



6100 Southport Road
Portage, Indiana 46368
(219) 763-6060
www.nirpc.org

**NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION
EXECUTIVE BOARD MEETING
March 18, 2021 9:00 A.M.**

Zoom Information:

<https://zoom.us/j/96894592722?pwd=NHdHdUpGSmxEODhKeTRmTTR3ZmtrQT09>

Meeting ID: 968 9459 2722

Meeting Passcode: 299182

Call in: (312) 626-6799

Annotated Agenda

- 1.0 Call to Order and Pledge of Allegiance - George Topoll
- 2.0 New Appointments to the Commission - Attorney Dave Hollenbeck
- 3.0 Roll Call and approval of the Minutes of the January 21, 2021 Full Commission Meeting (pp. 1-4)
ACTION REQUESTED: Approval
- 4.0 Public Comment on Current Agenda Items
Members of the audience who have signed up to comment on agenda items will be recognized by the Chair. Time is limited to 3 minutes per commenter. Commenters must indicate on the sign-in sheet prior to the start of the meeting.
- 5.0 Report of the Chair - George Topoll
- 6.0 Report of the Executive Director - Ty Warner
- 7.0 Environmental Management Policy Committee
- 8.0 Consent Agenda
 - 8.1 Finance and Personnel Committee - Greg Stinson
 - 8.1.1 Resolution #21-03 - [Updating the Management Plan for the LaPorte County RLF](#) available separately
ACTION REQUESTED: Approval
 - 8.1.2 Resolution #21-04 - [Regional RLF Management Plan Amendment](#) available separately
ACTION REQUESTED: Approval
- 9.0 Technical Planning Committee - Kevin Breitzke (pp. 15-18)
- 10.0 INDOT, Matt Deitchley, La Porte District Deputy Commissioner

11.0 Other Business

12.0 Announcements

13.0 Adjournment

NIRPC Full Commission Meeting

Electronic Meeting via Zoom

January 21, 2021 Minutes

Call to Order

Chairman, Michael Griffin, called the meeting to order at 9:02 a.m. with the Pledge of Allegiance.

This meeting was convened as an *electronic meeting*, pursuant to Governor Holcomb's Executive Order 20-52 on December 31, 2020 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. 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.

New Appointments to the Commission

Dave Hollenbeck announced the appointments to the Commission of Denise Ebert (Town of Wanatah), Robert Forster (Town of Kouts), and Bob Poparad (Porter County Council).

Roll call - Taken by Candice Eklund.

Present

The 34 Commissioners present included Janet Beck (Pottawattomie Park), Geof Benson (Beverly Shores), Kevin Breitzke (Porter County Surveyor), Charlie Brown (Lake Cty Council), Robert Carnahan (Cedar Lake), Bill Carroll (Lake Station), Joshleen Denham (Trail Creek), Tom Dermody (LaPorte), Jon Derwinski (Winfield), Daina Dumbrys (Michiana Shores), Denise Ebert (Wanatah), Bill Emerson (Lake County Surveyor), Robert Forster (Kouts), Michael Griffin (Highland), Richard Hardaway (Merrillville), Eric Hull (Burns Harbor), Justin Kiel (La Crosse), Andrew Kyles (Crown Point), Robert Lemay (Long Beach), Sue Lynch (Portage), Tom McDermott (Hammond), Lori Mercer (Westville), Wendy Mis (Munster), Matt Murphy (Valparaiso), Jerome Prince (Gary), Rick Ryfa (Griffith), Tom Schmitt (Schererville), Brian Snedecor (Hobart), Greg Stinson (Porter), Gerald Swets (St. John), Mary Tanis (Dyer), James Ton (Chesterton), George Topoll (Union Township), and John Yelkich (Lowell). Also present was Matt Deitchley representing INDOT.

Absent

The 16 Commissioners absent included Kyle Allen (Lake Cty Commissioner), Duane Arndt (Kingsford Heights), Jeannette Bapst (Dune Acres), Jim Biggs (Porter Cty Commissioner), Anthony Copeland (East Chicago), Tony Hendricks (LaPorte County), Jack Jeralds (Schneider), Sheila Matias (LaPorte Cty Commissioner), Edward Morales (Porter Township), Duane Parry (Michigan City), David Peeler (Hebron), Bob Poparad (Porter County Council), Michael Rosenbaum (LaPorte County), Ed Soliday (Governor Appointee), Steve Spebar (Whiting), and Sharon Szwedo (New Chicago).

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

Staff present included Ty Warner, Kathy Luther, Charles Bradsky, Mitch Barloga, Flor Baum, Eman Ibrahim, Scott Weber, Meredith Stilwell, Kevin Polette, Candice Eklund, Gabrielle Biciunas, Denarie Kane and attorney Dave Hollenbeck.

Approval of Minutes

Under General Consent, Michael Griffin declared the minutes of the November 19, 2020 Full Commission meeting minutes were adopted. There were no objections.

Public Comment - There were no public comments.

2020 NIRPC Annual Report - Ty Warner

Ty Warner introduced Lucas Eklund-Baker, NIRPC's Communications Specialist and thanked him for his efforts in creating NIRPC's 2020 Annual Report. Denarie Kane, NIRPC's Economic Development Specialist, was also introduced. Ty provided an overview of the annual report and stated it would be sent out after the meeting.

NIRPC's 2020 activities included the allocated CARES Act funds received from the FTA, and the creation of plans and applications for the CARES Act funds for the Economic Development District (EDD). In summary, NIRPC helps connect communities to receive federal funds for the transportation projects they want to accomplish in its capacity as a Metropolitan Planning Organization (MPO). It was noted the Cline Avenue bridge project was completed last month using private funding. NIRPC modeled this project to ensure it fit within the network and in the conformity congestion management process. Lastly, Ty will meet with the new Chair to create the yearly topical committee interest survey to gather information on the areas the Commissioners would like to serve in. Mr. Griffin thanked Ty for his administrative leadership.

