

# GOSHEN REDEVELOPMENT COMMISSION

## Minutes of the Regular Meeting held November 13, 2007 at 4:00 p.m.

### Call to Order:

The Goshen Redevelopment Commission met in a regular meeting on November 13, 2007 at 4:00 p.m. in the City Court Room/Council Chambers at the Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana.

The meeting was called to order by President Thomas Stump.

### Roll Call:

On call of the roll, the following members of the Redevelopment Commission were shown to be present or absent, as follows:

Present: Daniel Grimes, Stephen Oyer, and Thomas Stump. Laura Coyne arrived after roll call.

Absent: Thomas Stark

Also present were City Attorney Larry Barkes and Legal Compliance Administrator Shannon Marks. Redevelopment Director Mike Puro was selected for jury duty.

### Approval of Minutes:

A motion was made by Commissioner Oyer and seconded by Commissioner Grimes to approve the minutes of the October 9, 2007 regular meeting. The motion was adopted unanimously, 3-0.

### Approval of Claims:

Commissioner Grimes asked what the claim to Pete Liegl was for. Larry Barkes responded that it was for reimbursement under the agreement for the infrastructure improvements in the Century Drive area.

Commissioner Oyer asked what the claim to Kinder Morgan was for. Bob McCoige responded that it was for right-of-way acquisition for real estate that was previously owned by Dome Pipeline.

A motion was made by Commissioner Grimes and seconded by Commissioner Oyer to approve payment of the following claims:

<u>Account</u>	<u>Claims Date</u>	<u>Name</u>	<u>Amount Expended</u>
<b>218-560-00-431-0101</b>		<b>EDIT/Redevelopment Commission</b>	
	10/22/2007	Kramer Appraisal Services	\$300.00
	10/15/2007	Kramer Appraisal Services	\$300.00
	11/8/2007	LaCasa of Goshen, Inc.	\$300.00
	11/8/2007	LaCasa of Goshen, Inc.	(\$300.00)
	11/8/2007	LaCasa of Goshen, Inc.	\$300.00

<b>Account</b>	<b>Claims Date</b>	<b>Name</b>	<b>Amount Expended</b>
<b>406-560-00-429-0002</b>		<b>REDEV NON-REVERTING/Other</b>	
	10/15/2007	Mike Puro	\$93.38
	11/8/2007	John Hall's True Value Hardware	\$16.99
	11/8/2007	Menards	\$138.41
	11/8/2007	John Hall's True Value Hardware	\$7.38
	11/8/2007	John Hall's True Value Hardware	\$31.44
	11/8/2007	Menards	\$77.28
<b>406-560-00-439-0900</b>		<b>REDEV NON-REVERTING/Other</b>	
	10/15/2007	NIPSCO	\$33.70
	10/15/2007	NIPSCO	\$16.72
	10/16/2007	Goshen Utilities	\$0.12
	10/16/2007	Goshen Utilities	\$13.20
	10/16/2007	Goshen Utilities	\$8.00
	10/16/2007	Goshen Utilities	\$13.32
	10/16/2007	Goshen Utilities	\$13.32
	10/16/2007	Goshen Utilities	\$13.32
	11/8/2007	Elkhart County Landfill	\$2,300.62
<b>450-530-00-396-0200</b>		<b>MAJOR MOVES/Redevelopment Loan</b>	
	11/8/2007	Re/Max Excellence	\$2,200.00
<b>473-560-00-431-0501</b>		<b>KEYSTONE 1 TIF/Professional Services</b>	
	11/8/2007	Traffic Engineering Consultants	\$11,025.00
	11/8/2007	Traffic Engineering Consultants	\$22,997.50
	11/8/2007	Elko Title Corp.	\$125.00
	11/8/2007	Barkes, Kolbus & Rife, LLP	\$70.00
	11/8/2007	Barkes, Kolbus & Rife, LLP	\$35.00
	11/8/2007	Barkes, Kolbus & Rife, LLP	\$1,330.00
	11/2/2007	Elkhart County Treasurer	\$997.92
<b>473-560-00-442-0003</b>		<b>KEYSTONE 1 TIF/Capital Projects</b>	
	11/8/2007	Kinder Morgan Cochin, LLC	\$10,406.92
<b>475-560-00-438-0104</b>		<b>CENTURY DRIVE TIF/Other Services</b>	
	11/8/2007	Pete Liegl	\$171,343.97
<b>480-560-00-431-0504</b>		<b>RIVER RACE TIF/Professional Services</b>	
	11/8/2007	Barkes, Kolbus & Rife, LLP	\$70.00
<b>480-560-00-431-0505</b>		<b>RIVER RACE TIF/Services Contractual</b>	
	11/2/2007	Elkhart County Treasurer	\$9,904.83
	11/8/2007	LaCasa of Goshen, Inc.	\$9,700.00
	11/8/2007	LaCasa of Goshen, Inc.	\$9,700.00
	11/8/2007	LaCasa of Goshen, Inc.	\$10,000.00
	11/8/2007	Martins Super Market, Inc.	\$23,914.09
		<b>Grand Total</b>	<b>\$287,497.43</b>

The motion was adopted unanimously.

