

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES
JANUARY 25 , 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 857 3757 2686, Passcode 528228. 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, January 25, 2023 at 4 P.M. (CDT), in Room #3, County Complex.

CALL TO ORDER

Meeting called to order by President Randy Novak, 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 Shaw Friedman; Friedman & Associates, Matt Reardon; MCR Partners, Mitch Bishop; County Planner, John Smith; USI Engineering, and MjThomas & Associates.

APPROVAL OF THE AGENDA

Michael Rosenbaum motioned to amend the Agenda Item 12(i) to read "Consideration to Issue a Request for Proposal (RFP) or Request for Qualifications (RFP) legal ad with responses due within 30 days. Joe Haney suggested a friendly amendment to Michael Rosenbaum's motion, in which Mr. Rosenbaum agreed to add "Consideration of a Selection Process for a Redevelopment Commission Attorney" to his motion. Joe Haney seconded the motion. The motion carried unanimously.

ELECTION OF 2023 OFFICERS

President – Michael Rosenbaum motioned to nominate Randy Novak, President. Scott Cooley seconded the motion. Tom Fath motioned to nominate Joe Haney, President. Justin Kiel seconded the motion. Michael Rosenbaum motioned for the nomination period to be closed. Tom Fath seconded the motion. The motion carried unanimously. With two (2) nominees, Randy Novak and Joe Haney, roll call followed with the following votes for President: Mark Parkman – Haney, Joe Haney – Haney, Michael Rosenbaum – Novak, Randy Novak – Novak, Tom Fath – Haney, Justin Kiel – Haney and Scott Cooley – Novak. The election results were Randy Novak – 3 votes and Joe Haney – 4 votes. With 4 votes, Joe Haney was elected the 2023 President of the La Porte County Redevelopment Commission.

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Vice-President – Randy Novak motioned to nominate Michael Rosenbaum, Vice-President. Scott Cooley seconded the motion. Tom Fath motioned to nominate Justin Kiel, Vice-President. Joe Haney seconded the motion. Joe Haney closed the nomination period with no other motions made for Vice-President. With two (2) nominees, Michael Rosenbaum and Justin Kiel, roll call followed with the following votes for Vice-President: Mark Parkman – Kiel, Joe Haney – Kiel, Michael Rosenbaum – Rosenbaum, Randy Novak – Rosenbaum, Tom Fath – Kiel, Justin Kiel – Kiel and Scott Cooley – Rosenbaum. The election results were Michael Rosenbaum – 3 votes and Justin Kiel – 4 votes. With 4 votes, Justin Kiel was elected the 2023 Vice-President of the La Porte County Redevelopment Commission.

Secretary – Tom Fath motioned to nominate Randy Novak, Secretary. Randy Novak declined. Justin Kiel seconded the motion. Randy Novak declined. Justin Kiel motioned to nominate Michael Rosenbaum, Secretary. Randy Novak seconded the motion. Joe Haney closed the nomination period with no other motions made for Secretary. With one (1) nominee, Michael Rosenbaum, roll call followed with the unanimous election of Michael Rosenbaum, Secretary of the La Porte County Redevelopment Commission.

PUBLIC COMMENT

Rodney McCormick - 617 Union St., Michigan City, "Good afternoon everyone, I think it's a good thing that you guys don't force something down somebody's throat when it comes to, hiring an attorney. I think everybody should have a vote and everyone should have a choice. Just because things have been a certain way for so many years, doesn't mean it's right. I think an RFP is the right thing to do, and hope that you guys would consider that and let everybody have a choice, because you guys represent somebody, so. .. let everybody else, everybody don't feel good about who we have currently, but just do what's right, I think it is a good decision and our choice. Thank you."