Officers and Executive Board for 2021 - Michael Griffin

Michael Griffin presented the recommendations of the Nominating Committee for 2021. No additional nominations were made. A roll call would traditionally be taken for each of the Executive Board positions separately but since there were no objections from the Commission, the full report was allowed. There were no objections to the recommendations of the Nominating Committee. Mayor Dermody noted Jim Pressel, Indiana House of Representatives, was in attendance and would be replacing Representative Ed Soliday on the Executive Board. Michael stated we are waiting for the formal appointment letter from Governor Holcomb and will hold Mr. Pressel as the putative holder of the seat of Governor's Appointee.

Commissioner McDermott questioned how Executive Board members were chosen to be eliminated. Mr. Griffin stated one of the complications when selecting a Commissioner from Lake County is there are 19 cities and towns that can be represented and offered one could propose to the floor a nomination if desired. Commissioner McDermott said Lake County has at least twice as many people as Porter or LaPorte Counties and questioned if it was legal or constitutional that Lake County only be allowed two appointees to the Executive Board. Mr. Griffin responded that we have to presume the laws creating NIRPC's Executive Board are presumptively constitutional until a court of proper jurisdiction tells us otherwise, which is equal numerical representation from Lake, Porter, and LaPorte Counties on the Executive Board. Mr. Griffin thanked Commissioner McDermott for his insight.

Elected as Chair for 2021 was George Topoll, Union Township Trustee. Justin Kiel, Town Council President of La Crosse, was elected as Vice Chair. Richard Hardaway, Councilman from Merrillville was elected as Secretary, and Greg Stinson, Councilman from Porter, was elected Treasurer.

Members elected to the Executive Board included Clerk-Treasurer Wendy Mis (Munster) and Bill Emerson (Lake County Surveyor), representing Lake County; County Commissioner Sheila Matias and Mayor Tom Dermody (LaPorte), representing LaPorte County; and Mayor Sue Lynch (Portage) and Councilman James Ton (Chesterton), representing Porter County. Michael Griffin, Clerk-Treasurer of Highland, now serves as Immediate Past Chair.

Hearing no objections to taking a roll call after each of the recommendations of the Executive Board nominations were announced, a roll call was taken by Candice Eklund for the 2021 Nominating Committee. With Janet Beck, Geof Benson, Kevin Breitzke, Charlie Brown, Bill Carroll, Robert Carnahan, Joshleen Denham, Tom Dermody, Jon Derwinski, Daina Dumbrys, Denise Ebert, Bill Emerson, Robert Forster, Michael Griffin, Richard Hardaway, Eric Hull, Justin Kiel, Andrew Kyles, Robert Lemay, Sue Lynch, Lori Mercer, Wendy Mis, Matt Murphy, Jerome Prince, Rick Ryfa, Tom Schmitt, Brian Snedecor, Greg Stinson, Gerald Swets, Mary Tanis, George Topoll, and John Yelkich voting in the affirmative, Tom McDermott voting in the negative, and Jim Ton with a present vote, the report of the nominating committee was approved and the members listed were elected. Charlie Brown asked if it should be a consideration of the Legislative Committee to have a weighted vote or consider having more representation from Lake County based on population. Ty Warner presented (virtually) Michael Griffin with a gavel plaque and thanked him for his excellent service over the past year.

Environmental Management Policy Committee (EMPC) - Bill Emerson

The EMPC met on January 7 and discussed their planning meeting schedule for 2021, adding that the Clean Water Permit for MS4 from the state is being updated. The next EMPC meeting is scheduled for April 1, 2021 at 9:00 a.m.

Finance & Personnel Committee (F & P) - Richard Hardaway

Richard Hardaway reported the F & P Committee met this morning to review the financial standings and announced there was a recommendation to approve Procurement #21-01 for two replacement Body on Chassis (BOC) vehicles for LaPorte TransPorte. The purchase will be made with the FTA funds at 80% from grant IN 2020-039, with the cost not to exceed \$118,400 in federal funds. There were no comments.

Technical Planning Committee (TPC) - Kevin Breitzke

Kevin Breitzke welcomed Representative Jim Pressel to the meeting, stating Mr. Pressel is the Chair of the House Roads and Transportation Committee. The TPC met virtually on January 12, 2021 and recommends the adoption of two resolutions for consideration. The first action is Resolution #21-01, Amendment 12 to the 2020-2024 TIP. Charles Bradsky stated there were no public comments received. The Interagency Consultation Group (ICG) provided one comment, stating the document showed Amendment 11 instead of Amendment 12. The error was corrected and approval was received from the ICG on December 28, 2020.

Kevin Breitzke reported the second action for consideration is Resolution #21-02, the State's Safety Performance Measure Targets. Scott Weber reported that NIRPC is federally required to either adopt the state's safety performance targets or set their own yearly. NIRPC staff made the decision to adopt the state's performance measure targets and in accepting their recommendations, technical changes were required to be made in NIRPC's two core planning documents, the *NWI 2050* plan and the FY 2020-2024 TIP.

Kevin Breitzke informed the Commission that state budget orders are occurring, with COVID having an impact on the revenue stream for the state. The next TPC meeting will be held on February 9, 2021 at 10:00 a.m.

