

MANISTEE CITY BROWNFIELD REDEVELOPMENT AUTHORITY

Meeting of July 30, 2013

2 pm - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Brownfield Redevelopment Authority can take action to approve the July 30, 2013 Agenda.

IV Approval of Minutes

At this time Brownfield Redevelopment Authority can take action to approve the June 4, 2013 meeting Minutes.

V Public Hearing

None Scheduled

VI Financial Reports

Approval of Invoices

At this time the Brownfield Redevelopment Authority can take action to approve invoices for payment

VII New Business

US EPA Grant Status

Staff will update the Brownfield Redevelopment Authority on the status of current projects.

Oath of Office/Section 6 Conflict of Interest

Annually the Brownfield Redevelopment Authority members will take an Oath of Office and agree to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

At this time the members of the Brownfield Redevelopment Authority will take their Oath of Office and agree to abide by Section 6 Conflict of Interest of the By-Laws of the City of Manistee Brownfield Redevelopment Authority.

Appointment of Director/Administrator

Jon Rose currently serves as the Director/Administrator for the City of Manistee Brownfield Redevelopment Authority. Mr. Rose will be retiring on July 31, 2013. The City has assigned Finance Director Ed Bradford to serve as the Staff Liaison to the Brownfield Redevelopment Authority.

At this time the Members could appoint Ed Bradford to serve as the Director/Administrator of the City of Manistee Brownfield Redevelopment Authority.

VIII Old Business

IX Public Comments and Communications

At this time the Chair will ask if there are any public comments.

X Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

XI Staff Reports

At this time the Chair will ask Staff for their report.

XII Members Discussion

At this time the Chair will ask members of the Brownfield Redevelopment Authority if they have any items they want to discuss.

XIII Adjournment

MANISTEE CITY BROWNFIELD REDEVELOPMENT AUTHORITY

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

June 4, 2013

A meeting of the Manistee City Brownfield Redevelopment Authority was held on Tuesday, June 4, 2013 at 2 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 2:00 pm by Chair Clinton McKinven-Copus

Roll Call:

Members Present: Steve Brower, Donald Kuk, Marlene McBride, Clinton McKinven-Copus, Michael Mackin, Jeffrey Stege

Members Absent: Dave Carlson (excused), Lynn Reinhardt, Vacancy

Others: T. Eftaxiadis (Consultant), Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

T. Eftaxiadis attended the meeting via Skype.

APPROVAL OF AGENDA

Motion by Don Kuk, seconded by Michael Mackin that the agenda be approved as prepared.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES

Motion by Michael Mackin, seconded by Don Kuk that the minutes of the March 5, 2013 Brownfield Redevelopment Authority Meeting be approved as prepared.

Ms. Blakeslee verified that the last meeting that minutes were taken at was August 7, 2013, there was no quorum at the December 4, 2012 meeting and other scheduled meetings have been cancelled due to lack of quorum.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

None

FINANCIAL REPORTS

Steve Brower entered the meeting at 2:05 pm

NTH Rate Increase Request

On March 22, 2013 a request was received from NTH Consultants, LTD to increase the billing rate for Staff Professional labor category from \$62 to \$70.

MOTION by Michael Mackin, seconded by Don Kuk, that the Brownfield Redevelopment Authority approves the request from NTH Consultants, LTD to increase the billing rate for Staff Professional services from \$62 to \$70 for Scott Venman only.

Discussion included:

Member Kuk noted the proposed rate increase is 13% not 4%.

T. Eftaxiadis updated the BRA on changes that have been happening at NTH Consultants Ltd. (NTH). NTH has had reduction and changes in its Grand Rapids staff that have been providing environmental services to the BRA under the USEPA grants; NTH is now using staff from SE Michigan to cover the BRA's projects. Due to staffing limitations NTH has informed us that they are unable to continue performing Phase I ESAs for the EPA grants; Phase I ESAs have been performed at a lump sum basis. NTH will continue to provide Phase II ESA, BEA, Due Care Plan services on a time and material basis per its contract terms with the BRA.

