

Leelanau County Brownfield Redevelopment Authority (LCBRA)

Meeting Date: TUESDAY DECEMBER 20, 2022 **at 10:00 am**

Location: Leelanau County Government Center – First Floor

DRAFT AGENDA *(Please silence any unnecessary cellular/electronic devices)*

- ☐ **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- ☐ **ROLL CALL**
- ☐ **PUBLIC COMMENT**
- ☐ **DIRECTOR COMMENTS** – Update on EPA Assessment Grant
- ☐ **CONSIDERATION OF AGENDA**
- ☐ **CONFLICT OF INTEREST**
- ☐ **CONSIDERATION OF NOVEMBER 15, 2022 Minutes** *pgs 2-4*

☐ **CONSENT AGENDA**

Items of a routine nature to be voted on with one motion - no discussion. Upon request, members may remove any item and place elsewhere on the agenda, with no vote of the commission. Members will vote on remaining items on the Consent Agenda, after the item removed has been placed elsewhere on the agenda.

- a. Envirologic Technologies, Inc. – General Services and TIF Management Monthly Report – *pgs 5-7*

UNFINISHED BUSINESS

NEW BUSINESS

1. Consideration of TIF Reimbursement *pgs 8-9*
2. Termination of West Shores Brownfield Plan *pg 10*

FINANCIALS

1. Claims & Accounts *pgs 11-12*

- ☐ **CORRESPONDENCE / COMMUNICATION ITEMS**
- ☐ **PUBLIC COMMENT**
- ☐ **DIRECTOR COMMENTS**
- ☐ **MEMBER / CHAIRPERSON COMMENTS**
- ☐ **ADJOURN**

Members

Dan Heinz, Chairman
Rick Foster, Vice-Chair
John Arens-Sect/Treasurer
L. Bahle
T. Eftaxiadis
Chet Janik
David King

Director

Trudy Galla

A regular meeting of the Leelanau County Brownfield Redevelopment Authority was held on Tuesday, November 15, 2022 at the Government Center.

CALL TO ORDER

Meeting was called to order at 10:00 am by Chair Dan Heinz, who led the Pledge of Allegiance.

ROLL CALL

Members Present: D. Heinz, R. Foster, D. King, L. Bahle, J. Arens, C. Janik, T. Eftaxiadis

Members Absent

(Prior Notice):

Staff Present: T. Galla, Director

Public Present: L. Mawby, T. Searles, Z. Hillyer

PUBLIC COMMENT

Mawby told members to keep up the good work.

DIRECTOR COMMENTS

Galla said she got through all of the online forms she needed to complete so we are setup with online system called ASAP. Already submitted reimbursement request for her travel and registration for the conference. She will double check our account to make sure the ACH was received. Everything is looking good on the grant and we are moving forward. The reports due by the end of October are not due until next year (MBE/WBE reports). Heinz asked if we had to do outreach to communities before end of year and Galla said no. Any changes or delays to our work plan will be outlined in our report to EPA.

APPROVAL OF AGENDA

Item #2 under New Business was removed, as this item had been taken care of at a prior meeting.

It was moved by Foster, seconded by King, to approve the agenda as modified. Motion carried 7-0.

CONFLICT OF INTEREST - None

APPROVAL OF OCTOBER 18, 2022 MINUTES

It was moved by Bahle, seconded by Foster, to approve the minutes as presented. Motion carried 7-0.

CONSENT AGENDA

It was moved by King, seconded by Bahle to accept the Consent Agenda as presented. Motion carried 7-0.

UNFINISHED BUSINESS – None

NEW BUSINESS

1. Motion for End of year Financial Adjustments

It was moved by Bahle, seconded by Foster for Director Galla to work with the County Treasurer, Finance Director and the staff on any year-end budget adjustments and/or transfers, and to authorize the County Treasurer and Finance Director to make any necessary year-end budget adjustments and/or transfers.

Motion carried 7-0.

2. Update on RFQP Process

Galla said she shared the RFQP with all members and then got back some comments and changes that she incorporated. Next step is waiting to get it back from Corporate Counsel. They are reviewing it to make sure we have all the necessary steps and insurance requirements inserted. Galla did have some questions for them on Equal Opportunity Employment Policy and a few other things. Once Corporate Counsel gives final okay, she will post online. January meeting is probably when we will have responses and can discuss. Heinz noted that Foster will Chair in February as he will be absent, in case that is when we review the responses. Heinz asked if she has had inquiries. Galla said she had a few inquiries from firms wanting to know when it will be released. Galla was going to give a 2-week or 3-week turn around time. There is a fair amount of work required in the response but companies are familiar with responding to these. Eftaxiadis suggested 3 weeks. Some of the firms will have boiler plate proposals. Others may not. He felt three weeks should work.

