

MEETING MINUTES

May 9, 2023

Members present (In person): Dennis Jordan, Josh Gobel, Ben Horvath, Joe Layne, Richard Pfeil

Members on Zoom: Phil Garrett, counsel

Members absent: Larry Beehler

Staff present: Bill Schalliol, Shelley Marker

1. Meeting Called to Order by Dennis Jordan. *(Audio position: 0:00:02.2)*
a. Administration of Oath

Shelley Marker administered the Oath of Office to Joe Layne as a board member to the Redevelopment Commission.

- b. Election of Officer – Secretary *(Audio position: 0:01:17.2)*

Dennis Jordan: The election of Officer for Secretary was tabled until the June meeting.

2. Approval of Minutes *(Audio position: 0:01:30.4)*
a. March 21, 2023 – Meeting of the Redevelopment Commission

Upon a motion by Ben Horvath, being seconded by Josh Gobel and unanimously carried 5-0, the March 21, 2023, minutes of the Redevelopment Commission were approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

3. Economic Development Area Updates *(Audio position: 0:02:14.4)*
a. General Redevelopment Commission
i. Budget Information (March/April report)
1. Wyatt EDA – Fund 4300
2. New Carlisle EDA – Fund 4301 (AA #2)
3. New Carlisle EDA – Fund 4302 (AA #1)
4. New Carlisle EDA – Fund 4303 (Special Taxing District)
5. AM General EDA – Fund 4401
6. Northwest Cleveland Road EDA – Fund 4402
7. Solar Project EDA – Fund 4405
8. General Redevelopment Commission – Fund 4403
9. Double Track Bond – Fund 4404
10. On-Call Agreements

COMMISSION MEMBERS

Dennis Jordan | Joe Layne | Josh Gobel | Richard Pfeil | Benjamin Horvath | Larry Beehler

PLANNING & ZONING | PUBLIC WORKS | SURVEYOR | DRAINAGE | ENVIRONMENTAL | ECONOMIC DEVELOPMENT

Bill Schalliol: In the packet is the financial reports for March and April. If there are any questions be happy to answer them. This shows the beginning balance of the month, any receipts, expenditures, and the ending balance for the month.

Dennis Jordan: I have a couple of questions. One on the New Carlisle Area 2, I assume that the \$1.8 million payment was a bond or debt payment?

Bill Schalliol: Yes, that is correct.

Dennis Jordan: What was the refund we received in Cleveland Road for \$22,000?

Bill Schalliol: We had a bill that was paid using Cleveland Road funds that shouldn't have been paid for with Cleveland Road funds, so we are transferring money back into that account.

- ii. Professional Services Agreement *(Audio position: 0:03:09.5)*
 - 1. Northern Edge EDA (Proposed) Letter of Engagement – Barnes & Thornburg LLP

Bill Schalliol: Next item is the Northern Edge Economic Development Area (proposed) a letter of engagement with Barnes and Thornburg. As part of the work that we do with our professional consulting team we do letters of engagement as we move forward with study and design for a new Economic Development Area. The Northern Edge Economic Development Area is an area in the northeast corner of State Road 933 and Douglas Road. That area is proposed to be developed by the Buckingham Group and partnership with Notre Dame. This will be a mixed-use development similar but not the same as Eddy Street Commons on the southside of campus. As we look to develop this area, we will have professional service proposals from bond counsel, financial consultants, and the legal team. This specifically the bond counsel and legal services related to Barnes and Thornburg work. Staff requests your approval of this proposal.

Dennis Jordan: Would their fee be part of the bond proceeds should we...

Bill Schalliol: Yes, sir. We are requesting funds from the Healthwin account at the council meeting tonight. The Healthwin account generates and collects revenue from the rent from the Healthwin facility up on Auten Road. We have used that money in the past for Economic Development projects on the northern, central part of the county. If there are funds that are used from that account for this amount that will be reimbursed by the bond. Any other fees related to this contract specifically will be reimbursed by the bond. No direct cost to the Redevelopment Commission or the County, it will be part of the bond proceeds.

