

**March 15, 2021, Regular Meeting Minutes**  
**HOBART REDEVELOPMENT COMMISSION**

President Carla Houck called the March 15, 2021, regular meeting of the Redevelopment Commission (RDC) to order at 8:31 a.m. The meeting was held via Zoom with the public issued a dial-in number to allow listening and participation capabilities. Staff was present in the City Council Chambers at City Hall. The Pledge of Allegiance was recited. Members present: Carla Houck, Shawn Kelly, Marsha Plesac, Matthew Claussen (*in person*), and Pam Broadaway. Members absent: Judy Dunlap. Also absent: Anthony DeBonis, RDC Attorney. Also present: Beth Jacobson, Director of Development (*in person*); Heather McCarthy, City Attorney (*in person*); Deborah Longer, Clerk-Treasurer; Randy Rompola, Barnes & Thornburg; Jake Dammarell, Butler Fairman & Seufert (BF&S); Brandon Towle, BF&S (*in person*); Phil Gralik, City Engineer (*in person*); Brian Snedecor, Mayor (*in person*); and Dawn Hostetler, RDC Recording Secretary (*in person*).

Under **Approval of Agenda**, Ms. Hostetler requested that the order of the agenda be adjusted so that **Resolution 2021-03: Resolution of the City of Hobart Redevelopment Commission Authorizing the Disposition of a 59.5 Acre Parcel Located at the Northwest Corner of 61<sup>st</sup> Avenue and Arizona Street in the City of Hobart** is the first item of business discussed under **New Business**. A motion was made by Ms. Plesac to approve the agenda with the noted adjustment; seconded by Mr. Kelly. Roll call vote taken: All ayes; motion carried. (5-0)

Regarding the **Minutes of February 19, 2021, Regular Meeting**, a motion was made by Ms. Plesac to approve the February 19, 2021, Regular Meeting minutes as presented; seconded by Mr. Kelly. Roll call vote taken: All ayes; motion carried. (5-0)

Regarding the **Treasurer's Report (Annual Report of the Redevelopment Commission Treasurer on the Financial Status)**, the February investment statements for Fund 406 and Fund 410, plus the most current fund & appropriation reports for Fund 406, Fund 410, and Fund 250 were distributed in the RDC meeting packet. Ms. Longer called attention to the year-end financial information, which was used to compile the 2020 Redevelopment Commission & Redevelopment Authority Annual Report. She reported that the RDC's beginning balance for 2020 was about \$10,000,000.00 including investments, and the ending balance was about \$22,239,000.00. She said the reason for the substantial increase is due to the bond issue, which was approximately \$13,000,000.00. Ms. Longer offered to answer any questions about the treasurer's report or the financial report. There were no questions regarding the reports.

There was no **Old Business**.

Under **New Business**, the first item was **Resolution 2021-03: Resolution of the City of Hobart Redevelopment Commission Authorizing the Disposition of a 59.5 Acre Parcel Located at the Northwest Corner of 61<sup>st</sup> Avenue and Arizona Street in the City of Hobart**. Mr. Rompola stated that this resolution is to approve the form of the offering sheet as required by State statute for the RDC to offer the sale of the 59.5-acre parcel. Additionally, the resolution authorizes the publication of the notice of disposition, which will be advertised twice in the appropriate newspapers. Barnes & Thornburg will make the arrangements for the notice to be published in the newspapers this Friday and the following Friday. All proposals received will be opened on April 19<sup>th</sup> at the RDC's regular meeting. Upon review of the submitted proposals, the RDC may award an offering at the May 17<sup>th</sup> regular meeting. Mr. Rompola offered to answer

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any questions from the Commission. Ms. Houck asked what school district this property is located in. Ms. Longer stated that it is within the School City of Hobart's (SCOH) boundaries. Ms. Houck stated that the Commission appreciates Mr. Rompolo's assistance to ensure the RDC is in compliance with these types of projects. She asked Ms. Jacobson if she anticipates a good response on the offering sheet. Ms. Jacobson stated that she received a phone call from Mr. Steiner inquiring about the timeline, so she anticipates that he will respond.