Mr. Eftaxiadis recommends that the requested Staff Professional rate increase be approved only for the work performed by Mr. Scott Venman, currently a Staff Professional functioning at a higher level.

In 2008 the BRA contracted with EC&S of Traverse City for Phase I E.S.A.'s (lump sum rate). NTH was contracted at that time to perform Phase II ESAs as well as other environmental services (time and material basis); the contract also allowed for NTH to perform Phase I ESAs on a lump sum basis, at the BRA's discretion. EC&S ceased operations in 2010. Since the BRA's contract with NTH allowed the performance of Phase I ESAs, several Phase I ESAs were assigned to, and performed by NTH. NTH did a good job on the Phase I ESAs until recently when they informed us that they will can no longer efficiently provide this service.

Because the Grants run out at the end of September, and we only expect to need few more

Phase I ESAs, T. Eftaxiadis offered to perform the few remaining Phase I ESAs through Eftaxiadis Consulting Inc.

The members agreed to discuss how Phase I ESAs were to be addressed under New Business.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

Approval of Invoices

Members reviewed the summary of Invoices Submitted for Payment.

MOTION by Don Kuk, seconded by Marlene McBride to approve payment of invoices as follows:

Invoice Summary for BRA Meeting 6/4/13

VENDOR NAME	INVOICE DATE	INVOICE NUMBER	INVOICE AMOUNT	SERVICE DESCRIPTION
Environmental Data Resources Inc	02/27/13	3527753	\$325.00	EPA Grant - PETROLEUM; Phase I ESA Database; Tuscan Grill
Environmental Data Resources Inc	02/27/13	3527752	\$325.00	EPA Grant - PETROLEUM; Phase I ESA Database; MAPS Voc Center
Eftaxiadis Consulting Inc.	03/12/13	CMBRA-1302-H	\$2,465.00	EPA Grant - HAZARDOUS; technical project coordination and Brownfield redevelopment assistance; Hotel Chippewa, North Channel Outlet, 401 River St, Kennedy School; services for Jan-Feb '13
Eftaxiadis Consulting Inc.	03/12/13	CMBRA-1302-P	\$7,458.75	EPA Grant - PETROLEUM; technical project coordination and Brownfield redevelopment assistance; 166 Cleveland, Hokanson, MAPS Voc Center, Tuscan Grill, Veterans Memorial Park, Century Terrace; services for Jan-Feb '13
Fibertec Industrial Hygiene Services Inc.	03/04/13	13149	\$20.00	EPA Grant - PETROLEUM; Asbestos samples analysis; MAPS Voc Center
NTH Consultants Ltd	03/20/13	588520	\$2,178.73	EPA Grants HAZARDOUS & PETROLEUM; Phase II ESAs; Century Terrace and Seng's Marina
NTH Consultants Ltd	03/15/13	588424	\$3,700.00	EPA Grants HAZARDOUS & PETROLEUM; Phase I ESAs; Former Hotel Chippewa and Veterans Memorial Park
Eftaxiadis Consulting Inc.	03/26/13	CMBRA-1303-D	\$1,851.94	MDEQ Grant - 334 RIVER; technical project coordination and support; 334 River Street Project (close-out); services for Jan-Mar '13
Environmental Data Resources Inc	04/03/13	3561674	\$325.00	EPA Grant - PETROLEUM; Phase I ESA Database; 166 Cleveland
NTH Consultants Ltd	04/12/13	588828	\$1,850.00	EPA Grant - PETROLEUM; Phase I ESA; MAPS Voc Center
NTH Consultants Ltd	04/12/13	588829	\$5,980.38	EPA Grant - PETROLEUM; Phase II ESA (partial); MAPS Voc Center
NTH Consultants Ltd	04/12/13	588830	\$1,850.00	EPA Grant - PETROLEUM; Phase I ESA; Tuscan Grill site
NTH Consultants Ltd	04/12/13	588831	\$5,326.42	EPA Grant - PETROLEUM; Phase II ESA (partial); Tuscan Grill site
Eftaxiadis Consulting Inc.	04/03/13	CMBRA-1303	\$580.00	BRA Admin and Technical Support Services
Eftaxiadis Consulting Inc.	04/03/13	CMBRA-1303-H	\$637.50	EPA Grant - HAZARDOUS; technical program mgmt; services for Mar '13
Eftaxiadis Consulting Inc.	04/03/13	CMBRA-1303-P	\$3,102.50	EPA Grant - PETROLEUM; technical project coordination and Brownfield redevelopment assistance; 166 Cleveland, MAPS Voc Center, Tuscan Grill, Veterans Memorial Park, General Chemical, Rodway Inn; technical program mgmt; services for Mar '13
Environmental Data Resources Inc	05/01/13	3589111	\$325.00	EPA Grant - HAZARDOUS; Phase I ESA Database; 133 16th Street
TOTAL:			\$38,301.22	

