

***PERSONAL AUDIO ENHANCERS ARE AVAILABLE FROM THE COUNCIL
SECRETARY***

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

December 18, 2023

7:00 P.M.

1. Call to Order, Pledge, Moment of Silent Meditation, Roll Call

2. Minutes for Approval

Minutes of July 20, 2022 – Special Call Council Meeting – Tax Abatements

Minutes of August 31, 2022 – Public Health & Safety Committee

Minutes of October 4, 2023 – Finance Committee Of-The-Whole

Presentations and Introductions

3. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading

Proposed Ordinance 23-O-35, an ordinance adopting a schedule of salaries and other compensation for the police officers of the City of Elkhart, Indiana for the calendar year 2024

Proposed Ordinance 23-O-36, an ordinance adopting a schedule of salaries and other compensation for the fire department of the City of Elkhart, Indiana for the calendar year 2024

Proposed Ordinance 23-O-37, an ordinance approving a major amendment to the “Bent Oak Planned Unit Development District” (Elkhart City Ordinance No. 3537) to authorize two (2) additional lots, subject to the Bent Oak PUD District, R-1, Single Family Dwelling District standards

c) Ordinances and Resolutions Referred to Committees

d) Tabled Ordinances and Resolutions

Proposed Ordinance 23-O-29, an ordinance of the City of Elkhart, Elkhart County, Indiana, designating an area within the city as an economic development target area

Proposed Resolution 23-R-40-R, a resolution of the Common Council of the City of Elkhart, Indiana, declaring a certain area to be an economic revitalization area for the purpose of granting tax phase-in benefits to SCG Acquisitions Company LLC DBA Speedgrip Chuck Company/Cetol Leasing, LLC FKA Speedgrip Chuck, Inc.

4. **New Business**

a) **Ordinances on First Reading**

Proposed Ordinance 23-O-27, an ordinance vacating Pacific Street, a public way within the City of Elkhart, Indiana

Proposed Ordinance 23-O-38, an ordinance amending Ordinance No. 5959, fixing the salaries and wages for appointed officers and other salaried employees of the City of Elkhart, Indiana, for the year 2024, to authorize and approve the payment of the residency bonus to all current Full-Time employees of the office of Elkhart City Clerk

b) **Resolutions**

There are no resolutions

c) **Vacation Hearings**

There are no vacation hearings

d) **Other New Business**

e) **Reports of Mayor, Board of Works, Board of Safety or City Departments**

f) **Neighborhood Association Reports**

g) **Privilege of the Floor**

h) **Scheduling of Committee Meetings**

5. **Acceptance of Communications**

Minutes of October 25, 2023 – Board of Aviation Commissioners

Minutes of November 28, 2023 – Board of Public Safety

Minutes of November 21, 2023 – Board of Public Works

Minutes of November 8, 2023 – Lerner Theatre Board

Report – November Month End – Elkhart Communications Center

6. **Adjournment**

MINUTES OF THE SPECIAL MEETING OF THE COMMON COUNCIL
OF JULY 20, 2022

Present: Council Members: Kevin Bullard, Brent Curry (*Arrived Late*), Aaron Mishler, Megan Baughman, Dwight Fish and David Henke

Absent: Council Members: Brian Thomas, Tonda Hines and Arvis Dawson

Councilman Mishler, who chaired this meeting of the Special Meeting of the Common Council called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart, Indiana. This meeting was made available to the public via WebEx and was live-streamed on Facebook. Council Members Kevin Bullard, Aaron Mishler, Megan Baughman, Dwight Fish and David Henke were present in Council Chambers.

The clerk called the roll.

Councilman Mishler said this evening the Special Meeting of the Common Council will discuss:

Special Notice July 18, 2022

The clerk read the special notice.

TO: The City Clerk and Members of the Common Council of the City of Elkhart, Indiana

Ladies and Gentlemen:

You are hereby notified that in accordance with the power vested in me by the Statutes of the State of Indiana, and the Ordinances of the City of Elkhart, Indiana, I hereby call a Special Meeting of the Common Council to be held in the Municipal Building in the Council Chambers on the 2nd floor, 229 S. 2nd Street, Elkhart, Indiana, on Wednesday, July 20, 2022 at 6:00 PM.

The purpose of the meeting will be to consider whether certain property owners are in substantial compliance with their previously-submitted Statement of Benefits forms for tax abatement from the City of Elkhart and to take action upon the following proposed resolutions:

- **PROPOSED RESOLUTION 22-R-24, a resolution of the Common Council of the City of Elkhart, Indiana, amending Resolution R-38-18 and R-54-31 to extend the expiration date of a certain economic revitalization area and determining that Tredit Tire & Wheel Company Inc. has made reasonable efforts to substantially comply with its Statement of Benefits. (*property located at 3305 Charlotte Avenue*)**
- **PROPOSED RESOLUTION 22-R-25, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether FF US Acquisition Corporation, DBA Tuscany Motor Company\TLMTG Properties, LLC are in substantial**

compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-50-18, R-53-18 and R-54-18. *(property located at 811 Tuscany Drive and 2500 Banks Court)*

- **PROPOSED RESOLUTION 22-R-26**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV, LLC\3 Creek, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-8-19, R-9-19 and R-10-19. *(property located the SE corner of Beck Drive and County Road 17)*
- **PROPOSED RESOLUTION 22-R-27**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC\DVS, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-06-17, R-08-17 and R-09-17. *(property located at 5120 Beck Drive)*
- **PROPOSED RESOLUTION 22-R-28**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether American Millwork\Nickell Properties I, LLC are in substantial compliance with the Statement of Benefits - Personal Property (Form CF-1/PP) and the Memoranda of Agreement approved under Resolution Nos. R-07-21, R-11-21 and R-12-21. *(property located at 209 County Road 17)*
- **PROPOSED RESOLUTION 22-R-29**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether EOZ Business, LLC are in substantial compliance...

Councilman Mishler stated I think we're probably good.

The clerk stated okay. Hey, you know what? That's good because I don't have to read the rest of those.

Councilman Henke stated I'm sorry, legally we will have to read those when we get the second half, if that's okay. I appreciate that.

Councilman Mishler stated yeah, and have a drink. That was a lot. Councilman Henke, could you please report on the findings of the ad hoc committee?

Councilman Henke stated good, so the findings of that - I'd have to actually go through my papers - And if we would take those, we won't be in order, so you may just want to do your compliances and then...

Councilman Mishler stated that sounds good.

Councilman Henke stated however you want to do it.

Councilman Mishler stated and the administration has asked that those companies who are in compliance in all categories be moved to the front of the agenda. So with that said, I'm going to ask for a motion to hear the following resolutions first.

Councilman Henke, seconded by Councilman Fish, **moved to hear the proposed resolutions.**

The clerk read the proposed resolution 22-R-25 by title only.

PROPOSED RESOLUTION 22-R-25, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether FF US Acquisition Corporation, DBA Tuscany Motor Company\TLMTG Properties, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-50-18, R-53-18 and R-54-18. (Property located at 811 Tuscany Drive and 2500 Banks Court)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated Mr. Chair, I do find, as did the ad hoc committee that Tuscany, their CF-1 and compliance are in full compliance with real and personal property.

Councilman Mishler asked for any other discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-25 with the finding that the property owner is in substantial compliance.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-26 by title only.

PROPOSED RESOLUTION 22-R-26, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV, LLC\3 Creek, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-8-19, R-9-19 and R-10-19. (Property located the SE corner of Beck Drive and County Road 17)

Councilman Mishler opened the council floor for council discussion.

Councilman Henke stated Mr. Chair, the ad hoc committee found this Alliance RV in substantial compliance, both real and personal.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish, seconded by Councilman Henke, **moved to adopt Proposed Resolution 22-R-26 with the finding that the property owners are in substantial compliance with both personal and real property.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-27 by title only.

PROPOSED RESOLUTION 22-R-27, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC/DVS, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-06-17, R-08-17 and R-09-17. (Property located at 5120 Beck Drive)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated the ad hoc committee found that this petitioner is in full compliance.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish, seconded by Councilman Henke, **moved to adopt Proposed Resolution 22-R-27 with the finding that the owners have complied fully with personal property obligations.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-28 by title only.

PROPOSED RESOLUTION 22-R-28, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether American Millwork\Nickell Properties I, LLC are in substantial compliance with the Statement of Benefits - Personal Property (Form CF-1/PP) and the Memoranda of Agreement approved under Resolution Nos. R-07-21, R-11-21 and R-12-21. (Property located at 209 County Road 17)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated the ad hoc committee found substantial compliance. Labor was at 94.2, however, but there was an explanation for that number. Otherwise found in compliance.

Councilman Bullard stated on a general note, some of these manufacturing equipment investments and stuff - You know, we're showing millions of dollars of estimates on CF-1s and that. Are some of these investments being made? Did you find that out in committee, that these investments are actually being made? Because these are saying, you know, estimates of the CF-1s and that...

Councilman Henke stated the CF-1 is the factual document that actually carries on to the county. So that has to be in fact. So, they can write estimate. I'm not sure with what assurity, if it's a 5%, or whatever the case may be. I do think that the couple of us on the council are actually heading out to buildings to make sure that we are seeing what it has been posted and asked for abatement on. That's a great question. But the CF-1 is the legal number.

Chris Stager, Economic Development Corporation, stated Councilman Bullard, I believe that when the assessor goes out, they validate those numbers against the claimed numbers. So, that's how they true-up the assessment.

Councilman Bullard stated and then, since you're up there - With the rate of inflation, from the start of the abatement to, let's say, present - if there's months of separation, does that assessment take into account inflation rates? Or, is it based on... I mean, that's a rough road to wiggle on.

Chris Stager stated the county assessor would have to answer that. She has a lot of autonomy in how she interprets that, as I understand.

Councilman Henke stated I'm not sure that I'm the right person, but I know inflationary with regard to cost to build, and all of those things. If you hit your target, you can get up to that target, but you're not gonna get beyond that target number. Then again, if you don't hit 95%, you're not in compliance, you're not gonna get the abatement. But they're not going to get credit other than actual cost, which should show on their CF-1. So inflation may be included in that. Now, the AV is the AV. It's based on current rate, and they're very stuck with that. Which is what our tax revenue is gonna be based on. But there is no adjustment for inflationary numbers on our end.

Councilman Bullard stated okay, just for knowledge. Thank you.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish, seconded by Councilman Henke, **moved to adopt Proposed Resolution 22-R-28 with the finding that the property owner is in compliance with the requirements as presented.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-30 by title only.

PROPOSED RESOLUTION 22-R-30, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Flexible Concepts, Inc. are in substantial compliance with its Statement of Benefits - Personal Property (Form CF-1/PP) and the Memoranda of Agreement approved under Resolution Nos. R-37-19, R-38-19 and R-39-19. (Property located at 1620 Middlebury Street)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated does Flexible have more than one abatement out? Yes? Okay, so this actually is R-30. I just want to make sure, because I think I made the mistake prior, but on R-30 the ad hoc committee found full compliance.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-30 with the finding that the property owner is in substantial compliance with personal property.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-31 by title only.

PROPOSED RESOLUTION 22-R-31, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether R Concepts Industries, Inc. are in substantial compliance with its Statement of Benefits - Personal Property (Form CF-1/PP) and the Memoranda of Agreement approved under Resolution Nos. R-47-19, R-49-19 and R-50-19. (Property located at 555 County Road 15)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated is there a representative here? R Concepts? Okay, so from the ad hoc committee, we noted that 94.1 is nine tenths of a percent off, and we felt as though given the supply chain and so on, they made the greatest effort and it was at no fault of their own. So we do find from the ad hoc committee that they are in substantial compliance for personal property investment.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-31 with the finding that the property owner is in substantial compliance with personal property.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-32 by title only.

PROPOSED RESOLUTION 22-R-32, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Truma Corp.\42K Real Estate LLC are in substantial compliance with its Statement of Benefits forms and the Memoranda of Agreement approved under Resolution Nos. R-04-18, R-09-18 and R-10-18. (Property located at 2800 Harman Drive)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated Chris, do you have the numbers? Or Drew, do you have the numbers in front of you? Please.

Drew Wynes, City of Elkhart, stated so, what I have is their personal property investment in manufacturing equipment was estimated on their SB-1 to be \$740,000. Their CF-1 shows it to be \$727,287 with an overall personal property compliance of 98%. And their real property jobs and labor all met or exceeded expectations as well.

Councilman Henke stated thank you. I just found my paperwork, so I apologize for that delay, but the ad hoc committee found substantial compliance.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-32 with the finding that the property owner is in substantial compliance.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-33 by title only.

PROPOSED RESOLUTION 22-R-33, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV\3 Creek, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-08-21, R-13-21 and R-14-21. (Property located at 350 Benchmark Drive)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated I would hope that we have a presentation at this point.

Chris Stager stated if you recall, during the ad hoc session what was in question on this second Alliance abatement was their overall labor. There was an omission. We did not get the complete CF-1 when we compiled the form. So I provided you the document... [Unintelligible as Stager moves away from the microphone and circles the chambers passing papers to the councilmembers]... as part of their original submission, the CF-1 had an addendum that was attached to it. When we received it from staff and did the initial calculations, we did not include the data that was on the addendum. So I made sure that this document that you were provided indicates where they were actually at on their overall wages.

Councilman Fish stated question, Chris. The information you're providing here then has been absorbed into the CF-1?

Chris Stager stated it was actually part of it. It was an addendum to the CF-1, which is allowed by law, but it wasn't included when we calculated.

Councilman Fish stated okay, so it's going to go - it's on the record with the CF-1?

Chris Stager stated yes, it is.

Councilman Henke stated however, do we have an amended CF-1 in front of us?

Chris Stager stated no, it wasn't required to be amended because they gave us the right information. We did not interpret the information correctly. When we, the ad hoc committee - I presented it to the ad hoc.

Councilman Henke stated well, let me ask this. The numbers on the CF-1, were they accurate or inaccurate?

Chris Stager stated they do not totally correlate with what this supplemental document said, for a number of reasons. They had \$7MM dollars of payroll that was attributable to churned employees. And they didn't use that in that part of the supplemental document. Indicates what their all-in average compensation was.

Councilman Henke stated so that it supports the given CF-1, or are they having to... So they're not having to make a supplemental CF-1. Okay. That's what we're after.

Councilman Fish stated okay, one other additional question to Drew, if you could answer this for me, please. It's a pretty simple one. The compliance summary that you provided, does that reflect the numbers that we're talking about? The addendum that we're talking about?

