

VIGO COUNTY CAPITAL IMPROVEMENT BOARD OF MANAGERS
MEETING MINUTES OF OCTOBER 20, 2021 AT 9:00 A.M.

A meeting of the Vigo County Capital Improvement Board of Managers was held on the above date and time. Pursuant to the Board's Remote Meeting Policy, members of the Board and staff participated in the meeting in person at the Vigo County Council Chambers or by telephonic or electronic means.

1. Call to Order. President Jon Marvel called the meeting to order at 9:00.

2. Call of the Roll:

Members Present: Jon Marvel - President, Duke Bennett – Vice President, Steve Witt – Secretary, Chris Switzer – Treasurer, Dave Patterson – Member, Emily Crapo – Member, Terri Conley - Member. **Others Present:** Doug Kowalski, Brian Kooistra, Todd Shaffer, Jason Semlar, Tennille Wanner, Shelly Keen, Rachel Leslie, Howard Greninger, Channel 10 News, Channel 2 News, and various members of the public.

3. Additions or Revisions to the Agenda. There were no changes.

4. Approval of Minutes. Minutes for the September 15, 2021 meeting had been circulated via email to all members. Dave Patterson made a motion to accept the minutes as presented. Emily Crapo seconded the motion. Upon a voice vote of 7-0, the motion was unanimously approved.

5. Old Business.

5.1. Update on Construction Progress – Garmong Construction Services. Brian Kooistra reported that the current GMP is \$27,075,034. This reflects a change of \$78,175 via Change Order #13 which was mainly the addition of cameras throughout the parking garage. Project remains on schedule and they will meet the accelerated completion date of March 1. Recent progress: nearing completion of drywall finishing; painting is complete in ballroom; the main hallway at the entrance has been painted and they are working on the remaining areas on the east side of the building; ceramic floor and wall tile is complete in the main restrooms on the first floor and the crew has moved to the second floor now; installation of the walk-in cooler and freezer in the kitchen area is completed; ceiling grid installation throughout the building is about half way done; the roof coping has been completed; metal panel installation is complete with the exception of a few panels that had to be re-made but that should be completed by next week at the latest; wood paneling throughout the interior (mostly in the pre-function hallway, the ballroom and the main corridor) is about 50% complete; fiberglass reinforced plastic ("FRP), a protective material, installation is underway in the kitchen; sidewalks, curbs, pavers, all along Wabash Avenue down between Copper Bar and the Convention Center, around the parking garage is complete and today they are finishing up along the parking garage on 9th Street and will be heading down Cherry Street yet this week. Their goal is to start putting down asphalt no later than mid-November. The parking garage has had a lot of lights installed and are now on at night; elevator installation in the garage is about 70% complete; the southwest curtain wall has been completed. Upcoming work: painting and ceiling grid will be completed in the Convention Center over the next four weeks; continue on with light fixture installation; complete ceramic tile on the second floor restrooms; complete the wood paneling; begin installation of plumbing fixtures in the restrooms; the HVAC system will be fully functional within the next four weeks. Terrazzo flooring installation in the main hallway will begin the first week of November; interior glass and glazing will also begin; site work will wrap up in mid-November; they are also hoping to get the connector weathertight (get the roof on it, get windows in and get it sealed up and protected from the weather). The goal is to have it

complete by the end of the year. In the parking garage, they are still tracking to have it complete by Thanksgiving. He is not aware of the status of the parking garage equipment which could affect the completion. A photo presentation of recent progress was shown. President Marvel gave a brief summary of how some of the changes in design came about. He also noted that the museum was not going to be ready to open when the Convention Center does due to circumstances beyond our control. Mr. Kooistra noted that from his perspective regarding the museum, they need to get the concrete floor poured, the roof deck above painted, get drywall hung and finished, and then Garmong could walk away and the rest could be finished without a significant amount of disruption at a later date. In his opinion, the CIB needs to push the designers to get enough information together so that the floor can be poured, because there will be electrical outlets and things in the floor making it not as simple as just pouring a floor, along with the previous tasks completed before the facility opens. While all of those items can be finished after the facility opens, it would certainly disrupt business and possibly tear up finishes already in place. This would really need to be done before February since the turnover date of the building is March. President Marvel noted that they hoped to have the design finished by next week. There was additional discussion when Terri Conley raised the question of the process of finishing out the space. It was noted that it would be an additional cost but Mr. Kooistra thought it would be nominal. There was also discussion regarding the cost of the project on the date it was bid versus what the cost would be if bid today. Discussion then turned to change order request #98 for the application of a graffiti control sealer for limestone and exterior lighting.