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Phase I E.S.A.'s

The Authority needed to determine how Phase I ESAs were to be handled since EC&S is no longer in business and NTH is no longer able to perform them.

MOTION by Don Kuk, seconded by Michael Mackin

WHEREAS, EC&S is no longer able to provide Phase I ES.As, and

WHEREAS, NTH Consultants Ltd is no longer able to provide Phase I ESAs to the BRA's USEPA Grants, and

WHEREAS, there are four months remaining in the USEPA Grants, and

WHEREAS, the single Phase I ESA. rate from EC&S was \$2,400, and

WHEREAS, the single Phase I ESA. rate from NTH was \$2,100, and

WEHREAS, there is not sufficient time to advertise and procure a new vendor to provide Phase I ESAs, therefore, be it

RESOLVED that the City of Manistee Brownfield Redevelopment Authority authorizes T. Eftaxiadis, of Eftaxiadis Consulting Inc. to complete remaining Phase I ESAs for a lump sum rate of \$2,000 each, be it further

RESOLVED that Eftaxiadis Consulting Inc. will finish Phase I ESAs for 166 Cleveland Street and 133 16th Street plus up to four additional Phase I ESAs for a total of six by the end of the USEPA Grants period.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

US EPA Grant Status

T. Eftaxiadis prepared a Status Memo for the Members of the Brownfield Redevelopment Authority which updated them on the status of current projects. The memo read as follows:

1. USEPA Grants.
 - a. Our request to amend the grant budgets has been approved by USEPA. Unused funds in the Personnel, Supplies, Travel and Other budgeted categories were shifted to the Contractual budget category. The original and amended budget categories for each Grant are shown below.

BUDGET TASK	ORIGINAL BUDGET	NEW BUDGET
PERSONNEL	\$36,000.00	\$10,000.00
FRINGE BENEFITS	\$0.00	\$0.00
TRAVEL	\$7,000.00	\$3,000.00
EQUIPMENT	\$4,000.00	\$0.00
SUPPLIES	\$12,000.00	\$10,000.00
CONTRACTUAL	\$130,000.00	\$174,000.00
CONSTRUCTION	\$0.00	\$0.00
OTHER	\$8,000.00	\$0.00
TOTAL DIRECT CHARGES	\$197,000.00	\$197,000.00

