

A regular meeting of the Leelanau County Brownfield Redevelopment Authority (LCBRA) was held on Tuesday, October 18, 2022 at the Leelanau County Government Center.

CALL TO ORDER

Meeting was called to order by Chairman Heinz, who led the Pledge of Allegiance at 10:02 am.

ROLL CALL

Members Present: D. Heinz, C. Janik (10:06 am), L. Bahle, R. Foster, T. Eftaxiadis

Members Absent J. Arens, D. King

(Prior Notice):

Staff Present: T. Galla

Public Present: L. Mawby, Z. Hilyer

PUBLIC COMMENT

Mawby told members to keep up the good work.

Zach Hilyer introduced himself as the Housing Ready Program Director at Housing North, for Leelanau County.

CONSIDERATION OF AGENDA

Motion by Eftaxiadis, seconded by Foster, to approve the agenda as presented. Motion carried 4-0.

CONFLICT OF INTEREST – none

CONSIDERATION OF SEPTEMBER 20, 2022 Minutes

Two corrections were noted:

On the top of the page, add ‘2022’ in the heading after September 20.

On page 1, the word ‘was’ in the 5th line from the bottom should be deleted.

It was moved by Foster, seconded by Eftaxiadis, to approve the minutes as corrected. Motion carried 4-0.

CONSENT AGENDA

It was moved by Eftaxiadis, seconded by Foster, to accept the consent agenda as presented. Motion carried 4-0.

UNFINISHED BUSINESS - none

NEW BUSINESS

(C. Janik present 10:06 am)

EPA Assessment Grant - (no handout)

- a. Update on Required Documents, Travel Reimbursement

Galla reported she was still going through the required documents to get the grant award set up and then it would be ready for applying for reimbursement requests. One site is the ASAP online system and she is going through the steps to authorize all officials that would have access through ASAP. Once that is done, she will put in the travel reimbursement request for attending the brownfield conference and those funds would be returned back to the LCBRA.

Eftaxiadis asked who the Region 5 EPA representative was and Galla replied it was Sarah Gruza.

Heinz asked about filing reports with EPA. Galla said there are a few reports due and those were completed by staff in the past. There is nothing going on yet so those should be pretty easy to file. They are called MBE/WBE reports for women owned businesses and minority owned businesses. Each quarterly report is due 30 days after the end of the quarter. She confirmed with EPA that we will file our first one in January.

b. Process for selecting a Consultant(s)

Galla said she wanted to bring this up today because we need to get moving on this. It could be a discussion or if the LCBRA wants to make a decision today, she will carry that forward to the next step. Once we get all our required documents done, we need to hire a consultant to help us with the grant and that is required under the grant. They can do Phase I and Phase II work, community outreach, and they could even be required to do the reporting for us. Galla was on a call yesterday with Sarah Gruza, our project manager and Karla Auker, her supervisor who has helped us with other grants. Because our grant is \$250,000, we are at the threshold of what is called simplified acquisition process which means we are not required to do a competitive, sealed bid process. Galla outlined 3 options to consider for selecting a consultant:

1. Do a competitive sealed bid process. We advertise and we get information out to anyone who may be interested.
2. Obtain quotes from at least 3 firms that we identify would meet our requirements for this grant.
3. Use BidNet which is an online state site and firms register with the state. We can request proposals by posting on BidNet. When Galla talked with EPA, they liked option #3. During the phone call, Galla pulled up the BidNet site so they could see it and they thought it was very slick. If we go this route, we don't have to put it in the media or advertise. There are 149 firms in Michigan that are on this site that might meet our qualifications and listed under the category of environmental assessment. We can narrow that down further if we want to look at specific things for this grant. Galla stated the county has used this site in the past and could develop the RFQP and post it and then wait for responses to review. Then, the LCBRA could decide to interview a few, or perhaps decide to make a selection from those that responded. Galla said she has a draft Request for Qualifications and Proposal (RFQP). We want qualifications as we want to see what these firms can do for us and how familiar they are with brownfields; not just with the grant. We can take that RFQP and modify it, and post it on BidNet, or use it for a competitive bid process, or just ask for quotes from a few companies. Galla mentioned reviewing the document and then releasing it once it is finalized. She also noted that EPA does not oversee this process or how we select a consultant. It is us to us how we do it and we document it and make sure we meet county requirements and the grant requirements. Galla would like direction on which choice the members prefer. Once a consultant is on board, they have to file a QAPP with EPA and go through those steps before we start work on the grant.