By virtue of the Full Commission of General Consent to allow all items to be Consent Agenda matters, George Topoll asked for a vote on the three matters below:

- Approval of Procurement #21-01, Two replacement BOC vehicles
- Approval of Resolution #21-01, FY 2020-2024 Transportation Improvement Program Amendment #12
- Adoption of Resolution #21-02, The State's Safety Performance Measure Targets

Hearing no objections, a motion was received by Kevin Breitzke and seconded by Greg Stinson to adopt the matters on the consent agenda. Roll call was taken by Candice Eklund for these three matters. With Janet Beck, Geof Benson, Kevin Breitzke, Charlie Brown, Bill Carroll, Robert Carnahan, Joshleen Denham, Tom Dermody, Jon Derwinski, Daina Dumbrys, Denise Ebert, Bill Emerson, Robert Forster, Tom McDermott, Michael Griffin, Richard Hardaway, Eric Hull, Justin Kiel, Andrew Kyles, Robert Lemay, Sue Lynch, Lori Mercer, Wendy Mis, Matt Murphy, Jerome Prince, Rick Ryfa, Tom Schmitt, Brian Snedecor, Greg Stinson, Gerald Swets, Mary Tanis, Jim Ton, George Topoll, and John Yelkich voting in the affirmative, and no one voting in the negative, the motion passed.

NIRPC Economic Development District Report - Gabrielle Biciunas

Gabrielle Biciunas provided a background of the EDD stating NIRPC was designated by the Economic Development Administration (EDA) to administer the district for economic development activities. As an EDD, the communities in Lake, Porter, and LaPorte counties have access to federal funding opportunities for economic related projects. Due to the pandemic, congress passed the CARES Act in 2020 and the EDA awarded NIRPC with two CARES Act grants to assist all three counties for economic recovery. The first grant in the amount of \$400,000 is to address short and long term economic development impacts and NIRPC hired two staff members, as noted under Ty Warner's report. The second grant in the amount of \$583,000, is to establish a new regional Revolving Loan Fund program, called *Recover NWI* Loan Program. The cost to administer the plan is \$53,000, leaving \$530,000 in available funding to assist businesses in their recovery. For assistance in seeking funding opportunities contact Gabrielle Biciunas.

INDOT - Matt Deitchley

Matt Deitchley, La Porte District Deputy Commissioner, reported the Community Crossings program had a call for projects this month. There were 241 municipalities awarded \$101 million in the 2nd call for projects in 2020.

Matt noted I-94 will be under construction in 2021 and 2022 between the Illinois state border and Indianapolis Boulevard. There will also be construction from I-94 West to I-65 in 2021 and I-94 East to I-65 in 2022.

Other Business

Ty Warner referenced the meeting dates document for 2021 stating the venue will be dependent on the Governor's emergency declaration to enable virtual meetings. The next meeting is scheduled for March 18 for the Executive Board. NIRPC will send out calendar invitations and continue to email the meeting materials before each meeting.

Announcements

Members of the Commission recognized Michael Griffin for his years of service as Chair and for guiding the Commission in 2020.

Bob Carnahan asked that we remember and pray for family and friends who have lost loved ones to COVID.

Bill Emerson requested more communication on the nominations for the Executive Board members in 2022 to allow sitting members more notice to either lobby for themselves or provide additional communication before the meeting.

Adjournment

Hearing no other business, Michael Griffin adjourned the meeting at 10:11 a.m.

The livestream video recording of this meeting is available on NIRPC's YouTube Channel at <https://www.youtube.com/watch?v=5wPJRRQCj1U>



MEMORANDUM

TO: NIRPC Finance & Personnel Committee and NIRPC Executive Board
FROM: Denarie Kane, Economic Development Specialist, NIRPC
RE: Recommendation and Approval of Amendments to the La Porte County Revolving Loan Fund Management Plan
DATE: February 18, 2021

The La Porte County Revolving Loan Fund (RLF) Board reviewed the attached summary of update recommendations prepared by Gabrielle Biciunas, Economic Development District Coordinator, and took approval action on February 3, 2021. This amendment process was initiated since a five year update of a RLF Management Plan is required by the Economic Development Administration (EDA).

Several of these amendments addressed items now required by EDA, and these are noted in the attached summary under *Conflict of Interest, Allowable Cash Percentage, Audits, and Environmental Section*. Under *Economic Development Administration Reporting*, the language was revised as suggested by EDA. In regard to *Delinquency Management*, the red edits are the additions that were made to the Management Plan's existing language to address loan restructuring. The other changes (see page 1), reflect updates to *Comprehensive Economic Development Strategy (CEDS), Economic Adjustment Overview, Application Fee, and Loan Servicing Procedures - Repayment*.

The EDA subsequently approved and accepted all of these amendments on February 12, 2021. A request is now being made for the Finance and Personnel Committee to recommend that NIRPC's Executive Board, acting on behalf of the Commission, also approve these amendments and adopt Resolution #21-03. Thank you.

Attachment: La Porte County RLF Management Plan - Update Recommendations (5 pages)

LaPorte County RLF Management Plan – Update Recommendations

Due by March 2021

Comprehensive Economic Development Strategy (CEDS)

- Update to include Economic Development District designation.

Economic Adjustment Overview

- Added more information from Bert and Clarence.

Application Fee

Updated language to: “will be determined based on contracted costs for the preparation of Credit Memo and Credit Report.” Removed the \$200 application fee requirement. (page 16)

Loan Servicing Procedures

Repayment

- Added language: If partial payment is received, the payment will first be applied to the interest.
- Add language in Loan Closing Agreement Letter - Repayment section.