Chris Stager stated it does not. That compliance summary with the color coding does not reflect that. That's why we're providing this document for you.

Councilman Fish stated okay, very good. As long as it's attached, and we're all legal, I'm happy. Good, thank you.

Councilman Henke stated so it sounds as though the explanation makes the CF-1 clarified and legal. Very good. And let's just say Chris shook his head in the affirmative. Okay, that's all the questions I had.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-33 with the addendum attached as provided to Council and finding that the petitioner is in compliance.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-35 by title only.

PROPOSED RESOLUTION 22-R-35, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Flexible Concepts, Inc. are in substantial compliance with its Statement of Benefits – Personal Property (Form CF-1/PP) and Memoranda of Agreement approved under Resolution Nos. R-51-21, R-57-21 and R-58-21. (Property located at 1620 Middlebury Street)

Councilman Mishler opened the council floor for a council discussion.

Chris Stager stated in the ad hoc review of Flexible Concepts second phase in, there was a question relating to the phasing of the labor, whether they had met their commitments, so I did again another supplemental document based on what was on the CF-1.

Councilman Henke stated so, if you don't mind, tell us how we came to the change of numbers. How was that?

Chris Stager stated actually, there wasn't any change. I just took what was originally off the CF-1 and clarified it so it was easier to read. If you recollect, those packets were out of order, and I don't think we were looking at both of the CF-1s the right way.

Councilman Henke stated wait a minute are you saying we were wrong? I'm just kidding...

Chris Stager stated we weren't looking at those the right way that day. Yeah, I think they're well in compliant on the overall labor recruitment. It's my personal opinion.

Councilman Henke stated very good.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish, seconded by Councilman Henke, **moved to adopt Proposed Resolution 22-R-35 with a finding that the property owner is in substantial compliance based on the Statement of Benefits, and also the addendum provided.** The vote was unanimous, and the motion carried.

The clerk read the proposed resolution 22-R-29 by title only.

PROPOSED RESOLUTION 22-R-36, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether EOZ Business, LLC are in substantial compliance with its Statement of Benefits (CF-1 Forms) and the Memoranda of Agreement approved under Resolution Nos. R-37-22, R-39-20 and R-40-20. (Property located at 240 E. Jackson Street)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated so, this took quite a bit of discussion. It's new and different for us, but it's going to become commonplace, in investors moving forward. This is where their tenants actually apply money, in addition to the owner of the building, or the original investor. And that's what has happened in this place. For privacy, we ask that we don't say the names of the other investors, but they are the tenants of the property. When it comes down to AV of the property, which is what this is all about, it will be the assessed the value of the total amount of investment. So, Mr. Weaver has provided us the back and forth. We will be obligated to give these back for privacy, but I do find that they are in compliance with what we requested and they have provided.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish stated may I ask Mr. Weaver to come up. Just ask for one question for me.

Dave Weaver, EOZ, introduced himself to the council.

Councilman Fish stated thanks for being here. I'm glad we got these pieces of the puzzle put together. Are you comfortable with the information that we've just gone through? And you're satisfied with their portion of it? It seems legit?

Dave Weaver stated oh yeah.

Councilman Fish stated well, I'm not questioning anybody's integrity. It's just I want to make sure that - your head's on the line, and it just got to be...

Dave Weaver stated as a developer, we knew roughly right what the numbers were. And then they were just confirmed by the, by the...

Councilman Fish stated you've done a lot of leg work, so we appreciate that. Great. Thank you.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-29 with a finding that the property owner is in substantial compliance with real and personal property.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-34 by title only.

PROPOSED RESOLUTION 22-R-34, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC/DVS, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-43-20, R-44-20 and R-45-20. (Property located at 5120 Beck Drive)

Councilman Mishler opened the council floor for a council discussion and noted that Councilman Curry is present in chambers at this time.

Councilman Henke stated could we bring the numbers forward, Drew, or Chris?... the general summary... So, I'm looking for the alpha CF-1/SB-1 summary.

Councilman Fish stated you've got this.

Councilman Henke stated and, do we have a presenter? Are you Alpha? Great, come on up. So, the question we had during the - you have to state your name and, I'm sorry, a title.

Dean Grass, Internal Tax Manager, introduced himself to the council.

Councilman Henke stated so, the question we had was there's a substantial shortfall in the personal property investment area. And then we talked about - I mean, we're at 23.7%. So, we were talking about that there was a \$2MM initial SB-1, and the CF-1 shows \$474,000, which was the 23.7%. And the question was, did you order within that timeframe and, because of delivery, it didn't come on site? Can you make an explanation?

Dean Grass stated we submitted an amended CF-1.

Councilman Henke stated and there was supposed to be documents to support the new CF-1.

Dean Grass stated there was an asset listing that broke out all the costs.

Councilman Henke stated exactly, thank you for that. Drew, you're on the spot. Give us the paper, or some donuts.

Councilman Fish stated would it be in here? The updated ones?

Councilman Henke stated alright, I need their amended CF-1 and the documents of asset listings to support the CF-1. Do you have copies of it? Oh, boy. Does anybody have access? Because without those documents, we're really stuck. And because the person you were communicating with is not able to be with us tonight, we are going to be open to that, we may want to go to a different resolution while Drew finds that supporting document. Is that okay?

Councilman Henke, seconded by Councilman Fish, **moved to table Proposed Resolution 22-R-34**. The vote was unanimous, and the **motion carried**.

The clerk read the proposed resolution 22-R-36 by title only.

PROPOSED RESOLUTION 22-R-36, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Placon Corporation are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-14-20, R-27-20 and R-28-20. (Property located at 2901 Oakland Avenue)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated do we have a presenter? Placon? Okay. And so, what we were after was an amended CF-1, an explanation of the overall lack of personal property investment, and full-time labor deficiencies. Did you supply that to- ?

Mike Nielsen, General Manager stated we did, we submitted an amended CF-1.

Councilman Henke stated and what was the documents that supported the amended CF-1?

Mike Nielsen stated there was an explanation from our Director of Accounting, but not supporting documentation given.

Councilman Henke stated do you have a copy of what you submitted?

Mike Nielsen stated yes.

Councilman Henke stated excellent.

Mike Nielsen stated one copy.

Councilman Henke stated we're gonna look for it.

Councilman Bullard stated just give us a second, Mr. Chair.

Councilman Henke stated okay, just found it. Alright. Alright, this will work. For the record, Mr. Chair, real property shows on the SB-1 the S spent was 4.9, and the CF-1 shows 6.7? Wow. 137%. And then the supporting document for that?

Mike Nielsen stated that was not amended.

Councilman Henke stated so how do we substantiate the 6.7? Is there an asset listing?

Mike Nielsen stated no, I don't have that. That was mainly the...

Councilman Henke stated so, can you tell me then, for the record, what was the difference between 4.9 and 6.7? What did you look at? What piece of equipment?

Mike Nielsen stated well, that was the real.

Councilman Henke stated well, that's the real, yeah. So what portion was that?

Mike Nielsen stated when we submitted the estimates, we were just off. The quotes just came in higher for the building.

Councilman Henke stated but - okay, and I get that, and I'm just trying to get comfortable with what you're saying. And that is, when you did the CF-1, the original CF-1, right? We were lower than 6.7. And now we're up to 6.7. is that true?

Mike Nielsen stated so, on both the real and the personal, one of the misunderstandings my accounting team had was when, before we close a project, everything in that project has to be in service. So, we only submitted numbers from closed projects. So, we had all the spending prior, but we hadn't placed the items in service. So, part of that is that as well.

Councilman Henke stated okay, and so the part that was yet to be in service was on site, just not ready to go. That's the statement?

Mike Nielsen stated right.

Councilman Henke stated I'm done, Mr. Chair.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-36 with a finding of substantial compliance, given the representative statement and addendum.** The vote was unanimous, and the **motion carried.**

Councilman Henke, seconded by Councilman Bullard **moved to take Proposed Resolution 22-R-34 from the table.** The vote was unanimous and the **motion carried.**

Councilman Mishler opened the council floor for a council discussion.

Drew Wynes, City of Elkhart, stated I brought an amended CF-1 and asset list for Alpha.

Councilman Henke stated okay, do you have multiple copies?

Drew Wynes stated yes, I have copies for each member. May I now pass them out? Is that alright?

Councilman Henke stated with the chairman's permission, we'll please pass them out.

Councilman Mishler asked for any comments from the council.

Councilman Henke stated so I'm looking at an amended compliance with Statement of Benefits form CF-1 for Alpha. \$5,120 back. What date was this put out, and what is their final date of investment? So, this, let's find the original CF-1/SB-1 for Alpha. Do we show - this is a how many year abatement? And when was it initiated?

Councilman Fish stated this is a 3 year.

Chris Stager, Economic Development Corporation, stated this was a 3 and 3. The 2017 was previously deemed to be compliant. This is 2020, this project.

Councilman Henke stated 2020, so their drop-dead date was 2020 for the full investment. Did we make an extension of any kind?

Chris Stager stated I didn't find any record of that based on the documents that were provided to us.

Councilman Henke stated so Alpha, help me understand. I'm looking at an amended, and I'm assuming this is applies to the CF-1, of cost, and it was \$2MM. So, if we look, I need to see where the SB-1 compares to the CF-1. Drew, or Chris, if you have those? So, their SB-1 showed what level of... this is as estimated on the SB-1, \$2MM. Actual, I see it. Let me do some quick math. So, we have 1.833 as actual. Alright, so that is 91.67%. So, even in this, I want you to

think about an explanation. 95% is a threshold that we're after, and after your adjustments you're at 91.67%. And then there was also a question - I guess it was just personal property. Uh, can you help us with that? What made up, what made the change? And what was the shortfall of 3.3% off? I guess we're 3.3% low of compliance.

Grass stated so, the first question was the comparison from the amended. So, when we prepared the original CF-1, it was just it was incorrectly prepared in our accounting department. So, we amended it and the total costs on the amended one are the actual correct numbers. And the reason why we're not at 95%, there was a machine line that they haven't put in service yet. In 2022, which I think I included a column on there for 2022 spend, it that includes the additional line that will be placed in service.

Councilman Henke stated alright, and so this is personal property only. And the council's question is, was there any thing... So everything has been expended, because your drop-dead date was 2020. So, everything that had to be expended has to have been already there right? Because this one in 2017 was a 3-year abatement, so unless it was...

Chris Stager stated the 2017 abatement was deemed to be in compliance. We're referring to the 2020 project. So the ERA on that would have been extended into 2021.

Councilman Henke stated alright, so everything would have been expended by the end date of '21?

Chris Stager stated provided the Council had not granted the next steps last year, which I couldn't find any record of.

Councilman Henke stated alright, do you know, Sir, if there was any extension granted?

Grass stated I am not sure. I work for Patrick Industries, and we just acquired them in the middle of last year, so I don't know if there was any extension.

Councilman Henke stated Angie, do you have a record? So, let's go this way. Are you saying, though... When did Patrick, cause I know we asked the question - when did Patrick acquire?

Grass stated it was 2021.

Councilman Henke stated '21. So are you saying, though, that the full investment of this project was by December of '21, or was there more...

Grass stated \$1.8MM by 2021.

Councilman Henke stated alright, so we got that far. And then the question becomes, you're 3.3% below par. So, um...

Grass stated there was one machine line that they didn't get placed. There was one machine line that was not placed in service in 2021. It extended into 2022.

Councilman Baughman stated could that have not be implemented in 2021 due to supply chain issues, or? I'm just asking.

Chris Grass stated I'm not 100% sure, but I would assume so. Yes.

Councilman Baughman stated okay, just want to make clarity on it.

Councilman Henke stated Mr. Fish brings up a very good point. Sir, this was initiated in 2020?

Grass stated yes.

Councilman Henke stated oh, well...

Chris Stager stated if we would use a 2-year ERA as an example, they would have had until July 15th of this year to make all of their investments, because the project was initiated July 15th of '20.

Councilman Henke stated and it was a 3-year, and so really they have that period of time. I know the ARM date is different. What does it show? But the 2020...

Chris Stager stated the estimation completed date on the original was December 31st, 2021.

Councilman Henke stated yeah, cause that's why we went to that date. And you're saying that everything, \$1.8MM was invested at that time. Which is the 91.6%? Do you have any other consideration for an expenditure on real on personal property? Like, is there any other expenditure coming? That has been included in this?

Grass stated yes, on the detail listing, there's an additional column that shows 2022 spend as well.

Councilman Henke stated okay, so here's our choices. We do know, and I hope you don't mind me blabbering this, we do know that our ARM dates were not necessarily correct. It was a new administration we talked about, it was a new department we talked about and so. Theoretically, if you're in a 3-year abatement and you started in 2020, you realistically have to 2023 with which to expend, so we would have to find that they're in compliance. No matter what. Because they're still within their ARM. Does that make - are we okay with that? Alright, sorry to put you through all that.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish, seconded by Councilman Curry, **moved to adopt Proposed Resolution 22-R-34 with a finding that the property owner is in compliance with both personal and property investment.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-37 by title only.

PROPOSED RESOLUTION 22-R-36, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Shield Restraint Systems Inc\KingFisher/Elkhart, LLC are in substantial compliance with its Statement of Benefits forms and Memoranda of Agreement approved under Resolution Nos. R-04-16, R-07-16 and R-0-16. (Property located at 3802 Gallatin Way)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated first of all, you know, we have Shield Restraint, and is it coming up under KingFisher?

Chris Stager stated KingFisher was the parent organization and the DBA was doing businesses to the Shield.

Councilman Henke stated okay, and that's kind of why we go by the address, but I have KingFisher at 1067 US 89 North and I have Shield Restraint at 3802 Gallatin Way.

Chris Stager stated I think the Kingfisher is a Montana address, if I recollect correctly, and the Shield name is the local operating entity.

Councilman Henke stated it's really by the address, so the corporate address is going to do us no good.

Chris Stager stated I believe it is done by parcel description and not address.

Councilman Henke stated I have on compliance form '22, pay '23, KingFisher/Elkhart. LLC 1067 US 89 North. Section 2, location and description of property, 3802 Gallatin. Okay, alright. There it is. I'm sorry. I read that...

Chris Stager stated if I could, I also have a supplemental statement.

Councilman Henke stated yeah, I just want to make sure that we marry those 2 names together so that this doesn't get lost in compliance. Because, if I could continue, Statement of Benefits real estate property, section 1 has KingFisher and section 2 has Gallatin Way. The name of designating body should also be Shield Restraint Systems on section 2. And it's blank, so I just want to clarify those.