- b. We have completed or we are working on Phase I and II Environmental Site Assessments (ESA) and Baseline Environmental Assessments (BEA), at the following properties:
- i. Veterans Memorial Park. The Phase I ESA is complete. We do not anticipate conducting a Phase II ESA at this property.
 - ii. Former Hotel Chippewa. The Phase I ESA is complete. The prospective property buyer has not provided a redevelopment plan, therefore, we do not plan to conduct a Phase II ESA or a BEA at this property.
 - iii. North Channel Outlet. We are still waiting for formal access to the property from the property owner.
 - iv. Seng's Marina. The Phase I ESA has been completed. The property is a "facility" per MDEQ rules. No BEA is needed since no change in ownership is pending.
 - v. MAPS Vocational Training Facility. At the request of the buyer and prospective redeveloper of this property, we have completed a Phase I ESA, a Phase II ESA, and an Asbestos & Lead Survey. The property is a "facility" per MDEQ rules, therefore we also prepared a BEA.
 - vi. Former Tuscan Grill. At the request of the DDA-Main Street and the new owners and prospective redevelopers of this property, we have completed a Phase I ESA and a Phase II ESA. The property is a "facility" per MDEQ rules, therefore, we also prepared a BEA.
 - vii. 166 Cleveland Street Property (former Auto Value store). At the request of the new owners and their financial institution, we are currently working on

Phase I and Phase II ESAs. The property is a “facility” per MDEQ rules, therefore, we are currently finalizing a BEA. An Asbestos & Lead Survey has been completed.

- viii. 133 16th Street Property (former DRK Cabinetry). At the request of the new owners and their financial institution, we are currently working on Phase I. Based on the preliminary findings of the Phase I ESA, we anticipate that a Phase II ESA and a BEA will be needed.

2. OTHER. At this time, we have not received any formal requests for future ESAs or BEAs. However, based on preliminary inquiries and discussions, we anticipate working on few more ESAs and BEAs before the Grants expire at the end of September.

Jon Rose reported that a 48” color scanner/printer has been purchased using BRA Grant Funds. The cost was under the \$8,000 estimate and the invoice will be on the next financial statement for the BRA to approve.

Membership

The City of Manistee Brownfield Redevelopment Authority (BRA) Board of Directors currently is a nine member board (eight members/one vacancy). Under the Brownfield Redevelopment Financing Act, the membership in a BRA can be not less than five nor more than nine persons. Article II Directors, Section 2 - Board of Directors, of the City of Manistee BRA By-Laws reads the same.

Council recently reduced the number of members on the Planning Commission from nine to seven to make it easier to maintain full membership and reduce training costs. Due to ongoing difficulties in getting applicants for the BRA Board of Directors and to ensure quorums at meetings staff proposes that the BRA recommends that City Council reduce the number of the Board of Directors members from nine to seven.

Mr. Eftaxiadis reported that other communities have been reducing the number of BRA members from nine to seven or even to five.

MOTION by Don Kuk, seconded by Michael Mackin that the Brownfield Redevelopment Authority recommends to City Council to reduce the number of Board of Directors members from nine to seven.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

Appointment of a Recording Secretary 2013

Sarah Wojciechowski was the Recording Secretary for the Brownfield Redevelopment Authority until she retired on March 31, 2013. Denise Blakeslee is currently the Recording Secretary for

the Planning Commission, Historic District Commission and Zoning Board of Appeals. Ms. Blakeslee works in the Community Development Department which provides support staff for the Brownfield Redevelopment Authority.

MOTION by Don Kuk, seconded by Marlene McBride that Denise Blakeslee be appointed as the Brownfield Redevelopment Authority Recording Secretary for 2013.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

ByLaw Review

Staff is recommending that the Brownfield Redevelopment Authority amend Section 2.7 Meetings and Section 3.2. These changes are similar to how the Planning Commission, Historic District Commission and Zoning Board of Appeals handle their annual election of officers and would establish quarterly meetings for the BRA with the option to call additional meetings as needed.

Motion by Don Kuk, seconded by Michael Mackin that the Brownfield Redevelopment Authority could amend their By-Laws as follows:

2.7 Meetings. Meetings of the Board may be called by or at the request of the Chairperson of the Board or any two Directors. The meetings of the Board shall be public, and the appropriate notice of such meetings shall be provided to the public. **Regular meetings of the Brownfield Redevelopment Authority shall be held in each calendar quarter of each year. In no event shall there be less than four (4) meetings per year. The Board shall hold an Annual Meeting in January** ~~in the third calendar quarter~~ of each year at which time officers of the Board shall be elected as provided in Article 3, Section 2.