Conflict of Interest (language added by EDA)

Replace existing language with EDA required language:

EDA requires inclusion of the following:

- 1) Definitions.
 - a) An “Interested Party” is any officer, employee or member of the board of directors or other governing board of Recipient, including any other parties that advise, approve, recommend or otherwise participate in the business decisions of Recipient, such as agents, advisors, consultants, attorneys, accountants or shareholders. An Interested Party also includes the Interested Party’s “Immediate Family” (defined as a person’s spouse or partner in a domestic relationship, parents, grandparents, siblings, children and grandchildren, but not distant relatives, such as cousins, unless the distant relative lives in the same household as the person) and other persons directly connected to the Interested Party by law or through a business arrangement.
 - b) A conflict of interest generally exists when an Interested Party participates in a matter that has a direct and predictable effect on the Interested Party’s personal or financial interests or there is an appearance that an Interested Party’s objectivity in performing his or her responsibilities under the Project is impaired.
 - c) An appearance of impairment of objectivity could result from an organizational conflict where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial assistance, services, or advice. It also could result from non-financial gain to the individual, such as benefit to reputation or prestige in a professional field.
- 2) Conflicts of Interest Rules.

Recipient must adhere to EDA conflicts of interest rules set forth at 13 CFR § 302.17, including the following rules specific to RLFs:

- a) An Interested Party of Recipient shall not receive, directly or indirectly, any personal or financial benefit resulting from the disbursement of RLF loans. A financial interest or benefit may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward.
 - b) Recipient shall not lend RLF funds to an Interested Party.
 - c) Former board members of Recipient and members of their Immediate Family shall not receive a loan from the RLF for a period of **two years** from the date that the board member last served on the board of directors.
- 3) Duty to Disclose.
Recipient must, in a timely fashion, disclose to EDA in writing any actual or potential conflict of interest.
- 4) Written Standard of Conduct.
- a) Recipient must maintain written standards of conduct to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of a personal or organizational conflict of interest or personal gain in the administration of this RLF Award.
 - b) Recipient must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. See Section K, Other EDA Requirements, Subsection 4. Codes of Conduct and Sub-Award, Contract and Subcontract Provisions, Subsection b), Competition and Codes of Conduct for Subawards.

Delinquency Management

If defaults have occurred and are not cured in a reasonable amount of time, actions can be taken prior to restructuring loan agreements and pursuing legal action to recover the investment. NIRPC staff **and/or contracted service** will stay in close contact with the business to monitor activity and be immediately aware of further deterioration. Possible activities include:

- Increase financial reporting
- Require monthly cash flow reconciliation, such as:
 - The borrower shall submit financial statements for the business and any individuals providing a personal guarantee for the loan. Financial statements should be dated within 90 days of the payment default.
 - The financial statements should be analyzed to determine the borrower's ability to repay the debt based on its current financial condition. The cash flow of the business is the primary source of repayment; however, the liquidity of the business, excess cash flow of the personal guarantors, and liquidity of the personal guarantors should also be considered.
 - If the cash flow of the business, cash flow of the personal guarantors, or liquidity of the business or personal guarantors are determined to be sufficient to make ongoing loan payments, no additional alterations should need to be done to the loan agreement and repayment schedule.
 - If the cash flow of the business, cash flow of the personal guarantors, or liquidity of the business or personal guarantors is determined to be insufficient to continue with the current debt repayment schedule, further action should be taken.
- Hold monthly meetings with management
- Attend meetings of the board of directors

Default Loans: Any loan that is in arrears up to 90 days is considered to be a defaulted loan. Late penalty requirements will follow what is stated in the promissory note and/or loan agreement. Under default all loan proceeds must be immediately repaid or default proceedings will be initiated. Security items will be sold, and proceeds used to recover loan amounts outstanding, legal fees, and other costs of recovery.

If a loan should become delinquent, the following procedures will occur: Telephone contact will be made 10 days after the due date.

- First notice of delinquent payment will be sent 15 days after the due date.
- Second notice will be sent 30 days after the due date.
- Third notice will be sent 60 days after the due date.
- Fourth notice will be sent 75 days after the due date. A certified, return receipt notice will be sent. During the first 75 days of delinquency, written and oral communication, as well as site visits, will be utilized to resolve the delinquency. Every effort will be made through personal contact to resolve the delinquency.
- After 90 days of delinquency, a loan due demand notice will be sent by legal counsel. If after 90 days a delinquency still exists, and the loan has not been renegotiated or brought current, the loan may be declared in default. NIRPC may immediately commence procedures to recover the borrower's security. No loan modification will be approved unless it can be demonstrated that modification will improve the borrower's ability to repay the loan.

Any recipient proven guilty of discrimination in employment practices or determined to have used discriminatory practices in hiring shall be in default and subject to repay all loan funds immediately. Illegal business transactions or illegal business practices by the recipient may be cause for immediate recall of loan funds.

Restructuring of Loans: If the cash flow of the business is inadequate to make the scheduled payments, it may be necessary to alter the terms of the note in order to cure defaults. If there is no need to formally cure defaults, payment terms may be reached without amending the notes. Restructuring of loans include but are not limited to interest rate amendments, maturity date extensions, or added balloon payment. The following steps can be taken into consideration:

1. Determine if the cash flow problem is a short-term issue or a long-term issue affecting the viability of the company. If it is determined that the cash flow issue is a long-term situation, liquidation of the collateral should be considered. If the issue is determined to be short-term in nature, loan modification is appropriate.
2. Determine a solution that best resolves the short-term cash flow situation. These solutions include but are not limited to the following:
 - a. Re-amortizing the note over a longer period of time to decrease the monthly payment amounts
 - b. Allowing a deferral of principal or principal and interest for a period of time to allow the borrower reprieve from payments. At the end of the deferral period, the note would be re-amortized over the original term of the note or over a longer term if deemed necessary for repayment
 - c. A reduction of interest rate can be considered, though this is unlikely to resolve a cash flow issue
 - d. If allowed in the original note, a default interest rate may be enforced during the loan modification
3. Once the appropriate course of action is determined, a modification of the note should be prepared and executed. All collateral documents, including mortgages, UCC filings, and personal guarantees should be extended to match the new maturity date, if applicable. A new amortization schedule for the note should be provided to the borrower.