King said depending on when it is released, consider the holiday schedule as well.

Heinz asked if there have been owners asking for assistance from the \$250,000 assessment grant. Galla replied not yet. Once we get a consultant on board, there is a lot that has to be done. The consultant has to file the Quality Assurance Project Plan (QAPP) to EPA showing what labs will be used for the work, how they will do the environmental work, etc. EPA has to approve the QAPP before we get started on assessment work on projects.

FINANCIALS

Claims & Accounts

It was moved by Eftaxiadis, seconded by Bahle, to approve Claims & Accounts in the amount of \$341.25.

Motion carried 7-0.

CORRESPONDENCE/COMMUNICATION ITEMS

Galla read a letter received from Elmwood Township regarding West Shores. Members will recall that there was prior discussion with Jeff Hawkins about terminating this Brownfield Plan and there were discussions held with the owner. This letter was received from the township this morning. It is a letter from the owner, Mr. Johnson, to extend their marina approval for another year. The letter explains the problems with the property line and the court cases to try and figure out the property line dispute. The marina was going to be the first part of the project followed by development on the west side of M-22. They are not planning on construction until spring or summer after they get through the court in the next couple of months. Galla felt that was an aggressive timeline. This was the first approved brownfield plan in the county back around 2008 and the plan has been amended a couple of times. Besides removal of the buildings and some work with the soils, no development has occurred. Maybe next year the Authority should take another look at this brownfield plan and determine if it should be continued, or not. As Hawkins noted a few months ago, this brownfield plan does not reflect the new development plans. Also, we are collecting TIF but we have nothing to reimburse. The amount of TIF collected is very small but it is still being collected. If we terminate the plan, we have to figure out what goes back to the local jurisdiction.

Heinz asked about the signature on the development agreement. Galla replied that the development reimbursement agreement was signed by West Shores Partner as LLC and not an individual so the development reimbursement agreement is still in place, according to Corporate Counsel. There have

been multiple delays on this project. Perhaps it should be revisited next year to determine if the plan should be kept in place or terminated. The plan on the old hospital property in Northport was terminated a few years ago.

Foster asked if we could stipulate the new owner get something done there and then reinstate the plan. Galla replied that we can't reinstate a plan. The plan is in place and these delays are eating away at the timeframe of the original plan. There are lots of difficulties with that property. On the west side of M22 there is the trail and also a designated wetland regulated by the state so they can't touch that property. They are left with a piece of property with environmental issues and the bottomland area where they are trying to put in the marina.

PUBLIC COMMENT - None

DIRECTOR COMMENTS – None

MEMBER / CHAIRPERSON COMMENTS - None

ADJOURN

Adjourn at 10:16 am.

MEMORANDUM

TO: TRUDY J. GALLA, AICP, DIRECTOR, LEELANAU COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

FROM: JEFF HAWKINS

SUBJECT: GENERAL CONSULTING AND TIR MANAGEMENT MONTHLY UPDATES AND INVOICES

DATE: DECEMBER 2022

This memorandum serves to provide information regarding invoices and updates that are being presented to the LCBRA for services rendered on various projects related to General Environmental Consulting activities.

Please find attached several items for your consideration:

1. General Services (W.O. #22)

Update:

There were no activities this month.

Project Invoices for Consideration:

There are no invoices for consideration.

2. Brownfield TIR Management

Update:

Envirologic communicated with Director Galla regarding the State's request to audit the Two Peas project and Brownfield tax capture; and reviewed several checks for tax capture to ensure proper capture.

Project Invoices for Consideration:

This invoice includes time for November.

December Invoice 09855 (\$58.75)

3. Brownfield TIF Model for Land Bank Properties (W.O. #25)

Update:

No further action was completed this month.

Project Invoices for Consideration:

There is no invoice for December.

