

Washtenaw County
Brownfield Redevelopment Authority (WCBRA)
Meeting held in-person at 200 N. Main, downtown Ann Arbor
Lower Level Large Conference Room

APPROVED MEETING MINUTES
Thursday, March 13, 2025, 9:00 a.m.

Board Present: Allison Krueger, Christy Maier – Secretary/Treasurer, Jenn Cornell Sam Baushke – Chair, James Harless, Katie Jones – Vice-Chair, Trevor Woollatt

Board Absent: Katie Scott

Staff: Nathan Voght – OCED

Joining the Meeting: Bret Stuntz – SME, Mark Smith – MI-HQ, Wendy Carty-Saxon – Avalon Housing, Maura Thompson – ECT, all on Zoom.

Handouts: Survey of Other Brownfield Authority's Fee Schedules

1. Call to Order

Chair Baushke called the meeting to order at 9:05 a.m.

2. Public Comment

None

3. Approval of Agenda

K. Jones moved to approve the agenda, (2nd J. Harless).

4. Approval of February 27th, 2025 Meeting Minutes

J. Harless moved to approve the minutes, with an addition to the last paragraph of Business Item #4 (2nd K. Jones) and the motion passed unanimously.

5. Board Member Conflict of Interest Disclosure

None.

6. Business

1. 300 N. Zeeb Act 381 Work Plan – Action

Staff updated the Board on the project and the status. With the \$1M EGLE grant, all Environmental Activities are removed from the Work Plan, and only Non-Environmental Activities remain. Staff asked Mr. Stuntz, on Zoom, what other Activities may be eliminated from the original Brownfield Plan by adding them to the EGLE grant.

Bret Stuntz, with SME, the Environmental Consultant for the project, discussed the need for Vapor Mitigation, and indicated the possibility to add demolition to the EGLE grant, which would reduce Non-Environmental costs as well.

S. Baushke recused himself from the Table, indicating a potential Conflict of Interest with this project. Vice-Chair K. Jones took over Chairing the meeting.

The 15,000 for Brownfield and Work Plan Preparation will be removed from the Eligible Activity Table, as these are Pre-Approved costs and are automatically capturable. They will be described in the narrative.

J. Cornell joined the meeting at 9:18 a.m.

J. Harless moved to allow staff to coordinate final revisions to the 300 N. Zeeb Work Plan and submit to the State (2nd C. Maier), and the motion passed unanimously, with S. Baushke abstaining from the vote.

2. 121 Catherine LBRF Eligible Activities Approval – Action

Staff updated the Authority on the project, and referred to the construction photo taken a few days ago in the staff report. This is the third request for reimbursement from the LBRF grant of almost \$1M. Staff discussed the project further, reviewing location, proposed Eligible Activities, and that the grant agreement was set up to allow shifting of budgeted activities between Environmental and Non-Environmental, depending on the need. The Board reviewed the projected fund balance for the LBRF account over the next several years.

Wendy Carty-Saxon, with Avalon, talked about the project and construction progress. The project will be done in early 2026.

A. Krueger moved to approve \$292,626.25 in LBRF Eligible Activities, and reimburse the same, (2nd K. Jones), and the motion passed unanimously.

3. Brownfield Reimbursement Agreement Template – Discussion

Staff pulled the proposed template revisions suggested by J. Harless up on the screen. The Board went through the proposed revisions as Mr. Harless provided explanations.

S. Baushke had to leave the meeting at 9:56 a.m. K. Jones, Vice-Chair, took over leading the meeting.

The Board continued to discuss sections of the template, including insurance requirements, and whether environmental impairment requirements could be moved under the Indemnification section. Staff indicated this could be discussed with County Corporation Counsel and Risk Management.

The Board agreed that J. Harless would make further edits to be reviewed by members S. Baushke and C. Maier, and presented to the Board at an upcoming meeting.

4. Third Party Legal Fees Required for Brownfield Projects – Discussion

Staff referred to the survey of other Brownfield Authorities' application fees in the handout provided at the meeting. This issue has arisen with a current project that will require County Corp Counsel to hire outside Counsel to assist with review, and how those additional fees should be paid. County Corp Counsel charges are aggregated County-wide, and charged to Departments according to a formula, or in our case, the Brownfield Program.

The Board discussed the need to bring on a third party attorney on retainer, so that any project requiring additional review could be referred quickly, if necessary. Staff will confer with County Corp Counsel about this.

Additional discussion took place about how to handle legal fees from Dykema, outside counsel retained for this project, based on the options staff provided in the meeting staff report. The Board initially concluded that an up-front escrow should be charged, and then legal fees drawn

from the escrow. Upon further consideration, the Board agreed to include sufficient “Brownfield Plan Preparation” fees in the Brownfield Plan to be reimbursed with the first Tax Increment Revenue in order to reimburse for these third-party fees, and directed Staff as such.

J. Harless moved to add Business Item #5 to the agenda, Brownfield Plan Application Fee Schedule (2nd J. Cornell), and the motion passed unanimously.

5. Brownfield Plan Application Fee Schedule – Action

Staff referred to the handout of other Authorities’ fee schedules, including Grand Traverse County, Grand Rapids, Oakland County, Kalamazoo and Detroit. We have not raised fees since at least before 2012. With larger and more complicated projects, there will be more instances where the Authority may need to incur outside consulting services. Most other communities surveyed have required fees at a sufficient level to absorb those third party fees, however Detroit still charges separately.

The Board discussed appropriate fees, and arrived at a tiered schedule, similar to those surveyed, but matching Grand Traverse County, where fee ranges are different for straight Brownfield projects, and MSHDA Housing TIF projects, and Transformational Brownfield projects.

T. Woollatt moved to approve the following fee schedule:

Brownfield Plan Fee Schedule	
Application Fee*	\$2,500
Processing Fee**	1% of Developer-Reimbursable Eligible Activities in Approved Brownfield Plan.
Minimum Processing Fee Per Project	\$3,000
Maximum Processing Fee Per Project	\$15,000

Housing Tax Increment Financing Brownfield Plan Fee Schedule	
Application Fee*	\$5,000
Processing Fee**	1% of Developer-Reimbursable Eligible Activities in Approved Brownfield Plan.
Minimum Processing Fee Per Project	\$3,000
Maximum Processing Fee Per Project	\$30,000

Transformational Brownfield Plan Fee Schedule	
Application Fee*	\$7,500

Processing Fee**	1% of Developer-Reimbursable Eligible Activities in Approved Brownfield Plan.
Minimum Processing Fee Per Project	\$3,000
Maximum Processing Fee Per Project	\$50,000

* A one-time, non-refundable Application Fee is due at the time of application.

** A one-time, non-refundable Processing Fee is due subsequent to the Washtenaw County Board of Commissioners' approval of the Brownfield Plan.

The motion was seconded by J. Harless, and the motion passed unanimously.

6. February 2025 Financial Report, including 2024 Interest – Action

Staff referred to the Financial Report, which does not include any transactions this month, but only approval of Interest for Grandview Commons from 2024.

J. Harless moved to approve \$59,076.65 in 2024 Interest for Grandview Commons (2nd T. Woollatt), and the motion passed unanimously.

7. Other Business

None.

8. Public Comment:

There was no public comment.

9. Adjournment:

K. Jones moved to adjourn the meeting at 10:53 a.m. (2nd T. Woollatt), and the motion passed unanimously.

These minutes were approved by the Washtenaw County Brownfield Redevelopment Authority at the April 10, 2025 meeting, held at 200 N. Main, lower level large conference room, downtown Ann Arbor.