



South Bend

Redevelopment Commission

227 West Jefferson Boulevard, Room 1308, South Bend, Indiana

Agenda

Regular Meeting, October 14, 2021 – 9:30 a.m.

<http://tiny.cc/RDC101421>

1. Roll Call

A. Introduce Vivian Sallie, Mayor Appointed Commissioner

2. Approval of Minutes

A. Minutes of the Regular Meeting of Thursday, September 23, 2021

3. Approval of Claims

A. Claims Allowance Request 09.24.21

B. Claims Allowance Request 09.28.21

C. Claims Allowance Request 10.12.21

4. Old Business

A. Receipt of Bids (1210, 1214 and 1220 South Bend Avenue)

5. New Business

A. River West Development Area

1. First Amendment to Development Agreement (Greenleaf Holdco)

6. Progress Reports

A. Tax Abatement

B. Common Council

C. Other

7. Next Commission Meeting:

Thursday, October 28, 2021, 9:30 am

8. Adjournment



South Bend.
Redevelopment Commission
 227 West Jefferson Boulevard, Room 1308, South Bend, IN
 46601

**SOUTH BEND REDEVELOPMENT COMMISSION
 REGULAR MEETING**

September 23, 2021
 9:30 a.m.
 Presiding: Marcia Jones, President

<http://tiny.cc/RDC092321>
 South Bend, Indiana

The meeting was called to order at 9:39 a.m.

1. ROLL CALL

Members Present:	Marcia Jones, President Don Inks, Vice-President Troy Warner, Secretary Eli Wax, Commissioner Leslie Wesley, Commissioner	
Members Absent:		
Legal Counsel:	Sandra Kennedy, Esq.	
Redevelopment Staff:	Mary Brazinsky, Board Secretary	
Others Present:	Tim Corcoran Amanda Pietsch Angela Smith Andrew Netter Michael Divita Caleb Bauer Jitin Kain Charlotte Brach Kara Boyles Conrad Damian WNDU Jason Piontek Alexandro Bender	DCI DCI DCI DCI DCI Mayor's Office Engineering Engineering Engineering Resident News Station

2. Approval of Minutes

- **Approval of Minutes of the Regular Meeting of Thursday, September 9, 2021**

Upon a motion by Vice-President Inks, seconded by Secretary Warner, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, September 9, 2021.

3. Approval of Claims

- **Claims Submitted for September 9 and September 14, 2021**

Upon a motion by Vice-President Inks, seconded by Secretary Warner, the motion carried unanimously, the Commission approved the claims for September 9 and September 14, 2021, submitted on Thursday, September 23, 2021.

4. Old Business

5. New Business

A. River West Development Area

1. **Budget Request (Water Main Const./Funding Transfer)**

Ms. Boyles presented Budget Request (Water Main Const./Funding Transfer). The City of South Bend Division of Engineering recently received the budget numbers and Engineer's estimate for the subject project. This is for the Chocolate Park water main. We are requesting the Redevelopment Commission transfer \$560,000.00 to the project to cover the shortfall for construction costs. Once the project bids are received additional transfers may be necessary if bids are outside of our anticipated budget to construct the project. This is the last piece of commitment to the developer for this site. Commission approval is requested.

Commissioner Warner states that this is a large overrun to cover shortfall of construction costs.

Ms. Boyles states that this is for the water main portion only.

Ms. Pietsch states that the language is due to tracking the project in the ERP system. Jacob was stating that there was not enough to cover the next phase of the project in the ERP system. That we needed to ask for the next amount of funds out of the ERP system.

Commissioner Wax asks that this was the ask the whole time.

Ms. Boyles states that the project was for \$1.5M and we did not request that amount at the time. We only asked for the sewer portion amount at the time. We are hoping to not use the entire amount. This is great winter work, and the water main is 5' deep. There should be no delays.

Upon a motion by President Jones, seconded by Vice-President Inks, the motion carried unanimously, the Commission approved Budget Request (Water Main Const./Funding Transfer) submitted on Thursday, September 23, 2021.