COMMUNICATIONS

- Auditor request for Treasurer report
- H-D re: claims and allowances publication
- D & M pay request #9/CO #10
- USi Eng re: Pay request #9 review and signature request
- Picked up POs for RDC President signature from Auditor's office
- Auditor's office to prepare January '23 automated PO's
- Bishop re: USI
- Mail-OCED/Auditor's office picked up sorted/filed
- Rail Summit 2023 save the date announcement
- 2023 LPCRDC appointments
- Contact information for RDC members
- Responded for EDA 39 N app. request
- IT request for LPCRDC Meetings ZOOM credentials/emails Metcalf
- Ribordy email, term ended
- Auditor's office re: BT invoices

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APPROVAL OF MINUTES

Randy Novak motioned to approve the December 14, 2022, meeting minutes as presented. Scott Cooley seconded the motion. The motion carried 4-0. Mark Parkman, Tom Fath, and Justin Kiel - abstained.

TREASURER'S REPORT

TIF Fund Balances

KIDC TIF-\$80,085
421/I-94 TIF1-\$281,146
421/I-94 TIF2-\$96,425
39 N TIF-\$76,179

December 2022 Tax Revenue/Settlement

KIDC TIF-\$34,820.43
421/I-94 TIF1-\$100,776.45
421/I-94 TIF2-\$96,424.95
39 N TIF-\$19,691.32

CLAIMS

<u>TIF</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTALS</u>
	MCR Partners	Jan '23 Professional Services	\$3,000.00	
KI	Thomas & Associates, LLC	Dec '22 Professional Services	\$991.25	
DC	Herald – Dispatch	Legal Publication claims	\$41.03	
	Friedman & Associates	Jan '23 Legal Services	\$1,500.00	
		Subtotal		\$5,532.28
US	Thomas & Associates, LLC	Dec '22 Professional Services	\$991.25	
421#1	MCR Partners	Jan '23 Professional Services	\$2,000.00	
		Subtotal		\$2,991.25
39N	MCR Partners	Jan '23 Professional Services	\$1,000.00	
		Subtotal		\$1,000.00
		TOTAL OF REGULAR CLAIMS		<u>\$9,523.53</u>

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

President Haney read the claims as presented for payment for the Kingsbury Industrial Park TIF (KIDC) area from the Claim Docket. Scott Cooley motioned to approve the KIDC TIF area claims in the amount of \$5,532.28. Mark Parkman 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. Scott Cooley motioned to approve the US 421 #1 TIF area claims in the amount of \$2,991.25. Mark Parkman 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. Scott Cooley 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.

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I-94 US 35 Utility Infrastructure Design Services

DESCRIPTION	AMOUNT	TOTALS
HWC Engineering – Inv#2022-217-S - 0000001 (funding source: County ARP Fund)	\$11,500.00	
TOTAL OF BOND PROCEED CLAIMS		<u>\$11,500.00</u>

President Haney read the HWC Engineering claim as presented for payment from the docket. Mark Parkman motioned to approve the HWC Engineering claim in the amount of \$11,500.00 to be paid from the county ARP Fund. Scott Cooley seconded the motion. Michael Rosenbaum asked for clarification on the source of funds for payment of the claim. Mary Jane Thomas stated the funding source for the I-94 US 35 Utility Infrastructure Design Project claim payment should have been from the La Porte County Economic Development LIT Fund and the Riverboat Fund. Both funds will share the cost of the project at \$750,000 each for a total of \$1,500,000 as approved by the La Porte County Council on August 22nd, 2022. Mark Parkman amended his motion to approve the HWC Engineering claim of \$11,500.00 to be paid from the La Porte County Economic Development LIT Fund/Riverboat Fund. Scott Cooley seconded his motion. Randy Novak raised a Point of Order in that the claim was incorrectly advertised as funded by the county ARP Fund. President Haney requested Attorney Friedman’s guidance related to the incorrect advertisement of the claim funding source. Attorney Friedman stated the claim should be readvertised. Mark Parkman withdrew his motion for payment of the claim. Michael Rosenbaum motioned to table payment of the HWC Engineering claim. Mark Parkman seconded the motion. The motion carried unanimously.

US 421 Project Claims

DESCRIPTION	AMOUNT	TOTALS
D&M Excavating, Inc – Pay Application #9 (funding source: County ARP Fund)	\$287,682.87	
TOTAL OF BOND PROCEED CLAIMS		<u>\$287,682.87</u>

President Haney read the D & M claim as presented for payment from the docket. Mark Parkman motioned to approve the D & M claim in the amount of \$287,682.87 to be paid from the ARP Fund. Tom Fath seconded the motion. The motion carried unanimously.