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FY 2022 Budget and Cost Summary

LCBRA File #	Envirologic							Budget ¹ Expended	Budget Remaining	Task Completed	
	W/O	Project	Site/Phase	Budget Estimate	Invoice #	Invoice Date	Invoices for Consideration				
	22	160397	General Services	2,000.00	02908	11/15/2016	\$ 70.00	\$ 70.00			
					02938	12/6/2016	\$ 140.00	\$ 140.00			
			Amendment #1	2,500.00	03057	1/6/2017	\$ 70.00	\$ 70.00			
			Amendment #2	1,000.00	03253	3/14/2017	\$ 210.00	\$ 210.00			
			Amendment #3	4,500.00	03308	4/3/2017	\$ 560.00	\$ 560.00			
			Amendment #4	2,500.00	03414	5/3/2017	\$ 105.00	\$ 105.00			
			Amendment #5	5,000.00	03573	6/13/2017	\$ 1,390.00	\$ 1,390.00			
			Amendment #6	4,000.00	03656	7/12/2017	\$ 553.75	\$ 553.75			
			Amendment #7	6,000.00	03726	8/10/2017	\$ 385.00	\$ 385.00			
			Amendment #8	5,000.00	03791	9/8/2017	\$ 1,006.25	\$ 1,006.25			
					03873	10/4/2017	\$ 105.00	\$ 105.00			
					03969	11/1/2017	\$ 140.00	\$ 140.00			
					04096	12/12/2017	\$ 140.00	\$ 140.00			
					04151	1/8/2018	\$ 875.00	\$ 875.00			
					04278	2/13/2018	\$ 455.00	\$ 455.00			
					04361	3/12/2018	\$ 665.00	\$ 665.00			
					04547	5/9/2018	\$ 420.00	\$ 420.00			
					04613	6/7/2018	\$ 140.00	\$ 140.00			
					04723	7/10/2018	\$ 105.00	\$ 105.00			
					04817	8/15/2018	\$ 140.00	\$ 140.00			
					04868	9/6/2018	\$ 938.75	\$ 938.75			
					04983	10/10/2018	\$ 275.00	\$ 275.00			
					05051	11/7/2018	\$ 197.50	\$ 197.50			
					05115	12/6/2018	\$ 70.00	\$ 70.00			
					05213	1/7/2019	\$ 105.00	\$ 105.00			
					05309	3/5/2019	\$ 350.00	\$ 350.00			
					05507	5/15/2019	\$ 385.00	\$ 385.00			
					05791	9/6/2019	\$ 735.00	\$ 735.00			
					05986	11/7/2019	\$ 245.00	\$ 245.00			
					06140	12/9/2019	\$ 3,425.00	\$ 3,425.00			
					06223	1/7/2020	\$ 213.75	\$ 213.75			
					06318	2/7/2020	\$ 392.50	\$ 392.50			
					06500	4/7/2020	\$ 926.25	\$ 926.25			
					06571	5/12/2020	\$ 783.75	\$ 783.75			
					06711	7/9/2020	\$ 1,298.75	\$ 1,298.75			
					06775	8/7/2020	\$ 356.25	\$ 356.25			
					06882	9/8/2020	\$ 925.00	\$ 925.00			
					06975	10/12/2020	\$ 142.50	\$ 142.50			
					07166	12/7/2020	\$ 70.00	\$ 70.00			
					07344	2/5/2021	\$ 581.25	\$ 581.25			
					07473	3/9/2021	\$ 1,461.25	\$ 1,461.25			
					07509	4/7/2021	\$ 1,755.00	\$ 1,755.00			
					07771	6/16/2021	\$ 1,370.00	\$ 1,370.00			
					07869	7/15/2021	\$ 980.00	\$ 980.00			
					07957	8/9/2021	\$ 678.75	\$ 678.75			
					08136	10/6/2021	\$ 70.00	\$ 70.00			
					08757	3/9/2022	\$ 1,305.00	\$ 1,305.00			
					08836	4/8/2022	\$ 1,073.75	\$ 1,073.75			
					08974	5/10/2022	\$ 743.75	\$ 743.75			
					09123	6/13/2022	\$ 426.25	\$ 426.25			
					09236	7/11/2022	\$ 1,018.75	\$ 1,018.75			
					09384	8/18/2022	\$ 43.75	\$ 43.75			
					09486	9/13/2022	\$ 175.00	\$ 175.00			
					09621	10/12/2022	\$ 175.00	\$ 175.00			
					09655	11/3/2022	\$ 175.00	\$ 175.00			
				32,500.00	Project Subtotal		\$ 31,542.50	\$ 31,542.50	957.50		
	25	220100	Model for Land Bank Properties	4,000.00							
					09122	6/13/2022	362.50	\$ 362.50			
					09238	7/11/2022	802.50	\$ 802.50			
					09383	8/18/2022	972.50	\$ 972.50			
					Project Subtotal		2,137.50	\$ 2,137.50	1,862.50		
	26	220101	Maple City Habital Project	3,000.00	09124	6/13/2022	1,544.70	\$ 1,544.70			
			Amendment #1	2,000.00	09237	7/11/2022	1,455.00	\$ 1,455.00			
					09385	8/18/2022	1,971.25	\$ 1,971.25			
					Project Subtotal		4,970.95	\$ 4,970.95	29.05		