Upon a motion by Josh Gobel, being seconded by Joe Layne and unanimously carried 5-0, approval of the Northern Edge EDA (Proposed) Letter of Engagement-Barnes & Thornburg, LLP, Professional Service Agreement, of the Redevelopment Commission.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

- 3. b. New Carlisle Economic Development Area (NCEDA) *(Audio position: 0:05:40.3)*
 - i. Memorandum of Agreement
 - 1. MOU with City of South Bend
 - 2. MOU with Town of New Carlisle

Bill Schalliol: If I can have a little bit of latitude with the next four agenda items, the memorandum of agreement and the first two professional service agreements and put this in a little bit larger context. As we start to move forward with the General Motors project out in the New Carlisle area. There are several

utility services that we the County are going to be required to provide to the site, water, sewer, fiber is three of the services. We have already done contracts with Lochmueller Group for some of the road work that needs to be done. Contracts with Lawson-Fisher through the surveyor's office for work that must be done on the Niespodziany Ditch.

The two proposals before you today relate to sewer work that needs to be done. Sewers managed in the New Carlisle area by the City of South Bend. There are two types of water in the Economic Development Area, there is potable water that is managed by the Town of New Carlisle and a non-potable water plant that was built as part of the energy center back a couple of years ago to provide water to it. We have potable water and non-potable water. Non-potable water is the bases of this agreement. As we look at General Motors and some of the other high-end water uses in the site. We look at the opportunity to use the non-potable water out of the non-potable water plant. Expanding the capacity of that facility and providing water that can be used for non-contact purposes, fire protection and some other high water uses on some of these larger sites.

As part of that work, we need to do some redesign work on the plant and design work on how we get pipes from point A to point B if you will. The contract before you today for the non-potable water plant project is just that, it is a study of the plant, additional work in the system, network, how we build new pipes to get from non-potable plant to the site. Other non-potable water related uses for the project.

The MOU that is associated with this in the first part of the agreement, is a relationship agreement between the Town of New Carlisle and the Redevelopment Commission. The Redevelopment Commission will pay for the study and pay for design work. Ultimately as part of the project would pay for the construction site of the project. There might be some additional reimbursement agreements or other partnership agreements that may come as part of a secondary agreement. But the MOU will really stipulate that we will do the work, work can be shared but the Redevelopment Commission will bear the cost. That is the first piece of the agreement.

The second piece of the agreement mirrors that. The City of South Bend manages the sewer network, the Redevelopment Commission has traditionally built the sewer network and transfer it to the City of South Bend to manage and own. There would be another agreement where we would study the extension sewers to the site. Right now, we have sewer generally within 500 feet of the project site it would need to be extended a little further in. We know we have some lift station upgrades that need to be done, some section with some bad pipe, other connection pieces that need to be fixed.

The MOU manages the relationship between the City of South Bend and the Redevelopment Commission whereby again the Redevelopment Commission would pay for all the service work, design work and ultimately would pay for the construction work. The City of South Bend would partner with us, manage the design, and partner with us on the design work as far as their expertise on the system. Both agreements are with DLZ, it would provide specifically for the work that needs to be done for the pre-development work.

We anticipate this work is not just done for one project. In the case of the sewer, we know there are some upstream projects and ultimately, we would like to get utilities south of State Road 2 and over to Navistar as part of this work. A lot of the design work on the sewer side will be also to contemplate how we study that area and how we get utilities specifically across the road and service Navistar. Mini-Mountain campground up the hill is looking at doing a major redevelopment, how do we get sewer there and to Bendix Woods. Potential industrial area south of State Road 2.

That is how those four items relate to each other. If there are any questions about those, I'd be happy to answer them. We probably need to take them separately as votes. If any questions, about the MOU and the sewer and non-potable water study I'd be happy to answer those questions.

Dennis Jordan: I'm certain I know we have had meetings a year and half ago on the wastewater

treatment water system New Carlisle. I'm glad to see we had the MOU that is part of the discussion and part of the study as well. I know at some point New Carlisle has to upgrade their...