It was moved by Janik, seconded by Bahle, to use BidNet for the RFQP process to hire a consultant.

Janik said the county has used BidNet, many governments use it, it was recognized by EPA, and we can say that we gave the opportunity to all consultants in Michigan to respond. He suggested doing this instead of Galla trying to get estimates. We put the documents out there and everyone has a chance – it is up to them to respond. EPA says this will satisfy their requirements.

Eftaxiadis said he agreed with the 3rd option. It still however, opens up the potential for receiving a lot of responses. It is kind of similar to the 1st option of a competitive, sealed bid. He asked if we are able to sort through BidNet for certain types of qualifications, locations, size, experience, etc. Janik said that could be listed in the RFQP and we also have the right to accept or refuse any offers. We set the criteria, let them do the work. Eftaxiadis asked if they could be organized on BidNet by certain criteria. Galla replied that there are codes and we can select and then drill down into specifics. Does that mean that a firm not meeting those won't reply? No, they could still respond but we look at their qualifications and the requirements for the grant.

Eftaxiadis commented that the responses will show who really has the experience, vs who wants to learn.

Galla noted the RFQP has been used in previous grants and needs to be cleaned up. As Janik said, we can accept or reject any offers or negotiate with a firm.

She felt it was important to keep language in the RFQP that any contact with county employees or brownfield members regarding the proposal can be grounds for disqualification. They need to respond to the proposal and follow the steps.

Heinz commented on the grant money and what it could be used for and then asked if there was anything else we would need that would not be within the scope of the \$250,000 grant that the firm we select may have the ability for more work with us? Galla replied we have to follow the terms of the grant and our budget in the grant award is pretty specific. Most of the cost of the grant goes into the environmental work. Even our travel and personnel costs are very low and that is something we proposed with prior grant applications and EPA liked it. If there is additional work needed on a site, we would have to look at what other funds are available like state grants and loans, brownfield plans, etc. to help move a project forward.

Eftaxiadis asked about grant funds being used for developing brownfield plans and Galla confirmed that was possible. Eftaxiadis felt we should also look for that type of experience in the RFQP and brownfield planning experience. Even Phase I and Phase II assessments would be best done by a firm that is familiar with how to use those assessments in redevelopment process and incorporate brownfield plans, and Act 381 work plans.

Motion carried 5-0.

Motion by Janik, seconded by Bahle, for Galla to proceed with the RFQP, review it with the Chairman and then Galla is authorized to proceed with releasing the RFQP.

Janik said that the document can be sent to everyone to provide feedback and then the Chair will give the approval to release it. This gives us all a chance to provide feedback but we don't have to wait another month. Galla will have the authority to move forward. Heinz asked about the Open Meetings Act and Janik replied that this is only feedback, there is no debate. This is just an opportunity for members to provide comments.

Janik clarified that Galla will provide all members with a draft and a deadline for feedback. After approval by the Chair, Galla is authorized to release the document.

Motion carried 5-0.

Heinz asked about timeline and if we would have anything by December. Galla will send the RFQP out to members by end of the week.

FINANCIALS

1. Claims & Accounts - \$531.25

Motion by Eftaxiadis, seconded by Janik, to approve two invoices from Envirollogic in the total amount of \$531.25. Motion carried 5-0.

CORRESPONDENCE / COMMUNICATION ITEMS - none

PUBLIC COMMENT

DIRECTOR COMMENTS - none

MEMBER / CHAIRPERSON COMMENTS

Eftaxiadis said he saw the correspondence from attorney about the inability to split TIF on the Maple City Crossing project and asked if the Board of Commissioners received this. Galla replied yes, the Board was the one who asked that we get the opinion from our attorney.

ADJOURNMENT

Meeting adjourned at 10:23 am.