5.2. Update on Convention Center Management – Spectra Venue Management. Tennille Wanner introduced Nate Paul as the new Sales Manager. He has worked in hospitality for quite some time and he also has a lot of banquet experience and originates from Blanford, Indiana. Ms. Wanner advised that Martel Lewis has been hired to fill the Director of Finance position and will be starting on November 1. She is accepting resumes for the positions of Director of Sales & Marketing and Director of Food & Beverage. Interviews have not yet started. The booking system is up and running and all calls received are now going into the database in order to be managed effectively. She gave a brief explanation of how the system worked. Grand opening dates are being discussed. There will be two committees set up for two different types of events and she said if any of the Board members would like to volunteer to be on a committee to please let her know. She also noted that Garmong has graciously offered additional office space for use as the team grows until opening. Joink has been selected as the telecom provider. A third party booking site has been set up that will list the venue to prospective clients. The Professional Firefighters of Indiana event has been booked for May 23, 2022. A second event has been booked (a New Year's Eve wedding) for next year. There are twelve tentative events for 2022 and one definite event. In 2023, they have three tentative events and one definite event. When asked about the types of the Grand Openings, Ms. Wanner advised that they are thinking of a VIP event and then a public grand opening. Dave Patterson volunteered to help. RJL is going to be in on the planning. Event pricing was discussed.

5.5. Update on Pedestrian Wayfinding Signing – 41/40 Arts and Cultural District. Discussion then turned to this item due to the fact that Mayor Bennett had another commitment requiring him to leave and he was the person to give this update. Mayor Bennett spoke about what this project and the benefits that it will provide to help visitors find the various amenities in the downtown area. The City of Terre Haute funded the development of this plan at a cost of about \$25,000. He is now asking the CIB to fund the Phase I portion of the project (there will be several phases that will be funded through other funding sources). He then asked Cari Rohrmayer, Managing Partner of Holder Design who is here representing the 41/40 Cultural District, to elaborate on this matter. She gave a brief history of this project. This is a way to connect pedestrians with an art district. She explained how the entire project will work and specifically talked about Phase I. They did bid the project out and Wagner Signage of Indianapolis (who has done many of these types of projects) came in with the lowest bid and was chosen. Each phase of the project was bid separately. The total cost for Phase I will be

\$82,165 which includes everything with the exclusion of the concrete base mounting structure through the sidewalk. A contingency for that may need to be discussed at some point. A timeline for this Phase I is variable due to being dependent upon the availability of materials and labor. Mayor Bennett did note that if any additional costs came in above the Phase I cost, the City would bear that cost because all of these will be in the City right-of-way on City sidewalks. This project may or may not be able to be completed by the time the Convention Center opens. There was a brief discussion about the location of the signage. Mayor Bennett also stated that time is of the essence on this decision with concerns about the cost of materials, etc. increasing. President Marvel also noted that when the Food & Beverage ordinance was created for this county, it was designed to take care of two things, those being arts and cultural and the Convention Center. That money cannot be spent for anything else other than those two items. The question was posed to Doug Kowalski, Counsel for the CIB, whether action could be taken on this project if the bid process had been handled by someone else. Mr. Kowalski responded affirmatively and stated that was being addressed in the Resolution up for adoption later.

5.3. Update on Project Budget – Baker Tilley. Jason Semlar noted an updated monthly budget had been sent to the board on Tuesday. It has not changed much from last month. The total construction budget is the same. The current contract costs is pretty much identical to last month. The only change from last month is costs paid to date with that coming from the amount of work that had been accomplished in the last month. There is about \$10.7 million remaining to be paid if the construction budget comes to fruition as anticipated. It was noted that the money from Food & Beverage is still coming in strong with October being the second highest amount collected. There was a short discussion about a couple of specific items. President Marvel noted that Tenille Wanner, in going through the furniture, fixtures and equipment list and the pricing of same had managed to save/cut about \$39,000 from the original bid cost.