Bill Schalliol: This relates specifically to the non-potable water plant. There will be probable at our next meeting an agreement, MOU specifically, to the potable water treatment plant. So, the potable water treatment plant is a little different. It is built as a three million gallon a day plant should be a six million gallon a day plant but based on operation and efficiencies can only do three million gallons a day. Two-thirds of that water is generally used by Cleveland Cliff's Tek and Kote. The rest is by the Town and the industrial users in the area. We are looking at a design contract to modify and rebuild the existing water treatment plant. Largely again, paid for by TIF and partnership with Cleveland Cliff's so that will be a little bit different agreement that will be forthcoming.

Dennis Jordan: That was really the question, were we working on that because I hadn't heard lately. Okay, thank you.

(Audio position: 0:11:33.9)

Joe Layne: I have a question, on the scope of the design intent. I'm assuming it is being anticipated for not just for what is going on now but what will come up in the future for expansion. Is that part of the agreement.

Bill Schalliol: Yes. In both the water and the sewer more specifically in the sewer, that is a study area in the packet a map that shows the area that we are looking at. It is from south of State Road 2 all the way back aligns to the intersection of Smilax Road and US 20. It will look at that whole network where we need to make upgrades in lift stations, pipe oversizing items like that to make that work. But on the non-potable site too, try to understand how much we can expand that plant where non-potable water can run. Because we can't run water in the existing water lines. It must be all brand-new water lines, so where do we think water users would be to use that line.

Dennis Jordan: In our packet the New Carlisle MOU is first, does it matter what order we take these in?

Bill Schalliol: I would note the MOU for the City of South Bend has not been signed yet. We are working on changes up to the last minute and missed their filing deadline for the Board of Public Works meeting. We approve it today they will get it on the agenda for May 23, and approve it at that meeting.

(Audio position: 0:12:59.3)

Dennis Jordan: Following the agenda we prefer to do the MOU for the City of South Bend first, consider that. Is there a motion to approve the MOU with South Bend. Is there a motion to approve?

Upon a motion by Josh Gobel, being seconded by Joe Layne and unanimously carried 5-0, the Memorandum of Agreement with the City of South Bend was approved, of the Redevelopment Commission.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

Upon a motion by Josh Gobel, being seconded by Joe Layne and unanimously carried 5-0, the Memorandum of Agreement with the Town of New Carlisle was approved, of the Redevelopment Commission.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

- ii. Professional Services Agreement (Audio position: 0:14:17.1)
 - 1. IEC Sewer Study – DLZ, Inc.
 - 2. IEC Non-Potable Water Study – DLZ, Inc.

Dennis Jordan: We have the DLZ Sewer Study they do have \$84,500 and individual rates that they would charge for the individuals working on it.

Bill Schalliol: That is correct, and it is not to exceed \$84,500 amount.

A motion by Dennis Jordan, being seconded by Josh Gobel and unanimously carried 5-0, the Professional Service Agreement, IEC Sanitary Sewer Study with DLZ, Inc., of the Redevelopment Commission was approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

(Audio position: 0:15:00.1)

Dennis Jordan: The IEC Non-Potable Water study.

Bill Schalliol: I would note that has a not to exceed amount of \$115,300.

A motion by Josh Gobel, being seconded by Joe Layne and unanimously carried 5-0, the Professional Service Agreement, IEC Non-Potable Water Study with DLZ, Inc., of the Redevelopment Commission was approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

(Audio position: 0:15:33.5)

- 3. Acquisition Appraisal for 502 E. Michigan Street - Iverson Grove
- 4. Acquisition Appraisal for 502 E. Michigan Street - Steve Sante

