

# NIRPC Full Commission Meeting

Electronic Meeting via Zoom

July 16, 2020 Minutes

## Call to Order

Chairman, Michael Griffin, called the meeting to order at 9:00 a.m. with the Pledge of Allegiance.

This meeting was convened as an *electronic meeting*, pursuant to Governor Holcomb's Executive Order 20-36 on July 1, extending the declaration of emergency, allowing such meetings pursuant to IC 5-14-1.5-3.6 for the duration of the COVID-19 public health emergency until August 3. All persons were meeting remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. When the agenda item provided for public comment, this was supported as well.

## Roll call and Minutes

The minutes of the May 21, 2020 Full Commission meeting were approved on motion by Mary Tanis and second by Geof Benson. Roll call was taken by Candice Eklund for both attendance and approval of the minutes, for each Commissioner. With Janet Beck, Geof Benson, Kevin Breitzke, Charlie Brown, Bill Carroll, Robert Carnahan, Joshleen Denham, Tom Dermody, Daina Dumbrys, Bill Emerson, Michael Griffin, Richard Hardaway, Jack Jeralds, Justin Kiel, Robert Lemay, Sue Lynch, Sheila Matias, Wendy Mis, Matt Murphy, Diane Noll, Jerome Prince, Rick Ryfa, Tom Schmitt, Ed Soliday, Greg Stinson, Gerald Swets, Mary Tanis, James Ton, and George Topoll voting by Consent Agenda in the affirmative, and no one voting in the negative, the motion passed.

## New Appointments to the Commission

Dave Hollenbeck announced the appointments to the Commission of Duane Arndt (Town of Kingsford Heights), Jon Derwinski (Town of Winfield), Tim Jones (Town of Kouts), Wendy Mis (Town of Munster), Mayor, Duane Parry (Michigan City), Mayor, Jerome Prince (City of Gary), and John Yelkich (Town of Lowell).

## Present

The 30 Commissioners present included Janet Beck (Pottawattomie Park), Geof Benson (Beverly Shores), Kevin Breitzke (Porter County Surveyor), Charlie Brown (Lake County Council), Bill Carroll (Lake Station), Robert Carnahan (Cedar Lake), Joshleen Denham (Trail Creek), Tom Dermody (LaPorte), Daina Dumbrys (Michiana Shores), Bill Emerson (Lake County Surveyor), Michael Griffin (Highland), Richard Hardaway (Merrillville), Jack Jeralds (Schneider), Justin Kiel (La Crosse), Andrew Kyres (Crown Point), Robert Lemay (Long Beach), Sue Lynch (Portage), Sheila Matias (LaPorte County Commissioner), Wendy Mis (Munster), Matt Murphy (Valparaiso), Diane Noll (Wanatah), Jerome Prince (Gary), Rick Ryfa (Griffith), Tom Schmitt (Schererville), Ed Soliday (Governor Appointee), Greg Stinson (Porter), Gerald Swets (St. John), Mary Tanis (Dyer), James Ton (Chesterton), and George Topoll (Union Township). Also present was Matt Deitchley representing INDOT.

## Absent

The 21 Commissioners absent included Kyle Allen (Lake County Commissioner), Duane Arndt (Kingsford Heights), Jeanette Bapst (Dune Acres), Jim Biggs (Porter County Commissioner), Anthony Copeland (East Chicago), Jon Derwinski (Winfield), Tony Hendricks (LaPorte County), Eric Hull (Burns Harbor), Tim Jones (Kouts), Jeff Larson (Porter County Council), Tom McDermott (Hammond), Lori Mercer (Westville), Edward Morales (Porter Township), Duane Parry (Michigan City), David Peeler (Hebron), Michael Rosenbaum (LaPorte County), Carolyn Saxton (Ogden Dunes), Brian Snedecor (Hobart), Joe Stahura (Whiting), Sharon Szwedo (New Chicago), and John Yelkich (Lowell).

Kingsbury, and The Pines have appointed no representatives to NIRPC.

## Staff in Attendance

Staff present included Ty Warner, Kathy Luther, Tayala Jones, Meredith Stilwell, Charles Bradsky, James Winters, Mitch Barloga, Lisa Todd, Flor Baum, Dominique Edwards, Kevin Pollette, Candice Eklund, and attorney Dave Hollenbeck.

## **Public Comment**

There were no public comments.