A motion was made by Ms. Plesac to approve Resolution 2021-03; seconded by Ms. Broadaway. Roll call vote taken: All ayes; motion carried. (5-0)

Regarding the **TRAX Project – Status Report**, Ms. Jacobson reminded the Commission that this is an INDOT project. She stated that she has asked Eric Wolverton of American Structurepoint, which is the engineering firm retained by INDOT for this project, if he would be able to provide the Commission a monthly status report. Mr. Wolverton was not able to attend today's meeting, but indicated that he could provide status reports at future meetings. Mr. Gralik reported that staff recently had a quarterly meeting with INDOT, and there have been no changes to the schedule or budget. He said that American Structurepoint met with one of the property owners within the project limits to determine where the drainage basins and pipes are located. He stated that the project is currently on schedule for bidding next year. Mr. Gralik said that American Structurepoint has been informed that the City is agreeable with the full closure of the road during construction, which will result in a cost savings of about \$250,000.00. He explained that the alignment of Colorado Street will shift west with the construction of the overpass, and the controllers for the railroad signals are also located on the west side of Colorado Street. If the road were to remain open during construction, new railroad controllers would need to be installed on the east side of Colorado Street and later removed once the overpass is constructed.

Mr. Claussen asked when the actual construction will begin if the project is let in August of 2022. Mr. Gralik said construction is expected to begin about six weeks after the letting date. Mr. Claussen asked if the road would need to close immediately once construction begins. Mr. Gralik indicated that the plan is to close the road immediately once the project starts. He said that after a discussion regarding how long the road could remain open, it was determined that it would need to close about three or four weeks after the contractor mobilizes. Mr. Claussen asked when the road is expected to reopen if it closes on September 1, 2022. Mr. Gralik said the road is anticipated to reopen July 1, 2023. Mr. Claussen asked if the Town of Merrillville has any projects planned that might hinder traffic on Mississippi Street, which is where traffic will be diverted. Mr. Gralik said that there are no such projects that he is aware of. He stated that this project is being coordinated with the Northwind Parkway extension project as well as the Marcella Boulevard and 61<sup>st</sup> Avenue roundabout project. Mr. Claussen said he recalls that the Northwind Parkway extension was to be a simple detour for the Marcella Boulevard roundabout project. Mr. Gralik stated this Northwind Parkway extension is more than just a detour because it will be a permanent route that will help relieve traffic at Marcella Boulevard and 61<sup>st</sup> Avenue. He explained that any eastbound traffic out of the Northwind Crossings industrial park will not need to go through the Marcella Boulevard and 61<sup>st</sup> Avenue roundabout. The Northwind

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Parkway extension can be used as an alternate route out of the industrial park for eastbound traffic as well as westbound truck traffic. Mr. Claussen asked if east and west bound traffic on 61<sup>st</sup> Avenue would be disrupted if the Northwind Parkway extension project begins before Colorado Street is open. Mr. Gralik said that he does not believe the road will need to be closed during the Northwind Parkway construction. He said these projects will be coordinated so that there is no overlap of road closures. Mr. Claussen said he just wants to ensure that Colorado Street and 61<sup>st</sup> Avenue are not closed at the same time.

Regarding the Northwind Extension Project – Status Report, Mr. Dammarell stated that this topic will dovetail into the preceding agenda item. He reminded the Commission that this project is scheduled to begin ahead of both the Colorado Street overpass (Local Trax) and the 61<sup>st</sup> Avenue and Marcella Boulevard roundabout projects. Once complete, it will also serve as a maintenance of traffic detour route for the 61<sup>st</sup> and Marcella Boulevard Project. He pointed out that the traffic studies conducted several years ago determined that this roundabout at Northwind Parkway and 61<sup>st</sup> Avenue would help alleviate capacity issues at 61<sup>st</sup> Avenue and Marcella Boulevard going into the future because of its ability to redistribute traffic from that intersection. Mr. Dammarell indicated that the intersections are key to maintaining level of service/capacity within a corridor so that the corridor functions at the highest level possible given the available footprint. He said it is also important to keep the project limits as narrow as possible to avoid conflict with the utilities known to be along 61<sup>st</sup>.

