

## **BATTLE CREEK TAX INCREMENT FINANCE AUTHORITY**

**Tuesday, October 6, 2009**

At a special meeting of the Battle Creek Tax Increment Finance Authority held on Tuesday, October 6, 2009 at 3:15 p.m. at the Frederick R. Brydges Customs Cargo Center, the following were in attendance: Messrs. Adams, Cutshall, Karre, Noble, Prochazka, Rae, Tsuchiyama and Ms. Tuggle.

Absent were: Messrs. Bobrofsky, Frantz, Ihrig and Stewart.

Also in attendance were: Messrs. Jim Norlander, Davin Ojala (SME), Voshell and Mmes. Albrant, Valerie Brader (Bodman LLP) and Young.

Mr. Adams called the meeting to order at 3:15 p.m.

### **Authorization to give soil to Musashi Auto Parts, Inc.**

Mr. Voshell stated that Musashi Auto Parts approached staff for a proposed expansion. The company is seeking approximately 50,000 cubic yards of soil to level out the back of its existing site. BCTIFA owns the parcel of property located west of their site. The company plans a \$2 million investment on its facility and a new road will be constructed on the area that is built out for Phase I. Staff is seeking approval to provide the soil to Musashi Auto Parts for its 18,000 sq. ft. expansion. Phase II would include an expansion of 30,000-40,000 sq. ft. This project is only being considered because we are improving the sites that we own. There are some very high spots and very large gorges on our sites.

Mr. Voshell stated that both a Phase I and Phase II have been prepared for both sites. Staff will need to contact legal counsel to get an Indemnification Provision Agreement from Musashi Auto Parts for the transportation of soil.

MOTION: Mr. Karre moved that the Battle Creek Tax Increment Finance Authority Board of Directors authorizes Battle Creek Unlimited to complete negotiations with Musashi Auto Parts on behalf of the BCTIFA to allow Musashi Auto Parts to remove at its expense as much soil as needed to accommodate its needs for expansion, including brush removal on the parcels as presented and outlined in green on GIS map. Musashi must comply with the City's excavation plan as presented. Mr. Rae supported the motion and it was unanimously approved.

### **Authorization of City's Excavation Plan**

The City of Battle Creek's Engineering Department team Chris Dopp and Kurt Tribett has provided an excavation plan and map with proposed elevations for the removal of soil from the proposed site. The sites provided in green on the GIS map include a 16 acre site and three sites along Clark Road and four sites along Brydges. The property which includes the 16 acres includes a cemetery. The cemetery will have a slope ratio of 2-1. The evaluations of the cemetery will be higher than the site that will be leveled.

Musashi will cover the cost to debrush, timber, removal of the roots and removal of the soil and will not pay BCTIFA for the soil, because these changes will improve our sites. The city's excavation plan will include two sites, one with twenty acres and one with nine acres. The BCTIFA will have to cover the further investment of preparing the sites to our satisfaction.

The proposed cost to balance the site is in the \$400,000-\$700,000. The BCTIFA will also receive funds for timbering the property.

The Board asked that the additional costs to further improve the sites be returned to the Board for approval at a later time.

MOTION: Mr. Rae moved that the Battle Creek Tax Increment Finance Authority Board of Directors authorizes the excavating plans provided by the City of Battle Creek as proposed to balance and level the property that is adjacent to Musashi Auto Parts for the purpose to give soil to Musashi Auto Parts. Mr. Karre supported the motion and it was unanimously approved.

### **Authorization to sell trees to Consulting Forester, LLC**

Mr. Voshell stated that the BCTIFA has contracted with Consulting Forester, LLC on the 150 acres timbering project on Clark Road and River Road property. Staff recommends that the same company do the timbering on the proposed sites outlined in green on the GIS map.

MOTION: Mr. Karre moved that the Battle Creek Tax Increment Finance Authority Board of Directors authorize Consulting Forester, LLC to timber the proposed sites as presented. Ms. Tuggle supported the motion and it was unanimously approved.

### **Public Comments**

None were made.

### **Closed Session**

MOTION: Mr. Rae moved that the Battle Creek Tax Increment Finance Authority Board of Directors go into closed session at 3:45 p.m. Mr. Karre supported the motion and it was unanimously approved.

MOTION: Mr. Rae moved that the Battle Creek Tax Increment Finance Authority Board of Directors come out of closed session at 4:50 p.m. Ms. Tuggle supported the motion and it was unanimously approved.

### **Property Acquisition**

MOTION: Mr. Cutshall moved that the Battle Creek Tax Increment Finance Authority Board of Directors authorize the recommendation from staff to purchase the 30.06 acres of property on Newtown Avenue as presented. Mr. Rae supported the motion and it was unanimously approved.

### **Adjourn**

There being no further business, the meeting was adjourned at 4:52 p.m.