## **Presentation: NICTD - Double Track and West Lake Projects**

Mike Noland, President and General Manager of the Northern Indiana Commuter Transportation District (NICTD), thanked the Commission for the invitation to present on the Double Track and West Lake Projects. Mr. Noland said the West Lake project will begin construction on the 90 mile railway this fall, and will run from Millennium Station in Chicago to the South Bend International Airport. The service on the new rail will offer many trips to Chicago throughout the day, and an intermediate service for off-peak, evening, and weekends. Each new platform is being constructed to build out to the eight car level, with the Munster/Dyer station being the largest station. A design build approach was used to procure the construction and will be presented to the NICTD board on July 20 for authorization to proceed to the design this fall. NICTD is on a fast track to receive a full funding grant agreement from the FTA, with a target date of the end of September. Mike also noted that President Trump stated in a Tweet message that the West Lake Project received an advanced commitment of capital investment grant funding in the amount of \$100 million in United States Department of Transportation transit funds.

Nicole Barker, Director of Capital Investment and Implementation, and the Double Track NWI Project Manager, presented on the Double Track project. Nicole stated the design phase is 60% complete, with an expectation of completion by the end of this year. The plans for each of the stations discussed were the Miller Station, Portage/Ogden Dunes, Dune Park, Beverly Shores, and the 11th Street station in Michigan City. Travel times from the Michigan City station to Chicago will be reduced to one hour and 15 minutes, a 26 minute reduction in time. NICTD is working with local transit connection entities for good inter-modal connectivity at all stations. At the request of the community in Michigan City, the old station building at the 11th street station will be preserved.

Mary Tanis voiced her concerns with how much traffic this could add to the already congested traffic conditions in the Munster / Dyer area and how commuters from Lowell would be able to get to the new station quickly. Mary also questioned the connectivity to the new stations from the bike trails. Mike Noland said that NICTD is preserving the Monon trail and has worked closely with the communities from Dyer, Hammond, and Munster on trail issues, adding all West Lake station platforms will be high level and will accommodate bikes.

Ty Warner thanked Mike and Nicole for their presentations and congratulated them on the progress of their exciting projects. Ty asked what year they expected both projects to be operating. Mike said the Double Track project had a non-contingent schedule of September 2023 with the West Lake project having a non-contingent schedule of October 2024. Jim Ton added the communities of Chesterton and Duneland welcome the Double Track project and feels it will help with the Economic Development District and tourism to the Indiana Dunes.

## **Report of the Chair - Michael Griffin**

Michael Griffin discussed the concept of the Consent Agenda and stated the Town of Munster has successfully utilized a consent agenda concept as well as it being recognized by Robert's Rules of Order. The concept of a consent agenda in an administrative body such as NIRPC, is that there are a number of matters that require by law, action to favor or disfavor matters that generally do not require a lot of deliberation. It is the right of any one committee member to request an item be removed from the consent agenda, allowing that item to be voted on separately.

Michael shared he took a seminar and completed a test as part of his continuing education for the Association of Public Treasurers of the United States and Canada, achieving the designation of Advanced Public Finance Investments Manager. This designation will add a post-nominal initial of an "A" after his name. Michael offered this milestone as information for the Commissioners and said he will continue to try and lead with a servant's heart.

## **Report of the Executive Director - Ty Warner**

Ty Warner congratulated Michael Griffin on increasing his already long stream of initials after his name.

Mr. Warner thanked all who were able to participate in the virtual format of the meeting, saying this format brings both challenges and joys and that it was nice to see everyone in their natural habitat. Ty noted that NIRPC staff is still working remotely, but the situation with COVID-19 is continuing to be monitored, so the status may change in the near future. Staff continues to be available by phone and email contact.

At the Full Commission meeting on May 21, Ty discussed the Economic Development Administration (EDA) funds being a new development for NIRPC. With this development, staff member Gabrielle Biciunas, has been promoted to the Economic Development Coordinator position. Gabrielle will help build this new program and has already been working with communities to connect them to EDA on the grant process and will be assisting communities through the application process. There is a substantial amount of funding the EDA has made available through the CARES Act that is available for economic related projects due to COVID-19. The funds need to be spent and are on a first come, first served basis, with the FTA expecting to be oversubscribed.

Mr. Warner recounted that Representative Soliday discussed the impacts of COVID-19 and the reductions of gas tax revenues on the federal level, at the Full Commission meeting in May. Mr. Warner provided an update to this discussion stating this is expected to affect the highway trust fund, which is where NIRPC receives funding for projects. Due to a decrease in travel related to COVID-19, the projection for insolvency of the highway trust fund is now moved up to April 2021. From past discussion, congress has not put a sustainable source of income for the highway trust fund and when the plan created five years ago expires in September this year, there will be challenges, so it will depend how congress mobilizes to try and address the potential shortfall.

Ty informed the Commissioners that the House of Representatives passed HR-2, Moving Forward Act, but the Senate has indicated it is not likely to back it. An important aspect of HR-2 relates to NIRPC because of the Railroad Task Force (RTF) that was created at the request of Mayor McDermott, to address the issue of not being able to ticket trains blocking an intersection for more than 10 minutes. HR-2, on the federal level, contains a section related to railroad crossings. There is a provision in this section for all rail crossing grants to help with those crossings and contains a provision to be able to ticket trains that are blocking intersections for more than 10 minutes. What was previously state law, struck down by most of the states' supreme courts, but is being proposed as a federal solution in HR-2.