Councilman Mishler stated I actually have Elkhart City Common Council for a name of designating body on section 2 there was, it looks like an amended CF-1 in the packet.

Chris Stager stated Drew, I don't know if we received the amended CF-1, but they did provide us some documentation, which I attached. The first primary issue on this one, at the ad hoc committee, was the personal property investment and how Shield had tracked that. They had a discussion with whoever initially prepared it, and I believe we can get an amended CF-1, but

these are the revised numbers that they sent us relating to their personal property investment.

Councilman Fish stated anybody here to represent them?

Erin Davis, Vice President of Finance, Shield Restraint Systems, introduced herself to the council.

Councilman Henke stated its one thing to present Shield's supplemental information, but the legal form that we must go by is going to be the CF-1.

Councilman Fish stated David, look at the top line. We're going to need to amend that. The manufacturing equipment would be higher because the math is wrong. 6.7 to 6.8

Councilman Baughman stated no, it's only 68.8. They just took it off the original.

Councilman Fish stated get your calculator out and see if that's accurate or not, please. Give us just a moment. Do the math again here real quick.

Councilman Henke stated yeah, so, if we could. Number one, there's not a header. So, is it a SB-1 first on the left column? Or is that the CF-1 on the left column? So, they actually should be at over 100%. But it still shows 68.1%.

Councilman Fish stated 58.9%

Councilman Baughman stated I'll explain. I think what they failed to do is, in their initial summary, it was 68.9% and when you gave us the amended, that was not changed. It's still at 68.9. Right? So, that's what we're trying to talking about - it should be over 100% there. Okay, right okay. Thank you.

Councilman Henke stated I'm sorry, who are you blaming, Chris?

Chris Stager stated commentary was on the manufacturing equipment. The percentage indicated was 68.9.

Councilman Baughman stated yeah, okay. Here, you can show that to...

Councilman Henke stated so then we go back to - are the numbers correct on the CF-1?

Erin Davis stated on the revised CF-1 that we submitted, the numbers are correct. On the original, the overall numbers were correct. The categorization of the numbers was done incorrectly by our 3rd party preparer, so we had them revise the CF-1 and we submitted that.

Councilman Henke stated so, the amended CF-1... Everything I have is pointing to... Here we go. The amended value of the project on SB-1 was \$2,051,531. Is that a correct number?

Erin Davis stated that's correct for the values before that.

Councilman Henke stated value before the project. Values of proposed projects 6.7, six-eight, eight-eighty.

Erin Davis stated that was correct. That was the original SB-1.

Councilman Henke stated and then what I'm looking at, that has the amended sign on it, is that what I should be looking at? Okay, so then let's go to actual net values on completion. Are you suggesting that the project is done and at 8? Is that at 8? 8.859.

Erin Davis stated correct.

Councilman Henke stated and then how are we supporting that change? What document would give us that change?

Erin Davis stated that number did not change from the original. The total number? That number is the same as the original submitted. The two numbers that changed on the actual were the values before project and the values of proposed project. Our preparer had misclassified between the two. When you calculate the percentage for compliance, you're only taking the values of proposed projects so that was under-reported on the original CF-1.

Councilman Henke stated alright, so what I'm looking for then, is really an amended CF-1 that would show what we will be handing over to the county. And this amended version is personal property, and it's only personal property. Correct?

Erin Davis stated correct.

Councilman Henke stated and that personal property is saying, okay, so it does say, actuals. And you're saying that the actual expenditure was \$8,839,450.

Erin Davis stated correct.

Councilman Henke stated okay. And then when would you suggest that that money was expended?

Erin Davis stated that was expended in 2021. Well, over the course of the 5 years from 2017, through 2021.

Councilman Henke stated alright, because we have this estimated start date was 4/1/2016. Actual start date 5/13/2016. Completion date was to be 4/1/19. Did you get an extension?

Erin Davis stated we must have. I believe we did.

Councilman Fish stated any record of that, Chris?

Councilman Mishler stated we need some documentation.

Councilman Fish stated anything reflecting that in your paperwork, of the extension?

Councilman Henke stated so, I would say to us, this is '21, payable '22. You had a 5-year, which would say 12 of '21, so if all of this was expended by 12 of '21, I think our ARM date is incorrect. That's what happened. Well.

Chris Stager stated that was the time period when ERAs were not tightly defined. So I couldn't tell you what the deal with... I pare them down, just shorter durations.

Councilman Henke stated I would ask, though, that we would still need an amended, amended of an amended CF-1. You need to take out in section 2, Elkhart City Common Council, and put in Shield Restraint Systems. And on the section 1, the name of taxpayer is that not KingFisher?

Erin Davis stated no, KingFisher is our landlord for our real property. For personal property, we are the taxpayer as well as the...

Councilman Henke stated that makes more sense. I'm not sure why KingFisher's in it at all then. You're the abated person.

Erin Davis stated for the personal property, they're not in it at all. But we also have a CF-1, for real property, which we are compliant. I don't believe that was at issue today, but Kingfisher...

Councilman Henke stated because of the duplicity there we just want to make sure on the record that this is going to reflect in section 2, as brought out by Councilman Mishler, that's going to have to be Shield Restraint Systems, Inc.

Erin Davis stated okay, I'll have our preparer make that change. We'll resubmit.

Councilman Henke stated now, whether you can initial that, cross and initial, I'm not sure. Because we're the ones that would actually send this forward.

Councilman Fish stated what's the time frame here? This is Friday.

Clerk McKee stated Council Members, for the record, these have to be submitted to the county tomorrow. I am holding them up on tip districts for Baker. So, I would need an amended CF-1 by tomorrow.

Councilman Henke stated do you have a clean copy, without the thing that says amended on it?

Erin Davis stated not with me at the moment, but I could get one.

Councilman Henke stated Drew, do you have one? Are you the person that is signing it as assistant controller?

Erin Davis stated I am not, but I can sign it in that person's place. The original signer is no longer with our company, but I could sign this one.

Councilman Henke stated but we would have to have it at this meeting, and that's what - I'm

just saying, if you could take a copy...

Councilman Fish stated let's have Drew get us a blank copy.

Councilman Henke stated well, I'm not sure that we can do that. So, what I'm asking you to do is to take a copy, line through Elkhart City Common Council, write Shield Restraint Systems, Inc. Initial that, and then signed under this last controller, your full name, title, and the new date. Can you do that for us?

Erin Davis stated I can.

Councilman Henke stated Chris, can you help us with that?

Chris Stager stated yes.

Councilman Mishler stated quickly, I will note that the salaries seem to be a bit lower on this. It was estimated on the SB-1, \$1,392,997 with an actual of \$764,000, which is about 55% compliant. Is there an explanation for that?

Erin Davis stated yes, so we were compliant prior to 2020, prior to COVID, with salaries and with headcount. After COVID we shut down for a while, reduced our force. We've been trying to get our headcount numbers and then, therefore, our salaries back up to this level. We do have the demand. We just are struggling to hire and to retain. We are a little bit higher than what we reported here, so we're reporting 99 heads and we currently are at about 114, 115. So, we're working towards that, but that's the driver of the salary reduction. So, we're working to get back to that that number.

Chris Stager stated industrial sewers have been extremely problematic to fill due to some of the volumes that we've had. There's been innumerable programs, put into place. So, coming out of COVID, I'm not sure where all the industrial sewers went, but we've had some challenges across all industries in Elkhart, specifically related to industrial sewing. So much that we've asked Work One, and they're doing some subsidies for apprentices to place the industrial sewers to hopefully drive a little more of that activity. So, based on what I've seen in other companies, industrial sewing has been extremely problematic to fill.

Councilman Henke stated thank you. I did call another sewer, who owns the company, Dan Holtz, and he is actually working shifts as a sewer because they just, they just can't find them. There's no one to do it. So, I can validate those pieces. He has been working to find people as well. But to meet his commitments of production, he's actually filling in.

Councilman Fish stated so just a general question about your industry. What do you do in that case? I mean, how long do you project a vacancy there, as far as employees, and how do you adapt to that?

Erin Davis stated so, as far as projecting, from all indications, you know, the RV market is softening. I don't know, there's probably not a lot of industrial sewers there, but we may get people who we could train to do that, if that does happen. We're expecting this to continue, probably at least throughout the rest of 2022 and probably into 2023. To adapt, we've had to

extend our lead time significantly to our customers. And so, as Mr., Henke mentioned, we're doing something similar. Our office workers are going out onto the floor to work in cases when we have orders that need to be met and shipped out, to meet deadlines. And again, just trying to continue to hire and retain as many people as we can.

Councilman Fish stated do you also, in your strategy meetings, do you consider changing the product look and feel, material, go to robotics to get something done in that case? Because I don't want to lose employees for anybody. But you're not the only company with specific problems. We have other companies that are supply chain short in something.

Erin Davis stated absolutely. And we've certainly discussed that and in instances when we can, we do this. We make seatbelts and so, depending on the industry or the application, there are certain regulations that have to be met as far as quality standards and manufacturing standards, and so we can't necessarily always deviate from those. But when we can, and we certainly tried to put in automation. That's the bulk of our spend on the on the asset side was automation, but they still require, you know, people to maintain and run those machines.

Councilman Fish stated okay, thanks.

Chris Stager stated I had the opportunity to tour Shield after the initial ad hoc committee. They have some very innovative automation they've developed to free up workers, related to stress testing final products. Some of the work that they do for metal stamping, they've developed some very interesting robotics that they had to customize. Their business is making restraint systems, so this stuff was not off-the-shelf, but I think they really are doing everything they can to free up the labor demand. They have to have demand. Some of the sewing you can automate, but some of it has to be done manually, just to meet the stress testing requirements that the other customers have.

Councilman Bullard stated probably to add to that, you know, when we think of seatbelts, you're thinking cars, RVs and all this, but I think Shield also makes seatbelts for roller coasters. And that type of industry is growing exponentially also, and they're picky. They're a whole lot pickier than Ford or GMC, you know. You get some of them that they're real picky.

Councilman Henke stated and seat belts for farmers, is what I heard. So, if we could, we kind of made an addendum here. If you could initial the top, that change of name under section 2, and because then there is a change to the amendment, you would have to resign as a company principle with a title and a date and submit that.

Erin Davis stated this copy is the original?

Councilman Henke stated no, that's the copy we're going to give to...

Councilman Fish stated we're gonna make it the original.

Councilman Henke stated and that's what she's going to have to submit.

Erin Davis stated okay. The number in the values of proposed project is the same as the original that we submitted. Not the same as the revised and submitted.

Councilman Henke stated on your revised side then, that's where we... so show me that if you don't mind, I know this is out of place. May I see that? Yeah, initial there. and then you can sign down there as the... Yep, yep but you would submit it to the lady that runs our show.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Fish, seconded by Councilman Curry, **moved to adopt Proposed Resolution 22-R-37 with a finding that the property owner is in compliance, based on the Statement of Benefits.** The vote was unanimous, and the **motion carried.**

Councilman Fish stated you need an addendum?

Councilman Henke stated no, I'm sorry. What I was asking is, though, that there was reasonable explanation for the employment side, because that did not meet compliance. But I think we're fine as is, I'll leave it go. Thank you.

The clerk read the proposed resolution 22-R-38 by title only.

PROPOSED RESOLUTION 22-R-38, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether T5, LLC/Tepe Sanitary Supply Inc. are in substantial compliance with its Statement of Benefits (Form CF-1/RP) and Memoranda of Agreement approved under Resolution Nos. R-50-20, R-54-20 and R-55-20. (Property located at 2806 Frederic Drive)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated I would ask that Chris come forward, if you don't mind.

Chris Stager stated Mr. Tepe unfortunately was originally scheduled to come on the 18th and is traveling for business and was not able to attend tonight. If you recollect, when the ad hoc committee reviewed their CF-1s, they were short relative to their real property investment, about 89.5%. Their company has been acquired by another company, and I suggested that Mr. Tepe get - they have some additional investments planned for this facility. However, he was not able to get us those documents because apparently the contractor is unwilling to commit to a time and a price until they know that they can put that into their scheduling. So, they have planned investment through the remainder of the year that should take them up over the real property number. But he was unable to provide a document today indicating that.

Councilman Henke stated so to clarify, and I just want to lay it out there again, this is an ERA date concern, because I don't think the of ERA of 10/31/22 is reasonable in one sense that they have a 3-year real property. It was initiated in 2020. So, really they'd have the 2023. The ERA states 10/31 of '22, so it still puts them in compliance even by this ERA date. They still have time to invest.

Chris Stager stated with the application of the ERAs? Yes.

Councilman Fish stated based on, Mr. Henke, you're more of the authority here – you've got a little time under your belt, and maybe some regulations, that you can answer this question. The new owner - Chris, this is kind of between you and Mr. Henke here - for my own purposes, if we're waiting for them to invest based on this... And yet they're in compliance, there's no question here. But, if they decide not to invest to meet these numbers, do we claw back? Because next year's ERA. Is that correct?

Councilman Henke stated so, in the regulation, we would call back to percentage of noncompliance, not the whole noncompliance. The percentage of noncompliance.

Councilman Fish stated okay.

Stager stated to add a point, I don't believe it's a situation where they're not planning on committing. It's that the contractor is unable to provide the materials that he needs to do the building, and he's not willing to accept payment until he gets a firm lock-in on the pricing of the materials is what I was led to believe.

Councilman Fish stated okay, so this is part of their financial package. And if this is, I guess we're waiting on a contractor to be convinced that he's going to have this tax abatement. Is that right?

Chris Stager stated yeah, that's basically my understanding.

Councilman Henke stated I would only hope though, that you, as that representative, would talk to this new owner. It's interesting to hear that they were acquired. But this is not a first, of course.

Chris Stager stated he's going to be retained by the company as the local representative.

Councilman Henke stated because regardless of the... I'm sure the name will stay the same, a DBA whatever, because Tepe has the name. But it's the address that we're working on, and the AV, again. I don't care who owns it. I don't care whose money it is. It's the AV we're looking for, because that presents to us the tax revenue going forward. It would be nice to have all that cleaned up and on record. However.

Councilman Baughman stated yeah, I just have a question on the wages. It appears that they were significantly off of what they estimated. Can you help us on that a little bit?

Chris Stager stated I can't provide you any clarification on that. I would say that I believe he did exceed his overall payroll projection, but the averages didn't work out. If I had to guess, he had some employee churn, or he wouldn't have expended those payroll dollars. We were really looking for the payroll dollars, as well as the job creation. That's pretty typical with what we've been seeing. There's a high amount. Some of our companies have very, very high levels of employee churn. If they don't pay at an adequate level, they'll go down the street for small, incremental increase.