5.4. Update on Equipment Purchases – Nations Group. Todd Shaffer commended Spectra on the \$39,000 savings on the FF&E package for the building. The parking garage equipment invoice was approved this morning to allow the purchase of material and equipment and get it ordered and on its way here for installation. They are scheduled for mid to late November for that installation. Everything else, including the signage, has been procured and is in submittal/approvals and is on schedule for delivery to the site. He did note with regard to the museum agenda that the revised design had been sent a couple weeks ago for the Board to review and was preliminarily approved. A proposal from the Hilferty Group had been received less than 48 hours prior to this meeting for their design and was within the budget. Discussions were in progress and he thought it would be presented to the Board next week. They do plan to have Hilferty work with CSO and get plans done in phases and allow Garmong to keep moving on getting the large, dirty, noisy work done well before the opening of the Convention Center. He doesn't see a problem meeting that schedule if things get done in the next couple of weeks. He also discussed the limestone sealer talked about earlier in the meeting. Discussion turned next to the design for the museum. A prospective design has been submitted and the Board was being provided with a copy at this meeting. Cost was questioned and Mr. Shaffer noted that there was a figure in the museum budget for the exhibit budget and this is within the design cost. Specifics of the prospective design and timelines were discussed for the various phases. President Marvel asked Mr. Kowalski if the design could be voted on today since it was not on the agenda. Mr. Kowalski advised holding off for now. Emily Crapo noted that Spectra has two different fee structures, one for during construction and another for when the keys are handed over and wanted to know at what point the fee structure will change (i.e. when the Convention Center is finished or at the completion of the Larry Bird Museum since that is included in the scope of the project). It was determined that will take place when the Convention Center opens, not the museum. There was some additional discussion about the museum.

5.6. Update on Alcoholic Beverage Permit and other Legal Matters – Kroger Gardis & Regas,

LLP. Doug Kowalski noted that he had just heard from Mr. Bosma via email and Mr. Bosma didn't think there would be any issue with amending the agenda under New Business to approve the design of the museum. We have learned that Hilferty is not responsible for the licensing of Larry Bird's likeness. The law firm will work on the license agreement to use Mr. Bird's likeness. A timeline has been given to the Board regarding the alcoholic beverage permit. He gave a brief rundown of the process. It is about 10-12 weeks to finalization. There was a lengthy discussion about the permit and what can be done after the process is complete. Mr. Kowalski did note that the particular type of permit they will be applying for is not under quota and, therefore, will not cost an exorbitant amount. It will be a 3-way permit to allow for beer, wine and liquor. The cost of the license was also discussed.

6. New Business

6.1. Resolution 2021-10 Approving Response to Invitation to Bid Pedestrian Wayfinding Signage – Kroger Gardis & Regas, LLP. Mr. Kowalski gave a brief summary of this resolution that had been discussed in Old Business. Dave Patterson made a motion to approve Resolution 2021-10 with the amendment that the City of Terre Haute will be responsible for any additional cost above the Phase I amount. Terri Conley seconded the motion. Upon a roll call vote of 6-0, the motion was unanimously passed.