B. River East Development Area

1. Budget Request (East Bank Parking Study)

Mr. Kain presented Budget Request (East Bank Parking Study). Over the last few years, we have been doing extensive work in the East Bank area. We began with Jefferson Blvd. and Hill and Colfax. With the increase in development activity in the East Bank neighborhood, on-street parking is seeing higher utilization. Currently, on-street parking in the East Bank is unrestricted which leads many to park their vehicles all day on the street. This further creates an issue for retailers who can benefit from better turnover rates. We are asking for a budget of \$17,500 to perform a parking study to assess conditions and utilization and assign appropriate parking restrictions in the East Bank area. Commission approval is requested.

Upon a motion by Secretary Warner, seconded by Vice-President Inks, the motion carried unanimously, the Commission approved Budget Request (East Bank Parking Study) submitted on Thursday, September 23, 2021.

C. Douglas Road Development Area

1. Budget Request (Douglas Road Reimbursement)

Ms. Pietsch presented Budget Request (Douglas Road Reimbursement). Earlier this year we came to the Commission to have the Commission reimburse our sewer capital fund for our cost related to the Douglas Road Lift Station. Following up on this, we received our June TIF settlement in the amount of \$91,370 to repay a portion of the obligation to the Sewer Rehab Capital Account for the relocation and replacement. The total obligation of the interfund loan is \$300,517.13, leaving \$209,147.96 after this repayment.

Assuming this level of TIF collections remains constant, staff anticipates satisfying the obligation with the December 2022 collections.

Upon a motion by Commissioner Wax, seconded by Secretary Warner, the motion carried unanimously, the Commission approved Budget Request (Douglas Road Reimbursement) submitted on Thursday, September 23, 2021.

6. Progress Reports

- A. Tax Abatement
- B. Common Council
- C. Other

- 1. Ms. Kennedy presented Letter to River Race Townhomes. In the packet is a letter I am proposing to send to River Race Townhomes and the City. The letter is the result of complaints to City leadership due to non-compliant parking lot at Jefferson and Niles. You may recall this is where the art wall was located and is now taken down to reveal a gravel parking lot which

South Bend Redevelopment Commission Regular Meeting – September 23, 2021

does not comply with the zoning ordinance. Additionally, that property was purchased in 2012 known as the Trager site for \$10 by River Race Townhomes. One of the promises from the developer was to develop this lot once the highest and best use was determined as well as the marketability of that lot. The city and the Redevelopment Commission would agree that a gravel parking lot is not the highest and best use of this parcel. We are sending a notice of default under the development agreement. The development agreement had restrictions of use on the lot until the end of this year that was included in the deed. The lot was to be developed for commercial use. It didn't have to be developed as part of the original project so when we filed the Certificate of Completion for the project, it did not include that lot, but the developer did indicate that it would develop the lot into a commercial building. With Commission approval we would like to send the letter of default and pursue any legal action against the developer to ensure the development of that lot to be sure it doesn't appear to have blight which the Redevelopment Commission works towards improving.

President Jones asked when the last time was, we reached out to the developer.

Ms. Kennedy replied we communicated him when we removed the art wall. He previously had a crane and other construction materials at the site. There were no permits pulled and there was no other communication since that time.

Vice-President Inks asked if we attempted to communicate.

Ms. Kennedy states that no, other than the art wall. Angela Smith and other city leaders have received complaints regarding that lot being out of compliance. This would be the 1st communication with him.

President Jones asked if there is a plan.

Ms. Kennedy states we would like to hear about his plans for the site. We would like to hear that he has plans for a commercial building and the dates of the project to be developed.

Commissioner Warner said that \$10 was what the LLC bought the property for.

Ms. Kennedy states the value of the property was \$339,000 at the time.

Commissioner Wax asked if it was typical to start with a notice of default letter or is this because of the December 31, 2021, deadline.

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Ms. Kennedy stated we are being driven by the December 31, 2021, deadline so the developer would have 30 days to respond. Sometimes from this developer we do not receive a response. This is why we are asking for a response.

Commissioner Warner states he agrees with this action and is glad to see that we are holding developers accountable when they make an agreement with the city. The property was bought for \$10, and the agreement states he can't hold it for speculation, and it seems to be what has happened since he has done nothing with the lot. I believe we should look at all developments and make sure all developers are being good stewards.

Upon a motion by Secretary Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved sending the default letter to River Race Townhomes submitted on Thursday, September 23, 2021.

7. Next Commission Meeting:

Thursday, October 14, 2021, 9:30 a.m.