Councilman Curry stated yes, we have been business-friendly over this process over the years and we have kind of took a look at if there was extenuating circumstance that didn't allow a company to meet their goal, that we still tried to work with them. So, hopefully in this case, as far as building materials and stuff, that if need be we can hopefully take a long look at this and try to work with this new business.

Chris Stager stated this is a reference. I believe his business has been here 29 years. And this was his first ask for any an incentive consideration.

Councilman Bullard stated yeah, if I remember doing abatements last year, I think this company was towards the end of the night also. So, maybe that might explain a little bit of, you know, getting acquired and that type of thing. So, hopefully the new acquirement can get better numbers.

Councilman Henke stated in working with them, knowing them, working with them, one of the issues that was misunderstood is they cannot use bonuses - and they're principally bonus-paid. So, all of their salesforce, it's all bonuses. And they are significant bonuses. But under the rules of abatement, you cannot use bonuses because they're not a guarantee. And, you know, bonuses in that company run \$50,000 to \$100,000 a person on their salesforce. And their management force. Not the front line. So it's really going to skew their numbers, and they just had to clean that up. Don't project that included same as temporary labor. Well, sorry, but even though you have 50 temporary people - not this particular one, but, like, KIK, you know, was totally reliant on temporary labor because they couldn't find anybody. Well, unfortunately for you that doesn't qualify in our business. Now, the rules, as we have been working with, it has to be something that ad hoc committee fully committed to. It has to be out of their control. We did have Vixon that had a \$5MM piece of equipment, and they just couldn't get it here. And so we did make an extension for Greg Fior. He proved that he ordered it. He proved it was paid for. It's just not here. And it was, I think, from Sweden, if I recall? Germany. So there's not a whole lot he could have done. But if you're saying, for example, there was one company that they just had to pay more money because they had to get people in, and so they went far and above and beyond. And that's what you got to do. On the other hand, not every company can do that because you have a margin to maintain. And of course, you can do it if you want to lose business and fault your overall company. We don't want that to happen either. But, if you said you're going to build a plant, and it was going to be 20,000 square foot, we expect you to be within that 95% threshold. If you're waiting on masons and you're put off because there's no available, we need to have something in writing. You've got to substantiate because we, you know. I can tell a good story. We have to be substantial in the say, you know - there is no one, we expected this to be done within this time frame, we show that we've hired people. Like Dave Weaver - they had to pay out

another half million dollars because of inflation. You're not going to get credit for it, but you did what you had to do.

Councilman Fish stated and to add on to this statement, which is a good statement, the one thing that we need to within our internal workings - Drew and Chris, the better the documentation we, I think our client base, our customers, if you will - a little more coaching, a little more understanding of what is really required, and the documentation to go with it. Because some of them will come back next year, or 5 years from now, for another abatement. And if they know the rules going in, it'll expedite everything. Because we've got, and the turnover in these companies is amazing, at the accountant and CEO and financial level. So, yeah, just having that set of rules that we've been trying to hone all of these years, and then the documentation to go along with it.

Chris Stager stated prior to this meeting, and Angie and I had discussed a potential schedule for next year, that we start very early, do some live sessions prior to their starting to complete, whether it be zoom or in-person, so that we have a better outcome and more accurate paperwork. A lot of what we're dealing with this time is redo's of things that were misinterpreted, or they didn't know how to fill the form out. And that's been typical over the last, ever since we started this process. But we're going to try to coach them through it next year a little bit better.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke stated and given that Mr. Stager was talking about having an annual abatement 1:1 course, you know, through the Chamber or something of that nature - and this has been ongoing for my 20 years. You know, people just don't quite get this. This is not a normal thing for CFOs. It's not. And so, if you're a CPA, it doesn't mean you understand abatement. You can look it up online. The form is the form. The city did make a cheat sheet, but it is interpretive, subjective language, a little bit. So I would applaud, you know, that the City, the Chamber, the County would have that. So people could say, you know, before this starts, I'm going to go ahead and attend that 1-hour session. I think it would be very worthwhile. Given that, I would also say with Tredit Tire, is that what we're on? Tepe. I'm sorry. What is their ERM date?

Councilman Fish stated they're in a 3-year.

Councilman Henke stated initiated when?

Councilman Fish stated 2019.

Councilman Henke stated alright, so, I mean, realistically, the end date is still '22, if we would look at it that way. So, they have a window. If someone could communicate with Tepe and just make sure that the new owners, and those people moving forward, know they have a drop-dead date of compliance.

Councilman Henke, seconded by Councilman Curry, **moved to adopt Proposed Resolution 22-R-38, to be in compliance by ERM date.** The vote was unanimous, and the **motion carried.**

The clerk read the proposed resolution 22-R-24 by title only.

PROPOSED RESOLUTION 22-R-24, a resolution of the Common Council of the City of Elkhart, Indiana, amending Resolution R-38-18 and R-54-21 to extend the expiration date of a certain economic revitalization area and determining that Tredit Tire and Wheel Company Inc. has made reasonable efforts to substantially comply with its Statements of Benefits. (Property located at 3305 Charlotte Avenue)

Councilman Mishler opened the council floor for a council discussion.

Councilman Henke stated so let's have an understanding on the ERM date. This was initiated in 2018. July. In fact, July 1st of '18, and we're saying that this is a 5-year. So, the completion date was to be 4/1/22. But, if we would give them the full 5 years ERM, they would still be in compliance by that date. Correct?

Councilman Baughman stated mm hmm, right.

Councilman Fish stated we've given them 2 extensions, though. For the record, we've given them 2 extensions to this date.

Councilman Henke stated so I appreciate you talking to that. And so that last extension date was to be...

Councilman Fish stated end of the year. 12/31, if I remember right. It was 12/31/22.

Councilman Mishler stated correct.

Councilman Henke stated so, if, for the record, their date is 12/31/22, we have no other choice but to put them in compliance up to that date.

Councilman Fish stated and, if you remember, they were talking about the end of October. Just for the record, for the members that were not here. The machinery is not coming in from Germany. I mean, it is. They've got a team from Germany here, I think they're here.

Chris Stager stated in September, to do the final installation. They were waiting on some widgets for assembly of the final machinery and that team was originally, I believe, going to come in August. But they pushed that back...

Councilman Fish stated yeah, they pushed the team off. They pushed the drop-dead delivery date back to, is it September?

Chris Stager stated my understanding was that the folks from Germany were going to be installing it in September.

Councilman Fish stated okay, well, let's hope that happens for them, but we've got a date of 12/31/22.

Councilman Henke stated so, to Mr. Fish's point, can we have on the record that their ERM date, agreed upon by this council, is 12/31/22?

Councilman Fish stated okay, did you make any motion to that, or just for the record?

Councilman Henke stated for the record.

Councilman Fish stated okay, because during the ad hoc, we had also made that point, too.

Councilman Mishler asked for any other council discussion, then opened the floor to the public for any comments. No public comments noted, it was closed to the public floor and moved back to the council for further discussion.

Councilman Henke, seconded by Councilman Fish, **moved to adopt Proposed Resolution 22-R-24 with a finding that the property owner is in substantial compliance, based on ERM date.** The vote was unanimous, and the **motion carried.**

Councilman Mishler stated with that said, I really enjoy the ad hoc committee working together on this tax abatements thing and it's really a great economic incentive tool. Moving forward, I would love to see the ad hoc committee continue in some form, discussing tax abatements, including the scoring matrix. I would love to see us take a look at that. I know the county has their own, but I know that municipalities can also add additional scoring points to that as well. So that may be something to consider in the future. But, ladies and gentlemen, we are concluded. And with that, I will ask for a motion and a second to adjourn.

At 8:00 p.m. Councilman Fish, seconded by Councilman Bullard, **moved for adjournment,** which **motion carried** by voice vote and the **meeting was adjourned.**

Aaron Mishler
Common Council Committee Chairman

MINUTES OF THE PUBLIC HEALTH & SAFETY COMMITTEE
MEETING OF AUGUST 31, 2022

Present: Public Health & Safety Committee Chairman Aaron Mishler
Public Health & Safety Committee Members Kevin Bullard and Brent Curry

Absent: None

Councilman Mishler, who chaired this meeting of the Public Health & Safety of-the-Whole Committee called the meeting to order at 6:30 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart, Indiana. This meeting was made available to the public via WebEx and was live-streamed on Facebook. Council Members Kevin Bullard, Brent Curry, and Aaron Mishler were present in Council Chambers.

The clerk called the roll.

Councilman Mishler said this evening the Public Health & Safety Committee of-the-Whole will discuss:

Proposed Ordinance 22-O-29

**AN ORDINANCE PROHIBITING THE POSSESSION OF FIREARMS IN ANY
MUNICIPAL BUILDING OF THE CITY OF ELKHART CONTAINING A
COURTROOM OF THE ELKHART CITY COURT**

The clerk read the proposed ordinance 22-O-29, by title only.

Councilman Mishler reminded the committee members and audience members to turn cell phone volumes down or off, then opened the floor for discussion.

John Espar, Corporation Counsel, stated what you have before you as the proposed ordinance is based upon state statute and, literally, its simplicity is so that it can track most accurately with the state law, which authorizes cities and counties to pass regulations to prohibit the possession of firearms within buildings and structures that have a courthouse, or a courtroom, rather. It's strictly a public safety regulation. It's an exception under the general prohibition that is upon municipalities that prohibits legislating in this area, but it is at the same time a recognition of the need for such regulations in those locations where courthouses, or courtrooms, are hosted. The only thing that's not provided for under the state law, which is authorized in passing the legislation, is the provision of the corresponding sanction for a violation of the statute. It otherwise tracks, literally, with the state law.

Councilman Mishler stated thank you, are there any questions from the council?

Councilman Bullard stated so, John, this isn't really a state law. It's just a provision that

we have the ability to do this. So it said in our abilities, if we decide that we want to have this type of ban in buildings that provide a court, we have the ability to do that. But it's not necessarily a state law.

John Espar stated I guess, I think that that would not be an inaccurate statement. It's not a requirement that the cities and counties of the state of Indiana pass this legislation, but it is based upon state law. And in the absence of that state law, which authorizes it, you would be unable to do so. But it's not a state law requiring this legislation, it's a state law that authorizes this legislation in a building in which it would otherwise be prohibited. And I think it goes without saying that it's a recognition of the need to protect the occupants, whether they are members of the public attending or entering the structure where a courtroom exists, or members of the court staff or other employees of the building.

Councilman Bullard stated oh no, no, wait a minute. I think that's an inaccurate statement. When you say other employees of the building, when there is a residential tenant, which I'm going to assume is a tenant that resides in the building, or if there is another business within the building, then those areas need to be open to the public for people to carry.

John Espar stated that's not our situation, though.

Councilman Bullard stated sure it is. We've got other areas that are not part of the courts. You know, we've got...

John Espar stated no, you don't have any. No, there are no residents that stay...

Councilman Bullard stated yeah, that's a funny word that they used, and I'm taking it as it's other operations that are public areas that reside in the building.

Corinne Straight, Director of Communications, stated I can speak to that as well, Kevin. Yeah, the language specifically speaks to residents as tenants, renting space and a building. So, if there is a court room that houses apartments or other rental facilities. And it also specifically speaks to privately owned businesses, which would not apply to this building. We don't have anybody that's leasing space as a resident or a private business.

Councilman Bullard stated I can't imagine any court in the state has a building that rents out to residents to live there.

Corinne Straight stated I mean, there could be.

Councilman Bullard stated there's something that, you know - it's other operations that reside in the building.

Corinne Straight stated it does not say other operations, it says other private entities. So that would not be anything in this building since this is all public.

Councilman Bullard stated it doesn't say private.

John Espar stated it says...

Corinne Straight stated right, we can look over it.

John Espar stated yeah, it's a residential tenant. An individual with a lease hold interest as a tenant, or a private business, and neither of those apply to our situation.

Councilman Curry stated so, John, Corrine, with the structure of our building, with the people we have in our building, if this ordinance is passed, no one would be able to carry a gun in this building, right?

John Espar stated with one exception, and that is the judge.

Councilman Curry stated okay, thank you. Except law enforcement.

John Espar stated and law enforcement.

Corinne Straight stated yeah, it would allow for an officer of the court to carry a firearm. And it would allow for law enforcement officers to carry a firearm while they're in the building.

Councilman Curry stated right, so the public would be safe because we do have law enforcement officers at all our council meetings.

Corinne Straight stated correct.

Councilman Mishler stated my quick question is, why does this only speak to firearms, and not other weapons? Can we possibly amend it to include that?

Corinne Straight stated yeah, I think John can speak to that, but we did model this language off of the state code, which says firearms specifically.

John Espar stated that is correct. This is tracking the state law that speaks directly to the one provision that would otherwise not be authorized by law. We can. My recommendation is we can either amend this, or you can pass another piece of legislation that speaks to other types of weapons. It might even be preferable one way or the other, but we can certainly amend it to include other types of weapons or draft another piece of legislation that speaks to those other types of weapons. The statute which authorizes the prohibition of firearms doesn't speak to other weapons. That was a right that was already reserved to the city.

Councilman Bullard stated I'm puzzled that we're enacting this ordinance on the back of the courts. And that's the way it was first presented, when this really did not come through a request of the courts. So I'm a little questioning, as far as the need. It hasn't been needed for years and years. We do have some reinforced office buildings. We have an officer sitting down in front occasionally throughout the day, and then for special meetings. If the need is, and the law is based on the premise of having a court in the building, then why don't we then do the security going into the courtroom? Do third floor.

John Espar stated I could respond to that, or, I think I just saw the mayor...

Mayor Rod Roberson stated go ahead. I'll listen to your response and I will respond as well. Go ahead.

John Espar stated an individual who comes to the building to engage in an act of violence would not necessarily wait until he's at the courtroom door to engage in that act of violence. The best way to prevent that violence is before the individual who's bent on it is in a position to engage in such violence.

Councilman Bullard stated well he won't wait to come into the front door either. If there's a problem, he could do it out in the parking lot. He can do it out on the sidewalk. He can do it out the back door. Again, I just don't...