4. The borrower should be required to submit quarterly financial statements so ongoing repayment ability can be monitored.

All loan modifications must be reviewed and approved by the LaPorte County RLF Managing Board. Terms and repayment schedules will be defined and agreed upon by the Board.

Economic Development Administration Reporting (*Revised with EDA language*)

NIRPC will comply with all EDA reporting requirements. As part of this reporting NIRPC will certify to EDA that the Regional RLF is operating in accordance with the applicable Regional RLF Management Plan.

Sections added by EDA:

Allowable Cash Percentage

Effective Jan. 2, 2018, EDA replaced the Capital Utilization Rate of 25 percent with region-specific Allowable Cash Percentage (ACP) that is updated annually. The ACP is the average cash available for RLFs in the Chicago EDA region and is used for risk rating RLFs according to the Risk Analysis System.

Lending activity will be managed so that the cash available for lending is less than the current ACP in effect for the Chicago Region. However, if the Cash Available for Lending is greater than 50% of the RLF Capital Base for 24 consecutive months, EDA may take action to disallow the persistent excess cash.

Audits

NIRPC is required to obtain an annual audit of its RLF program in accordance with 2 CFR Subpart F and the Compliance Supplement, which is appendix XI to 2 CFR part 200, as applicable.

NEW - Environmental Section

- The RLF Administrator with the assistance of appropriate staff, shall assess the significance of all environmental impacts of activities to be financed in compliance with the National Environmental Policy Act of 1969 and other Federal environmental mandates, as per the Assurances (SF 424D as revised) executed with the Economic Development Administration. No activity shall be financed which would result in a significant adverse environmental impact unless the impact is to be mitigated to the point of insignificance. When necessary to ensure compliance, any required mitigation shall be made part of the loan conditions.
- No project shall be approved which would result in the alteration of or have an adverse impact on any wetland without prior consultation with the U.S. Department of the Interior, Fish and Wildlife Service, and, if applicable, obtaining a section 404 permit from the Army Corps of Engineers.
- Consistent with E.O. 11988, no project shall be approved which would result in new above ground development in a 100-year flood plain. This determination will be made by reviewing the proposed development against FEMA Flood Insurance Rate Maps.
- The State Historic Preservation Officer, (SHPO) shall be notified of each loan proposal that involves significant new construction or expansion and asked to submit comments on the effect of the proposed activity on historic and archaeological resources. The RLF Administrator shall work with the SHPO and EDA in cases where the SHPO has recommended actions or has been determined an adverse impact.

- All loan applicants shall be requested to provide information indicating whether or not there was hazardous materials such as EPA listed (see 40 CFR 300), hazard substances, leaking underground storage tanks, asbestos, polychlorinated biphenyls (PCB), or other hazardous materials on site that have been improperly handled and have the potential of endangering public health. If deemed necessary, loan applicants may be required to perform or provide evidence of a Phase I site assessment to identify possible sources of contamination, a Phase II site assessment to test soil and/or groundwater samples, and a Phase III site remediation involving mitigation of applicable contaminants. In cases where there are unresolved site contamination issues, the RLF Administrator shall work with the loan applicant and the appropriate state environmental agency office to resolve these outstanding issues.



RESOLUTION 21-03

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION UPDATING THE MANAGEMENT PLAN FOR THE LAPORTE COUNTY REVOLVING LOAN FUND

Whereas, the Northwestern Indiana Regional Planning Commission (hereafter referred to as “The Commission”) operates a Revolving Loan Fund for La Porte County under the Economic Development Administration (EDA) of the U.S. Department of Commerce; and

Whereas, the Commission adopted certain updates to the Management Plan for the LaPorte County Revolving Loan Fund (hereafter referred to as “The LaPorte County RLF”) on May 19, 2016 in Resolution 16-19; and

Whereas, the Economic Development Administration (EDA) requires five-year updates to Management Plans for Revolving Loan Fund programs; and

Whereas, the LaPorte County RLF Board approved and adopted updates to the Plan at their meeting of February 3, 2021 by unanimous vote; and

Whereas, the EDA subsequently approved and accepted these updates to the Laporte County RLF Management Plan on February 12 , 2021;

Now, Therefore Be It Resolved that the Commission approves the required five-year update to the Management Plan for the LaPorte County Revolving Loan Fund, as attached to this resolution.

Duly adopted by the Northwestern Indiana Regional Planning Commission this 18th day of March 2021.

George Topoll
Chairperson

ATTEST:

Richard Hardaway
Secretary



MEMORANDUM

TO: NIRPC Finance & Personnel Committee and NIRPC Executive Board
FROM: Denarie Kane, Economic Development Specialist, NIRPC
RE: Recommendation and Approval of Amendments to the Regional Revolving Loan Fund Management Plan for Lake, Porter, and La Porte Counties
DATE: February 25, 2021

The Regional Revolving Loan Fund Management Plan for Lake, Porter, and La Porte Counties, approved on September 17, 2020, is in need of amendment related to the application fee charged loan applicants. On pages 16 and 17 is a section titled *Fees*. There are also references to specific fee amounts on page 24 under a section titled *Submittal Requirements from Each Applicant*, on page 25 under a section titled *Loan Closing Schedule, Fund and Close of Loan*, and on page 27 under a section titled *Loan Disbursement*.

