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DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH

BOARD OF COMMISSIONERS  
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District 3

## REDEVELOPMENT COMMISSION

### MEETING AGENDA March 8, 2022, at 9:00 a.m.

Members present (In person): Jason Critchlow, Tyler Gillean, Dennis Jordan,  
Brian Pawlowski, Larry Beehler

Members Absent: Thomas Gryp

Staff Present: Bill Schalliol, Chris Brown, Phil Garrett, Shelley Marker

#### MEMBERS

**Dennis Jordan**  
President  
Board of Commissioners Appt.

**Thomas Gryp**  
Vice-President  
Council Appointment

**Jason Critchlow**  
Secretary  
Council Appointment

**Tyler Gillean**  
Member  
Board of Commissioners Appt.

**Carl Baxmeyer**  
Member  
Board of Commissioners Appt.

**Larry Beehler**  
Advisory Member  
PHM School Corporation Appt.

**Phil Garrett, Esq.**  
Counsel

1. Meeting Called to Order at 9:00 a.m.

(Audio position: 0:01:010.5)

2. Approval of Minutes
  - a. February 8, 2022 – Meeting of the Redevelopment Commission

**Upon a motion by Brian Pawlowski, being seconded by Jason Critchlow and unanimously carried, the minutes from the February 08, 2022, meeting of the Redevelopment Commission were approved.**

3. Economic Development Area Updates
  - a. General Redevelopment Commission
    - i. Budget Information (February 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. General Redevelopment Commission – Fund 4403
      8. Double Track Bond – Fund 4404

Chris Brown: Most of the budget expenses for this month were actually items that were processed for December 2021 because of the reappropriation of funds along with a couple of bills from January 2022. All caught up from outstanding invoices from the past couple of months.

3. a. ii. 2021 Annual Financial Report Presentation

Bill Schalliol: The next couple of items relate to the Yearly Annual Report and Overlapping Units Report taxing presentation that Mr. Dalton is here to present.

3. a. iii. Overlapping Taxing Unit Presentation

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

Steve Dalton: Financial Advisor to the County Departments, including the Redevelopment Commission. You have a very lengthy report in front of you and promised not to read it to you line by line. I will remind you the reason why we do this annual report is by statute. The statute requires that you review an annual report of last years activities and post it on the Indiana Gateway site and the data base that aggregates all that data for all Redevelopment Commissions in the State. We have also combined this year the Overlapping Taxing Units report which is a report we typically do later in the fall. We felt like the information was somewhat congruous it really is the same information regurgitated twice. Let's just handle it all together. You have copies of the report it is also on the St. Joseph County website in the full version of the agenda which is 109 pages.

I will only briefly summarize our activities last year including the board members and you know who you are. We have had a couple of changes in board members over the last 12 months. I will look at page four which is the cash, what did we get, how much taxes did we get in distribution of tax increment in 2021? And the grand total is \$5.7 million dollars to the five allocation areas Wyatt, two New Carlisle allocation areas, AM General and Northwest Cleveland.

We have three bonds outstanding. Commissioner Gryp is always asking that we give specific information, so we have included this year in the report. Those bonds are the bonds that were issued for Northwest Cleveland Road, General Sheet Metal is the business that bought those bonds. Those bonds have an interest rate of 3% and callable in August of 2030 we would have no chance to ever calling those bonds because the only beneficiary would be the developer who purchased them who can wait until each of those bonds are paid off between now and 2030. The developer pays his property taxes, and it gives back a portion in his bond payments the rest of the property taxes stay in the allocation area.

There are two additional bonds that were issued by you as a district, the 2016 Bonds for the St. Joseph Energy Center callable in February 2026, and the 2019 Bonds that were issued for the Double Tracking project for the South Shore which is callable in February 2027. I will point out that the 2019 Bonds are interest only we will not start paying principle until much later in the process. The key being that the Double Tracking project will have benefits in the far future today we will not see those benefits so therefore we are not seeing substantial increase increment until much farther out in the future.

