

**REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS via WeBex  
Tuesday, January 12, 2021  
4:00 P.M.**

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**PRESENT IN-PERSON: SANDI SCHREIBER, WES STEFFEN, KURT BULLARD, GERRY ROBERTS,  
ALEX HOLTZ and DANA DONALD (RECORDING SECRETARY)**

**PRESENT BY WEBEX: DORIANNE NIELSEN**

**ADAM FANN, GARY BOYN, CHRIS POTTRATZ, ASHLEY ELSASSER, LAURA  
MILLER, CHAISE COPE, KACEY JACKSON, ERIC TROTTER, GEORGE  
BYERS, LEAH THILL (MACOG), YOLANDA BOUCHEE, JAMES TURNWALD  
(MACOG), JEFF ROBERTS (ROBERTS ENVIRONMENTAL), JAMISON  
CZARNECKI**

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Mayor Rod Roberson swore in the members of the Redevelopment Commission.

**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. Due to the nature of the meeting Dana Donald will call roll after the motion.

The meeting was called to order at 4:00 p.m. by Ms. Schreiber, President.

**APPROVAL OF AMENDED AGENDA**

Motion made by Mr. Steffen seconded by Mr. Holtz to amend the agenda to add "Employment of Crowe, LLP Meijer Project. Ms. Schreiber made a roll call vote. Five were in favor and none were opposed. Vote carried.

**ELECTION OF OFFICERS**

- a) **President:** Wes Steffen made a motion to elect Sandi Schreiber for President All were in favor and none were opposed. Voice vote carried.
- b) **Vice President:** Sandi Schreiber made a motion to elect Wes Steffen for Vice President and was seconded by Alex Holtz. All were in favor and none were opposed. Voice vote carried.
- c) **Secretary:** Wes Steffen made a motion to elect Alex Holtz for Secretary. All were in favor and none were opposed. Voice vote carried.

**APPROVAL OF DECEMBER 8, 2020 MEETING MINUTES**

Motion made by Mr. Steffen seconded by Mr. Holtz to approve the minutes from the previous meeting. All were in favor none opposed. Voice vote carried.

**NEW BUSINESS**

- a) **Employment of Crowe, LLP for Meijer Project:** Mr. Boyn stated that the Economic Development agreement for the Meijer Project is in the process of being worked on and one of the items in there is a provision that we hope to recover what the Redevelopment Commission will be spending for local public improvements to facilitate the project. The desire is to hire Crowe to give an evaluation of what they believe the TIF revenue will generate from this project (this will give us an idea of how many years it will take to recuperate our funds). This is tied into asking the Developer not to seek a tax abatement or any kind

of reassessment on the property until the Redevelopment Commission is at least made whole on what we had to spend on the project out of TIF funds. So Crowe is willing to work with us on an hourly rate basis at a not to exceed amount of \$10,000.00.

The Commissioners were provided these rates:

\$425-\$500 per hour for Partner Direct

\$200 -\$375 per hour for Managers

\$140-\$190 per hour for Senior Staff

With out of pocket expenses to be charged at cost

So we are asking for a motion to approve the employment of Crowe to provide financial services for the Meijer Project on an hourly rate basis at a not to exceed amount of \$10,000 and authorize the President of the Redevelopment Commission to sign the fee agreement upon its receipt which would contain the normal terms of which we have always used their services.

Ms. Schreiber asked for a motion. Motion was made by Mr. Holtz, seconded by Mr. Steffen. Ms. Schreiber asked for questions or comments from the Commissioners.

Mr. Roberts asked if a firm fixed fee is an option and was it pursued.

Mr. Boyn stated that these types of things are a little difficult, since they have to do a fair amount of digging to see what is already being produced in the TIF. There will be some kind of evaluation to develop some information that was asked of them. They will be dealing with the County Auditor and County Assessor in some of their evaluation. They don't know how much time it will take, but they are sure it is not going to take a huge amount of time. They have the information from Meijer and should be able to get this done in a 30-day period.

All were in favor, none opposed. Voice vote carried.

- b) Approval of Invoice for Ice Miller Services for Foundry Work:** Mr. Boyn stated that the Commission employed Ice Miller, LLP to seek recovery of City costs and damages arising from the environmental contamination at the former Elkhart Foundry site. Ice Miller has advised that August Mack needed to be employed to provide an expert witness rebuttal report at an approximate cost of \$16,000 as set forth in the proposal for services submitted to the Commissioners. The Commission has reviewed the Proposal and believes it is in the best interest of the City and its inhabitants that the Proposal be approved and the funds appropriated to cover the estimated cost of \$16,000 to be paid from the Downtown Allocation Area No. 1 Special Fund.

