



Brownfield Redevelopment Authority
Of Jackson County
Served By The Enterprise Group

AGENDA
10/1/09
County Tower Building~Commission Chambers
120 W. Michigan Avenue
7:30 a.m.

- I. Agenda Review**
- II. Call to Order**
- III. Consent Agenda**
 - a) *Minutes from 9/10/09 Regular meeting
 - b) *Approval of August 31, 2009 Financial Statements
 - c) *Approval of September 2009 Bills and Grant Status Report
- IV. Items removed from Consent Agenda**
- V. BRA Active Project Updates**
 - a) *Armory Arts Village Update – September 09 Report from Nora Utley, Site Manager
 - b) Waterfront Redevelopment Grant (WRG) Update
 - c) U.S. EPA 2009 RLF Award Update
 - d) ACME Building Clean up Planning Update
 - e) *Consideration of change order to Clean up Planning Work Order
- VI. Old Business**
 - a) Update regarding RFQP for EPA RLF consultants
- VII. New Business**
 - a) To be determined
- VIII. Director's/Staff Comments**
- IX. Board Member Comments**
- X. Task Force Comments/Updates**
 - a) City BRA Update-Carol Konieczki/Barry Hicks
 - b) Land Bank Authority Update-Karen Coffman
 - c) Envirologic Technologies Update-Dave Stegink
- XI. Community/Public Comments**
- XII. Next Meeting: Scheduled for November 5, 2009, County Tower Building, Commissioners' Chambers, at 7:30 a.m.**
- XIII. Adjourn**

**indicates attachment*



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**BRA Board Meeting Minutes
September 10, 2009
County Tower Building, Commission Chambers**

Present: (7) Christopher Dimas, Jim Dunn, Jim Glen, Daniel Greer, Rod Melling, Dale Moretz, and Steve Shotwell.

Absent: (2) Jeanne Laimon and Natalie Stopyak.

Task Force Partners: Dave Stegink (Envirologic Technologies), Carol Konieczki (City of Jackson), and Randy Treacher (Jackson County).

EG Staff: Debbie Kelly and Amy Torres

Cooperative Partners: Steve Morrison (SCMW!)

Others: None

I. Agenda Review

II. Call to Order: 7:34 a.m. by Chairman Dunn.

III. Consent Agenda: Chairman Dunn asked if there were any questions. None were offered. *Mr. Moretz moved to approve the Consent Agenda, as presented. Supported by Mr. Shotwell. Approved unanimously by roll call vote.*

IV. Items Removed from Consent Agenda: None

V. BRA Active Project Updates:

- a. Armory Arts Village Update:** Chairman Dunn noted the report from Ms. Utley.
- b. Waterfront Redevelopment Grant (WRG) Update:** Ms. Torres reported that the inspections have been completed and construction should begin next spring. The City of Jackson has committed to provide the local match funds for the project.
- c. US EPA 2009 RLF Award Update:** Ms. Torres presented the memo regarding Request For Qualifications and Proposals (RFQP) related to an environmental consultant recommendation for: 1) Programmatic (administrative) activities and 2) Oversight for remedial activities, as it relates to the grant. Ms. Torres reminded the board that the Brownfield Revolving Loan Funds (RLF) are ARRA stimulus funds and need to be utilized within five years. However, we must show progress as soon as possible. BRA Staff is waiting for the Cooperative Agreement from the US EPA, which we expect to receive within the next two to three weeks. Mr. Moretz asked if two consultants were sufficient and Ms. Torres concurred it will be. Ms. Torres noted that the need for two consultants is if one of the environmental consultants is working with the developer, the second consultant would need to provide the oversight. Mr. Greer shared that the City BRA selected a financial institution to review loan applications and Ms. Torres replied that the RLF grant application specified that The Economic Development Corporation of

Jackson County's Loan Review Committee would be reviewing the County BRA applications received. Ms. Torres added that BRA Staff would welcome volunteers from the BRA Board to evaluate the proposals, once received. ***Mr. Moretz moved to authorize BRA Staff to submit the RFQP based upon the memo provided for environmental consultant selection. Supported by Mr. Greer. Approved unanimously.***

- d. **ACME Building Clean up Planning Update:** Chairman Dunn indicated receipt of weekly reports 8 through 11 from Envirollogic Technologies. Weekly Reports 9 through 11, prepared by Envirollogic Technologies, were presented at the meeting. Ms. Torres noted the anticipated extension from MSHDA for the City of Jackson's NSP funds. Once the extension is granted, the bid specifications can be distributed. Ms. Torres shared there is a meeting today regarding the State and National Historical recordation issues. There is a lot going on with the project. Mr. Greer reported that he is aware of 17 communities in need of an extension, as most of them are having trouble expending the funds and hopes for a blanket extension for everyone.