**Unfinished Business:**

- a. At the October 9, 2007 Redevelopment Commission meeting, Bob McCoige believed that the amounts paid to the appraisers of the real estate for the link road project were incorrect, and Shannon Marks

reported this to the Commission. At that meeting, Redevelopment Director Mike Puro asked that the October 9 claims be approved as presented and information would be brought to the Commission and read into the record when the error is corrected. Shannon Marks reported that, as it turns out, the amounts paid to the appraisers were correct.

**New Business:**

a. **Resolution 44-2007 - A Declaratory Resolution for the Plymouth Avenue Economic Development Area.**

City Attorney Larry Barkes stated that the Redevelopment Commission previously approved a contract with the developer of this area located on the south side of Plymouth Avenue which included a provision for the creation of a TIF district in order to generate funds for infrastructure improvements. Mr. Barkes explained that the adoption of this resolution is the first step in the process to establish a new TIF district. The matter would also be presented to the Plan Commission and Common Council, and then come back to the Redevelopment Commission for a public hearing and action on a Confirmatory Resolution. Mr. Barkes further stated that the list of project included in the Economic Development Plan are the same projects as included in the agreement with the developer.

Commissioner Stump asked when the original agreement was approved. Shannon Marks stated that she believed it was approved last spring.

A motion was made by Commissioner Oyer and seconded by Commissioner Grimes to adopt Resolution 44-2007. The motion was adopted unanimously, 3-0.

b. **Resolution 45-2007 - Resolution of the Goshen Redevelopment Commission Approving the Settlement Agreement Between Marian D. Hoogenboom Grandchildren's (GST Exemption) Trust, Gregory A. Hoogenboom and Timothy L. Hoogenboom, and the City of Goshen.**

City Attorney Larry Barkes stated that the City had initiated eminent domain proceedings to acquire real estate needed for the link road project some time ago, and this and the next settlement agreement on the agenda are a result of these proceedings. As for the current agreement, the court appointed appraisers determined the amount of damages that should be paid by the City to Hoogenboom Family Interests to be \$539,214. The settlement agreement, however, is based on the City's payment of \$387,327 plus additional settlement terms, which include buffering, extension of water and sewer utility lines, the creation of a TIF district, and supporting changes in rezoning.

Attorney Gordon Lord, representing the Hoogenboom Family Interests, summarized the process to date and stated that Greg Hoogenboom and Bob McCoige negotiated many of the terms of the agreement. Mr. Lord prepared a draft agreement based on those negotiations for Larry Barkes' critique, in which some modifications were made. The Hoogenboom Family Interests think the terms of the final agreement are fair.

Commissioner Stump questioned if he had a conflict and whether he should vote on the approval of this agreement because he was friends with the Hoogenboom family and they have contributed to his political campaigns in the past. Commissioner Stump stated that he has not negotiated any part of this agreement nor has he spoken to anybody about it. City Attorney Larry Barkes stated that as long as

Commissioner Stump does not have any financial interest in the agreement, then he could vote on the agreement.

A motion was made by Commissioner Grimes and seconded by Commissioner Oyer to adopt Resolution 45-2007. The motion was adopted unanimously, 4-0.

c. **Resolution 46-2007 - Resolution of the Goshen Redevelopment Commission Approving the Settlement Agreement Between Waterford Development Corp., an Indiana Corporation, and the City of Goshen.**

City Attorney Larry Barkes stated that the terms of this settlement agreement are very similar to the previous agreement, except that the court appointed appraisers determined the amount of damages that should be paid to Waterford Development Corp. to be \$2,925,381. The settlement agreement, however, is based on the City's payment of \$1,362,000 plus additional settlement terms, which include buffering, extension of water and sewer utility lines, the creation of a TIF district, and supporting changes in rezoning.

Commissioner Stump stated that he had the same concern regarding a potential conflict and voting on the approval of this agreement as he did with the previous resolution.