Bill Schalliol: The next two items on the agenda are acquisition appraisals. Years ago, when the Redevelopment Commission through the Board of Commissioners acquired the trailer park in New Carlisle. There was a house sitting to the east of the property that raps around the property it doesn't connect but it sat close at the time. One day a car ran into the house, caught the house on fire, house was torn down and the owners just own a vacant lot. The owners have since moved to Florida, contacted us a couple of weeks ago, we own a lot in New Carlisle that we don't want any more. Ask if we would have any interest in acquiring it. We don't have any sense of value; they have not expressed any sense of value, so we have two appraisals in the packet today. Once is from Iverson Grove in the amount of \$1,000 and the other from Steve Sante at Appraisal Services in the amount of \$500. We would ask for your approval to at least get a value on this piece of property so we can consider acquisition of this piece. The trailer park and the adjacent property that we identified as a future location for a train station if the South Shore were able to move forward with developing a South Shore Station in New Carlisle.

Dennis Jordan: Do we need to take these individually or can we do them together?

Bill Schalliol: Take them individually. (Audio position: 0:16:59.0)

A motion by Joe Layne, being seconded by Josh Gobel and unanimously carried 5-0, the Professional Service Agreement, Acquisition Appraisal with Iverson C. Grove on 502 East Michigan Street, New Carlisle, IN., of the Redevelopment Commission was approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

(Audio position: 0:17:34.1)

A motion by Joe Layne, being seconded by Josh Gobel and unanimously carried 5-0, the Professional Service Agreement, Acquisition Appraisal with Steve Sante on 502 East Michigan Street, New Carlisle, IN., of the Redevelopment Commission was approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

(Audio position: 0:17:56.0)

iii. Cogent Industrial Partners – Monthly Report (March/April)

Bill Schalliol: The next item on your agenda is the Cogent Industrial Partners monthly report. We file that as part of the agreement. If there are any questions, I'd be happy to answer them.

3. c. AM General Economic Development Area (AM General EDA) *(Audio position: 0:18:17.0)*
i. Capital Avenue Trail Project
1. Res 2023-06 – RESOLUTION OF THE ST. JOSEPH COUNTY REDEVELOPMENT COMMISSION APPROVING FUNDS

Bill Schalliol: On the other side of the county in the Capital Ave. area. It would be Resolution 2023-06, a Resolution of the St. Joseph County Redevelopment Commission approving funds. This relates to bids that we opened at are March meeting for two trail projects. After we reviewed the trail project bids one was for a section of McKinley Ave. from Capital Ave. east to Current on the southside. We opted not to move forward with that project. What we did opt to move forward with is a section on Lincolnway from Capital Ave. west to Brooke Street. It is south of the river in that corridor. We believe it is a better use of the resources and will see more activity on this section and has the higher opportunity to create more visibility and coordination with some other projects happening in that corridor.

The amount of that project with the bid is \$468,597. This bid will be awarded subject to your approval of this resolution at the Board of Commissioners meeting at 10:00 a.m. today. If there are any questions, I'd be happy to answer them.

Dennis Jordan: On the other project is that something we would look at in the future?

Bill Schalliol: I think so, we have some other projects happening in that area that could be coordinated with and maybe there is an opportunity for someone else to pay for that project as part of a development that they want to do.

(Audio position: 0:19:49.8)

A motion by Joe Layne, being seconded by Josh Gobel and unanimously carried 5-0, AM General Economic Development Area, Capital Avenue Trail Project, Resolution 2023-06 – Resolution of the St. Joseph County Redevelopment Commission Approving Funds of the Redevelopment

Commission was approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

- ii. Professional Services Agreement *(Audio position: 0:20:14.9)*
 - 1. SR 933 (Lincoln Way East) & Riviera Drive Improvements - Construction Observation
Christopher B. Burke Engineering

Bill Schalliol: The tandem piece of that project is a design contract. As we have looked at this project we believe because of the location and the visibility and the coordination needs working on Lincolnway adjacent to a state highway. We are going to need to bring in a construction consultant to help us with that. Christopher Burke Engineering is to provide engineering oversight services for the project. It is a proposal not to exceed \$39,900 and will coordinate with our Engineering Staff as it moves forward. If there are any questions, I'd be happy to answer them.

