



**NOTICE OF PUBLIC MEETING
OF THE
LAFAYETTE ECONOMIC DEVELOPMENT COMMISSION
BOARD OF WORKS ROOM, CITY HALL**

Meeting: March 23, 2017 At 10:30 A.M.

Call To Order

Approve Minutes

Approval Of The Minutes For The January 26, 2017 Economic Development Meeting

Documents:

[MINUTES OF THE JANUARY 26, 2017 MEETING.PDF](#)

New Business

Public Hearing: RESOLUTION EDC NO. 2017-02: With Respect To Certain Proposed Bonds For Glasswater Creek Of Lafayette, LLC By The Lafayette Economic Development Commission

Resolution Of The Economic Development Commission NO. 2017-02: A Resolution Of The City Of Lafayette, Indiana, Economic Development Commission Approving And Authorizing Certain Actions And Proceedings With Respect To Certain Proposed Bonds For Glasswater Creek Of Lafayette, LLC

Documents:

[EDC BOND RESOLUION 2017-02 GLASSWATER CREEK OF LAFAYETTE, LLC.PDF](#)

Public Comment

Adjournment

**MINUTES OF THE MEETING
OF THE
LAFAYETTE ECONOMIC DEVELOPMENT COMMISSION
January 26, 2017, 10:30 a.m.
Board of Works Room**

ATTENDANCE: COMMISSIONERS: Sarah Schwarz; Dr. David Bathe; Steve Snyder, and
ABSENT: Joseph Seaman, Dave Zimmerman

CITY OFFICIALS: Tony Roswarski, Mayor; Cindy Murray, City Clerk; Ed Chosnek, City Attorney, Stacey Baisden, Marketing Coordinator.

STAFF: Dennis Carson, Economic Development Director; John Collier, Economic Development Assistant Director, Joyce Funk, Administrative Coordinator.

GUESTS: John Kirkwood, Glasswater Creek of Lafayette, LLC, Dwayne Shaw, Glasswater Creek of Lafayette, LLC., Matt Carr, Quarles & Brady, LLP.

Call to order

Sarah Schwarz. Welcomed everyone to the meeting, noted that a quorum was present, and opened the meeting of the Lafayette Economic Development Commission at 10:30 a.m.

Approval of the minutes for the July 6, 2015 meeting

Dr. David Bathe moved to approve the minutes of the Economic Development Commission meeting for July 6, 2015. Steve Snyder seconded. The motion passed.

Election of Officers – President, Vice President, Secretary

Sarah Schwarz, President of the Economic Development Commission, opened the discussion of nominees; Dr. David Bathe offered to nominate the same slate of elected offices for the next term.

Sarah Schwarz as President

Dr. David Bathe as Vice President

David Zimmerman as Secretary

Dr. David Bathe moved to approve the current slate of Economic Development Commission officers for the next term. Steve Snyder seconded. The motion passed.

Resolution Lafayette Economic Development Commission No. 2017-01

A Resolution of the City of Lafayette, Indiana, Economic Development Commission providing preliminary approval of the issuance of bond for the purpose of financing certain economic development facilities for Glasswater Creek of Lafayette, LLC.

Mr. Ed Chosnek, City Attorney; Introduced the bond, and Mr. Matt Carr with Quarles & Brady, LLP. Mr. Carr spoke to the Commissioners about Glasswater Creek's project which is an affordable assisted living facility which will be located at 208 Beck Lane. Mr. Carr presented hand-out with an overlook of the project. The facility will have three stories and One hundred and thirty-three (133) units which includes fifty-seven (57) efficiency units and seventy-six (76) one-bedroom units with kitchenettes. The residents will be 62 and older with an income at or below sixty (60%) percent of area median income. The assisted living facility will provide the residence with multi-family, 24-hour emergency response, three daily meals in the dining area, and assistance with activities, and social programming for daily living. The facility is also located near several amenities including a grocery store, restaurants, and pharmacies. The project will result in the creation of forty-five (45) new jobs for the community. John Kirkwood with Glasswater Creek of Lafayette, LLC., spoke to the