Mr. Dammarell stated that he will provide a monthly report to the Commission regarding the Northwind Parkway extension project as well as the 61<sup>st</sup> Avenue and Marcella Boulevard project once it gets under way. He said that the Northwind Parkway extension project is in the stage 1 plan, which is when the alignments are established. He stated that as more details begin to emerge within the stage 2 plan, any issues and options that arise will be discussed with the Commission. Mr. Dammarell stated that the stage 1 plan walk through was held in early January, and the preliminary field check was completed in early February. He explained that the preliminary field check is basically an initial layout review to determine if there are any utility conflicts or if there are any issues or challenges that need to be resolved. The information gathered from the field check will be used to make adjustments within the stage 2 and stage 3 plans. He said although this is a local project, BF&S is following the INDOT stage protocol to simplify the description of the process. Basically, stage 1 is considered 30% complete, stage 2 is 60% complete, stage 3 is 90% complete, and the last stage is final tracings.

Mr. Dammarell reported that the utility coordination for 61<sup>st</sup> Avenue and Northwind Parkway extension has begun. This process includes coordinating potholing, which is a determination of actual depth on some of the key utilities. He said BF&S has been working closely with Marathon Pipeline and Frontier since they both have potential conflicts in that area. He stated that the goal is to mitigate any utility conflicts early in the design phase in order to avoid relocations, which would cost time and money. He stated that BF&S has also begun the title work for the right-of-way engineering, which is the establishment of ownership. He explained

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that this process involves placing the construction limits on the plans to determine what is needed in order to acquire right-of-way. He said this right-of-way work will soon be completed. Mr. Dammarell reported that BF&S will be scheduling a public information meeting for the Northwind Parkway extension project within the next month or so. He said the meeting will be held at a location that will be open for the public to attend in person, but will also be held virtually to allow remote attendance. He indicated that the original plan was to host the public meeting for this project in conjunction with the public meeting for the 61<sup>st</sup> Avenue and Marcella Boulevard roundabout project. However, the public meeting for that project will be delayed because INDOT's review of the last submittal took about two months longer than usual. BF&S just recently received the review back from INDOT, which now requires BF&S to respond with comments and revisions. Although the public meetings for these two projects will be held separately, attendees of the Northwind Parkway extension meeting will be made aware of the upcoming 61<sup>st</sup> Avenue and Marcella Boulevard roundabout project. Mr. Dammarell reported that BF&S will be updating and refining the drainage plans based on comments received from City staff and the utility companies. He said that BF&S will also be preparing a right-of-way services agreement, which will soon be presented to the Commission for approval. The agreement includes appraisal services, which BF&S subcontracts out to appraisal firms. It also includes right-of-way purchasing, in which Ron Francis of BF&S will do most of the negotiation and purchasing of the properties necessary for this project. He stated that the utility potholing should be completed this month, which will help identify any conflicts that need to be avoided.

Ms. Jacobson asked what level of attendance is expected at the public information meeting. Mr. Dammarell said that from his experience with conducting public meetings for projects in Hobart, he has seen as few as 3 people to as many as 25 people attend these meetings. He said he anticipates the attendance of this public meeting to be somewhere in between those numbers. He indicated that the attendance can typically be gauged by the number of questions and concerns received by City staff prior to the meeting.

On a separate topic, Ms. Houck asked what NIPSCO is doing at the roundabout at 61<sup>st</sup> Avenue and Wisconsin Street. Mr. Gralik stated that NIPSCO will be undertaking a 2-year major gas line construction project from Tassinong to Aetna, which will run through multiple communities including Hobart. He said that NIPSCO's contractor is renting the parcel on the southeast side of the roundabout as a staging area and equipment parking lot. He stated that the contractor did not apply for any construction permits, and the ground was dug up and stoned before the City became aware of what was happening. Subsequently, the contractor has been advised that Plan Commission approval is needed for the temporary parking lot, and a stormwater permit may also be required. Mr. Gralik stated that this parking lot was not part of the NIPSCO permit approval, so the contractor has been given the option to modify the NIPSCO permit or apply for a separate permit.

Regarding the **69<sup>th</sup> Avenue Improvement Project – Status Report (Projects A & B)**, Mr. Towle reported that the NIPSCO gas work should be completed within the next week. He said that the Comcast conduits have been installed, but the Frontier work has yet to be completed. He

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stated that the trees within the right-of-way of the parcel on the southwest side of the roundabout will be taken down by the end of the month. He indicated that the intersection will need to be closed for a few days while this tree-clearing work is being done. Afterwards, the intention is to leave 69<sup>th</sup> Avenue closed, but reopen Colorado Street. Mr. Towle stated that the storm sewer work should follow behind the tree-clearing, then road construction can begin. He said he hopes phase 2 construction is in full swing by the next RDC meeting.