8. Adjournment

Thursday, September 23, 2021, 9:59 a.m.

Troy Warner, Secretary

Marcia Jones, President



**City of South Bend
Department of Administration & Finance
Claims Allowance Request**

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Friday, September 24, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0023639	\$233,839.45
GBLN-0000000	\$0.00

Total:	<u>\$233,839.45</u>
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Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below: \$ 233,839.45

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approvalRDC Payments-9/21/21 Pymt Run
GBLN-0023639**Payment method:** ACH-Total
Voucher: RDCP-00000383
Payment date: 9/21/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000222	BLACK & VEATCH CORPORATION	1352526	Water Hydraulic Model Assistance	9/22/2021	\$10,444.25	430-10-102-121-431002-- PROJ00000091	PO-0005255
V-00000222	BLACK & VEATCH CORPORATION	1352526	Amendment #1	9/22/2021	\$819.50	430-10-102-121-431002-- PROJ00000091	PO-0005255

Payment method: CHK-Total
Voucher: RDCP-00000384
Payment date: 9/21/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001108	MIDLAND ENGINEERING CO INC	3	Frmr Salvation Army Roof Replacement	9/29/2021	\$19,712.50	324-10-102-121-443001-- PROJ00000073	PO-0008501

Payment method: CHK-Total
Voucher: RDCP-00000385
Payment date: 9/21/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001471	SELGE CONSTRUCTIO N CO INC	4	Colfax Lift Station Improvements	10/1/2021	\$127,366.50	429-10-102-121-444000-- PROJ00000117	PO-0003119

Payment method: ACH-Total
Voucher: RDCP-00000386
Payment date: 9/21/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001518	SMITHGROUP INC	155997	Final Design for Seitz Park Trails to Howard Park	8/27/2021	\$6,014.51	452-11-206-289-444000-- PROJ00000079	PO-0006606
V-00001518	SMITHGROUP INC	155997	Final Design for Seitz Park Trails to Howard Park	8/27/2021	\$14,146.19	324-10-102-121-444000-- PROJ00000079	PO-0006606

Payment method: CHK-Total
Voucher: RDCP-00000387
Payment date: 9/21/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001789	Milestone Contractors North, Inc	2041000IM	Water Service Relocation	6/24/2021	\$21,700.00	324-10-102-121-442001-- PROJ00000059	PO-0011150

Payment method: ACH-Total
Voucher: RDCP-00000388
Payment date: 9/21/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00003253	CDFI Friendly America	1002	CDFI - Enhancement Fund	9/21/2021	\$33,636.00	433-10-102-123-439300--	PO-0007246



**City of South Bend
Department of Administration & Finance
Claims Allowance Request**

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Tuesday, September 28, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0023878	\$499,653.59
GBLN-0000000	\$0.00

Total:	<u>\$499,653.59</u>
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Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below:

\$ 499,653.59

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-9/28/21 Pymt Run

GBLN-0023878

Payment method: ACH-Total
Voucher: RDCP-00000389
Payment date: 9/28/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000019	ABONMARCHE CONSULTANTS OF IN	136748	Amendment #1	9/26/2021	\$720.00	324-10-102-121-442001-- PROJ00000046	PO-0006600

Payment method: CHK-Total
Voucher: RDCP-00000390
Payment date: 9/28/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000982	LAWSON- FISHER ASSOCIATES	202018202210868	Olive Street Reconstruction Phase 2	9/30/2021	\$1,186.70	324-10-102-121-431002-- PROJ00000059	PO-0006602

Payment method: CHK-Total
Voucher: RDCP-00000391
Payment date: 9/28/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001789	Milestone Contractors North, Inc	App# 1	Howard Street / Corby Blvd Streetscape	9/2/2021	\$329,564.43	429-10-102-121-442001-- PROJ00000248	PO-0009355
V-00001789	Milestone Contractors North, Inc	App# 2	Howard Street / Corby Blvd Streetscape	9/29/2021	\$165,382.46	429-10-102-121-442001-- PROJ00000248	PO-0009355

Payment method: ACH-Total
Voucher: RDCP-00000392
Payment date: 9/28/2021



**City of South Bend
Department of Administration & Finance
Claims Allowance Request**

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Tuesday, October 12, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0024295	\$10,430.00
GBLN-0024616	\$47,538.12