Mayor Roberson stated may I? Yeah, all of those are scenarios that could take place. And obviously, we can't plan for any contingency. But what we can do is provide a modicum of safety wherever we can. Unfortunately, this, as far as I'm concerned, is something that I wish we would have enacted earlier, as it relates to the back of the court. Because this is something that we could have enacted two years ago, as it relates to the fact that the court building has been here. Incidents of gun violence have risen, obviously, in everyone's purview, and so whatever we can do in order to protect the court and the rest of this building, this is an effort in order to do so. So with that said, we will add weapons as it relates to that. And all we want to do is marry to what's going on across the street, which unfortunately will move to County Road 33. Alright, that's a whole 'nother story, but we do want to marry our weapons relationship to the building to what has happened with the court building across the street, our circuit and superior courts.

Councilman Bullard stated I guess, Chairman, if that's the way we're going to do it, maybe we should hear from the people who are going to man and supervise and provide the labor for that type. Maybe we should hear from the police.

Councilman Mishler stated I second that. Is there a representative of law enforcement to speak on this ordinance?

Dan Milanese, Assistant Chief of Police of Elkhart introduced himself to the council.

Councilman Mishler stated thank you, can you just possibly speak to the potential requirements for officers on this? And has there been... Do you know if it's stressed the county across the street at all, who I know were short of officers as well? Or, in Goshen, has this caused any undue stress or burden to their force that you've heard of?

Assistant Chief Milanese stated I can't speak to county's stressor, or stress on their workforce. I haven't been in communication with them as far as what demand it puts. It's always been there for them. I know they have other resources to pull from – jail officers, things like that. So I know they've utilized those resources. As far as here in the building, it's still obviously in the beginning stages. So, looking at what would be implemented as far as equipment, those things are still going to have to be evaluated by us, as far as manpower. And once those things are determined, then we'll have to go from there.

Councilman Bullard stated you're going to be the one getting shot first - is this a good idea? Is this going to make this building safer?

Assistant Chief Milanese stated when you look at the models, the courthouses across, from what my experience is across the county and other parts of the country and the state, to kind of go back to your single point of entry. When you're talking about security and safety, you want to funnel things to one spot. You can control one thing more than you can multiples. So, to kind of go back to that, yes, we have somebody down there now. We have an officer down there Monday through Friday, 8 to 5, so we're already providing that now. It is labor intensive, but we do feel that the security of the courts, when you start talking about that type of interaction and the potential for any kind of conflict, we feel that that's certainly something that warrants security and safety.

Councilman Mishler stated thank you. If I may, this is just an evidence of threat reduction. It's not going to eliminate all scenarios. If someone really wanted to come in, they could come in, guns blazing, from the street. But I believe that it does reduce potential threats to employees outside of the court that work here as well, in Code, in Parks. It's not necessarily if you come into a building and you're upset. But, if there is a zoning violation and you've had a bad day and you're carrying a firearm and some things happen, having this would add an additional level of protection for municipal workers in the city building here. The same thing with a seat belt. It's not 100% effective, but it's threat reduction. And if this can be done properly and safely, and utilize resources effectively, it could protect municipal workers and our constituents that utilize this building as well. Any other discussion from council?

Councilman Curry stated nope.

Councilman Bullard stated I'm giving the impression, and I don't mean to, that I'm against this. If it's done properly, I think there's a place for it. But I don't think there is a need. There hasn't been a need. Talking with the judge upstairs, he says the only thing he outlaws is cell phones, and he hasn't had any instances with guns or anything. But, it was in my conversation with him, that if we do this, then we need to go all in. And there's going to be a cost benefit to this, and this ordinance doesn't address that at all. I mean, even the last page, where it talks about fining someone – boy, if someone comes in here to shoot someone with a gun, fining him \$500 is not going to stop him from shooting someone. I'm sorry. This ordinance needs a lot of rework. So, things that need to be done – we need to secure, and these figures, I think, before we get an ordinance in front of the city council, this committee is where amendments and changes need to be made. I think we need to keep this in committee until these changes are made and we get some finance numbers, because we've got to secure all the doors, we've got a whole row of first floor windows that are going to have to be changed, we're going to have to do the

metal detectors. Because if we don't do it right, then there is a liability. We are going to be responsible for every single person that comes in this building. And we're going to be liable for it. And there's going to be no exceptions for guns. So, if you carry a gun, I carry a gun, whoever carries a gun with them, you don't get an exception. So this is going to be a huge cost, a huge burden. You know, Chief, you talked about there's an officer downstairs sitting at the front door. Well, it's 7:20 and he's not down there tonight. I've got a whole list of every single meeting that's in this building. And some of them aren't even listed, they've got the other chambers. Those have to be, you know, time-wise it's going to be a huge time burden. I mean, we even went to Code and Building and Grounds to deliver our packet because there wasn't police officers available to deliver our packet. So if they're already stressed time-wise to deliver our packets, what type of burden is this going to put on the police force to be at all hours? Court's not in session on Wednesdays, it's on Wednesday nights. But we're still going to have to have an officer down there. So I just, boy, there's a lot of ifs and buts in this ordinance that stink.

Corinne Straight stated we understand the process that goes into this, and we understand the steps that we're going to take for further implementation. Our goal is not to overburden the police department. We share the goal with our police department to keep this building safe. So, something - your example of Code Enforcement or Building and Grounds delivering our packets so our police officers can be on the street protecting people - that same preservation of their capabilities would be in mind when we looked at implementation within this building. This ordinance lines us up with the state statute is just the first step. We have looked at some systems to put in place. We are looking at a maximum cost of \$20,00 to \$25,000, so it's not a huge figure. That would give us equipment downstairs, and then we would work with our police department and partner with them and figure out the way that we can do this safely in this building, because we have a responsibility, not only to the public but to our staff here, to keep them safe. And the police department shares that goal.

Councilman Bullard stated when you say you're going to partner with the police department, does that mean, like, Building and Grounds will man the front? And they'll be down there? Or Code Enforcement, where they partner with delivery of our packets?

Corinne Straight stated well, delivering packets and securing the building are two very different skill sets. So we would...

Councilman Bullard stated then who are you going to partner with?

Corinne Straight stated with the police department.

Councilman Mishler stated Kevin, I think what she means by that is they'll work closely, hand in hand, to make sure that the police department is not necessarily overburdened by this. Because I definitely do share your concern about putting too much strain and pressure on the police force, which is why I'm glad we've been able to work together on council for things like supporting that recruitment drive, for allowing civilian safety officers to transport detainees to jail. And these are various different things that we've worked together on to support our police here in the city and I'm sure those were all started and pushed by the administration. So when they say that, I believe that. They have a history of doing that.

Councilman Bullard stated just to be clear, this is not a state statute. It's in Indiana code that we have the ability to do this, but it's not a state statute that has to be in every municipal building that has a court, that has to be done. This is just there if we decide to do it. So it's not a state statute and being in line, in unison, with the statute. It's just at our ability to do it.

Councilman Mishler stated quick question with that - is there any other court around here, in the counties surrounding us, that city court, county, that is either not in, um, has police there, like in Goshen, is actually at the police department, or has some kind of security – are we the only one in the area that lacks that?

Corinne Straight stated I cannot speak to every court room within the county, just what I have familiarity with. Maybe Captain Milanese can speak to it, but we can look just across the street to the Elkhart County courthouse. There is a security system. They prohibit weapons and firearms before you walk into the building. So everyone is screened at a single point of entry. It's very similar to, if anyone's familiar with the county city building in downtown South Bend, that is also a single point of entry with security at the front desk, as well as metal detectors. So it's not uncommon to have that procedure within a municipal building within a government building. I can't speak specifically to every single one, but it is unique that we've waited so long to bring this ordinance into the city.

Councilman Curry stated yeah, just, you know, we are business friendly. We want our public to come to this building. This is where they can get their needs met. But we're just asking with this ordinance that when you come, just leave your firearm outside the building. I don't think that's asking too much if we do that cause like, as you said, all the other county buildings that I know with courts in them, you do have to go through a metal detector to get in. So, asking people to leave their - and hoping that we wouldn't need all that kind of equipment - people should just do the right thing sometimes.

Councilman Bullard stated I'm going to push back a little bit on that, Brent. To leave your weapon, you know, it's - not to be a rights activist, but you have the ability to carry a weapon out in the parking lot, down the sidewalk, up to the building. So, we shouldn't be asking people to leave their weapon, if they decide to carry, in their car. Then we're going to have to provide lock boxes down at the entry. If they've come in, and that's the way a lot of courts do it, if they come in and a lot of these developers and people coming in to do permits and whatnot carry a gun, then they're going to have to have lock boxes down there so they can lock their gun away. And then when they leave, they can feel safe going out in the parking lot and going on to the rest of their day. So that's going to be another cost. It's going to be added. We're going to have to have some type of lock boxes.

Corinne Straight stated we can look into that, but we are hopeful. Just, at the county building, anyone who has been in there once, you know the rules before you go in. We are hoping that with the passage of this ordinance and education, people will also understand the rule before they even approach the building and yeah, leave their firearm in the car.

Councilman Curry stated or at home.

Corinne Straight stated or at home.

Councilman Mishler stated one thing that I would like to see amended is the words 'weapons' included as well. I know we're just going off the state language here, but I do agree that if we're going to have firearms in there, we don't want folks walking in with machetes or flails, or any other weapons as well. I think that that language should be included in the ordinance.

Corinne Straight stated John, can you advise how we should go about that?

John Espar stated I'll prepare a couple of alternatives, either as a new ordinance, as an additional ordinance, or I can prepare an amendment. That at the council's pleasure. But I think that will ultimately require some kind of legislative direction, would it not at this point.

Mayor Roberson stated we would probably prefer to amend this to include all weapons. And that would be consistent with the procedure or policy that has taken place over in the county building. We also believe that we will manage this appropriately for this building, and we'd like for the council to give us the latitude to do that. We will research the appropriate detection equipment in order to do it with the manpower, or the staffing I should say, that is necessary to make this happen. We also believe that in some cases - Councilman Bullard, you're absolutely right - we will never get in front of some of the tragedy that has occurred throughout our country. We realize that. But we also believe that it's incumbent for us to try. And for people who could be innocently in a situation, without carrying, and get caught in a crossfire and/or a situation that just explodes, if we can prevent some of that from happening. We believe that this barrier could or this, the outside point of entry could help us. And, if indeed that that's the case, then there is no expense that is too great to try to protect a life. And so, with that said, we'll do that with, obviously, the kind of efficiency necessary to do so. If it requires lock boxes, then we will research law to see if that is a part of it. We hope, as Councilman Curry indicated, and, and as Ms. Straight has said, that through education and through the ability to be able to communicate the right language, the expectations of this building will be well known before someone enters. And then once they do enter, we will be able to ensure that they're not carrying weapons beyond a certain point. In which case, we hope that that will help to some degree. We realize that we haven't been in a situation where we've had to deal with a mass shooting as of yet, but probably none of the other places in America where a mass shooting has occurred were they in a position to think that it would happen there, either. And so, in our estimation, the best thing that we could do is be as prepared as we can. And that's the objective here.

Councilman Mishler stated thank you. It sounds like they want to do it the right way. I think we're talking about...

Councilman Bullard stated boy...

Councilman Mishler stated Councilman Bullard, any further comment?

Councilman Bullard stated yes, sorry. I'm just dumbfounded. By saying that we're gonna... It reminds me of the incremental fines on the mask mandate where, you know, this has got fines to it. Now, we wanted to educate people about masks and we weren't going to fine them, but we were gonna try to educate them. How silly it sounds that we're going to educate people not to bring guns into city hall. What better way to advertise that this is a soft target. And soft targets just don't make sense. This needs a lot of work. I think it should stay in committee until we see some numbers, we see a change of language. You talk about banning weapons. Federal law says any pocket knife less than 2 ½ inches can be carried into the court and pass through Goshen. So there's a lot of federal guidelines. There's just a lot of research that needs to be done before I think council needs to look at this, at all. So, I think we need to keep this in committee.

Councilman Curry stated I'd like to push back a little bit on what you just said. I don't think for a minute that we are a soft target with our policemen available, and with our policemen in the building. I think people know that our policemen are around here all the time, and in the building. I know in Judge Grodnik's court, there's a police officer there all the time, and so I don't think people are going to come here thinking we're a soft target. I think we're just catching up with the rest of the courts around here. The county courts building across the street definitely has metal detectors before you can get in. Everybody knows that that's going there to do business. And, sooner or later, people would know, to come here to do business you don't bring your gun. It's that simple.

Councilman Bullard stated Chairman, one last comment, then I'll shut up. When we do this - then we provide security up front, police officer, metal detectors, lock boxes, bulletproof glass at all the entries, and one point of entry - that puts the city of Elkhart completely, 100% responsible for everybody in this building. If anyone would come in and create a situation, it is going to be on the city's dime if this goes through.

Mayor Roberson stated we're responsible right now.

Councilman Mishler stated thank you, and I do have to say as well, that I have full faith and trust in our police department. This is not the Uvalde Police Department. Our folks are quite highly trained and motivated, and I have full faith in their abilities. With that said, is there any motion?

Councilman Bullard, seconded by Councilman Curry, **moved to keep it in committee**. The vote was as follows: Ayes: Bullard and Curry. Nays: Mishler. **The motion carried, 2-1, and the proposed ordinance 22-O-29 was kept in committee.**

At 7:24 p.m. Councilman Bullard, seconded by Councilman Curry, **moved for adjournment**, which **motion carried** by voice vote and the **meeting was adjourned**.

Aaron Mishler
Public Health & Safety Committee Chairman

DRAFT

MINUTES OF THE FINANCE COMMITTEE OF-THE-WHOLE
OCTOBER 4, 2023

Present: Finance Committee Chairman: Arvis Dawson

Finance Committee Members: Lewis Anne Deputy, Brent Curry, Brian Thomas, Aaron Mishler, LaTonya King, Megan Baughman, Dwight Fish and David Henke

Absent: None

Council Chairman Arvis Dawson, Chairman of the Finance Committee, called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart. This meeting was made available to the public via WebEx.

The clerk called the roll.

Chairman Dawson asked the clerk to read the special call notice in its entirety.

Proposed Ordinance 23-O-21

AN ORDINANCE FIXING THE ANNUAL SALARIES FOR ELECTED OFFICIALS OF THE CITY OF ELKHART, INDIANA, FOR THE CALENDAR YEAR 2024

Chairman Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt on second reading. Motion by Councilman Mishler, second by Councilman Fish.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-21

Chairman Dawson opened the council discussion.

Councilman Henke said this is for elected officials inclusive and I would ask that we reduce the city council to 0% increase. Second by Councilwoman Baughman.