AND

3.2 Nomination, Election and Term of Office. The officers of the Authority shall be elected by the Board at an Annual Meeting **held in January** ~~during the third calendar quarter~~ of each year. Candidates shall be nominated by any Brownfield Redevelopment Authority Board member present at the meeting.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

Schedule Meetings for July 2013 and October 2013

In an effort to eliminate quorum problems and meeting cancellations the Brownfield Redevelopment Authority discussed scheduling quarterly meetings. If a special meeting is necessary to address an unexpected issue, staff will work around members' schedules to secure a quorum. Members discussed dates.

MOTION by Michael Mackin, seconded by Don Kuk that the Brownfield Redevelopment

Authority schedules meetings for July 30, 2013 and October 29, 2013.

With a Voice Vote this MOTION PASSED UNANIMOUSLY.

The previous monthly meetings scheduled for the first Tuesday of each month at 2pm will be cancelled.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

None

STAFF REPORTS

None

MEMBERS DISCUSSION

None

The next regular meeting of the Brownfield Redevelopment Authority will be held on July 30, 2013 at 2 pm in the Council Chambers.

ADJOURNMENT

Motion by Marlene McBride, seconded by Steve Brower that the meeting be adjourned.
MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 3:02 pm

MANISTEE CITY BROWNFIELD REDEVELOPMENT AUTHORITY

Denise J. Blakeslee, Recording Secretary

Invoice Summary for BRA Meeting 7/30/13

VENDOR NAME	INVOICE DATE	INVOICE NUMBER	INVOICE AMOUNT	SERVICE DESCRIPTION
Abonmarche	05/21/13	106671	\$600.00	EPA Grant - PETROLEUM; Monitoring Well Elevation Survey: Briny and 166 Cleveland sites
Abonmarche	05/21/13	106678	\$750.00	EPA Grant - HAZARDOUS; Topographic Survey for Demolition: Manistee Plating site
NTH Consultants Ltd	06/14/13	589606	\$1,200.00	EPA Grant - PETROLEUM; Baseline Environmental Assessment: Former Tuscan Grill site
NTH Consultants Ltd	06/14/13	589605	\$1,200.00	EPA Grant - PETROLEUM; Baseline Environmental Assessment: Former MAPS Vocational Training site
NTH Consultants Ltd	06/14/13	589604	\$1,200.00	EPA Grant - PETROLEUM; Baseline Environmental Assessment: 166 Cleveland site
NTH Consultants Ltd	06/14/13	589602	\$687.19	EPA Grant - PETROLEUM; Phase II ESA (partial): Former Tuscan Grill site
NTH Consultants Ltd	06/14/13	589601	\$752.94	EPA Grant - PETROLEUM; Phase II ESA (partial): Former MAPS Vocational Training site
NTH Consultants Ltd	06/14/13	589603	\$10,506.63	EPA Grant - PETROLEUM; Phase II ESA (partial):166 Cleveland site
Traverse Reproduction	05/28/13	12455	\$6,929.72	EPA Grants - PETROLEUM and HAZARDOUS; scanner system
City of Manistee	02/12/13	'2-12-2013	\$10,362.00	EPA Grants - PETROLEUM and HAZARDOUS; labor for administering Grants by City/BRA personnel
Eftaxiadis Consulting Inc.	07/12/13	CMBRA-1306H	\$2,890.00	EPA Grant - HAZARDOUS; technical project coordination and Brownfield redevelopment assistance; 133 16th Street, Manistee Plating sites; services for April-May-June '13
Eftaxiadis Consulting Inc.	07/12/13	CMBRA-1306P	\$5,631.25	EPA Grant - PETROLEUM; technical project coordination and Brownfield redevelopment assistance; 166 Cleveland, MAPS Voc Center, Tuscan Grill; services for April-May-June '13
TOTAL:			\$42,709.73	