Dennis Jordan: Is Christopher Burke involved with another project out there?

Bill Schalliol: Yes. They did the design of this project. It was a natural extension to have them service the project oversight.

A motion by Joe Layne, being seconded by Josh Gobel and unanimously carried 5-0, the Professional Service Agreement with Christopher B. Burke Engineering for SR933 (Lincoln Way East) and Riviera Drive Improvements-Construction Observation of the Redevelopment Commission was approved.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

- 3. d. Wyatt Economic Development Area No. 1 (Wyatt EDA) *(Audio position: 0:21:33.5)*
 - i. Prairie View BTU LLC Project – update only

Bill Schalliol: Not often we get to talk about Economic Development in the Wyatt area. Wyatt is southeast part of the county. Hasn't seen a whole lot of development in the 200 years since my relatives moved to the county back in Madison Township back in the 1860's. One of the things that we are really excited about is a project happening on the Prairie View Landfill site. A private group that is coming in building a development where they will capture the different gases that come off the landfill. Turn those gases into pipeline grade gas that they can ship and package on an offsite location to be used in compressed natural gas operations like buses, construction equipment items like that.

This project is about an eighteen and a half million-dollar project. It is presently going through the council for tax abatement. It is one of these things that \$18 million dollars in the southeast part of the county is pretty big deal. The project does sit within the TIF but because it is all personal property this project is basically personal property project. All the revenue stays with the taxing unit so the TIF will not collect anything. It is a good investment in that area.

- 3. e. Northwest Cleveland Road Economic Development Area (NWCR EDA)
 - i. No update

- 3. f. Solar Project Economic Development Area (SP EDA)

i. No update

4. Additional Business – none

5. Public Comment (3-minute limit)

(Audio position: 0:23.12.9)

Debra Durall, 21677 Auten Road, South Bend, IN: With the intention of support with the ongoing processes for the Comprehensive Plan in the IEC Overlay. I like to address some complaints being made about development not having enough input.

At first, I thought this claim was laughable but now I feel that this is a sign of progress. As with the statement made in the old musical “How the West Was Won” about the cries of orphan children and the suffering of settlers. As being just the sound of progress so to are the cries of developers as a good sign of progress. Because the waste and loss long accepted by developers as the price of doing business has drowned out other voices. I’m happy to support a process that supports all voices equally and help move the fulcrum forward to the center of the scales. I feel we are currently doing that.

The scales have been imbalances both by intention and by lack of means. But we are maturing now into a more wise age of understanding the how, the why, the where and when of our actions are equal to development itself. Not just the new face of development but as the power of innovation to meet today’s challenges. We have been nibbling each other from all sides to our collective detriment. In the past years I’ve listed ten ways that we are nibbling each other and impeding our progress. At the complaints of developers are the cries of progress of crossing the old fences and newly drawn lines to work together. It isn’t easy to break new ground.

A great model for us and I think the first for St. Joseph County in this example is the two-stage ditch that IPG and Area Plan are considering for the IEC and the Niespodziany Ditch. On the Sebasty land in transition for the IEC Development. As a beautiful compromise between infrastructure and environment.

I want to offer my thanks to Abby, Shawn, Bill, Jared, and Dan as well as John Law, Matt Meersman, Mark Espich, Brett Davis, Cardinal Stantec, and all the citizens who have worked to help protect our environment and values and communities. Thank you.

6. Adjournment

(Audio position: 0:26:49.9)

Upon a motion by Josh Gobel, being seconded by Joe Layne and unanimously carried 5-0, adjournment, of the Redevelopment Commission meeting at 9:27 a.m.

Josh Gobel	Aye	Ben Horvath	Aye
Dennis Jordan	Aye	Joe Layne	Aye
Richard Pfeil	Aye		

Next Meeting Dates: **Tuesday, June 13, 2023**, at 9:00 am – Regular Meeting

The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County’s compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings, or the proposed project have been given an opportunity to provide input throughout the process.