OLD BUSINESS

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

Mr. Reardon provided an update for the 421/I94 Loves Truck Stop development and the area’s water and sewer infrastructure construction. He stated there has been a little bit of a delay related to INDOT issues caused by the locations completed by the previous engineering firm. Otherwise, the project is moving forward. The developers indicated after they receive the final design from their engineer, they will remit the \$75,000 contribution to the Redevelopment Commission. Mr. Reardon stated he will follow up with the developers between now and the next meeting.

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Mr. Reardon announced due to the timing of the bidding process of the project, there is an additional requirement in EPA law related to “forever chemicals” and it states that sanitary districts must be cognizant of them and have a plan to treat them. He expects Waste Management and the Michigan City Sanitary District will be working cooperatively to identify a strategy to remove as many of those chemicals. Because of the change of the federal law, Michigan City Attorney Jim Meyers and Waste Management’s design team will be working to mitigate that. Mr. Reardon added Waste Management has previously agreed to an amount of \$150,000 towards the utility infrastructure project.

Mr. Reardon reported the developer continues the work on the 300,000 square feet distribution area that would be located at the site.

Mr. Reardon added consideration for an extension of utility on the northeast quadrant of the property will be placed on the February meeting’s agenda for a thirty-to-forty-million-dollar medical complex which will create around 100 jobs that exceed the average county wage. The financing of the complex would be created as a separate allocation area. Mr. Reardon stated plans are being finalized by the developer along with requesting permission from Michigan City Sanitary to extend water and sewer pursuant to their new ordinance.

Mr. John Smith, USi Consultants, provided an update on the infrastructure construction. He reported water main installation is currently crossing 421 and progressing well. The sanitary installation is delayed until an AT & T relocation has been done. Unfortunately, NIPSCO must perform related relocation work prior to the AT & T work to be done. Mr. Smith stated he has been in contact with them weekly, and the steel poles may take from three weeks to six months depending on the timing of Love’s Truck Stop signing a NIPSCO agreement. Mr. Smith reported the contractor may need another time extension to complete the project as the current deadline is May 31, 2023. He provided the new Redevelopment Commission members with a brief history of the project. The lift station is 70% complete and work cannot cross 300N until the asphalt plants reopen. Randy Novak asked what the cost of overruns total. Mr. Smith responded that overruns are currently at \$305,000 with some due to errors and omissions in the design plans. Discussion ensued. President Haney stated the overruns will probably be addressed by the Commission in the future and thanked Mr. Smith for his report.

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

Mr. Reardon pointed out there is a copy of the Build Operate Transfer Agreement with JBC Rail in the member’s packet. He provided a brief history of the competitive process to identify a rail switcher builder for the rail addition that was partially supported by an Indiana Economic Development Corporation (IEDC) \$1M grant. JBC Rail Services was retained as the switcher and installed the track.

Mr. Reardon announced the KIP Railroad Bridge Improvement Project was selected to receive READI grant dollars by the Northwest Indiana Forum Foundation and the Indiana Economic Development Corporation (IEDC). He asked for authorization to contract Barnes & Thornburg

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to add a task order to the Build, Operate, Transfer statute and allow JBC Rail to complete those tasks and also, to begin the government procurement process. He added that the design documents, specifications, and cost estimate have been secured and the House Representative was present at the meeting, if the Redevelopment Commission had any questions. Mr. Reardon also pointed out that La Porte County and the Redevelopment Commission own the rail improvements and the easements for rail at Kingsbury Industrial Park. Randy Novak motioned to approve the project contract documents to be prepared for consideration at next month's meeting. Tom Fath seconded the motion. The motion carried unanimously.