You see a Principal Debt Service Payments chart we started to add a colorful chart that it makes more sense to all of us. You can see that spike in payments in the future on page eight. The balances of our cash in each of those Allocation Funds and the General Fund and Bond Proceeds Funds are then \$12.3 million dollars on December 31, 2021. We have some maps for those of you that may have not looked at the maps in a long time of each of the allocation areas and the expiration dates. The state statute only allows 25 years for each of those allocation areas so they will expire at the expiration date.

A summary of the all the resolutions that were passed in 2021 which we also post to the Gateway site. We will begin then the Overlapping Units Report which again looks a little bit for forward talks about our long-term plans and projects a tax impact. The Budget is on Appendix A, the budget for this year which you approved last month is \$11.5 million dollars. You'll recall that I have forcefully asked that we spend out the rest of the Bond proceeds from the 2016 Bonds. It is not good in IRS eyes to hold onto money that we borrowed at tax exempt rates for multiple years it is not a savings account it is a spending account. We need to speed those dollars out this year.

We did the Tax Impact Analysis which is required by that same statue. You can define that however you like but our definition of that is how large are the allocation areas in comparison to the individual Overlapping Units who have been invited to this meeting as well. It may help to see a lot more zeros in the Allocation Areas then there are in the Overlapping Units. For each Allocation Area we have done this "what if". If the Allocation Area went away what would be the affect on the tax rate? The Allocation Area went away all of that accessed value would go back to the Overlapping Units. Accessed value increases have the opposite effect as tax rates go down. In each case the tax rates would go down materially sometimes larger depending on the Allocation Area was gigantic. The taxes rate would accrue to the benefit of either the taxpayers paying less taxes or less circuit breakers impacting the Overlapping Units, airport, townships, schools, cities, and towns. Those are the Unit when I use that term.

The last few pages are every single parcel in each of those Allocation Areas which will be uploaded as well to the gateway site. You made no changes to parcels, no expansions, or reductions of the Allocation Areas in 2021. I will pause for any questions otherwise thank you.

3. a. iv. **RESOLUTION 2022-01** - RESOLUTION OF THE ST. JOSEPH COUNTY REDEVELOPMENT COMMISSION CONCERNING THE 2022 BUDGET YEAR DETERMINATION FOR TAX INCREMENT FOR THE ST. JOSEPH COUNTY REDEVELOPMENT COMMISSION ALLOCATION AREAS

(Audio position: 0:08:52.5)

Bill Schalliol: The next item of business is Resolution 2022-01. The Resolution of the Redevelopment Commission concerns the 2023 budget year determination for tax increment for the St. Joseph County Redevelopment Commission Allocation Areas. What this resolution would do it states after reviewing of budgets and all of the finances related to all the development areas the Commission determines it has no increment which it wants to release to the underlying Taxing Units. This happens every year that has been the position with the tax increment that we generated the last number of years that we have nothing to release. We ask for you approval of this resolution.

**Upon a motion by Brian Pawlowski, being seconded by Jason Critchlow and unanimously carried, to approve Resolution 2022-01, Resolution of the St. Joseph County Redevelopment Commission concerning the 2022 budget year determination for tax increment for the St. Joseph County Redevelopment Commission Allocation Areas, was approved.**

3. a. v. Letter to County Auditor (Informational only)

(Audio position: 0:10:04.2)

Bill Schalliol: The next item is a letter to the County Auditor for informational purposes. Since the prior Resolution was approved this is a letter that goes to the County Auditor that reads, we are not releasing any increment to the underlying taxing units and ask that the information be moved. We will get Dennis signature on it to move it forward.