VI. Old Business: None to report.

VII. New Business:

- a. **Consideration of Application for Funding:** None received.

VIII. Director / Staff Comments: At the last meeting, Chairman Dunn asked Ms. Torres to present the County BRA PowerPoint regarding Brownfields. Ms. Torres presented the same PowerPoint, as presented to the Commercial Lender Forum of the Jackson Area Association of Realtors last month. Ms. Torres noted that the presentation can be tailored to accommodate any audience. Ms. Torres will be creating and presenting a PowerPoint regarding marketing Brownfield properties' to one of two statewide MDEQ Brownfield Authority workshops next week.

IX. Board Member Comments: Mr. Greer voiced his disappointment over the Hayes Hotel demolition decision made by City Council.

X. Task Force Comments/Updates:

- a. **City BRA Update:** Chairman Dunn noted the City BRA Meeting Minutes from July and August 2009 were included in the board packet. Ms. Konieczki shared that there were no new projects to report but expects to have one to announce at next month's meeting. Mr. Greer and Ms. Konieczki noted that the City is working with the County's Land Bank Authority (LBA) on neighborhood preservation funds.
- b. **Land Bank Authority Update:** No report as Ms. Coffman could not attend.
- c. **Envirollogic Technologies Update:** Mr. Stegink reported that the Brownfield Conference is in November 2009 and will be held in New Orleans.

XII. Community / Public Comments: None.

XIII. Next Meeting: Scheduled for October 1, 2009, County Tower Building, Commissioners' Chambers at 7:30 a.m.

XIV. Adjourned at 8:06 a.m.

Respectfully submitted by Amy L. Torres and Debbie Kelly, BRA Staff.

BROWNFIELD REDEVELOPMENT AUTHORITY
STATEMENT OF FINANCIAL POSITION
August 31, 2009

ASSETS

CURRENT ASSETS

CHECKING ACCOUNT	4,646.39	
TIF ACCOUNT	13,597.44	
CHECKING ACCOUNT- ZM BCRLF	49,813.94	
A/R GENERAL	2,897.15	
TOTAL CURRENT ASSETS		70,954.92

OTHER ASSETS

NOTE REC - ZM BCRLF	710,734.20	
TOTAL OTHER ASSETS		710,734.20

TOTAL ASSETS		781,689.12
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LIABILITIES AND NET ASSETS

CURRENT LIABILITIES

A/P GENERAL	1,935.00	
TOTAL CURRENT LIABILITIES		1,935.00

LONG TERM LIABILITIES

COUNTY OF JACKSON LOAN	117,500.00	
TOTAL LONG TERM LIABILITIES		117,500.00

TOTAL LIABILITIES		119,435.00
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NET ASSETS

UNRESTRICTED FUND EQUITY	662,591.99	
EXCESS REVENUE OVER EXPENSE	(337.87)	
TOTAL NET ASSETS		662,254.12

TOTAL LIABILITIES & NET ASSETS		781,689.12
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BROWNFIELD REDEVELOPMENT AUTHORITY
STATEMENT OF ACTIVITY
For the Eight Months Ending August 31, 2009

	Current Month	Year to Date
REVENUES		
EPA ASSESSMENT GRANT	1,080.00	11,282.15
INTEREST INCOME - BRA	0.00	1.59
TOTAL REVENUES	1,080.00	11,283.74
EXPENSES		
STAFF TIME - EPA ASSESS - BRA	1,080.00	6,075.00
STAFF TIME - BRA - BCRLF	0.00	1,935.00
STAFF TIME - BCRLF REPAYMENT	0.00	2,970.00
EPA ASSESSEMENT EXPENSE - BRA	0.00	600.00
BANK FEES - BRA	0.00	41.61
TOTAL EXPENSES	1,080.00	11,621.61
EXCESS REVENUE OVER EXPENSE	0.00	(337.87)

