

**ST. JOHN REDEVELOPMENT COMMISSION**  
**JUNE 26, 2014 – SPECIAL MEETING**  
**10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

**Mark Barenie, President**  
**Michael Forbes, Vice-President**  
**Larry Bustamante, Secretary**  
**Greg Volk**  
**Ken Gembala**

**Attorney David Austgen**  
**Sherry Sury, Clerk-Treasurer**  
**Steve Kil, Town Manager**

**CALL TO ORDER:**

Mr. Mark Barenie called to order the St. John Redevelopment Commission special meeting for June 26, 2014, at 7:11 p.m.

(The Pledge of Allegiance was said.)

**ROLL CALL:**

Ms. Sherry Sury, Clerk Treasurer, took roll call with the following members present: Mark Barenie, Michael Forbes, Larry Bustamante, Ken Gembala and Gregory Volk. Attorney David Austgen was present. Staff: Steve Kil. Citizen members Dr. John DeVries and James Sakelaris were absent. Recording Secretary, Susan E. Wright was also present.

**PUBLIC HEARINGS:**

- A. RESOLUTION #14-06-26 RDC, A RESOLUTION OF THE ST. JOHN REDEVELOPMENT COMMISSION AUTHORIZING THE EXECUTION OF A LEASE BETWEEN THE ST. JOHN REDEVELOPMENT AUTHORITY AND THE ST. JOHN REDEVELOPMENT COMMISSION, AND ALL MATTERS RELATED THERETO.

Mr. Barenie noted *Resolution #14-06-26 RDC* was the first item on the agenda for the Board's consideration.

Attorney Austgen noted that the *Proofs of Publication* for the *Notice of Public Hearing* were timely published and the public hearing could be properly conducted at this time.

Mr. Kil noted *Resolution #14-06-26 RDC* is the next step in the process to begin the Town's road project. He stated that this resolution is related to the \$5.2 million bond for the Town's road paving project.

**ST. JOHN REDEVELOPMENT COMMISSION  
JUNE 26, 2014 – SPECIAL MEETING  
10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

**PUBLIC HEARING**

Mr. Barenie opened the public hearing. He called for public comment. There was no public comment. Mr. Barenie closed the public hearing and brought the matter back before the Board.

Mr. Barenie stated he would entertain a motion to adopt *Resolution #14-06-26 RDC*. Mr. Forbes said he would make that motion. Mr. Bustamante seconded the motion. Mr. Barenie asked if there was any discussion on this matter. There was no discussion. The motion was unanimously carried by voice vote (5/0). Ayes --- all. Nays --- none.

**NEW BUSINESS:**

- A. RESOLUTION #14-06-26A RDC, A RESOLUTION OF THE TOWN OF ST. JOHN REDEVELOPMENT COMMISSION APPROVING A SUB-LEASE AGREEMENT BETWEEN THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND THE ST. JOHN REDEVELOPMENT COMMISSION.

Mr. Barenie noted “*Resolution #14-06-26A RDC, a resolution of the St. John Redevelopment Commission approving a sub-lease agreement between the Town of St. John, Lake County, Indiana, and the St. John Redevelopment Commission* was before the Board for their consideration. Mr. Barenie stated he was looking for a motion to adopt *Resolution #14-06-26A RDC*. “*So moved,*” by Mr. Gembala. Mr. Bustamante seconded the motion. The motion was unanimously carried by voice vote (5/0). Ayes --- all. Nays --- none.

- B. RESOLUTION #14-06-26B RDC, A RESOLUTION OF THE TOWN OF ST. JOHN REDEVELOPMENT COMMISSION CONCERNING THE 2015 BUDGET YEAR DETERMINATION FOR T.I.F. REVENUES FOR THE ST. JOHN ECONOMIC DEVELOPMENT AREA ONE ALLOCATION AREA.

Mr. Barenie noted “*Resolution #14-06-26B RDC, a resolution of the Town of St. John Redevelopment Commission concerning the 2015 budget year determination for T.I.F. revenues for the St. John Economic Development Area One Allocation Area,*” was before the Board for their consideration.

**ST. JOHN REDEVELOPMENT COMMISSION**  
**JUNE 26, 2014 – SPECIAL MEETING**  
**10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

Mr. Barenie stated he would entertain a motion to adopt *Resolution #14-06-26B RDC*. “*So moved,*” by Mr. Bustamante. Mr. Forbes seconded the motion. The motion was unanimously carried by voice vote (5/0). Ayes --- all. Nays --- none.

C. RESOLUTION #14-06-26C RDC, A RESOLUTION OF THE ST. JOHN REDEVELOPMENT COMMISSION CONCERNING THE 2015 BUDGET YEAR DETERMINATION FOR T.I.F REVENUES FOR THE ST. JOHN ECONOMIC DEVELOPMENT AREA TWO ALLOCATION AREA.