Commissioners in regard to the bond and the approval process for the project. City of Lafayette, Economic Development Commission revenue bond in the amount of eighteen million three hundred fifty thousand dollars (\$18,350,000), for the purpose of providing funds for paying all or part of the costs of the project by City shall assume no expense in connection with the issuance and sale of the bond with all expenses to be reimbursed Glasswater Creek of Lafayette, LLC. The bond will not decrease the bonding capacity of the City, and the City shall accept no expense in association with the issuance and sale of the bond with all expenses to be reimbursed Glasswater Creek of Lafayette, LLC. Mayor Roswarski stood and spoke to the Commissioners; thanked and acknowledged the support to the community for this quality design of the facility. The Mayor feels the market study done is conservative and there is a greater need for an affordable and dignified option to support our seniors in the community.

Steve Snyder moved to to approve Resolution Lafayette Economic Development Commission No. 2017-01 for Glasswater Creek of Lafayette, LLC. Dr. David Bathe seconded. The motion passed.

Public Comment

Sarah Schwarz called for any additional public comment. Hearing none, Steve Snyder moved to adjourn the meeting. Dr. David Bathe seconded. The meeting adjourned at 11:03 a.m.

*Respectfully submitted,
Joyce Funk
Recording Secretary*

Economic Development Commission Secretary

RESOLUTION EDC NO. 2017-02

A RESOLUTION OF THE CITY OF LAFAYETTE, INDIANA, ECONOMIC DEVELOPMENT COMMISSION APPROVING AND AUTHORIZING CERTAIN ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN PROPOSED BONDS FOR GLASSWATER CREEK OF LAFAYETTE, LLC

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Lafayette, Indiana (the “City”) is authorized to issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of acquisition, design, construction, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, Glasswater Creek of Lafayette, LLC (the “Borrower”) desires to finance a project within the City, including all or any portion of the acquisition, design, construction, installation and equipping of a 133-unit affordable assisted living multi-family housing facility, together with functionally related and subordinate facilities for low and moderate income seniors to be located at 208 Beck Lane, Lafayette, Indiana (collectively, the “Project”); and

WHEREAS, the Borrower has advised the City of Lafayette, Indiana, Economic Development Commission (the “Commission”) and the City concerning the Project, and requested that the City issue one or more series of its taxable or tax-exempt Multifamily Housing Revenue Bonds (Glasswater Creek of Lafayette Project), Series 2017, in an aggregate principal amount not to exceed Eighteen Million Six Hundred Thousand Dollars (\$18,600,000) (the “Bonds”), under the Act and lend all or a portion of the proceeds of such Bonds to the Borrower for the purpose of financing all or a portion of the Project, funding a debt service reserve fund and/or other permissible reserves, if necessary, paying capitalized interest, if necessary and paying all incidental expenses incurred on account of the issuance of the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effect on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, the creation of affordable housing in the City and will be of public benefit to the health safety and general welfare of the City and its citizens; and

WHEREAS, based upon representations made by the Borrower, the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”) does not exceed the amount necessary for the financial feasibility of the project and its viability as a qualified housing project throughout the credit period for the Project and the Project satisfies the requirements for the allocation of a housing credit dollar amount under the Indiana Housing and Community Development Authority’s qualified allocation plan; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such revenue bonds may be secured by and issued pursuant to the terms of a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds pursuant to a Trust Indenture, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Indenture"), by and between the City and a corporate trustee to be selected by the Borrower (the "Trustee"), in order to obtain funds to lend to the Borrower for the purpose of financing all or a portion of the Project, funding a debt service reserve fund and/or other permissible reserves, if necessary, paying capitalized interest, if necessary and paying all incidental expenses incurred on account of the issuance of the Bonds in accordance with the terms of a Loan Agreement, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Loan Agreement"), by and between the City and the Borrower with respect to Bonds and the Project, provided, however, that the aggregate principal amount of the Bonds shall not exceed \$18,600,000; and

WHEREAS, pursuant to the Loan Agreement, the Borrower will make certain representations, warranties and commitments with respect to the Project and will agree to make payments sufficient to pay all principal of, premiums, if any, and interest on the Bonds as the same becomes due and payable, and to pay administrative expenses in connection with the Bonds; and

