

**CITY OF ESCANABA
BROWNFIELD REDEVELOPMENT AUTHORITY
October 8, 2014**

A meeting of the Brownfield Redevelopment Authority was held October 8, 2014, at 10:00 a.m. in Room C101 of the Escanaba City Hall/Library Complex, Escanaba, MI 49829.

PRESENT: Vice Chairperson Joseph Kaplan, Authority Members, Patrick Connor (arrived at 10:25 a.m.), Matthew Sviland, and Glenn Vande Water

ABSENT: Chairperson Randy Godlewski

ALSO PRESENT: Daina Norden, City Assessor
Tammy Weissert, Office Clerk
James O'Toole, City Manager
Mike Dewar, City Controller
Michael R. Sattem, Council Liaison

ROLL CALL: Tammy Weissert conducted roll call.

Approval/Correction of Regular Meeting Minutes of September 10, 2014.

Vice Chairperson Kaplan asked for approval and/or corrections to the Regular Meeting Minutes of September 10, 2014.

Motion by Matthew Sviland, seconded by Glenn Vande Water, to approve the September 10, 2014, Brownfield Redevelopment Authority Meeting Minutes.

Ayes were unanimous.

Approval/Adjustments to the Agenda

Vice Chairperson Kaplan asked for approval and/or adjustments to the agenda.

Motion by Matthew Sviland, seconded by Glenn Vande Water, to approve the meeting agenda as printed.

Ayes were unanimous.

Conflict of Interest Declaration

Vice Chairperson Kaplan asked for any Conflict of Interest Declarations. None were heard.

Unfinished Business - None

Public Hearing - None

New Business

Plan Amendment Policy

The current plan amendment policy restricts all amendments to the Brownfield Plan to be requested prior to the completion of a project. BRA reviewed the practicality of this process and discussed whether or not there should be a change to the policy.

Ms. Norden on behalf of Administration provided some background information with regard to the proposed review, with possible changes, to the Plan Amendment Policy. Administration supports the current Plan Amendment Policy and would like to keep the integrity of the process by providing an end date to plan amendments. This keeps the process consistent with what has been done in the past.

Background / Problems

The Plan Amendment Policy was adopted by CEBRA on June 16, 2010. The event that caused the Plan Amendment Policy to be formalized was a request to increase reimbursement for allowable expenses. The owner stated that the increase was due to an increase in size of the parking lot and sidewalks.

Discussion was held and it is stated in the minutes that CEBRA has not previously accepted post-construction requests for amendments to the plans. The Plan Amendment Policy clearly states that amendments can be obtained; however, amendments can only be made prior to the completion of the project.

There have been other projects that have exceeded their line item amounts without reimbursement. (1)BOSK PROPERTIES (2)STATE BANK

Authority Responsibilities

Multiple Work Plans/Amendments - Subsequent work plans or amended work plan(s) do not require you to re-submit (to the MDEQ or MEDC) the Brownfield plan or basic project information required by Section 15(2)(b-e) if the Brownfield plan or basic project information remains unchanged. Should a change in the scope of work require changes to the Brownfield plan or basic project information, an entire revised work plan is required for agency review.

Reasonable Costs – The statute requires the agencies to determine whether cost estimates for the proposed activities are reasonable. Proposed activities may be denied on the basis of unreasonably high costs. It is expected that the governing body of the municipality responsible for approving the Brownfield plan will also assure the costs in the Brownfield plan and work plan are reasonable, and will provide justification to the agencies.

Should a brownfield plan have enough money approved, a BRA may amend the Brownfield plan to include the additional costs. If utilizing school tax capture, approval must be obtained from the agencies for those costs; otherwise no approval is needed.

According to conversations with both Jeff Hukill of the MDEQ and Jennifer Tucker of the MEDC, both agencies allow for the total amount approved to be reimbursed as long as a separation is maintained between the Environmental work and the Non-Environmental work.

Ms. Norden stated she had received an email from City Attorney Ralph B.K. Peterson which stated that the Brownfield Authority can change its policy, but it would only apply to future projects, it can't be retroactive.

Mr. Kaplan asked how we could guide someone in this process so that when they get to the end of the day and they close out their project their not leaving resources behind that we had anticipated.

Ms. Norden stated a statement could be added into the Plan Amendment Policy allowing a request adjusting the line items but retaining the cap between environmental work and non-environmental work.

After further discussion, it was the Authority's consensus that no action will be taken.

General Public Comment

Vice Chairperson Kaplan asked for public comments. None were heard.

Authority Member/Staff Comment and Announcements

None were heard.

Adjournment

Motion by Joseph Kaplan, seconded by Patrick Connor, to adjourn at 11:00 a.m.

Ayes were unanimous.

Joseph Kaplan, Vice Chairperson
Brownfield Redevelopment Authority

Daina Norden, City Assessor