Leelanau County Brownfield Redevelopment Authority
TIR Tracking and Management
Monthly Project Update
FY 2021 Budget and Cost Summary

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LCBRA	Envirologic									
File #	W/O	Project	Site/Phase	Budget Estimate	Invoice #	Invoice Date	Invoices for Consideration	Budget ¹ Expended	Budget Remaining	Task Completed
		210185	TIR Tracking and Management 2021							
			Task 1: TIF Management Process Implementation and Training	2,370.00	08049	9/14/2021	\$ 641.25	\$ 641.25	1,728.75	
					08137	10/6/2021	\$ 1,263.75	\$ 1,905.00	465.00	
			Task 2: Statement of Account and Reimbursement Analysis Prep	3,700.00	08137	10/6/2021	\$ 71.25	\$ 71.25	3,628.75	
					08269	11/9/2021	\$ 47.50	\$ 118.75	3,581.25	
					08353	12/7/2021	\$ 475.00	\$ 593.75	3,106.25	
					08469	1/6/2022	\$ 332.50	\$ 926.25	2,773.75	
					08756	3/9/2022	\$ 3,175.05	\$ 4,101.30	(401.30)	
			Task 3: Annual Reporting	1,230.00	08049	8/14/2021	\$ 475.00	\$ 475.00	755.00	
					08353	12/7/2021	\$ 118.75	\$ 593.75	636.25	
			Subtotal	7,300.00			\$ 6,600.05	\$ 6,600.05	699.95	
		220061	2022 Management of Tax Increment Revenues							
			Task 1: Statement of Account and Reimbursement Analysis Prep	3,700.00	09007	5/10/2022	403.75	\$ 403.75	3,296.25	
					09239	7/11/2022	643.75	\$ 1,047.50	2,652.50	
					09382	8/18/2022	23.75	\$ 1,071.25	2,628.75	
					09487	9/13/2020	876.25	\$ 1,947.50	1,752.50	
					09620	10/12/2022	356.25	\$ 2,303.75	1,396.25	
					09656	11/3/2022	142.50	\$ 2,446.25	1,253.75	
					09855*	12/12/2022	58.75	\$ 2,387.50	1,312.50	
			Task 2: Annual Reporting	1,230.00	09382	8/18/2022	205.05	\$ 205.05	1,024.95	
					09487	9/13/2021	930.00	\$ 1,135.05	94.95	
					09656	11/3/2022	23.75	\$ 1,158.80	71.20	
			Subtotal	4,930.00			3,663.80	\$ 3,546.30	1,383.70	
			Totals	\$ 12,230.00			\$ 10,263.85	\$ 10,146.35	2,083.65	
			General Updates:							
			1. Budget Expended includes "Invoices for Consideration" amount.							

MEMORANDUM

TO: Leelanau County Brownfield Redevelopment Authority

FROM: Jeff Hawkins and Therese Searles, Envirologic Technologies, Inc.

DATE: December 15, 2022

RE: Reimbursement Consideration – Two Peas, LLC Redevelopment – 206 N. St. Josephs Street, Suttons Bay, Michigan

The Two Peas Brownfield Plan was approved on December 20, 2016 and included the redevelopment of a 2,300-square-foot commercial building into retail and office space available for lease. The project moved forward, however, the developer did not continue their line of communication with the Leelanau County Brownfield Redevelopment Authority (LCBRA) and never submitted any reimbursement requests. The LCBRA incurred significant costs in relation to the project including Phase I & II activities, BEA, Due Care Planning, Engineering and Design of SSDS, and the cost of the Brownfield Plan, all included in the plan and eligible for reimbursement. Therefore, costs reimbursed to date are solely for the LCBRA previously incurred project costs. Similarly, the only costs eligible to reimburse are to the LCBRA as the developer did not execute a development agreement and did not submit reimbursement documentation.

There are some discrepancies with tax increment received to date. LCBRA staff are working with the Township and Village to resolve some discrepancies related to tax increment received to date. Once resolved, the LCBRA should reimburse the LCBRA for eligible costs in the amount of available tax increment revenue. The LCBRA may wish to close out the Plan after fully reimbursing the LCBRA.