3. a. vi. Professional Services Agreement
1. Abonmarche Consulting – SR 4 Right-of-Way Study
  2. MACOG – Memorandum of Understanding - SR 4 Trail Study

(Audio position: 0:10:27.7)

Bill Schalliol: The next items on the agenda are two Professional Service Agreements. These relate to the same project. The first is a proposal from Abonmarche Consultants to do a right-of-way study for State Road 4. By way of introduction of this project and the next MOU item. Over the last several months we have been working with the Town of North Liberty and the Town of Lakeville as well as several other partners. Looking at the development of a pedestrian corridor or trail system between North Liberty and Lakeville and Potato Creek State Park. As the Potato Creek Lodge project moves forward there is an interest in developing a trail system in that corridor. Abonmarche Consultants was hired to do utility design and right-of-way study from North Liberty to Potato Creek. What we haven't done is a right-of-way study from Potato Creek's main drive east to 931 or to Lakeville. This first proposal is a \$9,500 professional service agreement to study the right-of-way through that corridor. Abonmarche has been given all the documentation from the State but needs to put it together and review it. Make sure the documentation is in place and make a deliverable document that would be a drawing about the right-of-way.

Would you like to vote on these individually or I can present them both and vote after?

Dennis Jordan: Present both Professional Agreements and then vote, that makes sense.

Bill Schalliol: The second request is a Memorandum of Understanding between MACOG and the Redevelopment Commission. This is to do a study using federal funds and the federal process between North Liberty and Potato Creek, and Potato Creek to Lakeville. And development of a series of alternates of where a trail could be located in that corridor. From Potato Creek to North Liberty it is a little easier as the terrain is flatter the right-of-way is wider. They are already going to be developing a water and sewer corridor in that area. Going east, the terrain is a little more complicated the properties are a little more numerous. A trail from Potato Creek to Lakeville is a little more complicated design. MACOG has proposed using federal funds or their funds, to put together a study that will go out and request proposals from consultants they would manage the process. They have asked us for \$15,000 to match \$60,000 they would put into a pot. It would be a total of \$75,000 to do a study for that corridor.

What we would like to do in both cases is use General Redevelopment Funds, those are funds that can be used in any area throughout the County and not limited to specific TIF district or geographic area. We would like to us \$24,500 between the two studies out of an existing line for Economic Development that we established in the last budget. We think this is a great project and we know the Potato Creek Lodge will be a game changer from an Economic Development standpoint on the south side incorporating trails into the design will be a huge part of that. Staff ask for a favorable approval of both proposals.

Jason Critchlow: I couldn't agree with Bill more I think this is one of the more exciting things that is going on in the County and I couldn't be more favorable of it. I appreciate you guys doing all the work on this. You said it was a game changer and I agree it is a game changer. The only thought I had was at some point is engaging Liberty Township and North Liberty and those folks at some point.

Bill Schalliol: They are not putting money into the equation, but they are certainly putting decision influence as is Lakeville on the other end of the trail.

Tyler Gillean: Bill, will this design factor into the possible eventual widening of State Road 4?

Bill Schalliol: At this point in time we haven't had any indication of State Road 4 would be widen at any point. What it does is part of the reason for the right-of-way analysis is to determine how much extra property maybe needed in the event that the trail would go in. One of the challenges as being a State Route and with INDOT's current trail corridor requirements it is going to require a large right-of-way to make this project happen. So right-of-way might need to be made to require making the trail happen, but I don't know if there is an anticipation that the roadway would be widen itself at any point. Depending on the traffic the Lodge generates there maybe some need to do some spot widening and items like that.

**Upon a motion by Jason Critchlow, being seconded by Brian Pawlowski and unanimously carried, to approve the Professional Services Agreement with Abonmarche Consultants, for State Road 4 Right-of-Way Study and Memorandum of Understanding with MACOG for State Road 4 Trail Study, was approved.**

3. b. New Carlisle Economic Development Area (NCEDA)
  - i. Professional Services Agreement
    1. Orbis Environmental Consulting - Phase 1a Archaeological Survey – IEC Site 1

(Audio Position: 0:16:10.1)

