

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

APRIL 26, 2023

AMENDED NOTICE TO INCLUDE NOTIFICATION OF ELECTRONIC PARTICIPATION AND TO ALLOW THE PUBLIC TO ATTEND ELECTRONICALLY PURSUANT TO STATE EXECUTIVE ORDER.

If any member of the public wishes to attend the meeting electronically, the meeting will be available on Zoom, which can be accessed for free on the internet at <https://zoom.us/> and then click the "Join a Meeting" tab followed by the meeting ID 893 1850 4963, Passcode 626962. You can also download the free Zoom app to your smartphone and join the meeting via the app.

The La Porte County Redevelopment Commission in-person and Zoom meeting was held on Wednesday, April 26, 2023, at 4 P.M. (CDT), in Room #3, County Complex.

CALL TO ORDER

Meeting called to order by President Joe Haney, at 4:00 P.M.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

ROLL CALL

Joe Haney – Present
Justin Kiel – Present
Michael Rosenbaum – Present
Scott Cooley – Present
Tom Fath – Present
Randy Novak – Present
Mark Parkman – Present

Others Present: Attorney Guy DiMartino, RDC Attorney; Matt Reardon, MCR Partners; Mitch Bishop, County Planner; and Mary Jane Thomas, MjThomas & Associates.

APPROVAL OF THE AGENDA

Michael Rosenbaum motion to accept the agenda with the addition of "John Jones – Insurance Quotes" under "Old business 10b". Tom Fath seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

None

COMMUNICATIONS

- Auditor request for Treasurer report
- H-D re: claims and allowances publication
- D & M pay request #12
- USi Eng re: Pay request #12 signature
- Picked up POs for RDC President signature from Auditor's office
- Auditor's office to prepare April '23 automated PO's
- Mail - Auditor's office picked up sorted/filed
- Auditor's office delivered February POs

**LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES
APRIL 26, 2023**

- Deputy Auditor/Auditor delivered Resolution 003-2023 Transfer of Funds Between 421 AA1/AA2
- Communications JBC re: BOT amendment
- Auditor re: 2022 RDC land/easement transactions
- Auditor re: 2023 Capture letter
- JBC Rail READI grant
- H-D MC Annexation articles
- LPC Plan Commission public hearing notice 421 Partners PUD/Primary Plat
- Friedman & Associates copy of Dec. '22 minutes request
- MCR re: agenda items/READI Grant
- NWIF Staff re: KIP READI Grant
- MCR re: KIP READI grant
- JBC Rail for READI invoicing
- Assessor appeals information

APPROVAL OF MINUTES

Randy Novak motioned to approve the March 22, 2023, meeting minutes as presented. Scott Cooley seconded the motion. The motion carried unanimously.

TREASURER'S REPORT

TIF Fund Balances:

421/I-94 #1 - \$186,149

421/I-94 #2 - \$0

KIDC - \$66,398

39 North - \$73,179

Randy Novak motioned to accept the Treasurer's Report. Michael Rosenbaum seconded the motion. The motion carried unanimously.

CLAIMS

| <u>TIF</u> | <u>VENDOR NAME</u> | <u>DESCRIPTION</u> | <u>AMOUNT</u> | <u>TOTALS</u> |
|--------------------------------|------------------------------------|-------------------------------|-----------------|---------------|
| KIDC | MCR Partners | Apr '23 Professional Services | \$3,000.00 | |
| | Thomas & Associates, LLC | Mar '23 Professional Services | \$1,043.25 | |
| | Guy S. DiMartino | Mar '23 Legal Services | \$1,500.00 | |
| | | | Subtotal | \$5,543.25 |
| US 421 #1 | MCR Partners | Apr '23 Professional Services | \$2,000.00 | |
| | Thomas & Associates, LLC | Mar '23 Professional Services | \$1,043.25 | |
| | Cender Dalton Municipal Advisors | Professional Services | \$433.95 | |
| | Herald – Dispatch | Legal Publication claims | \$23.48 | |
| | | | Subtotal | \$3,500.68 |
| 39N | MCR Partners | Apr '23 Professional Services | \$1,000.00 | |
| | | | Subtotal | \$1,000.00 |
| TOTAL OF REGULAR CLAIMS | | | | \$10,043.93 |