MEMORANDUM

TO: Leelanau County Brownfield Redevelopment Authority

FROM: Jeff Hawkins and Therese Searles, Envirologic Technologies, Inc.

DATE: December 15, 2022

RE: Reimbursement Considerations – GTRAC

A Brownfield Plan has been adopted and an Act 381 Work Plan has been approved regarding The GTRAC, LLC Redevelopment Project, which allows for the capture of both local and school tax increment revenues for the reimbursement of eligible expenses. The GTRAC project consists of three parcels located within Elmwood Township located at 10781, 10753, and 10749 E. Cherry Bend Road.

The developer has \$63,347.70 in approved eligible expenses with an additional \$15,000 expected to be presented to the Authority for reimbursement consideration.

\$50,962 was received through tax increment revenues through the 2020 tax year. These funds were fully expended through BRA approval at the 3-16-21 regular meeting. \$29,155 went to Leelanau County, fully reimbursing their eligible project costs. \$21,807.90 went to the LCBRA.

\$6,534.21 was received in tax increment revenues for the 2021 tax year. These funds were fully expended. The LCBRA had its remaining approved eligible expenses in the amount of \$865.39 reimbursed. The remaining available funds in the amount of \$5,668.82 were used to reimburse the developer.

\$6,737.79 was received in tax increment revenues for the summer tax collection of the 2022 tax year. This represents the total amount currently available for reimbursement distribution.

Envirologic recommends that the LCBRA discuss reimbursement at the regular BRA meeting in December of 2022 of the \$6,737.79 in available funds to the developer for approved eligible expenses.



MEMORANDUM

TO: Leelanau County Brownfield Redevelopment Authority

FROM: Jeff Hawkins and Therese Searles, Envirologic Technologies, Inc.

DATE: December 15, 2022

RE: Brownfield Plan Termination Consideration – West-Bay Shore Drive Redevelopment – 3 Parcels on West-Bay Shore Drive (004-033-088-00, 004-033-090-01, 004-898-090-01)

The Leelanau County Brownfield Redevelopment Authority (LCBRA) developed and approved a Brownfield Plan to facilitate redevelopment at the above-mentioned property. The original Brownfield Plan was approved by the Leelanau County Board of Commissioners in March 2007 and was amended in June 2017. The Plan Amendment established a fixed term of capture to 2023 and also removed three parcels and added one parcel as eligible property. The three parcel identification numbers listed above represent the current eligible property subject to this Brownfield Plan.

The current developer has reached out to Elmwood Township to request an extension. This is the third time a similar request has been received. As development has not proceeded as anticipated and there has been little to no tax increment created from 2013 through 2020.

Reimbursements to date include \$13,570.39 paid to the developer in December 2009. There are no further payments to the original developer, West Bay Partners, and the reimbursement agreement has been terminated.

The DEQ loan has also been paid off.

The LCBRA should consider at the December 2022 regular meeting whether the Brownfield Plan should be terminated due to the project not moving forward as anticipated and lack of tax increment. A determination will need to be made regarding remaining TIF which likely can be placed into the LBRF, up to the amount reimbursed for eligible activities.



DECEMBER 20, 2022 Claims & Accounts

Leelanau County Brownfield Redevelopment Authority

Envirologic – Invoice #09855	
101.000000.801-300 Contractual – General Env. Services	\$ 58.75
TOTAL CLAIMS & ACCOUNTS:	\$ 58.75

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<i>If approved under New Business #1:</i>	<i>\$ 6,737.79</i>
GTRAC – TIF Reimbursement (GTRAC Brownfield Plan)	
101.000000.964.000 Reimburse Developer – TIF	
<i>TOTAL CLAIMS & ACCOUNTS:</i>	<i>\$ 6,796.54</i>

Leelanau County Brownfield Redevelopment Authority
Trudy Galla
8527 E. Government Center Drive
Suite 108
Suttons Bay, MI 49682-9718

Invoice number 09855
Date 12/12/2022
Project **220061 2022 Tax Increment Revenue**

INVOICE: Through Nov 30, 2022

TASK 1 - STATEMENT OF ACCOUNT & REIMBURSEMENT ANALYSIS PREPARATION

Professional Fees

	Hours	Rate	Billed Amount
Principal			
Jeffrey C. Hawkins			
Professional Services	0.25	140.00	35.00
Project Manager			
Therese M. Searles			
Professional Services	0.25	95.00	23.75
Phase subtotal			58.75
		Invoice total	58.75

Terms: N30 - We accept Check, ETF, Visa, MC Discover & Amex as payment options. All Credit Card payments will incur a 3% processing fee