A motion was made by Commissioner Oyer and seconded by Commissioner Grimes to adopt Resolution 46-2007. The motion was adopted unanimously, 4-0.

d. **Resolution 47-2007 - A Resolution to Authorize the Execution of the Contract to Purchase Real Estate at 210 W. Jefferson Street, Goshen, Indiana.**

City Attorney Larry Barkes distributed a slightly different resolution to the Commission members than what was included with the meeting packet. Mr. Barkes stated that he noticed that the original resolution did not include a statement that the execution of the contract is ratified which has been added as a new paragraph D.

A motion was made by Commissioner Coyne and seconded by Commissioner Grimes to adopt Resolution 47-2007. The motion was adopted unanimously, 4-0.

e. **Resolution 48-2007 - A Resolution to Modify the River Race Fund Budget.**

City Attorney Larry Barkes stated this resolution was to modify the 2007 budget for the River Race allocation fund for the reason listed in the resolution.

Commissioner Oyer asked what Redevelopment's contractual obligations were to LaCasa and Martin's. Larry Barkes responded that Martin's fronted funds for infrastructure improvements in which Redevelopment has agreed to reimburse from TIF revenues generated from Martin's real estate; and Redevelopment agreed to contribute funds to LaCasa for certain public infrastructure improvements as part of the renovation of the Lincoln Hotel and the Shoots building.

Commissioner Oyer asked if the City had collected the property taxes for the previous year from the prior owners. Larry Barkes stated that the property taxes for the current year are collected and paid and a credit is given for the following year's taxes at the closing.

A motion was made by Commissioner Oyer and seconded by Commissioner Coyne to adopt Resolution 48-2007. The motion was adopted unanimously, 4-0.

f. **Resolution 49-2007 - A Resolution to Enter into an Agreement for Engineering Services for Sanitary Sewer and Water Main Extension along C.R. 27, C.R. 40 and Link Road.**

Public Works Director Bob McCoige explained that description given in the agreement for Phase I and Phase III is work required under the agreements with the Hoogenboom Family Interests and Waterford Development Corp. that were approved earlier on the agenda. Phase II is for the extension of water and sewer along County Road 40 from County Road 27 east past Corrie Drive.

A motion was made by Commissioner Grimes and seconded by Commissioner Oyer to adopt Resolution 49-2007. The motion was adopted unanimously, 4-0.

g. **Resolution 50-2007 - A Resolution to Enter into Agreement Amendment Number 2 for the Eisenhower Drive Extension from US 33 to Century Drive.**

Public Works Director Bob McCoige stated that this amendment was necessary because of permitting changes for work to be done on the Horn Ditch. The amount of the amendment is \$9,450 which brings the total contract amount to \$179,100 for the design engineering of the Eisenhower Drive North Extension project.

A motion was made by Commissioner Grimes and seconded by Commissioner Oyer to adopt Resolution 50-2007. The motion was adopted unanimously, 4-0.

h. **Consideration of LEED 101 Seminar (Green Building).**

Commissioner Grimes asked if Redevelopment should do something to initiate discussion on the green building concept. Commissioner Grimes stated that he thought it would be a good topic for the Chamber's "Wake Up Goshen." The Commissioners further discussed the incorporation of green building concepts into the Mill Race redevelopment project. Commissioner Stump suggested that maybe the Planning Department or Building Department would be a good place to provide information.

**Reports of Officers, Boards, Standing Committees, and Special Committees:**

- a. **Financial Report** – No financial report was given.
- b. **Property Acquisition** – No report on property acquisition was given.
- c. **River Walkway/Bike Path Programs** – Public Works Director Bob McCoige stated that the NIPSCO real estate on the south side of Lincoln Avenue is being incorporated into the bike path design, and the design should be done in a couple of months.

Commissioner Stump asked if grants were still available for the bike path. Bob McCoige stated, yes, that grants were still available.

- d. **Main Street** – No report on Main Street was given.

- e. **Redevelopment Advisory Council** – Commissioner Coyne stated that the Redevelopment Advisory Council had met and minutes were taken, however, she did not have the minutes in her possession.
- f. **TIF Projects Update** – No report on the TIF projects was given.
- g. **Mill Race Redevelopment** – No report on Mill Race Redevelopment was given.

**Open Forum:**

No one from the public spoke during Open Forum.

**Announcements:**

No announcements were given.

**Adjournment:**

The regular meeting was adjourned at 4:45 p.m.

**Executive Session:**

No executive session was held.

Approved on this 11<sup>th</sup> day of December, 2007.

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Thomas W. Stump, President

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Daniel B. Grimes, Secretary