

## MINUTES OF TAX INCREMENT FINANCE AUTHORITY MEETING APRIL 14, 2009

The meeting was called to order by Vice-Chairman Mooney at 7:30 a.m. in the Council Chambers of the East Tawas City Hall.

Members Present: Brewer, Elliott (left at 8:44 a.m.), Fountain, Mooney, O'Connor, Ruster (left at 9:10 a.m.), and Council Representative McMurray.

Members Absent: Jungquist.

Staff Present: City Manager Leslie, Clerk/Treasurer Baker and Director Pasakarnis.

Fountain moved, O'Connor seconded, CARRIED, to approve the minutes of the March 10, 2009 regular meeting as presented.

Fountain moved, O'Connor seconded, CARRIED, to approve the minutes of the March 13, 2008 special meeting as presented.

Elliott moved, Brewer seconded, CARRIED, to approve the TIFA financial report and revenue and expense report and the Downtown Development Construction Fund financial report as presented.

Bruce Buchinger from R. C. Hendrick and Son was present to provide information on the Streetscape project. Mr. Buchinger reported that the construction season has begun with work on East Bay Street. The schedule was changed to begin the work on East Bay Street rather than at the end of Newman Street due to the possible effect on the Village Chocolatier during their very busy season at Easter. This portion of the project and the completion of the punch list are expected to be completed by Memorial Day.

Mr. Buchinger reported that the remobilization costs for the contractors, due to the fact that the project was not completed last Fall as originally anticipated, will be approximately \$6,400.

Mr. Buchinger provided information on the changes to the project as designed. These changes included the shortening of the bumpout in front of the Village Chocolatier which will result in retaining the parking space in front of the business and will not require two catch basins that had been proposed. Another catch basin with connection to the storm sewer line at the Newman Street-Bay Street intersection has also been eliminated. These eliminations will result in a savings of approximately \$10,000.

Discussion was held concerning the fact that M.C. Smith Associates has notified the City that it has terminated its agreement with the City to provide architectural services for the Streetscape project. Mr. Buchinger noted that the usual procedure for changes to the design would involve the architect signing off on the change which keeps the liability for the design with the architect. With the termination of the M.C. Smith Associates contract, the City now assumes the liability for any changes to the design.

Mr. Buchinger reported that the fence at the northeast corner of Newman Street at Bay Street will be moved about a foot west. The oval flower bed will be shrunk by one-third to allow for movement around the fire hydrant at that corner. He also reported that the design of the fence created a challenge with drainage from the Edward Jones parking lot. The fence would trap the water within the parking lot and not allow the normal flow of water to the storm drains. This would be unacceptable and a design solution has been determined that will maintain the look of the fence but allow drainage from the parking lot. Director Pasakarnis referred to correspondence from Mary Krueger, one of the owners of this corner piece of property. Mrs. Krueger has requested that the fence not be installed. Director Pasakarnis reported that all of the owners had approved the fence in November of 2007 and no changes have been made since that time. The fence and bricks have already been ordered. Elliott moved, O'Connor seconded, CARRIED, to acknowledge receipt of the letter from Mary Krueger and proceed with erecting the fence as redesigned.

Brewer moved, O'Connor seconded, CARRIED, to authorize consultation with Russo Engineering on design changes for the Streetscape project.

Mr. Buchinger displayed the plans for East Bay Street and noted that a portion of the plan that involved the turn from U.S. 23 was shown on the plans but was not included in the specifications for the plan. He detailed the problems that would occur if the East Bay Street portion of the project was completed as designed. He recommended that this portion of the project not be completed at this time and that Russo Engineering be consulted for a recommendation.

Elliott left the meeting.

Director Pasakarnis referenced a second letter from Bill Reising of Plunkett and Cooney in regard to a question as to whether or not the City is required to comply with MDOT standards in regard to compliance with the Americans with Disabilities Act (ADA). His first opinion letter that was noted at the March 10, 2009 TIFA meeting indicated that Act 51 does not require the City to follow MDOT ADA requirements. Mr. Reising's second letter indicated that, although there is no requirement through Act 51, Michigan Compiled Laws 125.1361 of 1973 does require the City to comply with the MDOT regulations. The project as designed by M.C. Smith Associates does not meet the MDOT requirements. This was noted during the Walkability Audit performed by Dan Burden. The Lincoln Street and State Street intersections had already been completed when the Walkability Audit occurred. The remainder of the corners were redesigned after the Walkability Audit to be in compliance with the MDOT ADA requirements. Bruce Buchinger recommended that the City replace the corners at the State Street and Lincoln Street intersections to have ADA ramps in both directions of traffic. Mr. Buchinger estimated that the cost of changing these intersections would be somewhere between \$51,000 and \$55,000.