Mr. Reardon reported CSX is willing to install a \$550,000 rail switch at the county's cost for JBC Rail and Kingsbury Elevator use at the other end of the park. The rail switch will provide the CSX mainline access into the park which will allow for unit train cars to be brought in. JBC Rail and Kingsbury Elevator guarantee they will repay the county in three years with their revenues. Mr. Reardon asked for approval to request funds at the next La Porte County Council meeting. He indicated funds could come from Gaming and/or LIT to fund the installation of the rail switch. Attorney Friedman added he has reviewed the agreement, and with JBC Rail and Kingsbury Elevator's payback assurances, recommends approval of the agreement. Mark Parkman asked if there is any concern for the amount each party will be responsible for repaying. Mr. Reardon stated that aspect of the agreement would be between those two parties and not the county's concern. Randy Novak motioned authorizing MCR Partners to request the \$550,000 funding at the next County Council meeting following JBC Rail and Kingsbury Elevator's execution of the agreement. Tom Fath seconded the motion. The following discussion ensued. Michael Rosenbaum added the term "revenue" in the agreement should be well defined, and from his experience, expects the revenue to exceed the payback amount. Mr. Reardon reminded the Commission that even after the \$550,000 is paid back, the switcher agreement provides for a charge to each train car that is revenue that comes back to the Redevelopment Commission for obvious purposes of maintaining and funding to do different activities with the park and to make it more self-sustaining. Michael Rosenbaum stated the connection will provide greater opportunities for the park. Attorney Friedman added that the Redevelopment Commission has worked hard to get to this point and La Porte County will have one of the few industrial parks with two Class 1 freight carriers with direct connection to the park, which is a great marketing tool for the area. President Haney asked if this is an interest free loan. Mr. Reardon responded the installation of the switch could be viewed as an economic development investment, but we're going to do it this way, in that the County Council would get the cash back. After roll call, the motion carried unanimously.

Attorney Friedman announced that the Redevelopment Commission has been made aware of a potential solar project and that he received an update fifteen minutes before the meeting from Attorney Keith Beall who represents the interested party. President Haney asked if Attorney Friedman could email the information to the Commission members.

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C. 39N Update - Matt Reardon; MCR Partners

Mr. Reardon reported that the Redevelopment Commission has been pursuing Economic Development Administration (EDA) grants for the last three years for the 39 North Water Tower Project, which is currently lacking in capacity and connectivity with the city of La Porte and noted the limited number of EDA grants awarded to Indiana. Mr. Reardon added that many elected officials and representatives have called the EDA on the county's behalf to no avail. He also elaborated on the process and rules related to annexation of communities.

D. **35/194 Update – Matt Reardon; MCR Partners**

Mr. Reardon reported he had a meeting with the Mayor of Michigan City last week regarding the extension of sewer lines. The Mayor indicated that there's a willingness to do so, but also that that the extension of sewer would be pursuant to the new Ordinance passed by the council.

There're two different kinds of documents, one of them agrees that you would not fight annexation in the future and, basically another document has to do with permission from the council as agreed to it. HWC Engineering is working the route analysis and along with Butler Fairman & Seufert, Michigan City's Engineer for the airport, the two firms will have one route analysis for a water and sanitary expansion in the district. Mr. Reardon pointed out that the inability to deliver utilities in a timely basis has the potential to cost the county twenty million dollars of investment. He added we will continue to work with Michigan City on those efforts.

Mr. Reardon offered to lead a TIF/Redevelopment workshop for any new or existing members to learn more about county redevelopment, tax allocation areas and IC Code 36-7-14. He also provided members with a 147-page packet from Barnes and Thornburg to review.

NEW BUSINESS

A. **D & M Change Order #10**

The RDC reviewed D & M change order #10 in the amount of \$18,684.90, an increase for scrap metal surcharge. Ryan Miller, D & M Excavating, stated that due to a shortage of scrap metal, pipe manufacturers are adding scrap metal surcharges to orders of ductile pipe and this should be the last change order for scrap metal surcharges since all ductile pipe is already on the job site as of last Monday. Michael Rosenbaum added this has been an ongoing issue for the project and is uncontrollable. Mark Parkman motioned to approve D & M change order #10 as presented. Tom Fath seconded the motion. The motion was unanimously carried.

