

LA PORTE COUNTY REDEVELOPMENT COMMISSION MEETING MINUTES  
MARCH 22, 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, March 22, 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 – Absent

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

**APPROVAL OF THE AGENDA**

Randy Novak motioned to approve the presented agenda. Mike Rosenbaum seconded the motion. The motion carried unanimously.

**PUBLIC COMMENT**

None

**COMMUNICATIONS**

- Jay Sullivan information request for DM # water taps for MC Water Dept.
- Auditor request for Treasurer report
- H-D re: claims and allowances publication
- D & M pay request #11
- USi Eng re: Pay request #11review and signature request
- Picked up POs for RDC President signature from Auditor's office
- Auditor's office to prepare March '23 automated PO's
- Mail- Auditor's office picked up sorted/filed
- IT request for LPCRDC ZOOM credentials for RDC 2023 meeting schedule dates
- Auditor's office delivered signed February Po's

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- Deputy Auditor request US Bank statements
- MCR/Commissioner Haney Merchant Bank Statement
- MCR/BT BOT Amendment documents for Feb. minutes
- Call B & T re BOT amendment signatories
- Co. Planner Waste Mgt. email regarding contribution
- Cender/Dalton 2022 annual report data request response
- Fessler US Bank Change of address/request Dec. '22/Jan. '23 bank statements
- USi Engineering Supplement #1
- JBC Rail schedule BOT Amendment signatures

## APPROVAL OF MINUTES

Scott Cooley motioned to approve the February 22, 2023; meeting minutes as presented. Randy Novak seconded the motion. The motion carried unanimously. Tom Fath seconded the motion. Motion carried 6-0 with Michael Rosenbaum abstaining due to his absence at the February meeting.

## TREASURER'S REPORT

### **TIF Fund Balances:**

421/I-94 #1 - \$189,649

421/I-94 #2 - \$0

KIDC - \$71,941

39 North - \$74,179

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

## CLAIMS

<u>TIF</u>	<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTALS</u>
<b>KIDC</b>	MCR Partners	Mar '23 Professional Services	\$3,000.00	
	Thomas & Associates, LLC	Feb '23 Professional Services	\$1,192.75	
	Herald – Dispatch	Legal Publication claims	\$129.36	
			<b>Subtotal</b>	<b>\$4,322.11</b>
<b>US 421 #1</b>	MCR Partners	Mar '23 Professional Services	\$2,000.00	
	Thomas & Associates, LLC	Feb '23 Professional Services	\$1,192.75	
	Guy S. DiMartino	Feb '23 Legal Services (½ month)	\$750.00	
	Cender   Dalton Municipal Advisors	Jan '23 Professional Services Inv#9862	\$375.00	
			<b>Subtotal</b>	<b>\$4,317.75</b>
<b>39N</b>	MCR Partners	Mar '23 Professional Services	\$1,000.00	
			<b>Subtotal</b>	<b>\$1,000.00</b>
<b>TOTAL OF REGULAR CLAIMS</b>				<b><u>\$9,639.86</u></b>

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 \$4,322.11. Scott Cooley seconded the motion. The motion carried unanimously.

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President Haney read the claims as presented for payment for the US 421 #1 TIF area from the Claim Docket. Michael Rosenbaum motioned to approve the US 421 #1 TIF area claims in the amount of \$4,317.75. Justin Kiel 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. Justin Kiel seconded the motion. The motion carried unanimously.

**US 421 Project Claims**

<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTALS</u>
D&M Excavating, Inc – Pay Application #11(funding source: County ARP Fund)	\$454,213.28	
<b>TOTAL OF PROJECT CLAIMS</b>		<b><u>\$454,213.28</u></b>

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 #11 claim in the amount of \$454,213.28. 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 on discussions he and Mitch Bishop, County Planner, had with the Michigan City Sanitary District and Waste Management related to the new environmental regulations. The group determined that further treatment would be needed before the leachate could be treated at the plant. Therefore, the recommendation is the utility project stop short of the landfill at this time which will produce a savings of an estimated \$300,000 on the project, and by doing so, Waste Management would not be contributing the previously agreed \$150,000 towards the project. Mr. Reardon stated that access to extend the utility line to Waste Management is open when they are ready to do so. Mitch Bishop added now the project would stop at the boundary of Waste Management and Loves property which is about half the original distance as you get past the intersection of 300 N and 421.

Mr. Reardon reported there was some discussion about some potential annexation by the City of Michigan City at the 421/94 TIF project. Based on some discussion with representatives from the city, there was interest in who would receive the tax dollars on the development of the land, Michigan City or the county. After speaking with Mr. Karl Cender, Cender|Dalton Municipal Advisors, the city would benefit more than the county in tax revenue. Mr. Reardon received a legal opinion from Ice Miller on this matter and, any revenue generated in the TIF district would stay with the La Porte County Redevelopment Commission until such time as the debt would be discharged. Mr. Reardon attended the Michigan City Council meeting last night and informed them of the tax implications of the annexation and spoke with the developer after the meeting. Mr. Reardon spoke to a Michigan City Councilman and suggested if the city wants to annex property, they look at larger parcels of property than one off parcels adjacent to the municipality and think about extending along US 20 all the way to Porter County or extending all the way to the state line has opportunities for Michigan City to grow. Also, the county TIF district has been in place for 15 years.

