

BATTLE CREEK BROWNFIELD REDEVELOPMENT AUTHORITY

Tuesday, November 16, 2021

At the regular meeting of the Battle Creek Brownfield Redevelopment Authority (BCBRA) held on Tuesday, November 16, 2021, at 3:13 p.m. via virtual Zoom conference call. The following individuals were in attendance: Messrs. Christensen, Czerney, Davis, and Mmes. Darner, Fleury, Visger, and White.

Absent: Messrs. Claywell, Hodge, Wilson, and Ms. Straub.

Also, in attendance were: Mr. John Hughes (BCU), and Mmes. Jones, Matuschka, Mullett, and Young.

Ms. White called the meeting to order at 3:13 p.m. Roll call of attendance was recorded.

APPROVAL OF MINUTES

MOTION: Mr. Christensen moved that the Battle Creek Brownfield Redevelopment Authority Board of Directors approve the minutes of the July 20, 2021, Regular meeting as presented. Ms. Darner supported the motion, and it was unanimously approved.

APPROVE TODA BROWNFIELD REIMBURSEMENT

Ms. Jones stated that included in the board package is a memo from Mr. Sobieralski with background information on the repair of a retention pond erosion issue that occurred prior to 2018 at the TODA site. Ms. Jones read the memo from Mr. Sobieralski to the BCBRA Board.

“Between 2018 and 2019 the BCBRA along with the BCTIFA worked to repair a retention pond erosion issue that occurred prior to 2018 at the TODA site. When TODA built the facility, the site had a significant brownfield project encompassing the entire site. When TODA and BASF merged in 2018 the retention pond erosion was an issue that needed to be resolved. Since the site was technically a brownfield and the BCBRA and BCTIFA had excess balances committed to the brownfield project from the original budget we worked with the company to utilize brownfield dollars to fix the retention pond erosion. The fixes were quite substantial due to it being a brownfield site. In July of 2019 the BCBRA voted/reaffirmed the project. Even increasing the commitment to cover possible overages (see snippet from minutes below). The work was to take place in late summer/fall 2019 but weather delayed some aspects of the work until spring 2020. Then in early 2020 COVID hit, and this item was forgotten/somewhere along the line some billings went directly to TODA rather than the BCBRA.

TODA reached out to BCU in early summer of 2021 to rectify payments. Staff researched and reconciled the invoices with the project.

Staff recommendation: Amending BCBRA Budget (business unit 2254) increasing the line item to \$179,154 to reimburse TODA for qualified brownfield expenses associated with the project.

Minutes of Tuesday, July 16, 2019

BASF TODA RETENTION POND

Mr. Sobieralski stated that this project has been in the works for a while. The BCBRA Board approved a \$300,000 contributed out of BCBRA as part of the original Brownfield Plan for TODA to remediate a retention pond. When BASF and TODA merged, it was a requirement of BASF to have the retention pond issue fixed. The project was started with the intention to be completed by the end of June. Due to inclement weather, the project was delayed because the landfill was denying semi-

trucks from delivering the contaminated soil. The soil was stockpiled until the weather allowed future deliveries. The next issue was the retention pond filled with water before the new soil was delivered. They were not able to pump the water from the retention pond as it would contaminate the next pond. The project was bid for the specific time frame. Peters Construction was going to leave the site and return in September. The costs associated with these issues, increased to \$314,911. The new ask is to amend the original costs of \$300,000 up to \$335,000.

MOTION: *Mr. McKernan moved that the Battle Creek Brownfield Redevelopment Authority Board of Directors approve the amendment of the original request of \$300,000 to a not to exceed \$335,000 for the BASF TODA retention pond and adjust the budget accordingly. Ms. Darner supported the motion, and it was unanimously approved.”*

Ms. White asked Ms. Jones to provide the BCBRA budget to share which line item on the budget was being amended.

Mr. Czerney asked Ms. Jones if this request is approved, what is the total amount of expenses that the BCBRA has spent on the project? Mr. Czerney stated that we would not want to exceed the maximize the approval amount.

Mr. Czerney asked Ms. Jones regarding the specific invoices that have been presented for reimbursement, has TODA represented that these invoices have already been paid? Mr. Czerney stated that should be a condition prior to issuing TODA a check.

MOTION: Mr. Czerney moved that the Battle Creek Brownfield Redevelopment Authority Board of Directors approve the reimbursement to TODA America of \$46,102.50, with the conditions that the reimbursement not exceed the \$335,000 budgeted, and contingent upon the confirmation from TODA America that the related invoices have been paid by TODA America to the respective providers. Mr. Christensen supported the motion, and it was unanimously approved.

PUBLIC COMMENTS

No comments were made.

ADJOURN MEETING

MOTION: Ms. Fleury moved that the Battle Creek Brownfield Redevelopment Authority Board of Directors approve to adjourn the regular meeting. Mr. Christensen supported the motion, and it was unanimously approved.

There being no further business, the meeting was adjourned at 3:21 p.m.