Ms. Jacobson called attention to a letter that City Attorney McCarthy sent to Attorney David Hollenbeck, who is the attorney for the Regional Development Authority (RDA), regarding the Minority Business Enterprise (MBE)/Women Business Enterprise (WBE) status. Attorney McCarthy stated that while the City was awaiting a couple of payments that were delayed from the RDA, the City indirectly learned that the reason the payments were not being released was because the contractor hired by the City was not projected to meet compliance of the MBE requirements. She explained that the RDA requires a specific percentage (15% MBE and 5% WBE) of the total contract to be met in order to leverage and award funds. The original proposal submitted by the contractor inadvertently identified a subcontractor as an MBE rather than a Disadvantaged Business Enterprise (DBE), therefore causing the City to be deficient for that particular requirement. Attorney McCarthy stated that she and the Mayor met with Attorney Hollenbeck, at which time the RDA agreed to release the payments that were delayed. She indicated that the City's understanding as to the rationale for the RDA releasing those payments was that it was still early in the project, and there is still the capability to meet the MBE provision. She pointed out that the City is well over the required percentage for WBE. She said that City staff and BF&S discussed the matter with G.E. Marshall, who indicated that they would have issues meeting the goal numbers. They were able shift some of the contracted work to bring the MBE percentage much closer to the goal amount committed to in the proposal that awarded the RDA funding. However, the contract will still be about 2% deficient in meeting the MBE dollar amount for the project. Attorney McCarthy indicated that the City decided to be proactive and address this issue with RDA now while it is still early in the project rather than risk the possibility of future payments being withheld. She said that she composed a letter to Attorney Hollenbeck explaining the steps the City has taken to address the issue and requesting him to present the City's position to the RDA to see if a waiver can be granted for the slight deficiency. She stated that the RDA has not yet responded to the request, but she hopes to have an answer soon so that in the event a waiver is denied, the City can find an alternate solution before the road is closed and construction is underway. She said she has requested a written response so there is no confusion as to what the impact of the deficiency will be going forward.

The next item of business was the **3<sup>rd</sup> Street Streetscape Project – Status Report**. Mr. Towle reported that the masonry signs were installed last week, so the only outstanding work on site is the landscaping. He said that the contractor has indicated that the shrubs, mulch, and remaining topsoil can be installed within the next couple of weeks. He stated that there are quite a few outstanding change orders, especially with INDOT due to the time extension. Additionally, there is a participating change order for the storm sewer work on the east side of the bridge and an escalation cost associated with the time extension change order. Mr. Towle stated that there was

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still some cost savings by removing this storm sewer work from the bridge contract and adding it into the streetscape project, which is 80/20 state funded by INDOT. He said that he will itemize these costs and present to the Commission at the next meeting.

The next item of business was the **Approval of 2020 Redevelopment Commission & Redevelopment Authority Annual Report**. Ms. Jacobson stated that this report is required annually and must be submitted to the Department of Local Government Finance (DLGF) via the Gateway system by April 15<sup>th</sup>. She explained that the report summarizes the RDC's financial information such as revenues received, expenditures by category, end of year fund balances, outstanding debt obligations, and grants that were paid out. The report also outlines the notable actions taken by the RDC and the Redevelopment Authority (RA) in 2020. Additionally, the report includes a list of parcels within the TIF districts and their incremental assessed value (AV). Ms. Jacobson pointed out that there is an error on the US 30 & 69<sup>th</sup> Avenue Economic Development Area parcel list in which the base AV for the Albanese parcels was miscalculated by the county resulting in negative figures. She said that Baker Tilly has contacted the county to resolve the issue. The county has indicated that it will be reported as is since this is how it is listed for 2020, but the correction will be made for subsequent years. Upon approval by the RDC, the report will be presented to the RA for action at their meeting tomorrow morning. Once approved by both bodies, it will then be distributed to the City Council and the Mayor for their information. Ms. Longer stated that she will enter the information from this report into the Gateway system before the April 15<sup>th</sup> deadline. She explained that the format of the report submitted to the State is not identical to the format presented to the City bodies, but it contains the same data. She said the parcel lists will be uploaded with the report and will be available to the public upon submission.