Bill Schalliol: Over the last couple of months we have been working with the Chamber of Commerce and with AEP as well with several consultants. AEP awarded the County through the Chamber a \$50,000 grant to do site studies, site certification readiness on IEC Site 2. The properties generally located at the southwest corner of Edison and Larrison Blvd. 190 plus acres in that area. As we do the studies, we will exhaust the \$50,000 that was awarded to us through AEP. But in the process of doing the studies it was determined that we need to do additional archaeological service studies as part of the work to do site certification. Some things were identified in the initial

archaeological report so to be able to be site ready and apply for site certification we need to do additional layer of study or Phase 1a Archaeological Survey. In your packet is a proposal from Orbis Environmental Consulting. Orbis has worked with us before on-site certification work in the ditch corridor and some other corridor out in the IEC area. This work here is additional work related to work that has been paid for by another source. What we are asking for is not to exceed amount of \$12,000 to finish this report. It would give us the additional information we need to allow us to go through with the site certification work and additional data as it relates to these properties. Staff would request your approval of this \$12,000 contract.

Jason Critchlow: Who requires this, Bill?

Bill Schalliol: The Office of Community Rural Affairs or OCRA is the agency that does the site certification process. There are about 45 categories of checklist to get to different levels of site certification. Archaeological Study is one of those categories.

Jason Critchlow: What are they going to do? 195 acres at \$12,000.

Bill Schalliol: They have identified a couple of key locations that just need additional research. The initial study is a paperwork study, the review aerials, site plates items like that. In the process of doing this additional study they actually go out into the field to look at some of the house sites and couple of other structures that had been identified in the report to determine if there are artifacts on site or any other conditions that would prevent or should be protected if development would occur onsite.

Jason Critchlow: They don't dig or do ....

Bill Schalliol: They do some minor digging to look at foundations and things like that to determine or identify age of buildings. One of things that was identified, the way the site lays out it is adjacent to the property and not even within IEC Site 2 was an old school that had been on the property. We don't see there is a record that the school existed after 1902 but was there any remnants of a foundation. That would be one of the things they would actually go out and poke around and find. That property as we can determine based on aerials the earliest aerials, we have been 1938. That property has been farmed since. If there had been something there it probably has been removed or covered over in such a degree that they can farm over the top of it. It is still one of the things they have to do a checkbox item.

**Upon a motion by Jason Critchlow, being seconded by Brian Pawlowski and being carried 3-1, to approve the Professional Services Agreement with Orbis Environmental Consulting for Phase 1a Archaeological Survey – IEC Site #2, was approved.**

3. c. St. Joseph County Economic Development Area No. 3 (AM General EDA)
  - i. Professional Services Agreement
    1. Sanitary Sewer Service Area Study and ROW Corridor Analysis Capital Avenue Corridor (Revised)

(Audio position: 0:20:30.1)

Bill Schalliol: We had this item at the last meeting, and it was still in draft format we went back and finalized the negotiations with the City of Mishawaka. This is the study of the Capital Avenue Corridor for utility services in the process of doing that it was determined that there were some additional meetings that needed to occur on the railroad component of the project to the point it would add additional \$1,500 to the proposal. In the fact that the dollar value changed we needed to bring it back to get a formal approval of this proposal. The total study amount between City of Mishawaka and County would be \$108,800 and \$13,500 is related to the rail component study of the project and the other is \$95,300 or a split between the two \$47,650 for the sewer study. We ask for a total approval of \$61,150 to fund the study. It was approved at the last meeting we are just asking for this minor addition and change. My understanding is that the City of Mishawaka will approve this agreement next Tuesday at their board of works meeting. They are very excited about moving forward and ask for your favorable approval

again.

**Upon a motion by Brian Pawlowski, being seconded by Jason Critchlow and unanimously carried, to approve the Sanitary Sewer Service Area Study and ROW Corridor Analysis Capital Avenue Corridor, was approved.**

3. d. Wyatt Economic Development Area No. 1 (Wyatt EDA)
3. e. Northwest Cleveland Road Economic Development Area (NWCR EDA)
4. Additional Business
  - a. American Rescue Plan Act (ARPA) – SW Corridor Broadband Project - update

(Audio position: 0:22:35.5)

Chris Brown: Quick update on ARPA, the contract was signed by the Board of Commissioners approved the contract and Lochmueller is moving forward with those discussions. There also has been talk between Lochmueller and Abonmarche about the right-of-way since they are anticipating on moving everything that way. There will be come collaboration with those two as we look to put some conduit into the area.