JACKSON AREA MANUFACTURERS ASSOCIATION

Statement of Financial Position

August 31, 2009

1010-BRA-000	CHECKING ACCOUNT	8/1/09	Beginning Balance		4,646.39
			The Enterprise Group		
1010-BRA-000	CHECKING ACCOUNT	8/5/09	of Jackso	1,080.00	
1010-BRA-000	CHECKING ACCOUNT	8/6/09	ASAP Grant Pymt	1,080.00	
1010-BRA-000	CHECKING ACCOUNT		Current Period Change	1,080.00	1,080.00
1020-BRA-000	TIF ACCOUNT	8/1/09	Beginning Balance		13,597.44
1025-BRA-000	CHECKING ACCOUNT- ZI	8/1/09	Beginning Balance		49,813.94
		8/31/09	Ending Balance		49,813.94
1105-BRA-000	A/R GENERAL	8/1/09	Beginning Balance		2,897.15
		8/31/09	Ending Balance		2,897.15
1205-BRA-000	NOTE REC - ZM BCRLF	8/1/09	Beginning Balance		710,734.20
		8/31/09	Ending Balance		710,734.20
2005-BRA-000	A/P GENERAL	8/1/09	Beginning Balance		-1,935.00
2005-BRA-000	A/P GENERAL	8/4/09	The Enterprise Group of Jackso	1,080.00	
2005-BRA-000	A/P GENERAL	8/5/09	The Enterprise Group of Jackso - Invoice: 7/09	1,080.00	
2005-BRA-000	A/P GENERAL		Current Period Change	1,080.00	1,080.00
		8/31/09	Ending Balance		-1,935.00
		8/31/09	Ending Balance		-117,500.00
		8/31/09	Ending Balance		-662,591.99
4815-BRA-000	EPA ASSESSMENT GRAN	8/1/09	Beginning Balance		-10,202.15
4815-BRA-000	EPA ASSESSMENT GRAN	8/6/09	ASAP Grant Pymt	1,080.00	
4815-BRA-000	EPA ASSESSMENT GRANT		Current Period Change	1,080.00	-1,080.00
		8/31/09	Ending Balance		-11,282.15
4910-BRA-000	INTEREST INCOME - BRA	8/1/09	Beginning Balance		-1.59
		8/31/09	Ending Balance		-1.59
			The Enterprise Group of Jackso - July 2009 staff time for Amy Torres, Debbie Kelly, Sue Jamieson, Connie King, 12 hrs @ \$90		
5090-BRA-000	STAFF TIME - EPA ASSE	8/4/09		1,080.00	
5090-BRA-000	STAFF TIME - EPA ASSESS - BRA		Current Period Change	1,080.00	1,080.00
		8/31/09	Ending Balance		6,075.00
5095-BRA-000	STAFF TIME - BRA - BCRI	8/1/09	Beginning Balance		1,935.00
5100-BRA-000	STAFF TIME - BCRLF RE	8/1/09	Beginning Balance		2,970.00
		8/31/09	Ending Balance		2,970.00
5720-BRA-000	EPA ASSESSEMENT EXP	8/1/09	Beginning Balance		600.00
		8/31/09	Ending Balance		600.00
9005-BRA-000	BANK FEES - BRA	8/1/09	Beginning Balance		41.61



Brownfield Redevelopment Authority
Of Jackson County
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**October 1, 2009 Invoice and Grant Activity Report
For September 2009 Bills**

U.S. EPA Hazardous Substance Assessment Grant ACTIVITIES:

FUND CATEGORY	AMOUNT
Revenue	
US EPA Hazardous Substance Assessment Grant	\$200,000.00
Expenses:	*ALL EXPENSES SPLIT 50/50 BETWEEN TWO GRANTS.
<i>The Enterprise Group of Jackson-Staff time for Amy Torres 9/01/09 through 9/30/09.</i>	\$1,361.25
<i>The Enterprise Group of Jackson-Staff time for Debbie Kelly 9/01/09 through 9/30/09.</i>	\$360.00
<i>The Enterprise Group of Jackson-Staff time for Sue Jamieson 9/01/09 through 9/30/09.</i>	\$45.00
<i>The Enterprise Group of Jackson-Staff time for Connie King 9/1/09 through 9/30/09.</i>	\$45.00
<i>Envirologic Technologies – ACME through 8/31/09</i>	\$13,778.59
<i>Envirologic Technologies – Marketing through 8/31/09</i>	\$500.00
Total:	<u>\$16,089.84</u>
<i>Spent Thru October 1, 2009</i>	<u>\$33,055.36</u>
Available Grant Total:	\$166,944.64

U.S. EPA Petroleum Assessment Grant ACTIVITIES:

FUND CATEGORY	AMOUNT
Revenue	
US EPA Petroleum Assessment Grant	\$200,000.00
Expenses:	*ALL EXPENSES SPLIT 50/50 BETWEEN TWO GRANTS.
<i>The Enterprise Group of Jackson-Staff time for Amy Torres 9/01/09 through 9/30/09.</i>	\$1,361.25
<i>The Enterprise Group of Jackson-Staff time for Debbie Kelly 9/01/09 through 9/30/09.</i>	\$360.00
<i>The Enterprise Group of Jackson-Staff time for Sue Jamieson 9/01/09 through 9/30/09.</i>	\$45.00
<i>The Enterprise Group of Jackson-Staff time for Connie King 9/1/09 through 9/30/09.</i>	\$45.00
<i>Envirologic Technologies – ACME through 8/31/09</i>	\$13,778.58
<i>Envirologic Technologies – Marketing through 8/31/09</i>	\$500.00
Total:	<u>\$16,089.83</u>
<i>Spent Thru October 1, 2009</i>	<u>\$33,055.35</u>
Available Grant Total:	\$166,944.65

ZM BCRLF LOAN STATUS/ACTIVITIES:

FUND CATEGORY	AMOUNT
Revenue	
Original Zimmer Marble BCRLF Loan	\$800,000.00 *Payments will begin (resume) on January 1, 2010.
<i>Balance as of 1/1/09: \$710,734.20</i>	
Expenses:	
<i>None to report.</i>	
Total:	<u>\$0</u>

DEQ Waterfront Redevelopment Grant (WRG) ACTIVITIES:

FUND CATEGORY	AMOUNT
Revenue	
Original DEQ Waterfront Redevelopment Grant	\$150,000.00
Expenses:	
Total:	<u>\$0</u>
<i>Spent Thru October 1, 2009</i>	<u>\$78,062.75</u>
Available WR Grant Total:	\$71,937.25

BRA General Account Expenses:

No invoices for September 2009 received.

Total amount to be approved by the BRA Board of Directors: \$32,179.67

Occupancy/Move out Report

Month of September 2009

There are currently 3 vacant apartments.

There will be two move outs in September. The reasons given were:

1. Getting Married.
2. Moving into family member's house as a caregiver.

Current artistic make up of building is as follows:

Painters -15	Performing artists -2
Dancers -3	Non-artists -12
Musicians -4	Glass artists -2
Photographers -7	Graphic artists -8
Sculptors -4	Writers -2

Submitted by Nora Utley, site manager

09/25/09

Amy:

Pursuant to our discussion, Envirologic has evaluated the budget approved by the County BRA for our work at the Acme Building site. As you know, this project has been complicated, involving significant communications between multiple parties with starts and stops at various times. Throughout this time, Envirologic has been very timely with our responsibilities and our communications to all parties. However, as we near the end of the project, we are forecasting that our expenses will be greater than the approved budget. In some measure, the increased expenses can be attributed to some of the additional work and communications Envirologic completed that was not anticipated in our original Work Order (attached). Additional items included:

1. Initiating communications with MSHDA regarding their response to the City's Environmental Review - specifically asking for an "affirmed BEA and Due Care Plan"
2. Initiating communications with MDEQ and MSHDA to ensure both agencies had a common understanding of what could and could not be expected of MDEQ to address MSHDA's needs.
3. Assisting the City in amendments to their Environmental Review
4. Additional meetings at EG's request – meeting with City of Jackson, Legal Counsel and EG; meeting with CCRG regarding recordation,
5. Numerous communications regarding timelines, project strategy, historical review issues, building demolition permit, and other matters.