A motion was made by Ms. Plesac to approve the 2020 Redevelopment Commission & Redevelopment Authority Annual Report; seconded by Mr. Kelly. Roll call vote taken: All ayes; motion carried. (5-0)

Regarding the **Date for Annual Meeting with Taxing Units**, Ms. Jacobson requested that this meeting be held in conjunction with the RDC's regular meeting at 8:30 a.m. on June 21<sup>st</sup>. Matt Eckerle of Baker Tilly will be in attendance at this meeting to facilitate the presentation. She said if there are no objections from the Commission, this meeting will be scheduled for the date and time proposed. There were no objections from the Commission. Ms. Houck asked if a motion and approval is needed. Attorney McCarthy indicated that a formal approval of the RDC is not necessary.

Ms. Jacobson reviewed the invoices on the **Register of Claims**. A motion was made by Ms. Plesac to approve the register of claims in the amount of \$1,310.00; seconded by Ms. Broadaway. Roll call vote taken: All ayes; motion carried. (5-0)

<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Claimant</u>	<u>Amount</u>
2/15/2021	2849	Anthony DeBonis, Jr. & Assoc.	\$240.00

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2/15/2021	2850	Anthony DeBonis, Jr. & Assoc.	\$120.00
2/16/2021	2852	Anthony DeBonis, Jr. & Assoc.	\$500.00
2/15/2021	2853	Anthony DeBonis, Jr. & Assoc.	\$450.00
<b>Total:</b>			<b>\$1,310.00</b>

Regarding the Approval of 2020 Bond Register of Claims, Requisition No. 18 includes a payment to RDC Attorney DeBonis (Invoice 2848) in the amount of \$60.00 for legal services related to the local TRAX project, a payment to BF&S (Invoice 92030) in the amount of \$12,245.50 for inspection related to the 69<sup>th</sup> Avenue project, and another payment to BF&S (Invoice 92145) in the amount of \$9,032.50 for engineering related to 61<sup>st</sup> Avenue and Marcella Boulevard improvements. A motion was made by Ms. Plesac to approve Requisition No. 18 in the amount of \$21,338.00; seconded by Mr. Kelly. Roll call vote taken: All ayes; motion carried. (5-0)

**Staff Report** – Ms. Jacobson reported that she, Ms. Hostetler, and Mr. Gralik toured the downtown public parking lots to determine a general location where future signage could be installed on City property. She stated that the locations were marked with spray paint, and pictures were taken to identify the general placement of the signage. Staff will be seeking estimates from signage companies to fabricate and install signs to match the existing one at the 2<sup>nd</sup> and Center Street parking lot. Ms. Jacobson said she will update the Commission once estimates are received.

Ms. Jacobson reported that the Plan Commission adopted a resolution approving the RDC’s declaratory resolutions to amend the Economic Development Area Plans to include parcels for future right-of-way acquisition. She said the City Council will take action on a resolution to approve the order of the Plan Commission and the amendments later this week. The RDC will then take action on confirmatory resolutions at the April 19<sup>th</sup> regular meeting.

Ms. Jacobson called attention to an email from Attorney McCarthy to Mr. Cardwell of the State Board of Accounts (SBOA) seeking clarification on what the RDC is permitted to pay for regarding parcel acquisition. Attorney McCarthy stated that the City’s customary policy regarding parcel acquisition for RDC projects was that the Board of Works would initially pay acquisition costs, then the RDC would reimburse the Board for those land acquisitions that were deemed friendly and did not result in eminent domain. She explained that previously the City was under the impression that the RDC could only pay for friendly acquisitions. She said that upon discussion with other municipal attorneys, she learned that this interpretation may not be accurate, which prompted her to seek clarification from the SBOA. Attorney McCarthy said that the SBOA responded that they would not take audit exception to an RDC reimbursement of City expenses for eminent domain proceedings as long as the procedures outlined in I.C. 36-7-14-20 are followed. She said the RDC can now help subsidize the costs related to eminent domain, including attorney fees, to alleviate some of the burden on the general fund. She indicated that these costs can be reduced in the future with proper planning and budgeting.