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES
APRIL 26, 2023

President Haney read the claims as presented for payment for the Kingsbury Industrial Park (KIDC) TIF area from the Claim Docket. Randy Novak motioned to approve the Kingsbury Industrial Park (KIDC) TIF area claims in the amount of \$5,543.25. Michael Rosenbaum seconded the motion. The motion carried unanimously.

President Haney read the claims as presented for payment for the US 421 #1 TIF area from the Claim Docket. Justin Kiel motioned to approve the US 421 #1 TIF area claims in the amount of \$3,500.68. Tom Fath seconded the motion. The motion carried unanimously.

President Haney read the claims as presented for payment for the 39 North TIF area from the Claim Docket. Michael Rosenbaum motioned to approve the 39 North TIF area claims in the amount of \$1,000.00. Tom Fath seconded the motion. The motion carried unanimously.

US 421 Project Claims

| DESCRIPTION | AMOUNT | TOTALS |
|--|-------------|--------------------|
| D&M Excavating, Inc – Pay Application #12(funding source: County ARP Fund) | \$56,298.44 | |
| TOTAL OF PROJECT CLAIMS | | <u>\$56,298.44</u> |

President Haney read the D & M Excavating, Inc claim as presented for payment for the US 421 Project from the Claim Docket. Randy Novak motioned to approve the D & M Excavating, Inc Pay Application #12 claim in the amount of \$56,298.44. Michael Rosenbaum seconded the motion. The motion carried unanimously.

Kingsbury Industrial Park RR Bridge Improvement

| DESCRIPTION | AMOUNT | TOTALS |
|--|--------------|---------------------|
| JBC Rail – Invoice#00098-001 (funding source: READI Grant) | \$216,355.63 | |
| TOTAL OF PROJECT CLAIMS | | <u>\$216,355.63</u> |

President Haney read the JBC Rail claim as presented for payment for the Kingsbury Industrial Park (KIP) Railroad Bridge Improvement Project from the Claim Docket. Randy Novak motioned to approve the JBC Rail claim in the amount of \$216,355.63. Mr. Novak asked if this invoice was for the materials and supplies. Matt Reardon, MCR Partners, responded yes. Scott Cooley asked if the project went out for bid yet. Mr. Reardon responded yes, in 2019. Michael Rosenbaum seconded the motion. The motion carried unanimously.

OLD BUSINESS

A. 421/I94 TIF Project Update – Matt Reardon; MCR Partners

Matt Reardon, MCR Partners, announced an easement agreement, reviewed by Attorney DiMartino and the County Planner, Mitch Bishop, has been signed related to an underground utility that has not been relocated and requested the consideration to approve and President Haney sign the agreement so the 421 utility project easements can be closed out.

Mitch Bishop stated that property owners of seven (7) houses on the north side of County Road 300 N do not want to connect to the sewer utility. Mr. Bishop added that if we install the laterals now, which is within the current project's scope, for future hookups, road improvements will be required in the seven (7) areas the sewer line crosses from south to north side of the road. He added the construction costs of \$28,000, \$4,000 a home/business, are already included in the project via Change Order #6, but could be removed from the project scope. Randy Novak asked for confirmation that none of the property owners want to

