney Austgen responded that he would like the time to assess and then advise.

Attorney Austgen stated that he had discussed it with Attorney Jim Weiser and then never heard from him again. There was discussion of an agreement, but there never was any document or agreement. Attorney Austgen stated that he will go through his file. Mr. Vis asked him if he needed 30 days. Attorney Austgen responded in the affirmative.

Mr. Vis entertained a motion to defer.

Ms. Covaciu made a motion to defer; Mr. Spencer seconded the motion. Motion carried 4 Ayes to 1 Nay by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Nay
Doug Spencer	Aye
Nathan Vis	Aye

Mr. Vis asked Mr. Lambert if he would prefer that the RDC have dialog with him or if he still had his attorney. Mr. Lambert responded that they should work directly with him unless he decides otherwise.

Mr. Lambert asked if there is anything specific that he needs to do in the next 30 days to make sure that this doesn't fall off table, and he was informed that this is an agenda item in 30 days.

F. Façade Grant Document Revisions

Mr. Vis thanked Rick Eberly, and Attorney Dave Austgen and staff for reviewing the Façade Improvement Program. We had some scrivener errors that needed to be updated; those changes have been made and sent out. Mr. Vis asked if there are any questions on the proposed of the changes that are before us this evening. Mr. Vis highlighted the changes on a summary report.

Attached is a copy of the "Façade Improvement Program – Update Summary".

Attorney Austgen asked Mr. Eberly if the parameters of the percentage that was discussed earlier is covered adequately. Mr. Eberly replied that he doesn't believe it was ever in the original document. In this document, the maximum of \$25,000 per project and \$30,000 maximum over a five (5) year period is covered, but the 20% has just been part the approval process.

Mr. Niemeyer stated that it is part of the motion, which is a meeting procedure and not a written policy. Brief discussion ensued wherein the Members agreed that the motions for façade grants should include a specific percentage and not-to-exceed amount. The Members also agreed that a highly detailed project packet that has been presented to the RDC with very detailed, clear, concise estimates, drawings, and information, and have the names redacted to be used as an example to give to those applicants for a better understanding of what they need to do.

Discussion ensued regarding the map of the TIF Districts wherein it was asked If changes can be made to the TIF Districts. Attorney Austgen responded in the affirmative and explained process to change TIF Districts. He added that they may present an expansion of the TIF Districts with the applications for new annexations the Town has received, and there may be more as well as the consolidation of the SVT TIF District back into the main TIF District.

Mr. Burnham made a motion to approve the revisions; Mr. Niemeyer seconded the motion. Motion carried unanimously by roll-call vote:

Jolie Covaciu	Aye
Eric Burnham	Aye
Randy Niemeyer	Aye
Doug Spencer	Aye
Nathan Vis	Aye

PROJECT UPDATES:

Clerk-Treasurer's Funds Report: Ms. Sandberg advised that she sent out the RDC accounting reports that morning and that there is not much to report until they discuss the sustainability and future the Commission wants to go in to fine tune the report. She reported that the TIF cash balance is very healthy; however, there are many potential upcoming projects.

Mr. Niemeyer stated that tomorrow night at the Town Council meeting he will state his intentions once we receive the sustainability report. He is going to present ideas for a project agenda based upon the sustainability report. It is fairly aggressive, big picture, big vision, lots of opportunities that the Town has now that will sustain this it for the next 50 years. The ideas were vetted with the financial consultants, and they agree we have the capability to do the things that will be presented. The sustainability report will be rolled out, and is the best tool this Town has ever had.

Hood – LUST Damages: Attorney Austgen explained that he is waiting on Indiana Department of Environmental Management, IDEM, to finish its testing. Once it gets past that, we will commence with negotiations.

Industrial park Property Roadway: None

Façade Grants Updates: Mr. Vis reported the overview report of the Façade Grants awarded in 2019, 2020, and 2021 shows that we have approximately \$20,000 left to award in 2021. Mr. Vis asked the Members to keep that in mind going forward.

Lincoln Plaza Signage: Mr. Eberly reported that he reached out to Jack Adams and has not had a return call yet. He added that went out to the site and believes that a full mounted sign that can benefit the entire plaza. He needs to know who reach out to in order to find out what businesses should be on the sign. Mr. Niemeyer advised that Lincoln Plaza itself is the buildings on the east and west side of Broadway and Strack and Van Til and True Value.

Marketing of Explore Everyday Recipients: Mr. Niemeyer stated that there is no update and requested the item to be removed from the agenda. Mr. Vis instructed that this agenda item be removed going forward.

Light Pole/Banners: Mr. Eberly provided some information and stated that most of the brackets have been broken or taken off of the poles. They are looking at independent hardware that can be used to put the banners up, which is adjustable and will give the advantage of selecting the banner size ranging from as small as 18"x24" to 24"x36". The pricing is dependent upon the material used and the size of the banner. There are 120 decorative light poles in town with 30 in the intersection of 133rd Avenue and Morse Street and going east to Faith Church, 3 in front of the parking at Bartlett-Wahlberg Park, 20 in the vicinity of the Cline Avenue roundabout, and another 65 between Parrish Avenue and Route 41 on 133rd Avenue by the high school. Tim Kubiak found the bracket hardware for \$29.99 per unit. Mr. Eberly advised that 120 banners 18"x24" that weigh 13 ounces would be \$6,324. Mr. Eberly stated that he would recommend the 18" x 24" banners because the decorative poles are small. The smaller surface area will result in less damage to the banners and less stress on the poles. They should still be readable at that size. The banners that were on them were 24"x48". Mr. Eberly stated that the banner prices are all listed for them to choose which size they would like. The Sunbrella fabric is a bit more, but it is a more heavy-duty product.

When asked what was going to be on the banners, Mr. Eberly responded that it is to honor and thank our veterans for their service.

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Ms. Covaciu stated that the banners potentially could be of use not only for seasons but for businesses or special events if the cost is reasonable.

Mr. Vis asked Mr. Eberly how many times within the year it is feasible to change out the banners. Mr. Eberly responded that once a year is doable and that he would have to check with Mr. Kubiak if additional change outs would be feasible. Putting them up the first time will be the most time and labor consuming; changing them after that should be easy.

WRITTEN COMMUNICATIONS: None was had.

PUBLIC COMMENT: None was had.

ADJOURNMENT: 7:45 pm

Next Meeting: May 17, 2021 at 6:00 pm

TOWN OF CEDAR LAKE REDEVELOPMENT COMMISSION

Nathan D. Vis, President

Eric Burnham, Vice-President

Doug Spencer, Secretary

Jolie Covaciu, Member

Randell C. Niemeyer, Member

ATTEST:

Margaret R. Abernathy, Recording Secretary

The Minutes of the Cedar Lake Redevelopment Commission Public Meeting are transcribed pursuant to IC 5-14-1 5-4(b), which states:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.*
- (2) The members of the governing body are recorded as either present or absent.*
- (3) The general substance of all matters proposed, discussed, or decided.*
- (4) A record of all votes taken, by individual members if there is a roll call.*
- (5) Any additional information required under IC 5-1.5-2-2.5.*

Cedar Lake Redevelopment Commission: Minutes of April 19, 2021

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Town Hall at (219) 374-7400.