Chairman Dawson asked if there was any discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-21

Chairman Dawson opened the public discussion. There was no discussion from the public.

DRAFT

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-21

Chairman Dawson returned the discussion to the council.

Councilwoman Deputy said this is in regards to the elected officials correct? I would like to say, I think, that our entire economy is hurting so I think it would be a really great example if we chose not to have an increase because we are serving the only thing I would be interested in making an amendment for is I do know, the city clerk earned some certifications. I would be interested in her compensation being increased. **Chairman Dawson** said I would love to do that also except as a council we cannot increase, we can only decrease. I believe that both the judge and the clerk maybe in compensatory with other towns, I do not believe so, but I think it warrants an increase, but we cannot do that. **Jamie Arce, City Controller** said I was just going to clarify on the clerk's salary that she had requested an increase that would be more than the 3% more or the 4%, whatever, the elected official component is to and it was the salary that she was requesting to reflect those certifications that she gained. **Chairman Dawson** said and that is included in this. **Jamie Arce** said yes it is.

Councilman Henke said I would ask two things. One, that the city would consider for future years an accrual base reporting and that the judge should be put on piece rate. **Chairman Dawson** said we will take that under consideration.

Chairman Dawson said seeing no other discussion, Angie will you do a Roll Call vote on Proposed Ordinance 23-O-21.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, it passed on second reading.

Motion for third and final by Councilman Fish, second by Councilman Curry.

Chairman Dawson said I just want to remind everybody, if you want the clerk to receive the additional pay that she is requesting a yes vote will allow that and a no vote will put her back to her 2023 salary. **Councilman Henke** said I am sure that you have five (5) votes. **Chairman Dawson** said that is because we think the clerk deserves it.

Chairman Dawson asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, the ordinance passed on third and final reading.

Councilwoman Baughman said in the future an effort to avoid that situation where it will appear that people who voted against it were against the clerk. Is there any way that the ordinance can be written specifically by elected official and not grouped into one? **Chairman**

DRAFT

Dawson said repeat that one more time. **Councilwoman Baughman** said in an effort in the future to avoid having it be implied that the people who voted against this ordinance are voting against the clerks getting a raise and in reality we are voting against giving ourselves raise. So, is there an ability to write these ordinances by elected official? **Jamie Arce** said so if I am understanding your question, it would be instead of one ordinance for elected officials, and we would have three (3) or four (4) separate ones. One for city council, one for the clerk, one for the judge and then one for the mayor. He said John can chime in on this but I do not see any reason as to why that would not be allowable. **Councilwoman Baughman** said I think that would be something I would like to see happen. **John Espar, Corporation Counsel** said there is absolutely no reason why it cannot be done separately. **Councilwoman Baughman** said so, let us try to do that next year.

Proposed Ordinance 23-O-22

AN ORDINANCE FIXING THE SALARIES OF APPOINTED OFFICERS AND OTHER SALARIED EMPLOYEES OF THE CITY OF ELKHART, INDIANA, FOR THE YEAR 2024

Chairman Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt on second reading. Motion by Councilman Mishler, second by Councilman Fish.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-22

Chairman Dawson opened the council discussion.

Councilwoman Baughman said just for clarity, included in each of these is the 2400 dollar residency bonus. **Jamie Arce** said that would be correct. **Councilwoman Baughman** said how many people do we have that will be receiving that? **Jamie Arce** said we are in the process of doing a census, but we anticipate that it is roughly 50% of our civil city and public works populations. So, less than 100 people; 80 to 100 people, most likely.

Councilwoman Deputy said as a follow up question to that, do we have a comparison as to how many city employees we had when that was approved in 2022 versus how many will be receiving that now? **Jamie Arce** said we believe it to be roughly the same, but we can provide that information at the point in time, which we actually pay out the bonus. **Councilwoman Deputy** said so, just the point of clarification, I know that this was instituted last year to try and incentivize people to move into the city. So, if it is the same, then it really was not an effective incentive, is that correct? **Jamie Arce** said I think that could be an opinion that one would take on the effectiveness of the incentive. This is this is a singular year, this would be the first point in time and I think with largely with pilot programs being able to see fruit over a year over year basis and perhaps if it was not working, the 1200 dollar component could have been really not enough of an incentive to drive someone to want to live and work here. **Councilwoman Deputy**

DRAFT

said I am really not in support of that just because in my short time I have met so many employees who have been with us for a very long time who are very effective and just because they do not live in the city, it is almost as if they are being penalized. I feel like that creates division even amongst departments is what I have heard.

Councilman Mishler said it is my understanding, this residency bonus is being used as an incentive when compared to other municipalities that also offer it. Do we have any examples of nearby municipalities that offer residency bonuses? **Wayne Belock, Director of Human Resources** said South Bend instituted this program a couple years ago for all their employees union and non-union. They recently increase the amount for police, I think, to 3,000 dollars a year. **Councilman Mishler** said we have lost several employees to my understanding to two other municipalities including South Bend and St. Joe County due to benefits. I see this an effort to not only retain existing employees, but hopefully attract needed talent from other places to come here and work. Not so much as dismissing the wonderful contributions of employees who live outside city limits and work within, but as a way to draw additional talent.

Councilwoman Baughman said I do have another comment. While I understand the reasoning to some standpoint. I think I am at a loss as it is known by everyone that we have a housing shortage in our city. So, typically when you have an overabundance of something, you provide an incentive for people to come and take advantage of it, versus we are already at a shortfall and yet saying you can have a bonus of that. Furthermore, people who have been here decades being punished, just because they do not live here, they may not have lived here for the decades that they have worked here as far as living in the city and yet, they are being punished. I think the data that is collected would be powerful to show if there has been any effective movement on that. Just to give it out, it looks as a bonus to those people and is not reflective of the quality of work of the aggregate of the team.

Councilman Henke said I agree, I do not like this. I think it is a divisive tool in the toolbox. Those within the city, those without the city totally agree with Ms. Baughman in that housing is one of the reasons people cannot live here. We know that by CAGIT tax, in that 35 to 37,000 people drive to Elkhart to work. They just cannot live here because we do not have the housing for them that was in the Ball State study that is in every study, the river district did as well. So, you can obligate demand, incentivize, I find it very unfair. I am concerned that we are falsely inflating our operational cost numbers. We had the charrette, we had the biggest pay raises the city has ever had in its history. We have had an increase in percent of PERF coverage. You know, this thing the state was interested, SBOA if it was considered a bonus or gratuity I think that gives an indication that we are running a thin line here and that I feel employees in the future, unions are going to grant this and it will be obligatory for everyone once unions get a hold of this. So, we kill it for everyone or we are just going to have to guarantee it for everyone. I am concerned about that part. We still have other discrepancies all the way through this budget. Sick incentive, longevity is still in certain areas. And I think those things too, we have to know, I just got the rolling stock that is huge, but the question is how many of them are take home vehicles and have fuel cards to boot. Finally, I would say, we have incentivize, police living in the county, outside of us Nappanee, Middlebury, Bristol and everywhere in between, by letting them take home a squad car. Taxpayers already paid for the fuel of those cars, and we can call it one thing but we are saying a different thing now with other personnel. So we have our own

DRAFT

argument that is counterproductive to our own prior argument. I am having a hard time with this and when I talk to police, a lot of them say, they do not want to live in a city that they have to enforce laws for their own safety meeting people on the streets and so on. I believe that is probably their right to do. I just do not think it should be a penalty that they need to make that decision for themselves, their families and their school systems. There is bigger issues at play than just saying, you need to live in the City of Elkhart. And by the way, now you are going to have to either to keep your kids at Penn or keep them at Jimtown or keep them at Middlebury, Concord anywhere else but our school system, what are we actually saying? We are not the end all to housing. We are simply not, we are just increasing the cost to the taxpayer; who are the people that live in our community. They are the ones being penalized, bigger budget. 300,000 on top of the other stuff I just think we need to get real about it be fair to all employees.

Councilman Mishler said we do have a housing crisis. We also do have several departments that need employees, they need workers. Another thing to remember while this is a fair amount of funds if these workers do decide to live inside the city and they own a home in the city that is property taxes going to us and not Jimtown and not Goshen and not somewhere else if they live in this community. So, for me, it encourages workers to come to our community, it helps fight attrition from our workers going to South Bend and other communities where they do have this. It just kind of makes sense to want...as I was saying, it encourages retention, it encourages recruitment and the more city employees that live inside the city who received this bonus, that is more property taxes for the city as well, if they own their own property.

Councilwoman Baughman said you know, there could be a discriminatory process to this as well. I mean, when you are looking at it from a budgetary standpoint, and someone comes to interview, and you find out that they live in the city, boom, that is a 2,400 dollars hit on us and on the payroll so we have to look at that; is that taken into consideration as we hire people? I think that you are really dividing the team. We are a team and we are all up here because we love the City of Elkhart. We want to serve the city, and we want to work alongside the great people who make the City of Elkhart what it is today. So, I think anytime you divide them like this, it creates, I cannot imagine working next to somebody and thinking they are getting a 2,400 dollar bonus just because they live in the city and I may have worked here for 10 years, and I have never lived in the city. It is just demoralizing. We applaud everybody who work here and I just think it is hard on the team as a whole to create that kind of incentive and bonus.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-22

Chairman Dawson opened the public discussion. There was no discussion from the public.

DRAFT

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-22

Chairman Dawson returned the discussion to the council.

Councilman Henke said I am concerned and I appreciate Mr. Mishler's argument, really do. However, if the house is already lived in, it is not like we are having new houses built, we are not. We have some new complexes built, but they are not paying taxes so you cannot say they will come here and they will pay property taxes. No, the demand on us is already here so, property values have risen because there is such a shortage. You know, we would follow some of the other studies, Ball State study specifically and deal with our aging housing stock, you may have a better argument because people would have an incentive to move here. But, let us remember the number one reason families move and that is school systems. So, you cannot say but you will get a bonus but then the next question is at what cost. Our housing AV's are much higher than the majority of South Bend or even Mishawaka outside of Granger. So you can buy quite a number of houses in South Bend at a greater value by square foot, not Elkhart. The demand is simply too high. I believe this is pretty divisive. You know, I think there is plenty of other things in the budget that separate employees and while we are talking about morale I think we are adding yet another argument that they do not control. There must be another way to value employees other than to say you are outside the city. I mean, my gosh, I see vehicles when I had an office in Granger, a city truck would go by because they took home the vehicle to Granger and it is not an emergency vehicle. It is a manager's vehicle and you see those all over the place. So we are incentivizing living outside too because we are providing a vehicle and we are providing fuel. That is an incentive to live outside of our community. Maybe we should revisit not allowing those take home vehicles outside of our city limits.

Chairman Dawson said David, I want to let you know that the biggest percentage raise ever given to the city employees was done by Eleanor Kesim and it was 10% in 1983. I just happened to remember. Her parting gift was a 10% raise to city employees.

Councilman Mishler asked has there been any official complaints launched about this program. We have heard people who support it, we have heard that some people are against it, but has there been any documentation from city employees for or against the program that we have. **Jamie Arce** said I will let Wayne answer that. **Wayne Belock** said there has been no official complaint. I mean, there has been comments as people have heard, but there has been nobody coming to make a complaint and I would say in the hiring process, that is not a factor at all as to people may be getting an incentive bonus or not.

Chairman Dawson asked the clerk to do a Roll Call vote. He asked the clerk to read the title of the proposed ordinance again.

Councilwoman Deputy said but it does include the 2400 dollar increase even though the title does not say so.

DRAFT

Councilwoman Baughman said let us be clear, if we are voting and we vote yes, you agree with the 2,400 dollars. **Chairman Dawson** said if you vote yes, you are agreeing with the ordinance for fixing the salaries. **Councilwoman Baughman** said if you vote yes, it includes the 2,400.

Chairman Dawson said okay, let us start this vote over.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a 5-4 vote, the proposed ordinance passed on second reading.

Chairman Dawson asked for a motion to adopt on third and final reading. Motion by Councilman Mishler, second by Councilman Fish.

Chairman Dawson asked the clerk to read the proposed ordinance by title only and to do a Roll Call vote.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, the proposed ordinance was adopted.

Proposed Ordinance 23-O-20

AN ORDINANCE ADOPTING THE OPERATING BUDGET FOR THE 2024 CALENDAR YEAR, APPROPRIATING FUNDS FOR SUCH PURPOSE AND ESTABLISHING THE TAX RATE FOR THE CITY OF ELKHART

Chairman Dawson asked the clerk to read the proposed ordinance by title only. He asked for a motion to adopt on second reading. Motion by Councilman Fish, second by Councilman Mishler.

DRAFT

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-0-20

Chairman Dawson opened the council discussion.

Councilwoman Baughman said since this is dealing with the whole budget are we going to go through each department line by line? **Chairman Dawson** said we are not going through each department line. **Councilwoman Baughman** said I mean each department. **Chairman Dawson** said if you have a motion of any type you need to make it. **Councilwoman Baughman** said so we can begin with the mayor's budget. **Councilman Fish** asked what page number. **Councilwoman Baughman** replied page 15.

Mayor's Budget – Page 15 of the Budget Book

Councilwoman Baughman said under professional services, the mayor has asked for 7,000 dollars you have already used 7,000 dollars up until the end of June. Can someone clarify; does that mean there is not going to be any more professional services use the rest of the year. **Jamie Arce** said that is correct. At least that is the anticipation anyways.

Councilwoman Baughman said I make a motion, because the year before it was at 550 dollars, and since this was front loaded for 6 months that we reduce professional services by 2,000 dollars. Second by **Councilwoman Deputy**.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, King, Baughman, Henke

NAYS: Curry, Mishler, Fish, Dawson

By a vote of 5-4, the motion passes.