- 4 b. County Property Project - update

(Audio position: 0:23:14.3)

Bill Schalliol: You should be getting an email later this week that has an email link to the County's GIS system. It has a map link so you can take the excel spreadsheet that will be integrated into the mapping system to see parcels and where they are located. Identified as right-of-way, park, reserve, or other things. One of the things we found is a series of parcels for a period of years that had gone through the County property sale, tax sale process. But had actually been identified as Board of Commissioner owned properties owned properties that truly weren't ever titled transferred over to the County. We are sorting through the list and found a number of them that will come out of that list so to make the parcel list smaller. When that like is finished and the list cleaned up, we will get that to you this week.

- 4 c. Professional Service Contract Discussion - update

(Audio position: 0:24:17.4)

Bill Schalliol: We are finishing up 2018 and 2017. The 2017 contract log was a big year as it was the year that we signed all the contracts related to the early study for the Indiana Enterprise Center. We want to get you all of that data and will be sent out later this week. One of the problems with finding old contracts is trying to find them. What we have done is put it all by year into a spreadsheet and then the contracts are in one final column. You can sort them by appraisal services, engineering services or by company. That is the end of our part of the agenda.

Jason Critchlow: Going back to the Potato Creek can you remind me the section that is going to go west from the Lodge to the Town of North Liberty, 14 miles of sewer and water?

Bill Schalliol: I think it is 9 miles, 20 miles from the eastern edge of North Liberty to the western edge of Lakeville. I believe it is 9 and 11 is the split to the front door.

(Audio position: 0:26:15.0)

5. Public Comment (3-minute limit)

Debra Durall, 21677 Auten Road, South Bend, IN: Thank you for your work this morning. I would like to read something from Joel Salatin who is a sustainable farmer and summarize with something from Wendell Berry who is also a sustainable farmer.

*Act From the Heart.*

“Responsible living certainly includes being neighborly. That means we don’t sweep our trash onto the neighbor’s place. We don’t pollute their water. We don’t foul their air. Instead we desire their happiness, health, and success. These are such fundamental rules of harmonious living that to clarify them seems childish. Yet in many of our systems, the way we interact with each other is far from neighborly.

The sheer scale of industrial systems, both farming and processing, often move beyond the carrying capacity of the community. Prior to cheap fuel and transportation, no business could amass this amount of plants or animals in a single place because oxen or horses could move only small amounts not very far in a day. But cheap fuel and mechanization changed that, creating for the first time in human history an option no longer bounded by ecological, social, or economic carrying capacity in a community. Instead these systems could exceed community resources.

Along with the scale came secrecy, from perimeter fencing to patents to special concessions and subsidies from government agencies and politicians. The result is a structure that is fundamentally segregated rather than integrated. The CAFO stinks up it’s neighborhood and the landfill creates problems in its neighborhood. Integration solves both problems and lets each community function better. No discussion of community would be complete without appreciating common resources. Community accountability means that we respect shared resources like air, soil, and water. If my food production depletes water resources, or erodes soil, or fills the air with noxious fumes and particles, I’m degenerating my community’s wealth over the long term.

The problem is not humans; the problem is our mentality. Are we conquistadors or caretakers? Are we exploiters or nurturers? Community builders or community destroyers?

These are not academic distinctions. We live on a planet created to live abundantly, to heal after abuse. This is not a place of scarcity. It is a place of plenty. We can live responsibly in community in a way that honors the greater world. By focusing on our neighbors, we create a framework for how we’ll treat those far away.”

- by Joel Salatin, as published in Wanderlust

Phil Garrett: Your time is up, Ms. Durall.

6. Adjournment

**Upon a motion by Jason Critchlow, being seconded by Brian Pawlowski and unanimously carried, for adjournment at 9:29 a.m.**

Next Meeting Date: April 12, 2022, at 9:00 am

<p>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.</p>
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