Mr. Warner noted that while Community Crossings funds do not go through NIRPC, a notification was sent to inform the Commissioners that due to the impact of COVID-19, INDOT has delayed the next grant round at least until September so they can better evaluate the projection of revenues.

#### **Finance & Personnel Committee - Richard Hardaway**

Richard Hardaway reported the Finance & Personnel Committee met this morning to review the bank reconciliations, claims registers, and the June financial reports. Mr. Hardaway stated there were five actions for consideration today.

Talaya Jones reported on the FY 2020 Budget Amendment #3. This amendment is to add the Coronavirus Aid, Relief, and Economic Security (CARES) Act awarded funds of \$5,897,297 to the revenue and expenditures categories that are listed in the amendment.

Kathy Luther reported on Resolution #20-19, Amendment #2 to the UPWP. This resolution is adding \$658,000 of the Budget Amendment #3, to the UPWP budget tables to cover NIRPC expenses for the FTA CARES Act Transit Oversight Funds program.

Tayla Jones reported on Resolution #20-20, creating a new accounting fund number to track all CARES Act revenues and expenditures. With NIRPC being awarded the CARES Act funds, it is imperative to comply with the State Board of Accounts (SBOA). A memorandum from the SBOA dated April 29, 2020, states that accounting guidance has been given for tracking CARES Act funds and each program funded by different CARES Act providers will be required to have a different fund number and fund name that clearly identifies the assistance being provided. NIRPC is requesting the Commissioners approval to the creation of a new accounting fund number for all programs awarded under the CARES Act of 2020.

Talaya Jones reported on Resolution #20-21, opening a new Revolving Loan Fund (RLF) bank account for the EDA Cares Act funds. NIRPC has been awarded CARES Act funding under the Economic Development Administration (EDA) of the U.S. Dept of Commerce for supplemental RLF funds from the EDA. Per the EDA requirements, these funds must be tracked separately from NIRPC's existing RLF bank account to remain compliant with both the EDA and the Indiana SBOA. NIRPC is requesting the Commissioners' approval to open a new bank account for purposes of the CARES Act fund for the expanded revolving loan program.

Lisa Todd presented the procurement recommendations that fall under Indiana Grant 2020014, the CARES Act fund grant through the Federal Transit Administration (FTA). The funds are 100% federal with 0% local share match, on all three procurements. Procurement #20-14 is the replacement of five vehicles; three for Opportunity Enterprises and two for LaPorte Transport, totalling \$345,208. Procurement #20-15 is for two replacement support vehicles for the City of East Chicago in the amount of \$110,000. Procurement #20-16 is to acquire miscellaneous support equipment for all seven subrecipients and NIRPC, in the amount of \$931,924. All three procurements total \$1,387,132.

Under the matters of the Consent Agenda, and the Chairman receiving a motion by Jim Ton and second by Wendy Mis, the Full Commission voted to approve Budget Amendment #3, Resolution numbers 20-19, 20-20, 20-21, and Procurement numbers 20-14, 20-15, and 20-16. Roll call was taken by Candice Eklund for the seven items listed above. No Commissioners requested an agenda item to be voted on separately. With Janet Beck, Geof Benson, Kevin Breitzke, Charlie Brown, Bill Carroll, Robert Carnahan, Joshleen Denham, Tom Dermody, Daina Dumbrys, Bill Emerson, Michael Griffin, Richard Hardaway, Jack Jeralds, Justin Kiel, Robert Lemay, Sue Lynch, Sheila Matias, Wendy Mis, Matt Murphy, Diane Noll, Jerome Prince, Rick Ryfa, Ed Soliday, Greg Stinson, Gerald Swets, Mary Tanis, James Ton, and George Topoll voting by Consent Agenda in the affirmative, and no one voting in the negative, the motion passed.

#### **Technical Planning Committee - Kevin Breitzke**

The Technical Planning Committee (TPC) met virtually on July 7. Kevin Breitzke stated there were three actions for consideration today and each one comes with a favorable recommendation by TPC.

James Winters presented on Resolution #20-16, Amendment #1 to the UPWP. This resolution will add language into the UPWP that includes other significant regional planning activities, so that other bodies in addition to NIRPC can have access to funds for planning purposes. The Gary Public Transportation Corporation (GPTC) contacted NIRPC to request inclusion of verbiage regarding their planning practices. This resolution is to accommodate GPTC's request so they can continue to receive funding to support their planning.