Mr. Barenie stated that the next item on the Board’s agenda for their consideration was “*Resolution #14-06-26C, a resolution of the St. John Redevelopment Commission concerning the 2015 budget year determination for T.I.F. revenues for the St. John Economic Development Area Two Allocation Area.*”

Mr. Barenie stated he would entertain a motion to adopt *Resolution #14-06-26C RDC*. “*So moved,*” by Mr. Bustamante. Mr. Volk seconded the motion. The motion was unanimously carried by voice vote (5/0). Ayes --- all. Nays --- none.

Mr. Kil noted that in addition to the captioned notices to the Lake County Auditor for the tax increment to redistribute and pay in 2015 as approved this evening, for the St. John Economic Development Areas One and Two, information has been collected and prepared “*consistent with Senate Enrolled Act 118 and pursuant to the Memorandum from the DLGF dated June 5, 2014, that requires the submission of Redevelopment Commission information.*”

Mr. Kil noted this information has been prepared with the assistance of Cender & Associates. “*All the data is required to be collected, gathered and assembled for submission to the DLGF prior to the July 1<sup>st</sup> and August 1<sup>st</sup> deadlines so that the St. John Redevelopment Commission is in full compliance with this request prior to July 1<sup>st</sup>. The data and information required to be submitted is available upon request to the Commission.*”

Mr. Kil stated consistent with Redevelopment law, a compilation of annual reports to the Town Council, as the fiscal body for the year ending December 31, 2013, for each allocation area is required. This annual report is due to the Town Council before Friday, August 1.

**ST. JOHN REDEVELOPMENT COMMISSION**  
**JUNE 26, 2014 – SPECIAL MEETING**  
**10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

*“Furthermore, consistent with Section 13, the Town Council shall compile the reports and submit them to the DLGF before Wednesday, October 1<sup>st</sup>.”*

Mr. Kil noted that Mr. Dan Botich, Cender & Associates, was here to answer any questions that the Board may have. Mr. Kil noted that during the Town Council meeting the Council would be required to acknowledge receipt of the reports from the Redevelopment Commission.

Mr. Botich submitted to the Board a copy of *Comprehensive Annual Report* and the DLGF data on T.I.F. EDA One and T.I.F. EDA Two.

Mr. Botich noted that he had submitted to the Board the August 1<sup>st</sup> notice which is a *Comprehensive Annual Report to the Legislative Body*. He explained that this report is required under Indiana Code 36-7-14-13E. He stated that the report is similar to the annual report that is submitted to the Town Council President prior to March 15. Mr. Botich stated that the only difference in these reports is that the State requires that the individual components/key numbers within each allocation area be included in the *Comprehensive Report to the Legislative Body*.

Mr. Botich stated that next year’s filing will include the *Annual Report* due March 15, and the *Annual Report to the Legislative Body*, due on August 1<sup>st</sup>. He explained that the two reports will be consolidated into one report and with the same information to be submitted to the Town Council President and Town Council members at one time. Mr. Botich stated that the information will also be available in Gateway along with the report.

Mr. Botich stated that on June 5, 2014, pursuant to Senate Enrollment Act 118, the DLGF is required to put together information related to allocation areas designated by Redevelopment Commissions throughout the State. He explained as part of the legislative study, the DLGF was directed to collect various information from Redevelopment Commissions.

Mr. Botich noted that on June 5, 2014, a *DLGF Memorandum* set forth the requirements of the data that is to be submitted before July 1<sup>st</sup> and August 1<sup>st</sup>. Mr. Botich stated, in accordance with the DLGF Memorandum directives, various worksheets were provided for each of the two allocation areas of the St. John Redevelopment Commission/St. John Economic Development Area Allocation Area Ones and Area Two. Mr. Botich stated that an *T.I.F. Identification Schedule* has been

**ST. JOHN REDEVELOPMENT COMMISSION**  
**JUNE 26, 2014 – SPECIAL MEETING**  
**10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

prepared, which is an overview sheet of each allocation area, the completed projects in each allocation area, current projects, proposed projects, fund information from fiscal year 2009 through fiscal year 2013. Mr. Botich stated that the fund information was gleaned from the audit reports provided by the State Board of Accounts to the Town.

Mr. Botich stated that the worksheets are due July 1<sup>st</sup>, and will be filed timely and electronically. Mr. Botich noted as related to T.I.F. Area Two, the establishment and expansion documents are required to be scanned and filed and must identify and file each authorizing resolution to the DLGF. Mr. Botich informed the Board that he has all of the information for T.I.F. Area Two, because it's a newly established T.I.F. District. He stated that this information has been included in the documents that he handed out.

Mr. Botich noted that T.I.F. District One's history began in 1998. He stated that he is working with bond counsel as well as the Clerk-Treasurer to identify the resolutions. He stated Cender & Associates has all of the resolutions from 2007 forward. He stated that the older resolutions will have to be located. Mr. Botich stated that once all of the authorizing documents have been scanned, the information will be put on a disc and provided to the DLGF in a timely manner before August 1<sup>st</sup>. He stated that Mr. Kil, the Redevelopment Commission and the Clerk-Treasurer will also be provided a copy of this disc/document.