The two sections under *Fees* which are requested to be amended are duplicated below and noted as *Current Language*. The \$200 amount collected for the Loan Application Fee is insufficient to cover the cost of preparing the Credit Memorandum and obtaining the Credit Reports. Based on a contract pending with the Regional Development Company to provide these two required services, an increase in the Application Fee is proposed. The proposed Application Fee would be \$450, and the proposed Closing Fee would therefore be \$550. In total, a \$1,000 sum will be collected in fees for approved loans which is the same \$1,000 sum as is currently collected. The proposed amendment is shown below and noted as *Proposed Language*.

Fees (Current Language on pages 16 & 17)

Loan Application Fee: A non-refundable loan application fee of two hundred dollars (\$200) will be charged to all loan applicants. If the loan is approved, the fee will be applied to the loan processing fee.

Closing Fee: Borrowers will pay NIRPC one thousand dollars (\$1,000) at the time of closing to provide for certain administrative and legal fees associated with loan preparation and closing.

Fees (Proposed Language)

Loan Application Fee: A non-refundable loan application fee of four hundred and fifty dollars (\$450) will be charged to all loan applicants. If the loan is approved, this \$450 fee will be applied to the \$1,000 in total fees collected which includes the closing fee.

Closing Fee: Borrowers will pay NIRPC five hundred and fifty dollars (\$550) remaining of the total fee of one thousand dollars (\$1,000) at the time of closing to provide for certain administrative and legal fees associated with loan preparation and closing.

On page 24 under *Submittal Requirements from Each Applicant*, the \$200 amount is part of a bulleted submittal requirement that reads “Application with \$200 application fee”. This bulleted submittal requirement is proposed to read “Application with application fee”.

In addition, the dollar amount in the last sentence under the *Loan Closing Schedule, Fund and Close of Loan* section needs to be amended to reflect an application fee of \$450 and the remaining amount of \$550 owed as a closing fee.

This sentence on page 25 currently reads as follows:

The applicant, prior to receiving the loan check, is required to pay in full the \$1,000 loan closing fee less the application fee of \$200.

This sentence is proposed to read as follows:

The applicant, prior to receiving the loan check, is required to pay in full the \$550 loan closing fee.

Lastly, the dollar amount in the last sentence under the *Loan Disbursement* section needs to be amended to reflect the closing fee of \$550.

This sentence on page 27 currently reads as follows:

The applicant must pay in full the \$1,000 closing fee prior to the disbursement of any funds.

This sentence is proposed to read as follows:

The applicant must pay in full the \$550 closing fee prior to the disbursement of any funds.

Upon inquiry made by EDD staff on February 11, 2021, the Economic Development Administration has informed NIRPC that loan application fee amounts are not within their purview. Therefore, the following items are requested to be approved by NIRPC’s Finance and Personnel Committee in accordance with their responsibilities outlined in the Regional RLF Management Plan for Lake, Porter, and La Porte Counties on page 21 :

- 1) Approve the amendment to the *Fee* section as proposed (pages 16 & 17).
- 2) Approve the amendment to the *Submittal Requirements from Each Applicant* section as proposed (page 24).
- 3) Approve the amendment to the *Loan Closing Schedule, Fund and Close of Loan* section as proposed (page 25).
- 4) Approve the amendment to the *Loan Disbursement* section as proposed (page 27).

Furthermore, a request is made for the Finance and Personnel Committee to recommend that NIRPC’s Executive Board, acting on behalf of the Commission, also approve these amendments and adopt Resolution #21-04. Thank you.



RESOLUTION 21-04

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION AMENDING THE FEES IN THE MANAGEMENT PLAN FOR THE REGIONAL REVOLVING LOAN FUND FOR LAKE, PORTER, AND LA PORTE COUNTIES

Whereas, the Northwestern Indiana Regional Planning Commission (hereafter referred to as “The Commission”) operates a Regional Revolving Loan Fund for Lake, Porter, and La Porte Counties under the Economic Development Administration (EDA) of the U.S. Department of Commerce; and

Whereas, the Commission adopted a Management Plan (hereafter referred to as “The Plan”) for the Regional Revolving Loan Fund for Lake, Porter, and La Porte Counties on September 17, 2020, in Resolution 20-26; and

Whereas, the existing \$200 application fee in the Plan was recommended to be increased to \$450 so there are sufficient dollars available to cover the costs of certain contracted services necessary to evaluate loan requests and the credit worthiness of the applicants; and

Whereas, the total amount of fees paid by an applicant for an approved loan will remain at \$1,000 with the balance of \$550 paid at the time of loan closing prior to the disbursement of any loan funds; and

Whereas, the EDA advised Economic Development District staff on February 11, 2021, that the EDA does not regulate loan application fees so the EDA’s approval of the proposed fee amendments to the Plan is not required; and

Whereas, the Finance and Personnel Committee approved and adopted various amendments to the Plan related to the recommended increase in the application fee at their meeting of March 18, 2021, by unanimous vote; and

Now, Therefore Be It Resolved that the Commission approves the amended Management Plan for the Regional Revolving Loan Fund for Lake, Porter, and La Porte Counties as attached to this resolution.

Duly adopted by the Northwestern Indiana Regional Planning Commission this 18th day of March 2021.

ATTEST:

George Topoll
Chairperson

Richard Hardaway
Secretary

Technical Planning Committee

Tuesday, February 9, 2021

Minutes

This meeting was convened as an electronic meeting, pursuant to Governor Holcomb's extended Executive Order 21-03. All persons were meeting remotely on a Google Meet platform that allowed for real time interaction and supported the public's ability to observe and record the proceedings. When the agenda item was provided for public comment, this was supported as well. A roll call was taken to motion and approve the agenda items.