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

APRIL 26, 2023

hook up. Mr. Bishop responded he spoke to 5 of the 7 and they do not. Ryan Miller, D & M Construction, confirmed the seven (7) owners are not interested in hooking up to the sewer line. Mr. Novak added that if the sewer taps are added in the future, there will be seven (7) separate patches made at different times. Vice President Justin Kiel asked if any of the property owners wanted to hookup to the sewer line. Mr. Bishop responded no. Mark Parkman asked if Michigan City Sanitary contributed to the project. Mr. Bishop responded only the water utility contributed. Mr. Parkman stated if we provided the lateral and tap to all properties, only Michigan City Sanitary benefits, not the county, due to the tax base existing already for the seven (7) properties. Mr. Novak added the \$4.5 million project benefits the utility. Mr. Parkman responded that the new development will be a new tax base for the county. Matt Reardon mentioned providing these sewer taps would be consistent to the project since the water taps have been provided to property owners within the project's scope. Michael Rosenbaum motioned to approve the paving of the seven (7) cuts in the road needed to install the service lines. Vice President Kiel asked if the sewer taps are not done now, what happens with the money saved. Matt Reardon responded it stays in the ARP Fund. He explained the bond funds have been expended, currently the \$2 million ARP Fund is being used. President Haney asked Mr. Rosenbaum to clarify his motion related to if costs are up to the budgeted amount or if approving additional funding. Mr. Rosenbaum clarified the motion as the laterals will be installed and to get a quote on the cost of the paving to repair the roadway to be considered at the next meeting. Ryan Miller, D & M Construction added the paving would be done at the original cost in the project bid from almost two (2) years ago. Mark Parkman asked if paving in the amount of \$10k to \$15k is budgeted already. Mitch Bishop stated the budget includes a quantity of asphalt not an amount. Mr. Parkman seconded the motion. Michael Rosenbaum asked what the property owner will have to do on their side to hook up. Ryan Miller responded they would have to install a pump, so waste is pumped into the force main. Basically, it is a 2 inch line with a curb stop and back flow on the edge of the right of way. Randy Novak mentioned the current state statute is if you are within so many feet of a main sewer line you have to tie in if your septic fails, the health department will not issue a permit to repair or replace any septic systems. Septics have been failing in the area, some are on their third systems, part of the urgency, to have the sewer available in this area. Mr. Parkman asked if a 2-inch line could be pushed under the road instead of cutting the road. Mr. Miller responded some will be but the sewer force main is under the road so the road would be cut anyways. President Haney called for a vote. The motion carried unanimously.

Matt Reardon stated Ascend Development previously agreed to contribute the \$75,000 towards the 421 utility project when the preliminary plat and engineering was approved. Mr. Reardon added both have been approved, therefore, it would be appropriate to request the \$75,000 at this time.

Mr. Reardon announced Great Lakes Capital is interested in moving forward with a 33-acre office and warehouse development which is an estimated over \$20 million investment. Great Lakes Capital will have to work with the landowners to get an extension on their option for the property. If the development moves forward, it appears Great Lakes Capital will most likely request consideration of creating a separate allocation area for this particular project. A bond would be issued with the buyer of the debt being Great Lakes Capital to cover some of

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

APRIL 26, 2023

the water and sanitary sewer infrastructure to the site. Although, they may request a 100% tax abatement for the maximum ten (10) year term. He added Tonn and Blank Construction have proposed a medical use on the property to the south. Mr. Reardon hopes that the two (2) development's utility improvements can be combined to lower that cost.

B. Kingsbury Industrial Park (KIP) Update – Matt Reardon; MCR Partners

Matt Reardon announced his office has been contacted with many 200-plus acre development ideas all related to rail. He has another meeting tomorrow with the company that's in the \$800 billion investment range. Mr. Reardon mentioned the bridge project is underway and thanked Mary Jane Thomas for her expertise in CDBG grants administration and understanding the federal government and how it works. He thanked the County Council for their understanding of cash flows within the grant and project.