Mr. Botich submitted a copy of Senate Enrollment Act 118 to the Board. He stated that Senate Act 118, made changes to redevelopment law. He summarized key parts of Senate Enrollment Act 118 for the Board as follows: one, *Redevelopment Commission obligations are now subject to legislative approval (bonds, leases, warrants)*; two, *“as of July 1<sup>st</sup> Redevelopment Commission oversight by the State Board of Accounts and budget review by the legislative body”*; three, *if the captured, assessed value exceeds two hundred percent (200%) of the obligations, that the amount of released captured assessment needs to be approved by the legislative body*. Mr. Botich stated that *Notices to the Auditor* have been prepared and St. John's Economic Development allocation areas do not release more than the two hundred percent (200%) assessed value.

Mr. Botich noted the next change made by Senate Enrollment Act 118 as follows, *“when establishing or expanding an allocation area the resolution and supporting data must be specific and a finding of fact supported by evidence but for the designation of the allocation area new property taxes would not have been generated without the allocation provision.”*

**ST. JOHN REDEVELOPMENT COMMISSION**  
**JUNE 26, 2014 – SPECIAL MEETING**  
**10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

Mr. Botich noted that allocation areas that were established before 1995 are now “*due to sunset in 2025.*” He stated that particular clause does not apply to the Town of St. John.

Mr. Botich stated that “*Disposition of real property by the Commission is and will require legislative body approval.*”

Mr. Botich noted “*as of July 1<sup>st</sup>, the fiscal agent of the unit establishing the Commission, (being the Town Council) is the fiscal agent of the Commission (being the Clerk-Treasurer) responsible for the administration, investment and disbursement of all funds, and the accounts of the Commission.*”

Mr. Botich noted the last change he wanted to bring to the Board’s attention was as follows: “*The Commission’s authority of eminent domain in redevelopment areas is abrogated and no longer available as an option.*”

Mr. Kil noted that the only action needed by the Town Council is receipt of the annual report. Mr. Botich concurred. Mr. Botich stated that when the minutes are received and approved, the information will be uploaded into Gateway and the Town will be compliant prior to the October 1<sup>st</sup> deadline.

Mr. Barenie thanked Mr. Botich. He asked if there were any questions. There were no questions.

**REPORTS AND CORRESPONDENCE:**

Mr. Barenie moved on to Reports and Correspondence. The Board members had nothing to report.

Mr. Kil had nothing further to report.

Ms. Sury had no report.

Attorney Austgen had no report.

Mr. Barenie stated he had a couple of items to mention, the first item being related to the last Redevelopment Commission meeting as well tonight’s. He stated that a couple of e-mails were received regarding the road project. The first e-mail was from Bill Winterhaler, 9894 West

**ST. JOHN REDEVELOPMENT COMMISSION**  
**JUNE 26, 2014 – SPECIAL MEETING**  
**10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

Oakridge Drive, St. John. Mr. Barenie noted that this e-mail was received from a resident who lives on the West Oakridge street, the same street as one of the remonstrators present at the last Redevelopment meeting.

Mr. Barenie read the e-mail as follows: *“I read an article in The Times that opposed using the income tax funds to repave roads in my subdivision. The views expressed in the article did not represent my views. I am fully supportive of the road project and using income tax funds to pay for the bonds used for resurfacing the project. I look forward to the much needed improvements on my street and throughout the Town of St. John. Please feel free to share this with the rest of the Council at your convenience. Thanks, Bill.”*

Mr. Barenie moved on to the second e-mail received from Mr. D.J. Pikarski. He noted that this resident lived in the same area. He read as follows: *“Just wanted to send a quick note to indicate appreciation for the plans to pave several of the roads in St. John. The recent Times article did not indicate that some of the local revenue would be used to address a portion of the roadwork within the Town of St. John. The St. John Public Works Department has done a great job in trying to patch the potholes, but a very difficult winter was harsh on our streets. In taking a walk recently, I did notice that the sections of South Oakridge and West Oakridge Drive developed potholes and in some areas have started crumbling and breaking down significantly. I will send some photos. By addressing these issues now, paving will prevent future damage to our cars and keep the integrity of our roads in good shape. Thanks for your help in addressing this matter. Daniel Pikarski.”*

Mr. Barenie noted that the e-mails were very supportive of the proposed road paving project.

**PUBLIC COMMENT:**

Mr. Barenie opened the floor to public comment. He asked if there was any public comment related to the St. John Redevelopment Commission. There was no public comment. Mr. Barenie closed the floor to public comment.

**ST. JOHN REDEVELOPMENT COMMISSION  
JUNE 26, 2014 – SPECIAL MEETING  
10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA**

**ADJOURNMENT:**

Mr. Barenie for a motion adjourn. “*So moved,*” by Mr. Bustamante. Mr. Forbes seconded the motion. The motion was carried by voice vote (5/0). Ayes --- all. Nays --- none.

(The meeting was adjourned at 7:27 p.m.)

**A TRUE COPY**

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Susan E. Wright, Recording Secretary  
St. John Redevelopment Commission