The additional time and effort has impacted our budget. We expect our final costs to be an additional \$6,000. Envirologic wishes to be equitable in this matter and there will be continuing work that was part of our original proposal that we will continue to complete at no additional cost to the BRA. We appreciate your consideration of this matter and I would be glad to discuss further as you see fit or answer any questions you may have regarding this matter.

David A. Stegink
Envirologic Technologies, Inc.
2960 Interstate Parkway
Kalamazoo, MI 49048
269-342-1100
269-342-4945 (fax)
dstegink@envirologic.com
www.envirologic.com

Scope of Services

Contract for Professional Services
Jackson County Brownfield Redevelopment Authority
Applicable to Agreement Dated September 4, 2008, as amended
Work Order No. 3 Dated June 4, 2009

Between

JACKSON COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY (CLIENT)
ONE JACKSON SQUARE
SUITE 1100
JACKSON, MICHIGAN 49201

And

ENVIROLOGIC TECHNOLOGIES, INC. (ENVIROLOGIC)
2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048

Subject Matter: Acme Building Cleanup Planning

Funding Source: U.S. EPA Hazardous Substances Assessment Grant

CLIENT requests that ENVIROLOGIC perform the work described below in accordance with the terms of the above-referenced Contract and as described in this "Scope of Services."

ENVIROLOGIC will begin work on this Work Order and complete the services as described in the attached "Scope of Services."

ENVIROLOGIC and CLIENT have designated the following representatives for this "Scope of Services:"

<u>Jeffrey C. Hawkins/David A. Stegink</u>	<u>(269) 342-1100</u>
Name (ENVIROLOGIC)	Phone

<u>Amy L. Torres, Executive Director</u>	<u>517-788-4455</u>
Name (CLIENT)	Phone

If CLIENT accepts this Scope of Services, please sign this Work Order on behalf of CLIENT and return to the ENVIROLOGIC Representative above:

ACCEPTED AND AGREED TO:

JACKSON COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY (CLIENT)

ENVIROLOGIC TECHNOLOGIES, INC.

By Amy L. Torres
Title Executive Director

By Jeffrey C. Hawkins
Title President

Signature _____
Date _____

Signature _____
Date _____

1. Scope of Services

Planning Activities

Prior to any activities, Envirologic will submit information to USEPA to secure an eligibility determination. The completion of any additional activities under this work order is contingent upon an affirmative determination of eligibility from USEPA. Due to the nature of previous transactions on the property, this is not necessarily a straightforward exercise. At this time, the presumption is that activities would be completed using the Hazardous Substances Assessment grant. A small portion of the proposed work may also be specific to petroleum-related issues. Envirologic will evaluate the value of seeking eligibility under the Petroleum Assessment Grant, and securing eligibility from the State of Michigan, to use funds from that grant for specific petroleum-related cleanup planning activities.

The City of Jackson and The Enterprise Group of Jackson, Inc. have secured funding for demolition of the Acme Building at 600-626 N. Mechanic Street in the City of Jackson. Because the site is contaminated, it is imperative that the demolition takes into consideration the many environmental aspects of the site and its future intended use. Specific activities that need to be completed include:

1. Decision-making on whether building slabs and foundations shall be removed or retained. Consideration of future construction activities, contaminant exposures and exacerbation, etc. need to be made in relation to the existing contamination. MDEQ has preliminarily suggested leaving slabs in place as an exposure barrier, which may or may not be a desirable or feasible option depending on the intended future use of the site.
2. Decision-making on final grade of site – made ready for construction of parking lot or alternative use. There are significant land balancing needs. Possible need for elevation surveys. Consultation with parties involved in future construction needed to address potential options.
3. Management of Contaminated soil – soil is impacted with a solvent that is a listed hazardous waste. Consultation with regulatory agencies about the disposition of contaminated demolition debris is needed (i.e. footings, floor slabs, etc. in contact with contaminated material). Evaluation of excavation of impacted soil vs. leaving in place should include MDEQ. Potential need to survey groundwater monitoring well and soil boring locations to retain location coordinates after points of reference are removed (i.e., retain knowledge of defined areas of contamination throughout demolition and redevelopment). Due to the age of some of the environmental data, it is necessary to “re-acquaint” certain parties with the existing information.
4. Decision-making on Storm Water Control – during demolition and post-demolition. MDEQ has concerns about exacerbation of contamination due to storm water infiltration through non-impervious material (soil). Decision-making on whether final grade includes constructed storm water retention basins for erosion control and final storm water control once the parking lot is constructed. Costs have been included for conceptual designs of storm water controls, but specific designs and plans for construction would be above and beyond the scope of this work order.
5. Buried Structures - Oil lines, tunnels, additional foundation materials remain and will require a better understanding to develop appropriate demolition and abandonment specifications including their disposition at property lines and rail right-of-ways.
6. Disposition of groundwater monitoring wells – Is it necessary to replace those impacted by demolition?
7. Evaluate the need for any improvements along River where former tanks were located.
8. The Due Care requirements of 20107a of NREPA apply during and after demolition. Documentation to demonstrate compliance with these requirements is needed.
9. Demolition specifications need to be prepared (improving upon original specifications) to include above considerations and disposition of asbestos-containing materials (i.e. remaining windows, roofing and transite panels) and other hazardous materials (e.g. fluorescent lamps, thermostats, etc.), site security, right-of-way considerations/restorations, etc. Understanding the previous investment for demolition specifications, Envirologic will strive to utilize the information (developed approximately four years ago) to the greatest extent possible to control costs.

To ensure that the demolition includes all of these components it will be necessary to meet with various stakeholders in the project to evaluate options and select appropriate actions. This will likely involve multiple meetings with multiple parties (EPA, MDEQ, City of Jackson, Enterprise Group, Engineers, utilities, railroad, etc.). The Specifications for demolition will need to be prepared to include the decisions reached by these parties and many other details. Envirologic will facilitate these meetings, organizing agendas, providing supporting materials, documenting meeting discussions and outcomes, and defining any assignments or information needs to reach consensus on the various matters of concern.

Demolition Specifications, Contractor Selection, Documentation

Once a plan for demolition and post-demolition site disposition is defined, demolition specifications will be developed to convey these requirements to demolition contractors. Further, it will be necessary to evaluate responsive bidders' understanding of these requirements through interviews and review of information. Thus, continued participation in the bidding/selection process is an imperative step to assuring successful implementation of the designed plans. Envirologic's work in this regard will include development of a bidding package, coordinating a mandatory walkthrough for bidders, review of bids, development of evaluation criteria, and assistance in selecting qualified bidders.

Documentation will also be prepared to demonstrate Due Care compliance during demolition and after demolition (a "Due Care" Plan).

Additional Considerations

Throughout this project, Envirologic will continue to evaluate funding sources that can be used both in planning and implementation of the project. Many sources have already been evaluated including USEPA Brownfield Cleanup Revolving Loan Funds, MDEQ Grants and Loans, etc. Envirologic plans to implement this project to ensure the most effective and efficient use of all funds employed for this project.

Specific requirements of the identified funding sources for demolition have not necessarily been defined and have not yet been provided to Envirologic. As details of these requirements become clearer, Envirologic will refine the scope of services as necessary.

2. Compensation

Work will proceed on a time and materials basis. Envirologic will provide budget updates to BRA Staff on an ongoing basis.

At this time, budgets have been developed for Planning Activities to include the EPA eligibility determination, up to five formal meetings with Stakeholders, surveying costs, development of decision-making matrices and memos, regulatory reviews, coordination, and other tasks necessary to effectively and quickly complete the defined planning activities. An estimate for the cost of these activities is \$30,000.

Development of demolition specifications, the Due Care Plan, assembly of a bidding package, coordinating a walkthrough, assistance in review and selection of qualified bidders is estimated to be \$20,000.

3. Schedule

Time is of the essence for this project, particularly in consideration of the requirements defined by funding sources. It is Envirologic's understanding that it is necessary to have a demolition contractor under contract by late July 2009. Thus, it is necessary to have a decision on the qualified bidder by mid-July. To ensure bids are thoughtful and complete, a bidding package should be ready for dissemination on or about July 1, 2009. This provides three weeks for all decision-making, bid specification development, and other planning activities. This will constitute the project schedule at this time and would only be altered as allowed by any project funding requirements.