Kevin Breitzke called the meeting to order at 10:01 a.m. with the Pledge of Allegiance.

Committee members present were Bryan Blazak (St. John), Kevin Breitzke (Porter County), Jeff Huet (Schererville), Blossom Mabon (Lake Co. Comm. Services), Beth West (La Porte TransPorte), Kay Nelson (FORUM), Jake Dammarell (BFS), Don Oliphant, Timothy Werner (CIORBA), Nick Bellar (Winfield), Adrian Vera (Lake Station), Jessica Miller, Gerald Swets (St. John), Eric Wolverton (Structure Point), Chris Murphy (Structure Point), AJ Bytnar (Gary), Katie Vallis (IDNR), Bill Emerson, Duane Alverson (Lake County), Rachelle Morgan-Ceasar (Gary), Sandy Kolb, Trish Nugent, Sergio Mendoza (St. John), Amy Blaker (Lochmueller), Lauri Keagle (SSCC), Dean Button (Hammond), Terry Martin, Mark O'Dell (Chesterton), David Wright (GPTC), Jessica Miller, Craig Wilson (ATC), Beth Shrader (Valparaiso), Bob Thompson (Porter County), Jennifer Fehlman, Steve King (Merrillville), Mayor Matt Murphy (Valparaiso), Robert Dirks, Stephanie Belch (INDOT), Amanda Geary (Opportunity Enterprise), Dennis Cobb (First Group Engineering), Mike Jabo (Valparaiso), Deb Backhus (Gary), and Kelly Wenger (NICTD).

Staff present were Mitch Barloga, Denarie Kane, Meredith Stilwell, Ty Warner, Kathy Luther, Scott Weber, Kevin Polette, Candice Eklund, Charles Bradsky, Peter Kimball, and Flor Baum.

The January 12, 2020 meeting minutes were approved on motion by Kay Nelson and second by Blossom Mabon.

Public Comments

No public comments to announce.

Programming

Charles Bradsky presented on the FY 2025-2026 NOFA Project Programming. The projects are being funded by Federal Highway money for FY-25 and FY-26. Unused monies will be reprogrammed in other projects as needed.

Group I Multi-use path projects:

- Crown Point was programmed for \$2mil in FY-25 for the multi-use path on Veterans Memorial and Pennsy Greenway Trail.
- Valparaiso was programmed for \$1,918,104 in FY-26 to provide a multi-use trail connection within our TOD, connecting the Chicago Dash stop to downtown.
- The City of Hammond, East Chicago, and INDOT are tied together in this particular project. A new bike trail will be placed on the new bridge that INDOT is building on Michigan Street (over Kennedy Ave). Hammond was programmed for \$720,314 in FY-25.
- Hammond was programmed for \$100K (PE) in 2023 for the multi-use path Marquette Greenway (Kennedy to Cline).

Group II Multi-use path projects:

- LaPorte County was programmed for \$1,164,678 in FY-25 for the Lincoln Trail Extension from 300 South to Purdue Northwest approximately 1.9 miles (connects to Town of Westville and Bluhm Park via Lincoln Trail).
- Michigan City was programmed for \$1,967,039 in FY-26 for Singing Sands Trail Phase III - A & C (Liberty Trail to 2011 E. Hwy 12).

- Michigan City was programmed for \$109,255 (ROW) in 2024 for Singing Sands Trail Phase III - D (Liberty Trail to 2011 E. Hwy 12).

Group I & II Complete Streets projects:

- Cedar Lake was programmed for \$110K (PE) in 2023 and \$1,751,300 in FY-25 for the East portion of the Complete Streets project. The construction of this sidewalk would provide much needed connectivity for pedestrians to safely walk from the commercial corridor along 133rd Avenue (west of the lake) to the Town facilities and other future commercial corridors on the east side of the lake.

Group I Quality of Place projects:

- Schererville was programmed for \$191,387 in 2023 and \$5,672,783 in FY-25 for the Kennedy Ave Ph III Roadway Expansion project.
- Lake Station was programmed for \$61,875 in 2023 and \$750,000 in FY-26 for the Traffic Calming project. This project will create a greenspace between Central Ave and Fairview Ave, allowing for safe navigation by pedestrians. This is also a legacy project. Charles noted that this project may only qualify for STBG funds, but he will also submit this to INDOT.

Group I Roadway & Bridge Improvements projects:

- Chesterton's implementation of preemption through multi-agencies project was programmed for \$87,130 (PE) in 2023 and \$1,664,810 in FY-25.
- East Chicago was programmed for \$3,592,206 in FY-26 for one phase of the roadway reconstruction of Michigan Ave from Sheridan Place to Block Ave.
- Griffith was programmed for \$109,620 of PE in 2023. The Intersection Safety Improvement project encompasses Broad St. and Avenue H Intersection Improvement.
- Hammond was programmed for \$3,713,783 in FY-26. The Pavement Rehab or Reconstruct project will reconstruct Summer Street from Willis Street to Indianapolis Boulevard.
- Lake County was programmed for \$836,000 in FY-25 for the replacement of Lake County Bridge (#45-00097 Colorado St) over Deep River.
- Merrillville was programmed for \$100,000 (ROW) in 2024. The Intersection Congestion Improvement project is for the Mississippi and 69th Avenue Intersection Improvements Roundabout.
- Merrillville was programmed for \$3,927,129 in FY-26. The Intersection Congestion Improvement project is for the Mississippi St. and 79th Avenue Intersection Improvements (Dogbone Roundabout).
- Town of Munster's Pavement Rehab or Reconstruction project of Main Street from Columbia Avenue to Hart Ditch was programmed for \$318,000 (PE) in 2023 and \$5,034,593 in FY-25.
- The Valparaiso Intersection Congestion Improvements project for SR 130 at CR 400N (Vale Park Rd) Roundabout was programmed for \$142,896 (PE) in 2023.
- The Valparaiso Intersection Congestion Improvements for Lincolnway at Campbell Street Roundabout was programmed for \$2,216,121 in FY-25.