Ruster moved, Brewer seconded, CARRIED, to reconstruct the ADA ramps at the seven corners of Newman Street at the State Street and Lincoln Street intersections to be MDOT ADA compliant and match the other redesigned intersections. Yes: Brewer, Fountain, Mooney, O'Connor and Ruster.

Ruster left the meeting.

Director Pasakarnis noted that Bill Reising from Plunkett and Cooney is reviewing the City's contract with M.C. Smith Associates and will be advising the City on how to proceed based on design issues, liability issues and M.C. Smith Associates' possible responsibility to the City of East Tawas.

Bruce Buchinger noted that R. C. Hendrick and Son will finish compiling the punch list for the project and provide it to the contractors for completion of the punch list items before Memorial Day.

Bruce Buchinger reported that the City would be receiving credits from contractors for the elimination of the compass rose and paved crosswalks. The credits are still coming in from contractors. Once all the credits have been received, R. C. Hendrick and Son will review them and meet with the contractors to negotiate any credits that do not seem to be in line with R.C. Hendrick's estimates. The final credits will be known shortly.

Discussion was held concerning the possibility of adding the Sawyer Street and State Street parking lots back into the project. The landscaping portion of the project was designed by M.C. Smith Associates and the underground portion of the project was designed by Wilcox. There is interest in melding the two designs and possibly adding conduit for underground utilities. Bruce Buchinger reported that the M.C. Smith design only called for an asphalt overlay. Based on the condition of the parking lots, Mr. Buchinger recommended that the plans include a complete milling of the existing asphalt, reshaping, and repaving. He indicated that the

cost for doing this will definitely be higher than the credits given for Alternate 1 and 2 in the original Streetscape Plan. It was the consensus of the members to proceed with a redesign of the Sawyer Street and State Street parking lot using both the M.C. Smith Associates and Wilcox designs to create a document that could be put out for bid. Discussion was held concerning other components that could be made part of the project including a raised sidewalk as was constructed in the Main Street parking lot. Mr. Buchinger noted that there may not be enough money to totally complete both parking lots and indicated that it may be in the City's best interest to concentrate on the items that absolutely need to be completed while designing for additional items in the future. The problems that have been created by the changes to the entrances/exits to these parking lots on Westover Street were also discussed. Additional work will need to be done to rectify these problems if the parking lots are not reconstructed this year.

Discussion was held concerning suggestions that Newman Street be repaved from Bay Street to about 20' north of Lincoln Street. It has also been suggested that the side streets be repaved from Sawyer Street to Main Street. Mr. Buchinger received a cost estimate of \$52,000 for Newman Street and \$18,900 for the side streets. \$3,100 of this amount is outside of the TIFA district. Mr. Buchinger will compute the cost of this work if completed under the City's contract with Bolen Asphalt.

Bruce Buchinger left the meeting.

Director Pasakarnis reported that there are still ten or eleven Wayfinding signs that need to be installed. It may be in the City's best interest to have the DPW install these signs rather than Valley City Signs. There are also a few MDOT signs that need to be ordered for East Bay Street.

Director Pasakarnis recommended that the City wait until next year to apply for the Michigan Main Street program due to the time required to submit the application and the need to determine local support and commitment to the program.

Director Pasakarnis reported that the contract for the Port of Call Engineering Study has been awarded to Rowe Professional Service Company who will be working with United Design Associates of Cheboygan. Attorney Tom Huck is currently reviewing the proposed contract on behalf of the City.

Tim O'Connor asked Director Pasakarnis to look at the railroad sign at the Main Street/Bay Street intersection. There are two signs nearby that are on the white poles and this sign has a wooden pole.

Director Pasakarnis reported that the East Tawas Business Association has not taken any action on the fixtures needed to be able to attach the banners to the streetlights on Newman Streets. Until the fixtures are acquired, the banners will only be able to be displayed on U.S. 23.

Vice-Chairman Mooney reported that Norm and Marian Charters, owners of the Village Chocolatier, very much appreciated that the start of the project was changed to East Bay Street so it did not interfere with their Easter business.

The next regular meeting will be held at 7:30 a.m. on Tuesday, May 12, 2009.

Meeting adjourned at 10:20 a.m.

Blinda A. Baker  
Clerk/Treasurer