Total:	<u>\$57,968.12</u>
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Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below: \$ 57,968.12

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-10/5/21 Pymt Run
GBLN-0024295

Payment method: ACH-Total
Voucher: RDCP-00000394
Payment date: 10/5/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001061	MCCORMICK ENGINEERING LLC	210807	Blackthorn Drainage Study	10/12/2021	\$10,430.00	324-10-102-121-431002-- PROJ00000291	PO-0011661

Expenditure approval

RDC Payments-10/12/21 Pymt Run

GBLN-0024616

Payment method: ACH-Total
Voucher: RDCP-00000393
Payment date: 10/12/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000222	BLACK & VEATCH CORPORATION	1354199	Amendment #1	10/16/2021	\$3,063.75	430-10-102-121-431002-- PROJ00000091	PO-0005255

Payment method: CHK-Total
Voucher: RDCP-00000395
Payment date: 10/12/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000982	LAWSON- FISHER ASSOCIATES	202109002210889	Coal Line Trail - Construction Inspection Services	9/30/2021	\$5,058.18	324-10-102-121-444000-- PROJ00000018	PO-0008430

Payment method: CHK-Total
Voucher: RDCP-00000396
Payment date: 10/12/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001368	R YODER CONSTRUCTIO N INC	APP #8	O'Brien Recreation Renovation	10/22/2021	\$22,597.90	430-10-102-121-443001-- PROJ00000057	PO-0005039
V-00001368	R YODER CONSTRUCTIO N INC	APP #8	Change Order #2	10/22/2021	\$7,916.10	430-10-102-121-443001-- PROJ00000057	PO-0005039

Payment method: ACH-Total
Voucher: RDCP-00000397
Payment date: 10/12/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001722	UNITED CONSULTING	1640657	CHRIS - 16J008 ENGINEERING SERVICE PH II FOR	10/8/2021	\$2,966.79	324-10-102-121-443001-- PROJ00000018	PO-0000011
V-00001722	UNITED CONSULTING	1640742	CHRIS - 16J008 ENGINEERING SERVICE PH II FOR	10/8/2021	\$5,935.40	324-10-102-121-443001-- PROJ00000018	PO-0000011

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this “First Amendment”) is made on October 14, 2021, by and between the South Bend Redevelopment Commission, the governing body of the City of South Bend Department of Redevelopment (the “Commission”), and Greenleaf Holdco, LLC (the “Developer”) (each a “Party,” and collectively the “Parties”).

RECITALS

A. The Commission and the Developer entered into a Development Agreement dated effective October 22, 2020 (the “Development Agreement”), pertaining to certain local public improvements ("LPI") to a fully automated, large-scale, hydroponic greenhouse in the River West Development Area (the "Project").

B. The Parties agreed to a Substantial Completion Date of twelve (12) months from the date of the Development Agreement; however, due to unforeseen circumstances, the Developer will be unable to meet the Substantial Completion Date.

C. The Parties desire to modify the Development Agreement to modify the Substantial Completion Date.

NOW, THEREFORE, in consideration of the mutual promises and obligations stated in the Development Agreement and this First Amendment, the adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Section 4.5, Timeframe for Completion, shall be modified to delete the phrase “twelve (12) months” and replace it with “twenty-four (24) months.”

2. The Developer hereby expressly reaffirms its obligations under the Development Agreement, and, unless expressly modified by this First Amendment, the terms and provisions of the Development Agreement remain in full force and effect.

3. Capitalized terms used in this First Amendment will have the meanings set forth in the Development Agreement unless otherwise stated herein.

4. The recitals set forth above are hereby incorporated into the operative provisions of this First Amendment.

5. This First Amendment will be governed and construed in accordance with the laws of the State of Indiana.

6. This First Amendment may be executed in separate counterparts, each of which when so executed shall be an original, but all of which together shall constitute one and the same instrument. Any electronically transmitted version of a manually executed original shall be deemed a manually executed original.

IN WITNESS WHEREOF, the Parties hereby execute this First Amendment to Development Agreement as of the first date stated above.

SOUTH BEND REDEVELOPMENT
COMMISSION

By: _____
Marcia I. Jones, President

ATTEST:

By: _____
Troy D. Warner, Secretary

GREENLEAF HOLDCO LLC

By: _____
Joe McGuire, Chief Executive Officer