Mitch Barloga presented on Resolution #20-17, the Living Streets Ordinance. The Living Streets guidelines and resolution builds off of the Green Streets resolution that was adopted by NIRPC more than a decade ago. The new Living Streets policy includes the integration of environmental aspects into the streets and roadways design. The Environmental Management Policy Committee (EMPC) and the Ped, Pedal, and Paddle (3PC) Committee's worked together to incorporate the Green Streets elements into the Living Streets guideline and resolution, gaining approval from both committees. There has been a delay in the policy due to COVID-19, this allocating additional time to review guidelines with the stakeholders throughout the region. The TPC Committee approved the draft Living Streets guidelines at their meeting on July 7.

Charles Bradsky presented on Resolution #20-18, FY 2020-2024 Transportation Improvement Plan (TIP) Amendment #9. There were no public comments received from the public or the Interagency Consultation Group (ICG) during the 21 day public comment period from June 10 to July 1. Approval was received from the ICG on June 8. Amendment #9 consists of 57 projects covering FY 2020-2024. One project is for the City of Crown Point moving funds from FY 2020 to FY 2022 from PE to ROW, Michigan City eliminated a project in 2021, and the remaining 55 projects belong to INDOT.

Under the matters of the Consent Agenda, and the Chairman receiving a motion by Geof Benson and second by Jim Ton, the Full Commission voted to approve Resolution numbers 20-16, 20-17, and 20-18. No Commissioners requested an agenda item to be voted on separately. Roll call was taken by Candice Eklund for the three items listed above. With Janet Beck, Geof Benson, Kevin Breitzke, Charlie Brown, Bill Carroll, Robert Carnahan, Joshleen Denham, Tom Dermody, Daina Dumbrys, Bill Emerson, Michael Griffin, Richard

Hardaway, Jack Jeralds, Justin Kiel, Andrew Kyres, Robert Lemay, Sue Lynch, Sheila Matias, Wendy Mis, Matt Murphy, Diane Noll, Jerome Prince, Rick Ryfa, Ed Soliday, Greg Stinson, Gerald Swets, Mary Tanis, James Ton, and George Topoll voting by Consent Agenda in the affirmative, and no one voting in the negative, the motion passed.

Charles Bradsky presented emergency TIP Amendment #8 that was signed in April to retain federal funds in the region. At the end of April each year, NIRPC obligates the balance of unused funds, through emergency amendments. These funds can be allocated towards transit or for phases of projects currently residing in the TIP and that have already gone through the public comment process. NIRPC added funding to the following projects: Economic Corridor study in LaPorte County received \$309,269 in PE funding, Willowcreek extension in Porter County received \$145,706 in PE funding for design, and the Campbell and Lincolnway roundabout in Valparaiso received \$309,081 in design funding.

The next TPC meeting will be held on August 11, 2020 at 10:00 a.m.

#### **INDOT - Matt Deitchley**

Matt reiterated that the July Community Crossings call is on hold until September to re-evaluate and assess the projection of revenues.

Matt shared that INDOT has been receiving complaints on the issues of mowing on state right-of-ways, particularly in the LaPorte District, due to challenges with the contractor this year. Contractor crews moved into the LaPorte District this week and INDOT is hopeful this will remedy the issue in the near future. Please contact Matt with any concerns.

There are no significant delays on the construction work being done on I-65 and should be completed in November. Mary Tanis noted Route 30 in Dyer is down to one lane and is causing traffic issues into Illinois. Ms. Tanis requested INDOT notify the communities of road work so they can update the residents. Charlie Brown said there were no signs indicating the I-65 North exit was closed off of Route 30. Matt will investigate and try to remedy the situation.

#### **Other Business**

Commissioner Brown discussed the importance of the Census and said elected officials need to help in getting all residents in each community to complete the survey by October 31, in order to capture all federal funding possible. Commissioner Brown feels the importance of the Census needs to be advertised and requested NIRPC communicate the importance of completing the Census on all platforms available. Ty agreed with the criticality and stated that NIRPC had done quite a bit of notification about the Census leading up to April 1 through social media and workshop opportunities, but staff would continue to communicate the importance through social media and electronic communications.

Robert Carnahan agreed with Commissioner Brown on the importance of communicating the need to support the completion of the Census. Robert noted that only 73.4% of the residents in the Town of Cedar Lake have completed the Census. In addition to completing the Census online or by paper form, it can also be completed by phone at 843-330-2020.

#### **Announcements**

Kathy Sipple, with Kathy Sipple and Associates, requested to present on the Greenhouse Gas Emission Inventory for the region at the next Commission meeting. Kathy Luther will contact Ms. Sipple.

#### **Adjournment**

Hearing no other business, Michael Griffin adjourned the meeting at 10:33 a.m.

The Executive Board will meet on September 17, 2020 at 9:00 a.m.

*The livestream video recording of this meeting is available on NIRPC's YouTube Channel at <https://www.youtube.com/watch?v=aElbJp-mtPQ>*