Mr. Reardon stated he and Attorney Guy DiMartino have reviewed the CSX sidetrack agreement and returned the draft of the agreement to CSX along with changes in the language. It appears the agreement names the Redevelopment Commission to maintain track and monitor the switching of cars. Attorney DiMartino agreed that was his interpretation. Therefore, the CSX agreement was returned to CSX so that it may be revised with language to reflect that the La Porte County Redevelopment Commission is the owner and the financial agent and that JBC Rail as the switcher is responsible for the insurance, maintenance and monitoring of the rail cars. Mr. Reardon asked for approval to execute the agreement subject to the final review of Attorney DiMartino and JBC rail, the rail switcher. Michael Rosenbaum motioned to approve the execution of the CSX agreement pending Attorney DiMartino's review and the addition of JBC Rail as the responsible party. Tom Fath seconded the motion. The motion carried unanimously.

Mr. Reardon stated JBC Rail requested the release of the retainage withheld for the rail project completed with funding from a IEDC grant a couple of years ago. Michael Rosenbaum motioned to release the retainage to JBC Rail pending confirmation the project has been completed and pursuant to the contract, that the track would be able to be used by not only them as the Switcher, but also South Shore. Tom Fath second the motion. The motion carried unanimously.

Mr. Reardon mentioned there has been discussion by the industrial park property owners about the condition of the roads. He stated the road is not the responsibility of the county or state and that it is the property owners. Another park issue, between Mr. Thomas and Mr. Davis, regarding access to one of the properties has been discussed with Attorney Doug Biege and it appears granting an easement would have to be approved by all the property owners not just some. Mr. Reardon and Attorney DiMartino agreed in order for the county to acquire the easement, either permission to access people's property or they have to convey it to the county. Mr. Reardon noted that the improvement of the road by the property owners would increase the property values in Kingsbury Industrial Park. President Haney asked if grants would be an option if the county would need to actually own the property. Mitch Bishop responded yes, in his experience with grants, the applicant must own the property. Attorney DiMartino suggested a meeting with the property owners and requested Attorney Doug Biege attend also.

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES

APRIL 26, 2023

Mr. John Jones, Michiana Insurance Services, presented quotes for railroad liability and property insurance as the current policy is set to expire May 27, 2023, and the current carrier is moving away from rail insurance. Mr. Jones recommended a \$5 million per occurrence/\$10 million aggregate liability policy. Michael Rosenbaum motioned to recommend and support the purchase to the \$5 million per occurrence/\$10 million aggregate liability policy with the Federal and State Riders attached. Mark Parkman seconded the motion. Mr. Jones also discussed a \$3.5 million property replacement insurance policy based on \$1 million per mile of rail insured, which is an appropriate amount, according to an underwriter. The rail is 3.28 miles with seven (7) switches. The policy covers earthquakes but not floods. President Haney call for a vote and the motion carried unanimously.

C. 39 N Update – Matt Reardon; MCR Partners

Mr. Reardon reported that a prospective buyer has an interest in 40-acres of the Anacostia property and has completed site planning. The party has shortlisted the Anacostia property along with one other site in Indiana. Mr. Reardon added that a water tower would be required for the interested party to develop at the location. Currently, there is not an adequate water service available. Mr. Reardon stated that the TIF would receive increased tax revenue if the property is developed, and those funds could assist with the cost of a new water tower. It was noted that the company uses approximately 300,000 gallons of water a day.

D. 35/I94 Update – Matt Reardon; MCR Partners

No update

NEW BUSINESS

A. Consideration of Love’s /Roserock easement for NIPSCO utility pole placement – Mitch Bishop; County Planner

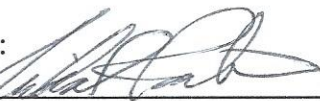
Randy Novak motioned to approve the Love’s/Roserock easement agreement. Tom Fath seconded the motion. The motion carried unanimously.

ADJOURNMENT

Michael Rosenbaum motioned to adjourn the meeting at 5:12pm. Randy Novak seconded the motion. The motion carried unanimously. The next meeting will be held May 31, 2023.



President

Attest: 

Michael Rosenbaum
Secretary