Councilman Henke said in pointing that out, I do have a question regarding the full time line item. As of June it was 244,354 and if you annualize that it is 488,489 and you are asking for 467,500. So, my question is how do you make up the deficit? 23 activity through June is greater than the 50% mark. So, what do we do to make up that deficit? Basically, 35,000. I do not see another line item to draw it from as an intra-departmental transfer. **Chairman Dawson** said Jamie is that your question? **Councilman Henke** said it would take it to 488,708 and your request is 467 which is a 3.58% increase, but it is still not going to cover your annual cost, so I am wondering what do we do. We cannot raise it. I would think that if there was enough money laterally within the department, you would transfer, but you do not have enough money to transfer. You would have to do a transfer from... **Jamie Arce** said there may be an extra pay period in there as well. **Councilman Henke** said to the tune of 26,000? If you take a pay period divided in half, does that make up your difference? **Jamie Arce** said I think we are comfortable with the budget as is. **Councilman Henke** said I am good with you. **Jamie Arce** said I appreciate the feedback. **Councilman Henke** said if I could carry on, then maintenance contracts. I looked at the Schedule A, which is really lacking in these things, but it was 815 dollars expended from a 3,000 dollar budget in the first six (6) months. Did you say that was back loaded or what is that one? Any idea what the maintenance contract is? I wish these things

DRAFT

were in the Schedule A that is what it is there. **Jamie Arce** said councilman I appreciate where you are coming from on the Schedule A but be mindful that historically the Schedule A, has represented material changes from Year A to Year B and in this case, there has not been any changes. From historical practices, we feel that it has been appropriately not addressed as to the reason as to why we are increasing or decreasing a budget line. **Councilman Henke** said well, over two (2) years, I am just saying your average your mean cost to that line item is 2,228 dollars and it is not far off but I am just looking, why do we put a trend in if we do not manage the trend. That would be natural for that. **Jamie Arce** said I would suggest that we are providing for budget and the opportunity to spend, not the fact that we are going to necessarily spend. And I think if we are looking at history, then where we are seeing a propensity for being responsible with the money and not seeing budget adjustments to go to other areas to spend the money that we are asking for what the mayor's office feels they need and in the event that the contract is not sufficient or the money does not get spent. **Councilman Henke** said I get where that comes from because otherwise we could just say, here is a 118 Million dollar budget, let us not worry what is in it, they are going to spend less than that. What I am looking at with your argument in mind, go to 0900 Other Services and Charges. The average over three (3) years is 800 but the ask is 5,000. If I would go to education the average is 880 but the ask is 5,000. So, the argument is mute in that I can plug a number in and as long as I spend less, and we are looking at the trends saying there is a lot of extra money sitting there. I would find other destinations for it because that money in itself, then if that is the case, could be used to go back up to the mayor shortfall salary or salaries of the full time people within the mayor's office. That is all I had.

Councilwoman Deputy said I am going to say this but this is not directed at the mayor. I want to say, thanks to everybody who has worked hard and all of the departments. We know everybody is working hard. But, when we are having to look at the budget; we do know, and it was the state legislature has capped how much we are going to be able to have property values increasing for the next two (2) years. So, that coupled with a decline in local income taxes, because we know that the economy is hurting is going to impact what we have going forward. And I know Goshen approved their budget last night and that was mentioned. We also know we have several large capital improvement projects coming up; the public safety building, fire stations, a training facility, which are all necessary, but in all likelihood, we are going to have to issue bonds because we do not have that cash just sitting there. I looked at our bond rating and one of the things that could occur, there could be a downgrade if we have a significant reduction in our cash positions as well as a significant increase in our long term liabilities. So with the city facing those issues of if our bond is downgraded that means we are paying more. That means our citizens are going to be paying more when we are all hurting. So, I am just getting out that as I looked at this budget for all of them. I am going back to my banking days and saying, I really do need to make decisions where I am looking at future revenues and expenses as well as projects that we have to try and make sure we have plenty of liquid assets to cover some of the things that are facing us. Because as a city council, it is our greatest job is to look from a fiduciary standpoint for the budget. On Mr. Henke's note I would like to make an amendment then for the other services and charges to reduce that by 3,000 dollars. That would put it at 2,000 dollars. That would certainly be plenty in comparison to what the budget has been. In 21, they spent 1,300 dollars, 22 they spent 600 dollars and for the first six (6) months, they spent 350. So, you know, we budgeted 5,000 dollars. Motion seconded by Councilman Henke.

DRAFT

Chairman Dawson asked if there was any further discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Baughman, Henke

NAYS: Curry, Thomas, Mishler, King, Fish, Dawson

By a vote of 6-3, the motion fails.

Board of Works Budget – Page 17 of the Budget Book

Councilman Henke said I was not and still not sold on the block by block initiative. It seems to be very under scrutinized and for the cost overall. It is equivalent of paying seven (7) people 64,000 a year 64,285 just by overall cost even though they are going to make a lot less, they have a management fee so, it is still a cost to our taxpayers. It is a considerable amount of money and I would hope that someone would have done the study that said, you know, if we had five (5) more people at 22 dollars for buildings and grounds to manage this up there our employee's year around we can use them as we need, and we save 150,000 to boot and we get a total of 2,080 hours out of them without overtime. I would think that you would also have a savings in your overtime, but to pay someone else and then to pay someone else to manage those very people and then to add on the communication costs between whoever that is and whoever our City of Elkhart people are, and then try to create an efficiency is simply not going to happen. So, indirectly, you are adding seven (7) expensive city employees. If I was a city employees saying, well, it is a cost of 64,000 dollars a year, I will make a transfer into that, I will do the clean ups and those things. I think it would be money better spent to take this out and look for employees to fit the category in the department that would best serve with efficiency to get the job done.

Councilman Henke said I move to reduce the Community Block Grant of 450,000 motion.
Second by Councilwoman Baughman

Councilman Mishler said one thing though to consider is that if we had full time employees, we would then be liable for their benefits, insurance, everything else like that. This program it is just the amount there and their wages. We are not paying any of their retirement, we are not paying any of their healthcare, and it is just that amount. So for me, it is hard to make that comparison.

Councilman Curry said I would just like to see our city is growing and as our city grow, we are going to have to make sure we have people in place to take care of the needs of this city.

Councilwoman Deputy said I have heard positive things about the Block by Block Grant. What I would say is 500,000 dollars is a lot of money, 450,000 dollars. I personally would rather see that going to public safety building, fire, training or streets.

Councilman Henke said that is what I am saying. Quite honestly, if you are injured on our job, even though they have their own workers comp out of their company, that is obviously being paid for with the 450,000 dollars. We do not control their education, their training, but we

DRAFT

are liable indirectly outside of workers comp if they say I tripped and fell, we are still in that liability loops. I am just saying, that is not a clean area. I just would say given the history of workers comp through HR, given the history of effectiveness efficiency use in training through buildings and grounds, I believe you would be better off in twofold. One, hire five (5) people give them to Mike 12 months out of the year. If other hot buttons come up, you have five (5) people that you can train to do what you need them to do and maybe you can get them to move to Elkhart. Maybe, you know, we can group them into higher positions that it could be considered as an entry level. Number two, you could bypass the company and outsource it to other people living in our community already. Those are the two (2) measures, otherwise this makes no sense. I would ask that we vote this down again.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

Councilman Henke said then grant expenses. I do not know who wants to answer to this one. We used to have a grant person within the City of Elkhart... **Jamie Arce** said just to clarify on the grant expenses as we discussed at the Finance Committee meeting that 44,000 that you are referring to is for the AmeriCorps positions that that were brought on and that pays for four (4) individuals if I recall correctly. **Councilman Henke** said and that 44,000 comes from what revenue stream? **Jamie Arce** said it is part of the general tax. **Councilman Henke** said so we not only have those seven (7) people, how many does the 44,000 dollars... **Jamie Arce** said four (4). **Councilman Henke** said so now we are at eleven (11) additional people that we are paying off the side. Realistic you have now created a fixed cost moving forward and it would seem if they are limited in any way because they are AmeriCorps people at some point they are held in check with the job duties and responsibilities of the governing contract that they work under. The city may be and I hope we have studies like that to find based on their cost, is there another avenue to be taken into a part time position as opposed to paying AmeriCorps some form of money in between. That is what I was after. **Jamie Arce** said just for the record, these are four (4) full time bodies that we are getting for 11,000 dollars each. **Councilman Henke** said I appreciate that, I just wondered there is still a cost so there must be a benefit measurable. If we know the measured benefit of those 11,000 dollars per person and then the other part of their earnings comes from where? **Jamie Arce** said it is not from us. **Councilman Henke** said I know, but it comes from somewhere. It is taxed derived from somewhere. Sure. **Chairman Dawson** said I think we have an answer coming. **Jamie Arce** said Jeff Zavatsky can answer that. **Councilman Henke** said because otherwise we should get all of our city workers from whatever this comes from. **Jeff Zavatsky, Elkhart Environmental Center** said the four (4) members are really coming from MACOG who runs this program. So it is 11,000 per person and we are allocated four (4) and in addition, they also get a stipend as well. They get a full stipend, plus full benefits, insurance, medical, college tuition reduction. **Councilman Henke** said but the City of Elkhart gives MACOG annually how much? **Jeff Zavatsky** said I cannot answer that. **Jamie Arce** said we pay MACOG for the trolley service. **Councilman Henke** said and I believe a membership. **Jamie Arce** said probably. **Councilman Henke** asked do you know

DRAFT

how much that is. **Jamie Arce** said not off the top of my head, I can find it though. **Jeff Zavatsky** said I believe AmeriCorps is a federal program that is just a pass through MACOG. **Councilman Henke** said yeah, it is a pass through it is still taxed derived right. I am sorry we still have dues, we have a membership fee to MACOG and I would just like that.

Councilwoman Baughman said I have a question on the professional services for this department. It shows year to date through June of spending 140,000 double that that is 280 and yet the approved budget was 360 for this year and the one that we are going to be addressing tonight is 385. Can somebody give some clarity? **Jamie Arce** said be happy to. Included in the professional services component has been funding for lobbying in federal and state pieces. At present, the administration is determining the effectiveness that has been. It is my understanding that Mr. Tracy has been in contact with our lobbying firm to try to determine if that is the relationship that we are going to continue or not, which is why there was not any removal or a reduction in the budget to take into account, not moving forward with those pieces. As part of that relationship, there has been some gaps and services that they were providing us as such we had not made a payment. **Councilwoman Baughman** said do we ever get a report based on that relationship from the lobbyists of what we are getting for the services that we are paying for. **Bradley Tracy, Chief of Staff** said no, not a written report that says today you have got this. As general lobbyists go, the team would meet with our team on a semi-monthly basis and we would go through federal programs that were available for the city to take advantage of and then they would help guide us. For example, when they went to Washington D.C. the mayor met with the housing secretary and arranging those meetings and then attempting to use our congressional delegation as well as the relationships they have to help drive dollars towards programs that we need. So, right now we are in our flux, and we are waiting to really review at year end before we make any more decisions how we are going to move forward and if we are going to keep this relationship the same. In addition, there was also for the state lobbyists who work with AIM as well as us on certain specific issues and in some cases, when we have issues that might not be a priority to AIM, they would be involved. We did not use them for any specific legislation but what we have to use them for is for the executive work helping departments work better with state departments and through those relationships is where, for example, in utilities case, IDEM, et cetera having those relationships, and then with Mike Huber and economic development working with those to help us guide our principles and also help us find money to be part of our programming. **Councilwoman Baughman** said I appreciate that but based on the department budget right now, we would be on track to spend 280,000 dollars and yet budgeted for this year is 360. **Bradley Tracy** said it is more than just that. **Councilwoman Baughman** said so do we anticipate exceeding the 360 in that department line this year? **Jamie Arce** said not presently because of the relationship that we have with the lobbyists since that is not a concrete relationship currently, we budgeted as if it had been and it is currently budgeted as if it would go on. I believe that it was 120,000 for the original agreement. We are covering out of that line, payroll costs for the city, additional professional services that may be served city wide in addition to the lobbying component that had been embedded. **Councilwoman Baughman** said just to be clear though, the additional 25,000 dollars raise that increase that we want for the next budgetary year is taking into account an increase in contract with lobbyists firm. **Jamie Arce** said no, that as stated in the Schedule A that is for increased costs associated with expanding our HRIS system, our Human Resource Information System and adding breath and opportunity to our performance review program and other components that are more specific to the city as a

DRAFT

whole and not for lobbying. **Bradley Tracy** said if I could add one thing. The previous year, the city had a contract that was a monthly retainer fee and what we are looking at is potentially changing that into a project based fee which would reduce the cost if we had a specific need that we needed to address. So, that is why. We have halted it for the time being and we are working with them to figure out the best strategy to move forward to make sure we are using taxpayers' dollars in an effective way.

Councilman Mishler said I just have a question on the telephone and communication line, which is at 63,000 dollars. In the past it looks like the highest we ever hit was 49,000 in 2021 and 44,000. So, my question is why have we kept it at such a higher level if we are not utilizing? Do we have any expectations or changes there? **Jamie Arce** said no expectations to need to increase it. I think if we look we are on track for 50,000ish for year to date, annualized and there is always the possibility that costs will go up. I would anticipate hopefully as the IT department brings online the new phone system that will be able to take a more comprehensive look at all of those across the city and provide a reduction in the phone costs.

Councilman Henke asked did you get your MACOG number. **Jamie Arce** said I do not see anything specific within the general ledger detail that would suggest a membership in our payments to MACOG. The only payments that are showing up are related to AmeriCorps or the trolley service that is being provided. It is possible that there is a 5,000 dollar payment that would be part of that but, if that is the case, I would have to see the details attached in the office. **Councilman Henke** said no, that is good. So, what I am after is MACOG essentially is our own lobby firm because them along with others Michiana Area Council of Governments actually represent us on a larger scale; mainly to the state, but sometimes federal transportation. If you are saying we pay 5,000 dollars. How much do we pay to lobby firm? **Jamie Arce** said we had 120,000 budgeted, 10,000 a month. **Councilman Henke** said so 120,000 dollars MACOG we attend those meetings, I think Mr. Fish is still the representative there and yet we do not even get written reports from our Washington person and that does not include the fact that several representatives traveled there and spent nights and travel arrangements and all of that stuff. Yet the people who control the money do not even have a report on any measurable. So we have a measurable cost, now I am looking for a measurable benefit for the lobby. How much money would you say they have brought in on specific projects that without the lobbyist efforts, we would have lost in the last 2022 for example? **Bradley Tracy** said the relation these projects we are working on, the federal dollars are different. We are working with these teams to build relationships to get money that is just being appropriated now. Unlike with the state grant, where you open it up, you get a month, these programs have a tiered system. So, what is available today is already kind of been gone and we are working with them and through Baker Tilly and other organizations to make sure that we are in a position as grants and funds come through and are available that we have all resources that we can possibly use in order to try to gain as much grants and loans as possible. I would like to also just to clarify, when we are working on a project, there are deliverables and there are reports. I was just simply stating was there is not a monthly report that says, okay, we got this much done for you. There is a report that shows what they were working on and how much time they spent, et cetera, it is not a quarter report that says okay, we gave you this many projects done. It is an ongoing relationship and so it is you know, it is basically like a consultant and as the projects move forward, they provide deliverables and time and reports on what the time they spend on them. **Councilman Henke** said under prior

DRAFT

administrations, I do not think the last one did either to my knowledge; we used to have our lobbyists come to Elkhart and make a presentation to council and I think that was appreciated. Every so often they would promise that we would get every 6 months or every quarter, a written report, sent to us and I just thought that was for the amount of money we spend, it is a relationship they need to keep. If one lobbyist has ten (10) people paying them 125,000, they have ten (10) cities that they are ramping for, I just would like to know, what we get. So, it comes down to that same thing; we have a measurable cost and I am trying to make a measurable benefit because we are selling unmeasurable to constituents. But, we know the measurable costs that I am trying to make a relationship there, so we can prove out and stay on board with that. I am not asking for anything else other than just a greater probably reporting mechanisms, so we stay in concert with what you are doing.