Motion was made by Mr. Steffen seconded by Mr. Bullard to approve the resolution. Ms. Schreiber asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

- c) Approval of Invoice for Ice Miller Services for 1101 E Beardsley:** Mr. Boyn stated that the Commission has acquired the realty at 1101 E. Beardsley previously referred to as the Conn site, which has environmental contamination and requires remediation, and has employed Ice Miller, LLP to provide services related to the MACOG environmental review and the collection of clean-up costs from prior owners. The attached Ice Miller billing for Services through November 30, 2020, being Invoice 01-2069343 for \$808.50 performed in accordance with the Fee Agreement and believes it is in the best interest of the City and its inhabitants that the billing be approved for payment.

Motion was made by Mr. Steffen seconded by Mr. Bullard to approve the resolution. Ms. Schreiber asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

- d) Offering of 1101 E Beardsley and 1701 Sterling:** Mr. Fann stated that Staff has been contacted by a developer interested in 1101 Beardsley and 1701 Sterling. Both of these properties were acquired via tax sale.

Additionally, both parcels are involved in the MACOG grant for environmental analysis. The process has been started by offering the parcels for sale at the average of two appraisals each; with the understanding that any potential developer or interested party know the background and the level of environmental study being done on both parcels currently. Mr. Boyn has done a very good job of laying that out and the ground rules for any potential interested party.

Mr. Boyn stated that the resolution approves the offering and the offering sheet and the public notice. The public notice is to be published in the *Elkhart Truth* twice this month (the first on the 16<sup>th</sup> and the second on the 23<sup>rd</sup> assuming that the resolution is approved) in order to open any offers that are made in the February meeting. An offering sheet is required by State statute and it will be available at the Department of Community and Redevelopment along with any other necessary documents needed. So the motion is to approve the offering of both parcels of real estate for sale, approving the offering sheet attached to the resolution that contains the prices of \$11,750 for 1101 E Beardsley Avenue and \$70,250 for 1701 Sterling Avenue and approving the form of Public Notice the will be published in the *Elkhart Truth*.

Motion made by Mr. Holtz seconded by Mr. Bullard to approve the Offering. Ms. Schreiber asked for questions and comments from the Commissioners.

Mr. Steffen asked if we are offering the properties now because they have never been offered before publicly.

Mr. Boyn and Mr. Fann answered yes.

Mr. Holtz stated I'm sure it depends on how we structure any sale, but what are our responsibilities with the properties after they are sold; what connection might we still have?

Mr. Boyn stated that that depends on the offers that are made. I know that there is a gentleman that is planning on making offers on these properties who has a company that deals with contaminated properties. I believe the gentleman is aware but I'm not sure to what extent Mr. Fann can correct me if I misunderstood that. Once he sees the extent the cleanup costs may be would be proposing to make some kind of offer where he would assume the obligation to clean up the property once purchased. We would have a form of development agreement that recites what a buyer proposes to do once it's cleaned up, what kind of improvements and how much will be proposed to spend on the site, when the work would start, and when the project would be complete. We would have reverter provisions in there that say if the buyer doesn't do what is proposed, then the property will revert back to the Commission. Those are all standard provisions that we have always used. So a lot of this will depend on the offers we receive and what the we decide to accept. The Commission has the right to reject all offers or accept whichever one is most responsive to what best meets the needs of the City, Neighborhood, and/or existing plan.

Ms. Schreiber stated if we accept a bid then a lot of the details can be worked out in a development agreement.

Mr. Boyn stated that's exactly right. Whenever we accept a bid it's always subject to the parties negotiating a mutually accepted developed agreement.

Ms. Schreiber asked for questions or comments from the public. All were in favor, none opposed. Voice vote carried.

- e) **MACOG Presentation:** Mr. Fann stated that Abby Wiles worked on a grant from MACOG for Brownfields within the City of Elkhart. Leah Thill (MACOG), Yolanda Bouchee, James Turnwald (MACOG), Jeff Roberts (Roberts Environmental) made a presentation on five Brownfields in Elkhart -1101 E Beardsley, 1701 Sterling, 700 Block of S. Main Street, 2101 S. Main Street, and 511 Division Street.

**STAFF UPDATES**

CDBG: George Byers invited Jamison Czarnecki Parks Superintendent to speak about City parks and the parks master plan, but Mr. Byers did not have the resolution sent to the Commission. Mr. Byers will present the resolution for close to a million-dollar investment in the parks at a special meeting.

Ms. Schreiber stated we're thankful for Church Community Services and all that they do for the community.

Downtown: Mr. Fann stated that Central Park is open, and we can't wait to use it this Summer.

Economic Development Projects

Ms. Elsasser stated that social media for the Economic Development Department is up and running on Instagram, Facebook, and Twitter.

TIF Budgets Summary

**OTHER BUSINESS**

Approval of Invoice – Warrick & Boyn (November 2020)

Motion made by Mr. Steffen seconded by Mr. Holtz to pay the invoice. Ms. Schreiber asked for questions or comments from the Commission or public. All were in favor, none opposed. Voice vote carried.

**CORRESPONDENCE/ANNOUNCEMENTS**

**PUBLIC COMMENT**

**ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 5:50 p.m.

  
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**SANDI SCHREIBER, PRESIDENT**