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Mitch Bishop reported a 421-utility project's easement will be amended to expedite the completion of the project. A utility relocation related to AT & T and NIPSCO has delayed the project. He added he will connect with Attorney DiMartino to review the document to ensure the county's interests are covered.

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

Mr. Matt Reardon provided an update related to the Build, Operate, Transfer (BOT) amendment which would attach the Indiana READI grant agreement and grant funds so that both would control how the funds are spent. He stated the CSX Build, Operate, Transfer (BOT) contract is not finalized yet. He will forward the finalized contract to Attorney DiMartino for review for consideration at the Council meeting in April.

Mr. Reardon reported that Kingsbury Industrial Park is one of a handful of sites primed for development included in the state database of Strategic Sites Inventory (SSI). The IEDC recommended a Phase One Environmental Assessment be performed on the property. Mr. Reardon asked for permission to get bids for the assessment on the 800-plus acres that have been identified. Right of entry will be acquired from all the property owners. Randy Novak motioned to allow Mr. Reardon to get bids for a Phase One Environmental Assessment to be completed in the Kingsbury Industrial Park. Tom Fath seconded the motion. The motion carried unanimously. Vice-President Kiel asked if Mr. Reardon had an estimate on the cost. Mr. Reardon said he did not.

Mr. Reardon reported the third-party agreement between JBC Rail, Lindborg (Kingsbury Elevator), and La Porte County is being reviewed by Mr. Jim Carroll of JBC Rail and will soon be fully executed. Mr. Reardon asked if the Commission had a preference for either a ribbon-cutting or a groundbreaking ceremony to mark the beginning of the project. The project includes the construction of 4,000 feet of rail track and rail bridge which will finalize connectivity between CSX and CN.

## **C. 39 N Update – Matt Reardon; MCR Partners**

Mr. Reardon did not have an update for the 39 North TIF area, although discussion followed related to the water tower needed for further development.

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

Mr. Reardon reported HWC Engineering is finalizing the route analysis working cooperatively with Michigan City Water and Sanitary to find the most advantageous route. He added depending on how the city proceeds, whether they continue annexing all of it and spend the money to put in the utilities, if the city does so, that would free up \$1.5 million of ARP funds back to the county. He added, if the city wants to annex meaningful tranches of property that are at their gateway and to control it, this would be a great opportunity to start doing that.

## **NEW BUSINESS**

### **A. 2022 Annual Report, Karl Cender, Cender | Dalton Municipal Advisors**

Mr. Karl Cender presented the 2022 Annual Report, required by Indiana Statute, which contains financial information as well as the listing of all the parcels for all the TIF areas. This report is uploaded to the Indiana Gateway website. Randy Novak motioned to approve the

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2022 Annual Report as presented. Justin Kiel seconded the motion. The motion carried unanimously.

**B. Consideration of Resolution 2023-002 TIF Capture Resolution**

Mr. Karl Cender presented TIF Capture Resolution #2023-002 as presented. He explained that because of the projects as well as the debt outstanding of the '22 bonds and the other loans to the county's Major Moves Fund, the Commission will need to capture all of its increment in 2024. Michael Rosenbaum motioned to read the resolution by title only. Randy Novak seconded the motion. The motion carried unanimously. The Resolution title was read as follows: "*Resolution of the LaPorte County Redevelopment Commission concerning the 2024 Budget Year Determination for Tax Increment for the LaPorte County Redevelopment Commission Allocation Areas*". Michael Rosenbaum motioned to approve Resolution #2023-002 as presented. Randy Novak seconded the motion. The motion carried unanimously.

**C. Consideration of Resolution 2023-003 421 AA2 Transfer of Funds to 421 AA1**

Randy Novak motioned to read the resolution by title only. Scott Cooley seconded the motion. The motion carried unanimously. The Resolution title was read as follows: "*Resolution Authorizing LaPorte County Auditor to Transfer Redevelopment Commission I-94/421 Allocation Area #2 TIF Fund balance to I-94/421 Allocation Area #1 TIF Fund*". It was explained that the entire January bond payment was expended from 421 #1 and this transfer will reimburse part of that payment. Michael Rosenbaum motioned to approve Resolution #2023-003 as presented. Tom Fath seconded the motion. The motion carried unanimously.


**D. Consideration of USi Engineering Supplemental Agreement #01**


Mr. Matt Reardon, MCR Partners, explained that there were a few delays in the design of the 421-utility project, along with some errors and omissions that have been identified as part of the project. The construction supervision typically falls somewhere between the range of 5 to 10% of the construction cost for Local Public Agency (LPA) projects or state projects. Mr. Reardon added they have done a good job. USi's original contract was \$125,000 and they are asking for an increase of \$25,000 to take it through the end of the project. Mr. Reardon recommended approval of the supplemental agreement to increase USi's contract by \$25,000. Randy Novak motioned to approve the USi Engineering Supplemental Agreement #01. Michael Rosenbaum seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

Scott Cooley motioned to adjourn the meeting at 4:45PM. Tom Fath seconded the motion. The motion carried unanimously. The next meeting will be held April 26, 2023.

Attest:

  
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Michael Rosenbaum  
Secretary

  
\_\_\_\_\_  
Joe Haney  
President