6.2. Resolution 2021-11 Expressing Support for Vigo County Casino Application – Kroger Gardis & Regas, LLP. This resolution would be to mirror what the County Commissioners approved yesterday expressing support for the Vigo County casino application. Under state statute, a resolution of support by the county or the city is one that the Gaming Commission must consider. This is a resolution of support, in particular, for Hard Rock Café. When reviewing the applications for the gaming permit, it was noted that one of the applicants had seating for up to 500 people. In conversations with Spectra, it was felt that such was a direct conflict with the Convention Center and that limiting that space to 250 people would be in the best interest of the Convention Center and the region as a whole. We want to work hand in hand with the casino and not have conflicts or fight for business. This resolution supports having no more than a 250 person capacity. Mr. Switzer requested that Section 3 of the Resolution be read aloud. It states: "The Board requests that the Commission, in its review of applications, disallow or revise any application which provides for a ballroom capacity in excess of 250 persons, as any such facility will have an undue competitive impact on the operation of the Convention Center and the significant public funds invested therein." Mr. Switzer felt that it is important to note that this is public funds going into this Convention Center and it is a major issue to have a group come in and pull business from the Convention Center. Discussion continued. Mr. Switzer also noted that in meeting with all the groups, they were made aware of things going on in the community and that we specifically didn't want a big amphitheater-style area inside the casino and that we also had a \$35 million Convention Center project that we didn't want in direct competition with a casino. All had referenced using a busing-system between the casino and the Convention Center, so it was surprising to see one of the applicants did intend to have a 500-person ballroom style space. Chris Switzer made a motion to approve Resolution 2021-11. Terri Conley seconded the motion. Upon a roll call vote of 6-0, the motion unanimously passed. Mr. Kowalski noted that the Gaming Commission still had not set any public meeting but he would keep the Board apprised of any public meeting or public hearing that is scheduled.

6.3. Resolution 2021-12 Approval of Special Purchase of Furniture – Nations Group. This is the approval of special purchase of furniture. Mr. Kowalski briefly reviewed this resolution that was discussed earlier in the meeting. Emily Crapo made a motion to approve Resolution 2021-12. Dave Patterson seconded the motion. Upon a roll call vote of 6-0, the motion unanimously passed.

6.4. Resolution 2021-13 Approving Expenditure of Food & Beverage Tax for Convention Center Construction Items. Mr. Kowalski noted that this resolution had also been discussed earlier in the

meeting and covers the expenditure for the anti-graffiti coating and some exterior lighting. These are allowable costs to be paid out of Food & Beverage. Terri Conley asked if each item was being approved individually or as a package. Mr. Kowalski said approving the resolution approves both. A lengthy discussion then took place about (1) the anti-graffiti coating and the possibility of needing to expand the coverage to more of the building, (2) the exterior lighting, (3) what funds should be used to pay for added items, and (4) the use of Food & Beverage Tax monies. Emily Crapo made a motion to table Resolution 2021-13 pending further discussion. Terri Conley stated that she would talk about a comfort level or possibly opening up a contingency for items outside the budget for this project. There was a brief discussion about this. Terri Conley seconded the motion of Ms. Crapo. After some further discussion, Emily Crapo withdrew her motion. Terri Conley made a motion to amend Resolution 2021-13 to approve these two items with all future items outside the project budget to be reviewed on an individual basis. Steve Witt seconded the motion. There was a brief discussion. President Marvel asked if we could rule on this Resolution approving the two items and then make a new motion for all future requests to come before the Board. Mr. Kowalski stated either way was acceptable. Terri Conley withdrew her motion. Chris Switzer made a motion to approve Resolution 2021-13. Dave Patterson seconded the motion. Upon a roll call vote, voting was as follows: Terri Conley – aye; Emily Crapo – nay; Dave Patterson – aye; Jon Marvel – aye; Chris Switzer – aye; Steve Witt – aye. Motion passes with a 5-1 vote. Chris Switzer made a motion that if there are additional proposed project construction costs which are not funded by the approved Project Budget and are to be paid from Vigo County Food & Beverage Funds, they will be provided to all Board members prior to the meeting and will be subject to full Board approval. Terri Conley seconded the motion. Upon a roll call vote of 6-0, the motion unanimously passed. President Marvel did note that the Board would need to be cautious in electronic communications not to violate the Open Door Law. Mr. Kowalski gave a brief overview of the Open Door Law so the Board members would be aware of what could and could not be done.

7. Other Business.


7.1. Questions and Comments from CIB Members. There were none.

7.2 The next regular Board meeting will take place on November 17, 2021.

8. Adjournment. President Marvel stated that if there was no further business, the meeting was adjourned at 11:03 a.m.

CERTIFICATION

I certify under the penalties of perjury that the foregoing members of the Vigo County Capital Improvement Board of Managers were in attendance at the meeting either in person, by electronic or telephonic means and that all votes were taken by roll call observable by the public. I further certify that no final action was taken or other matters discussed at any Executive Session.



Jon Marvel, President