

GOSHEN REDEVELOPMENT COMMISSION

Minutes for the Regular Meeting of October 8, 2019

The Goshen Redevelopment Commission met in a regular meeting on October 8, 2019 at 3:00 p.m. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana.

CALL TO ORDER/ROLL CALL

The meeting was called to order by President Thomas Stump. On call of the roll, the members of the Goshen Redevelopment Commission were shown to be present or absent as follows:

Present: Brian Garber, Andrea Johnson, Thomas Stump, and Bradd Weddell
Absent: Vince Turner

APPROVAL OF MINUTES

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to approve the minutes of the September 10, 2019 regular meeting. The motion was adopted unanimously.

OPEN PROPOSALS - 621 ½ South Third Street

(1:11) President Thomas Stump opened the proposal. Received from Emily Moore, 619 3rd Street. Full price offer of \$36,000.

NEW BUSINESS

Resolution 53-2019 – Ratify Execution of Agreement for the Vacation of 622 East Lincoln Avenue

(2:21) Larry Barkes, City Attorney, stated that this is for payment to the tenants for relocation expenses. This property is being acquired as part of the Lincoln Avenue project.

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to approve Resolution 53-2019. The motion was adopted unanimously.

Resolution 58-2019 – Ratify Execution of Agreement for the Sale and Purchase of Real Estate at 710 East Lincoln Avenue

(4:14) Larry Barkes, City Attorney, stated that this is also being acquired as part of the Lincoln Avenue project. The owner has accepted the proposal. No tenant relocation.

A motion was made by Commissioner Garber and seconded by Commissioner Johnson to approve Resolution 58-2019. The motion was adopted unanimously.

Resolution 59-2019 – Approval of a Proposal for the Purchase of 401, 405, 409 & 411 South Third Street and 204 West Madison Street

(5:50) Larry Barkes, City Attorney, stated that when the proposal was opened it was thought to be a full price offer and after review it was determined it was not. If the Commission determines it to be a full price offer then it can be accepted at this meeting and if it is determined not to be a full price offer, the offer can be modified and additional proposals will be accepted for 30 days. The 30 days will be before the next meeting.

(7:13) Commissioner Stump commented on the letter send by the Legal Department to Mr. Scharf and asked Mr. Scharf if he received it. Stated that Mr. Scharf has right to rework proposal and we also have the right to accept proposals for the next 30 days.

(7:54) Larry Barkes, City Attorney, commented that the proposal can stay the same and Mr. Scharf is under no obligation to change it.

(8:03) Commissioner Stump commented that the resolution is written both ways, either it is or is not a full price offer and commented that it is our legal counsel opinion that it is not a full price offer.

(8:47) Adam Scharf, Rethinking Buildings Goshen, spoke on what is a full price offer. This is not a full cash upfront offer and we did convey it as such. Thought we were submitting a full price offer consistent with purchase price, post negotiation, final contract for developers in the immediate vicinity and the immediate recent past and if that is not the definition of purchase price and there is statutory control up front and full purchase price has to be 100% in cash up front and do not represent it at such. Final development agreements have been not totally dissimilar to the kind of this things proposed up front.

(10:19) Larry Barkes, City Attorney, clarified that if you were to make exact same proposal after the additional 30 days , this commission could accept it. Which has been done in the past.

(10:54) Adam Scharf, commented about what is purchase price and some of the context here were it gets delayed there are leases, some later transfers and that has been typical of similar projects in the past.

(11:27) Larry Barkes, City Attorney, commented that Mr. Scharf has the option to make modifications so not at a disadvantage because his proposal has already been seen.

(11:43) Adam Scharf, commented that if we had not believed we were not making a full price offer, we would not put our development plans out there for potential competitor to get a look at. One item in the wording of the resolution, the second whereas statement, as proposed to you it says that Rethinking Buildings is to receive immediate possession of the homes in order to renovate and bring structures up to city code and to make clear that part of what we believe our proposal is bringing is value and it is not without risks, without capital up front and transfer of title would be contingent upon our investment and successful completion of the project not simply just immediate possession. Just to make it clear that the transfer of title is not the same thing as immediate possession.

(13:00) Larry Barkes disagreed with Adams comment and if what he is suggesting that we immediate transfer title, it is not immediate possession without specific language to the contrary. Now you can transfer title and withhold possession there is no reason you can't do that. Don't recall that in the proposal. Not impossible to do.

(14:07) Lynn Garber, Preserve Goshen, asked if the commission would look more favorable at the proposal if there was earnest money provided?

(14:46) Larry Barkes, City Attorney, answered no and stated the reason was because the proposal never guarantees the full amount of \$237,000 and explain what was required per statue.

(15:25) Commissioner Stump stated that the question is, is this or is this not a full price offer and our council has written a letter that in their opinion it is not a full price offer. We are not rejecting the proposal just that we are not going to act on for another 30 days.

(15:60) Commissioner Garber Brain stated that it is not a full price offer

(16:10) Commissioner Johnson stated it did not meet definition of full price offer

(16:32) Larry Barkes, City Attorney, commented to make sure everybody is clear, Adam has no obligation to resubmit it and the same proposal can move forward even if not resubmitted.

(16:48) Adam Scharf asked if he had the option to rescind it and Larry Barkes answered yes.

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to amend the resolution to insert the word IS NOT where there is a choice given and seconded by Commissioner Garber.