B. **Consideration of MCR Partners 2023 Contract**

Attorney Friedman noted he has reviewed the contract and is comfortably recommending approval of the contract. Randy Novak motioned to approve the 2023 MCR Partners contract. Tom Fath seconded the motion. The motion carried unanimously.

C. **Consideration of MjThomas & Associates 2023 Contract**

Attorney Friedman noted he has reviewed the contract and is comfortably recommending

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approval of the contract. Randy Novak motioned to approve the 2023 MjThomas & Associates 2023 contract. Scott Cooley seconded the motion. The motion carried unanimously.

D. **Consideration of Cender|Dalton Municipal Advisors 2023 General Financial Advisory Services Agreement** - Attorney Friedman noted he has reviewed the contract and is comfortably recommending approval of the contract. Randy Novak motioned to approve the 2023 Cender|Dalton Municipal Advisors Financial Advisory Services Agreement. Michael Rosenbaum seconded the motion. Michael Rosenbaum noted Cender|Dalton has certainly come through for the county many times in the past couple of years. The motion carried unanimously.

E. **Consideration to Issue a Request for Proposal (RFP) or Request for Qualifications (RFQ) for RDC Attorney legal ad with responses due within 30 days and Consideration of a Selection Process for a Redevelopment Commission Attorney** - Justin Kiel motioned the Redevelopment Commission members, recommend/name attorneys to interview and selection would occur at a special meeting within two weeks rather than going for a longer selection process such as an RFP. Randy Novak, Michael Rosenbaum and Scott Cooley questioned the "Approval of the Agenda" amended motion from earlier in the meeting. Randy Novak asked Justin Kiel for clarification to his motion related to the interview selection process. Justin Kiel repeated his motion adding that he is suggesting this method as a "middle-ground". President Haney seconded the motion. Michael Rosenbaum added that he only agreed to add President Haney's friendly amendment to his earlier "Approval of the Agenda" motion. Mr. Rosenbaum stated his motion for an RFQ ad process was meant to provide an open, transparent process to hire an attorney. Randy Novak stated he disagreed with Mr. Kiel's reasoning that his motion's process is "middle-ground". Justin Kiel stated he could withdraw his motion and motion to hire Mr. Jones as attorney. President Haney asked for roll call. Mark Parkman – No, Joe Haney-Aye, Michael Rosenbaum – No, Randy Novak – No, Tom Fath – Aye, Justin Kiel – Aye and Scott Cooley – No. Motion was lost 3-4. Randy Novak motioned to Issue a RFP/RFQ legal ad with responses due within 10 days, with an Executive Session February 9, 2023 at 6pm to review the ~~10 days~~ ^{10 days} ~~also open by a special public meeting~~ ^{also open by a special public meeting} ~~RFQ~~ ^{RFQ} ~~to be notified by the Bar Association~~ ^{to be notified by the Bar Association} might increase the number of responses. Mr. Parkman added that would provide a 14-day window for prospective attorneys. Michael Rosenbaum seconded the motion. The motion carried unanimously.

OTHER BUSINESS

Mark Parkman asked if the 4th Wednesday of the month at 4pm would work for everyone instead of the last Wednesday. Randy Novak motioned to change the monthly meetings to the 4th Wednesday of the month starting next month. After discussion, Scott Cooley seconded the motion. The motion carried unanimously.

Mr. Matt Reardon offered his assistance with the Attorney Request for Proposal scope of services legal ad.

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Mr. Reardon stated Mr. Paul Vincent was retained by the County Commissioners to run the Office of Planning and Government Affairs and he is looking forward to working with him.

Mr. Mitch Bishop, County Planner, announced the Regional Sewer District received an SRF grant and low interest loan totaling \$35M for a thousand homes. Bid openings are expected for September and October 2023 with construction commencing in April 2024. He added this project's SRF application was 1st out of 91 applications in the state which gives the district more grant funds than loan funds.


ADJOURNMENT

Michael Rosenbaum motioned to adjourn the meeting at 5:16PM. Tom Fath seconded the motion. The motion carried unanimously. The next meeting will be held February 22, 2023.



Joe Haney
President

Attest:



Michael Rosenbaum
Secretary