Group II Roadway & Bridge Improvements projects:

- La Porte was programmed for \$33,084 in 2024 for their Emergency Communication Equipment project.

Group I New Roadway/s projects:

- Porter County was programmed for an additional \$321,975 (PE) in 2024 and \$5,226,374 for Ph I in FY-26. The New Roadway project seeks to improve regional connectivity and operational traffic flow by providing a direct north-south route in Porter County, generally between the Valparaiso-Merrillville corridor and downtown Portage.
- St. John was programmed for \$559,366 (PE) in FY-25. The New Roadway project will be for an extension of Cline Avenue from West 93rd Avenue to 101st Avenue.

Group II New Roadway/s projects:

- La Porte was programmed for \$935,322 in FY-25. The New Roadway project is for preliminary Engineering on North-South Corridor-Phase I; US 35-SR 4 in partnership with LaPorte County.

Transit Expansion projects:

- TPC will hold a special meeting on February 18 at 10:00 a.m. to discuss Group I & II transit projects in the 2022-2026 Transportation Improvement Program (TIP).

On motion by Dean Button and second by Mark O'Dell the Technical Planning Committee approved to recommend Group I & II new projects in our 2022-2026 Transportation Improvement Program (TIP) to The Commission.

Topical Committee Reports

Mitch Barloga reported that the Ped, Pedal, and Paddle Committee (3PC) received the updated bike maps and NIRPC staff is in the process of distributing them regionally. 3PC is also working on a mobile app. It is slated to be rolled out by April of this year.

Eman Ibrahim reported on the Land Use Committee. The last committee meeting was held on January 7. There was discussion of roadway expansion and planning projects.

Scott Weber reported that the Surface Transportation Committee (STC) will meet in April instead of May to discuss final prerequisites for some of the projects that were agreed to.

Reports and Planning Partners

Announcements and upcoming dates were shared with the committee. Lauri Keagle announced that South Shore Clean Cities (SSCC) released their annual report. 80% of SSCC funding went to the NIRPC region. Round three of the on and off-road grants for the Volkswagen (VW) grants are expected to be open for applications in March. Partners for Clean Air is awarding scholarships for high school seniors in the Lake, Porter, and La Porte counties of up to \$2500 each. Applications are due March 31st. Please contact SSCC for more information.

Next Meeting

The next Technical Planning Committee (TPC) meeting is slated for Tuesday, March 9, 2020 at 10:00 a.m. at the NIRPC offices. A special meeting will also be held on February 18 at 10:00 a.m. to further discuss Transit Expansion projects.

The meeting concluded at 11:22 a.m.

Technical Planning Committee

Tuesday, February 18, 2021

Minutes

This meeting was convened as an electronic meeting, pursuant to Governor Holcomb's extended Executive Order 21-03. All persons were meeting remotely on a Google Meet platform that allowed for real time interaction and supported the public's ability to observe and record the proceedings. When the agenda item was provided for public comment, this was supported as well. A roll call was taken to motion and approve the agenda items.

Kevin Breitzke called the meeting to order at 10:02 a.m. with the Pledge of Allegiance.

Committee members present were Bryan Blazak (St. John), Kevin Breitzke (Porter County), Tricia Kistler, Frank Rivera (East Chicago), Tim Hollandsworth, Rita Cavin, George Topoll (Union Township), Jeff Huet (Schererville), Gerald Swets (St. John), Jake Dammarell (BFS), Douglas Flanagan, Leslie Phemister (South Suburban Mayors), Kay Nelson (FORUM), Stephanie Belch (INDOT), Beth West (La Porte), Blossom Mabon (SLCCS), and Katie Vallis (IDNR).

Staff present were Mitch Barloga, Denarie Kane, Meredith Stilwell, Kathy Luther, Scott Weber, Kevin Polette, Candice Eklund, Lucas Eklund-Baker, Charles Bradsky, Peter Kimball, and Flor Baum.

Programming

Charles Bradsky presented on the recommendation for transit projects in the 2022-2026 Transportation Improvement Program (TIP).

Group I

There is \$12,400,200 in funding for Planning Funding Request 5307. However, it is over-programmed by \$7.7 million in 2025 and over-programmed by \$7.6 million in 2026. Funds for 5337 are not constrained but are to be used for Northern Indiana Commuter Transportation District (NICTD). NIRPC is using 2021 funding amount information due to legislation currently not passing a highway funding bill. Most busses were purchased using 5339 and 5310 funds. GPTC's request for six large electric busses for \$2.2 million a year have not been purchased. INDOT moved the deadline project out until March 8. Therefore, a meeting will be held next week with GPTC and NICTD to further discuss their projects.

Group II

NIRPC purchased busses in group II using CMAQ/STBG funds in 2024, 2025, and 2026. TransPorte would receive \$259K and Michigan City Transit would get \$731K in funding.

On motion by George Topoll and second by Kay Nelson, the Technical Planning Committee will recommend the Group II transit funds projects to The Commission.

Next Meeting

The next Technical Planning Committee (TPC) meeting is slated for Tuesday, March 9, 2020 at 10:00 a.m. at the NIRPC offices. An additional special meeting will be held on March 5, 2020 at 10:00 a.m. to discuss Group I Transit Expansion projects.

The meeting concluded at 10:20 a.m.