A motion was made by Commissioner Garber and seconded by Commissioner Johnson to approve Resolution 59-2019 as amended. The motion was adopted unanimously.

Resolution 60-2019 – Approve Agreement and Authorize Acquisition of Real Estate at 921 East Lincoln Avenue

(18:51) Commissioner Stump stated that this resolution is being tabled since there are not enough people to vote on it since Commissioner Garber has abstained because it affects him.

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to table Resolution 60-2019.

Resolution 61-2019 – Approve Request to Execute an Agreement with TecServ Environmental, Inc. for Asbestos Assessment for Eight (8) Structures on East Lincoln Avenue

(19:36) Becky Hutsell, Redevelopment Project Manager, requested permission to enter into an agreement with TecServ Environmental for asbestos assessment for 8 properties that are being acquired for the road widening project. Federal regulations require that any time you demo 4 or more homes as part of a project you have to complete asbestos assessment and provide documentation to the state prior to demolition accruing. Cost for lump sum items is \$5100 with an allowance for up to 15 point counting samples. The contract not to exceed price is \$7125.00. Begin the assessments the week of October 21 with the final report due to the city by November 6, 2019.

21:25 Commissioner Stump stated that Commissioner Garber owns one of the home that will be assessed and Larry Barkes commented that he is effected like everyone else and is ok for Commissioner Garber to vote on it.

A motion was made by Commissioner Garber and seconded by Commissioner Johnson to approve Resolution 61-2019. The motion was adopted unanimously.

Resolution 62-2019 – Approve Execution of Change Order No. 2 with Rieth Riley Construction for Kercher Road Reconstruction Phase 2

(22:55) Leslie Biek, Traffic Engineer, explained that Change Order No. 2 is for Phase 2 from Dierdorff to US 33 for time extension due to Comcast delay of 18 days. This is no cost change order. Changes the completion date of Phase 2 of Phase 2 from September 27 to October 15.

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to approve Resolution 62-2019. The motion was adopted unanimously.

Resolution 63-2019 – Approve Execution of Change Order No. 1 with Niblock Excavating for Main Street Streetscapes

(24:04) Leslie Biek, Traffic Engineer, stated that Niblock has requested the time extension for the concrete work, which includes sidewalk, curb and curb ramps, which has a deadline of October 15th. Niblock stated they did not have concrete crews available. Typically the unavailability of crews is not a reason for time extension but they have guaranteed to start work the week of October 14th with a completion date of November 1st. If the concrete work is not completed by November 1st, liquidated damages revert to the October 15th date.

(25:46) Dustin Sailor, Director of Public Works, commented that this project is being funded by the Redevelopment Commission and Civil City and the Board of Works has approved the time extension.

A motion was made by Commissioner Garber and seconded by Commissioner Johnson to approve Resolution 63-2019. The motion was adopted unanimously.

APPROVAL OF REGISTER OF CLAIMS

(26:25) Commissioner Stump stated there is an additional claim of \$460.00 for Stiver Lawn Care that was not on last month's register.

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to amend the September register of claim to add the \$460.00 claim for Stiver Lawn Care. The motion was adopted unanimously.

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to approve the register of claims for \$733,725.35. The motion was adopted unanimously.

MONTHLY REDEVELOPMENT STAFF REPORT

Community Development Director Mark Brinson commented that the 9th Street Multi-Use Trail project is about completed and will soon be off the list.

OPEN FORUM

(28:40) Everett Thomas, Goshen Theater Board of Directors and President of the Goshen Theater, thanked commission for their investment in the theater. Invited commission member to take tour of theater after the meeting.

(29:25) Adam Scharf, District 5 Representative, commented on significant and positive projects in his district and talked about the mazes at the railroad tracks and the concerns regarding them.

(32:30) Leslie Biek, Traffic Engineer, explained the mazes were installed as designed in preparation for the quiet zone. If there are unprotected crossings the Federal Railroad Administration will want to see improvements to improve safety for pedestrians and cyclists. The project is not closed and we can look at safety improvements and it would be outside of the contract.

(34:00) Commissioner Stump asked Ms. Biek is this would still qualify for the quiet zone and she replied that we would still do the quiet zone but have to see if other options or modify but the mazes are standard for railroad crossings at least in Indiana. Haven't considered any other options at this point.

(34:45) Dustin Sailor, Director of Public Works, commented that nothing can be done until the project is closed with INDOT and it becomes our project. Explained that if something other than mazes are done then would have to go back thru the point process and reevaluated for the quiet zone. Talked tiny arm crossings at Purl Street.

(36:38) Discussion about the quiet zone.

ANNOUNCEMENTS

It was announced that the next regular meeting is scheduled for November 12, 2019 at 3:00 p.m.

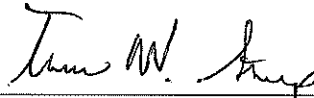
ADJOURNMENT

A motion was made by Commissioner Johnson and seconded by Commissioner Garber to adjourn the meeting.

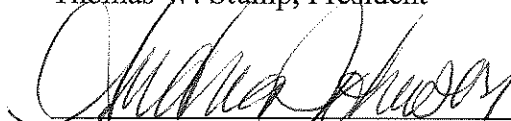
The regular meeting was adjourned at 3:40 p.m.

APPROVED on November 12, 2019.

GOSHEN REDEVELOPMENT COMMISSION



Thomas W. Stump, President



Andrea Johnson, Secretary