Ms. Longer stated that the Mayor had leave for another meeting, but he requested that she relay some information to the RDC on his behalf. She said that staff will be compiling a list of parcels

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and costs associated with eminent domain from past RDC projects including the 3<sup>rd</sup> Street Streetscape, 61<sup>st</sup> Avenue phase 3, and the 69<sup>th</sup> Avenue improvement project. She stated that now that the City has this opinion from the SBOA, the City will be requesting reimbursement from the RDC for the costs incurred from these eminent domain proceedings. Ms. Longer said that she will work with Ms. Jacobson to incorporate these costs into the RDC budgets. Ms. Houck asked how many years prior the list will go back. Ms. Longer stated that dates will be provided with the list, which will include projects within the last five years. Ms. Houck said that the RDC has always been willing to contribute to various projects taken on by other City bodies, so she has mixed feelings about reimbursing these expenses. She noted that each of the City Boards and Commissions work together as one team. Ms. Broadway asked Ms. Longer if she can provide an approximate cost the RDC will be asked to reimburse the Board of Works. Ms. Longer stated that she does not yet have an estimate, but staff will make sure that it is within the RDC's budget. She said an interest free payment plan can be established to allow the RDC to meet other financial obligations. She indicated that she hopes to have the list compiled within the next month. Ms. Broadway asked if the RDC will need to take action on the reimbursement once the list and costs are prepared. Mr. Claussen stated that the Commission is required to vote on any action that involves the transfer of money. Ms. Longer indicated that a resolution may need to be drafted to include the reimbursement list and payment plan per TIF district. Ms. Jacobson noted that a separate resolution would be needed for any expense to be paid from the 2020 lease rental bonds. Ms. Houck asked if a Return on Investment (ROI) has been calculated to show how the City has recouped their investment over a period of time to determine how far back the list should go. Ms. Longer reminded the Commission that the parcels in question are within the TIF districts, so the TIF funds realize the gain, not the City's general fund. Ms. Houck stated that TIF funds are reinvested in economic growth within the TIF districts, which benefits the City as a whole. Ms. Plesac indicated that she is agreeable to the RDC paying any costs associated with eminent domain going forward; however, she is apprehensive about reimbursing an unknown amount of money from past proceedings. Ms. Longer stressed the importance of determining the actual amount before making a decision. Ms. Plesac asked if the City is willing to negotiate once the final amount is known. Ms. Longer indicated that she is willing to negotiate. Mr. Claussen said that these expenses would have been borne by the RDC previously if this clarification had been realized years ago. He stated that while the Commission has advanced projects that understandably benefit the City as a whole, the general fund has not been budgeted to include eminent domain expenses related to these projects. Therefore, the general fund has been greatly impacted whenever eminent domain has been needed to advance these RDC projects. Ms. Houck said she appreciates the Clerk-Treasurer relaying this information on behalf of the Mayor. She acknowledged Mr. Claussen's concern for the general fund, but she noted that the Commission is also mindful of the how RDC funds are spent. She said she believes that a fair decision will be reached.

Attorney McCarthy emphasized that this is not a change to the law, but rather a change to the City's policy regarding how eminent domain is handled. She said that in addition to the time it takes to go through the court process for eminent domain, there have been statutory changes that can further prolong the process. She indicated that the costs associated with eminent domain tend to escalate when project deadlines are imminent and the acquisition of property is necessary to begin work. She stated that these costs can be managed with appropriate budgeting and



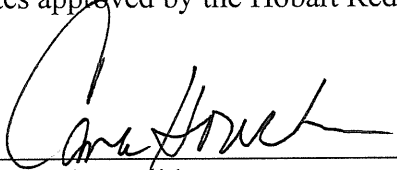
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planning on future projects. Ms. Jacobson stated that she will keep the Commission informed as more details are known about the parcel list and costs.

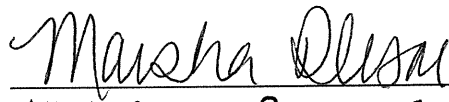
Adjournment - The meeting was adjourned at 9:33 a.m.

Minutes were prepared by Dawn Hostetler, Clerical Assistant to the Director of Development.

Minutes approved by the Hobart Redevelopment Commission on APRIL 19, 2021.



Carla Houck, President



Attest: MARSHA PLESAC, SECRETARY