WHEREAS, there has been submitted to the Commission for its approval forms of the Indenture, the Loan Agreement, the Preliminary Limited Offering Memorandum providing for the marketing of the Bonds, the Purchase Contract between the City and the underwriter for the Bonds, and the Land Use Restriction Agreement among the City, the Borrower and the Trustee (collectively, the "Financing Documents") and the form of the proposed Ordinance of the Common Council (the "Common Council") of the City with respect to the Project and the Bonds (the "Ordinance"); and

WHEREAS, pursuant to Indiana Code 36-7-12-24 and certain provisions of the Internal Revenue Code of 1986 (the "Code"), and the rules promulgated thereunder, as amended, the Commission published notice of a public hearing (the "Public Hearing") on the proposed issuance of the Bonds to finance all or a portion of the Project; and

WHEREAS, on the date hereof the Commission held the public hearing on the Project; and

WHEREAS, no member of the Commission has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Commission and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAFAYETTE, INDIANA, ECONOMIC DEVELOPMENT COMMISSION AS FOLLOWS:

SECTION 1. The Commission hereby finds, determines, ratifies and confirms that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, and the loan of the net proceeds thereof to the Borrower for the purpose of financing all or a portion of the Project (i) will result in the diversification of industry, the creation or retention of business opportunities, the creation of affordable housing and the creation or retention of opportunities for gainful employment within the jurisdiction of the City, (ii) will serve a public purpose, and will be of benefit to the health and general welfare of the City, (iii) complies with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or

retention of business opportunities, the creation of affordable housing, and the creation or retention of opportunities for gainful employment within the jurisdiction of the City, (iv) will not have a material adverse competitive effect on any similar facilities already constructed or operating in or near Lafayette, Indiana.

SECTION 2. The Commission hereby determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Commission has relied upon the representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the City or the Commission as to the feasibility or viability of the Project. In reliance upon the representation of the Borrower, it is hereby found and determined that the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHEDA's qualified allocation plan.

SECTION 3. The Commission hereby approves the terms of the Financing Documents and the Ordinance. The forms of the Financing Documents and the Ordinance presented herewith are hereby approved, with any and all such changes as may be deemed necessary, desirable or appropriate by the Mayor, the Controller or any other officer of the City.

SECTION 4. The Commission hereby approves and recommends the City issue its Bonds, in one or more series, with a maximum aggregate principal amount not to exceed Eighteen Million Six Hundred Thousand Dollars (\$18,600,000), with a maximum term not to exceed forty (40) years and with a maximum interest rate not to exceed six and one-half percent (6.5%) per annum, for the purpose of procuring funds to loan to the Borrower in order to finance all or a portion of the Project, fund a debt service reserve fund and/or other permissible reserves, if necessary, pay capitalized interest, if necessary, and pay all incidental expenses incurred on account of the issuance of the Bonds. The Bonds will be payable as to principal and interest solely from payments made by the Borrower pursuant to the Loan Agreement and the note issued thereunder, and upon such terms and conditions as otherwise provided in the Financing Documents and the Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 5. In order to induce the Borrower to proceed with the acquisition, design, construction, and equipping of the Project, the Commission hereby finds and determines that: (a) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Borrower; and (b) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of the Bonds.

SECTION 6. Any officer of the Commission is hereby authorized and directed, in the name and on behalf of the Commission, to execute any and all other agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by him to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this resolution (including the preambles hereto and the documents mentioned herein), the Project and the issuance and sale of the Bonds, and any such execution, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 7. The Secretary of this Commission shall transmit this resolution, together with two (2) copies of the forms of the Financing Documents and the Ordinance approved by this Resolution, to the Office of the Clerk of the Common Council for presentation to the Common Council with the

recommendation that the Common Council approve the forms of the Financing Documents and adopt the proposed Ordinance hereby recommended to the Common Council.

SECTION 8. This resolution shall be in full force and effect upon adoption.

Adopted this 23rd day of March, 2017.

CITY OF LAFAYETTE, INDIANA, ECONOMIC
DEVELOPMENT COMMISSION

Sarah Schwarz, President

Dr. David Bathe, Vice President

David Zimmerman, Secretary

Steve Snyder

Joseph Seaman