Councilman Fish said just to clarify for the council and the members here, anybody in the public, MACOG is an NPO and is not a lobbying group. We are a clearing house for the hundreds of millions of dollars that come into the four (4) county project area. An example would be Hively overpass, the Dick Moore overpass, Sunnyside overpass, ditch work those things that are both tied to environmental concerns and issues as well as transportation. It is infrastructure and transportation costs directly passing through and the board, the advisory board, which I am a member approve those dollars as we are awarded those dollars. Then there are special projects that public works or the environmental center, or a myriad of other departments can tap into that are made available by the government. So it is not a lobbying firm. I think there is one yearly program where we are invited to a transportation symposium in Washington D.C. and the management of MACOG attends that, but we are also budgeted to for that. That is a very specific clarification, we are not a lobbying group.

Councilman Mishler said I am not sure if the rest of you have received a memo here, speaking about the reduction to specific line items and removing of placeholders. **Councilman Henke** asked are we going on to a different topic. **Chairman Dawson** said he is. **Councilman Henke** asked if he could finish this one before we do that.

Councilman Henke said to Mr. Fish's point, so everything MACOG does is tax based and, as you said, it is being funneled through MACOG to us and they have their grant writers on that end and lobbyists that they use. So, indirectly, they are lobby affording on our part that is where money comes through. So we can call it something else but the fact that we had federal dollars for the trolley system to initiate that, we had federal dollars that came for the overpass and it came through MACOG it was not necessarily our effort they saw the dollars available, and they were the ones that sought those dollars on our behalf based on our membership. So, indirectly I am letting, you know, that they do not print money; that is not free money and whatever money the government has was originally ours. So, they are collecting tax dollars. They are an appropriate group that has lobby efforts. They do have grant writers within the system and they go after monies on the behalf of people that qualify for the Michiana Area Council of Governments. I think we are just kind of miss mashing because they do not have lobby in their name, it is the function they serve and we have benefited greatly from them quite honestly over the years.

DRAFT

Councilwoman Baughman asked to make an amendment to Other Services and Charges. We have to date, they have used 7,219 as of the end of June. Roughly let us make that 15,000 for the year. Their budget for this year was 108,900 and their budget is that same amount next year too. Obviously based on the three (3) years trailing average far exceeds what they need and I would like to make an amendment to reduce it by 48,000 dollars which would take them down to 60,900 dollars which is what they used in 2021. Second by Councilwoman Deputy.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, that motion fails.

Councilwoman Deputy said I wanted to make an amendment and Mr. Tracy, thank you very much for your explanation for the professional services. I would like to make an amendment that we reduce that by 70,000 dollars, which would still put you above really what your three (3) year average has been. Then if for some reason, you exceeded that reduction by 70,000, which would put you at 315 you could always come back and ask for additional funds. Second by Councilwoman Baughman

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

Police Department Budget – Page 57 of the Budget Book

Councilman Mishler said I make a motion to amend the motor equipment line, 1101-5-219-4440200 reduce that by 450,000 and bring the 2024 budgeted amount for Motor Equipment line to 1,955,000. Second by Councilman Henke.

Councilman Henke asked for a discussion to elaborate. **Councilman Mishler** said I believe it was a placeholder item and it is being requested that the amount be reduced. **Chairman Dawson** said I do not know if you got this letter. **Councilman Henke** said so this was requested through the administration as a reduction. **Jamie Arce** said you may recall from the committee meeting, we brought this up as part of the police departments budget that we would be requesting this at this time.

DRAFT

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

Councilman Henke asked do you have other that you would like to do. **Councilman Mishler** said yes the Lerner is the next one.

Lerner Theatre Budget – Page 111 of the Budget Book

Councilman Mishler said under the full time account line 2511-5-502-4110130 I request we reduce that by 109,200 dollars and bring the 2024 budget amount for full time to 853,200. Second by Councilman Curry.

Councilman Henke said so you are on 130 and you are reducing by 109,200. **Jamie Arce** said that is correct. That is the equivalent of the two. We are effectively removing the request for two (2) full time new bodies of 54,600 dollars each. In upcoming amendments that we have requested that will address any benefit in health insurance and other corollary changes that would be required as part of that reduction.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

Councilman Mishler said the next one down; the part time account 2511-5-502-4110150 I request that we would reduce that by 279,000 dollars and bring the 2024 budgeted amount for part time for to 226,000 dollars. Second by Councilman Curry.

Councilman Henke said and so the number because what is in the Schedule A is an event manager 28,652. If I am looking at 150, 20 bartenders at 37,500 and then two (2) bar runners at 42,750. So, which of those position would the reduction represent? **Jamie Arce** said it is effectively rolling back the part time budget to be the current 2023 approved budget and removing the twenty (20) bartenders and two (2) bar runners but keeping the part time event manager. **Councilman Henke** said and that total reduction again was 226,000. **Chairman Dawson** said yes. **Councilwoman Baughman** said the reduction was actually 279,000.

DRAFT

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

Councilman Mishler said up next we have the employer's social security line number 2511-5-502-4130100. I request we reduce that by 24,300 and bring the 2024 budget amount for employer's social security to 67,300 dollars. Second by Councilman Henke.

Chairman Dawson asked if there was any council discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

Councilman Mishler said next we have the employers Medicare line number 2511-5-502-4130200. I request we reduce that by 5,700 dollars and bring the 2024 budgeted amount for employer's Medicare to 15,800 dollars. Second by Councilman Henke.

Chairman Dawson asked if there was any council discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

Councilman Mishler, said next I request, we reduce the employer's PERF line 2511-5-502-4130300 by 16,100 dollars and bring the 2024 budget amount for employer's PERF line to 123,800 dollars. Second by Councilman Henke.

Chairman Dawson asked if there was any council discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

DRAFT

Councilman Mishler said just one more. I request we reduce the employer's group and life insurance line number 2511-5-502-4130500 by 48,600 dollars and bring the 2024 budgeted amount for employer's group and life insurance to 152,400 dollars. Second by Councilman Henke.

Chairman Dawson asked if there was any council discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

NAYS:

By a unanimous vote, the motion passed.

Chairman Dawson asked what the total reduction was for the Lerner. **Councilman Henke** said are you just looking for the placeholder total deductions. **Jamie Arce** said 482,900. **Chairman Dawson** said plus the 450 for the police department for a total of 900,000 dollars.

Councilwoman Baughman said while we are on the Lerner I have some other amendments. Under operating supplies 4220150, we have spent up to June was 3,200, so, roughly 6,500 for the year and budgeted for this year is 23,160 continues on for next year. I make a motion that we reduce that by 10,000 dollars. Second by Councilman Henke.

Councilman Henke said again, Jamie and I have had this discussion but when you have a trend that is not even close to the ask and if there is no reason to sustain that amount by Schedule A, it would stand the reason that it that it is not supported. If there was some new I suppose operation that was going to occur that should have been in the Schedule A. Historically, we were the highest in three (3) years was 12,876 and the ask is 23. **Michelle Frank, Lerner Theatre** said when you look at the trend for the Lerner, 2020 was dark due to COVID, 2021 we only operated for four (4) months. So, I do not feel that the trend that you are looking at would be... **Councilman Henke** said okay fair, but your highest expense you said was what year? I am sorry you said COVID impacted what year? **Michelle Frank** said 2020. If we are not spending, if we are not operating shows, we scaled back on expenses. In 2021, we only operated for four (4) months. **Councilman Henke** said then in 2022 you were at 12,876 actual for 23 for 6 months you are at 3,243. So, it would just beg the question that says, what do-you have in operational supplies that would be the last six (6) months that would not have showed up in the first six (6) months. **Michelle Frank** said so there were some changes on the controller's side on kind of where we took certain things out of. What we classify as operating supplies versus kind of how the theatre operates. So, we made some changes to that come 2022, which is why that changed. However, we are still operating on that trend. I would not say that through June is going to be a great depiction of how we operate the theater for six (6) months. Our strongest quarter is going to come up in the 4th quarter. **Councilwoman Baughman** said are you saying that going forward your June was 3,200 you are going to spend 20,000 dollars roughly 19,000 dollars from July 1 to December. **Michelle Frank** said I will say that the ask is there because we have a need to fulfill that operating side of it with operating supplies and that goes from the theatre side to the office side to facilitate the theatre operations. So, yes, I believe that is where our trend is, because that is what we showed in previous years prior to the pandemic. **Councilman Henke** said I am just

DRAFT

saying, your trend is your trend. Your 22 trend was your real trend so it is 12,876 and in fact, it may be considered to catch up here since you were only four (4) months into 21, I get that. So, 22 and then we did not have a flurry in 2023 so I am having hard time because you had the same 23,160 budgeted. **Michelle Frank** said that was when the change happened was 2022 with how things became classified and where we had to take things out of, in order to operate the department. **Councilman Henke** said so, 20,000 it means that you would have to spend what you spent in the first three (3) months, you have got to spend every month thereafter for the last six (6) months to catch up. **Michelle Frank** said but our operating supplies are there; if something in the tech department is to not work, or we have to replace something, we are having to reclassify it into different lines. So, our operating supplies, were divvied up between what used to be operating versus now small tools. There is still a need to operate the facility that are coming out of both of those lines. It is just the way they are classified.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Mishler, Baughman, Henke

NAYS: Curry, Thomas, King, Fish, Dawson

By a 5-4 vote, the motion failed.

Councilwoman Deputy said I would like to look at the Other Services of 50,000 dollars. It would be a line item 4390900 on page 111, the very last one. That is a completely new charge so, I was curious what that was. **Jamie Arce** said as is described in the Schedule A, this is to provide some initial funding for the upcoming 100 year anniversary planning and so it is in the other services and charges, because we do not quite know how that is going to unfold.

Councilwoman Deputy said I would like to reduce that as much as I love the Lerner at the outset. I am looking at what is coming down the pike and I really do think it is important just as we as individuals at home are having to adjust travel, going out to eat all that; we owe it to the citizens to make sure we are doing that as well. So, I would like to make an amendment to reduce that by 50,000. Second by Councilwoman Baughman

Chairman Dawson said just for historical factors, we did the sesquicentennial for Elkhart and we did the same thing. We set aside 50,000 dollars and that 50,000 dollars generated probably another 300,000 dollars, just from a private sector, and putting on free concerts and doing other things throughout the community. I specifically asked the mayor to put this in there having gone through the sesquicentennial and seeing the importance of it to our community. I just think it is something we ought to do that 100th anniversary of the Lerner since this renovation. I think it would be a great way to show it off and have the community come in. We had a lot of free concerts a lot of things that the community benefited from it. It generated a lot of economic income for downtown as well. **Councilwoman Deputy** said once again, I am very thankful for the Lerner, incredibly thankful for the Lerner. But, we are having to look at what we are operating in and so that is the only reason I would say that we could always come back for an appropriation next year if needed.

DRAFT

Councilman Henke said what year are you looking at the celebration? **Michelle Frank** said this would be November 24th, 2024 through November 24th, 2025. **Councilman Henke** said the other side of that is, I realize we have 300,000 dollars; I mean we got seven (7) new people to clean up after ourselves now. I get this, I am surprised however that we just do not have a donor Friends of the Lerner step into it, as opposed to, you know, the whole thing. It is a piece, I get it.

Councilwoman Baughman said I do have a comment on that; I feel the same way. I think it is a great celebration opportunity for a business or community leader to step in and champion that under that headline. I also feel since it is going to be used at the end of November at that point for since we are just doing the budget for next year, you could you could reduce it substantially for the November, December, and then do another budgetary item for the following year because it is only a two (2) month that you are talking about for the year. I do think this is more of an opportunity to leverage our relationship in the community with our donors to help with that. **Michelle Frank** said if I may, part of the ask for that 50,000 dollars was to be able to plan for November 24th, 2024 so part of the plan is to form a committee and have special events, some marketing promotions around those. We would not be able to put offers out for shows, we would not be able to start planning for those community events without having some of that money that is readily available. While I do agree, I think it would be a really nice partnership with Friends of the Lerner and the city because it is the city's asset. I think that could be a nice tie together. **Councilwoman Baughman** asked would it be something if it was reduced by 25,000 then an opportunity to go to Friends of the Lerner to let them partner at 25,000. I am just asking is that something that would be if we did not reduce it by 25,000 said now the friends. **Chairman Dawson** said I do not know that anyone from the friends... **Michelle Frank** said I cannot speak on their behalf. **Chairman Dawson** said going back to the sesquicentennial and this was just coming out of the recession and we had a 50,000 dollars seed money and exactly what happened is what you are talking about. We had major donors from our community step up, but we had seed money to get us started, to get a committee to get it planning. This is a seed money that it is 30,000 dollars, but I could easily see it being 350,000 dollars once we get it out there and we start looking for partnerships with the private sector.

Councilman Thomas said in the famous words of somebody and I think it was Mayor Moore, a dollar budgeted does not necessarily mean a dollar spent. This is a contingency fund because if the committee says okay, we want so and so to come in for a concert; well so, and so is not going to wait till November 2024 to perform in August 2025. I mean, you almost have to be in negotiations with them now. My service club is celebrating their 100th anniversary next year. We set we set money aside two years ago. We continue to look for donors or whatnot if there is going to be a special movie, if we bring back the Navigator, which was the 1st movie ever shown in the theater. Fine go out and I am sure the committee's main goal will be to go out and find people to mitigate this 50,000. But, I think it has to be there to provide the seed and the genesis.

Councilwoman Deputy said I know it is not always like this, I love that we had this discussion and listened. I would like to remove my amendment. Councilwoman Baughman removed her second.

DRAFT

Councilwoman Baughman said one thing that would be helpful going forward is having the context of that prior to a meeting, like this to say, you know, that has not been in the budgetary line item. It is a new item on this in a context of that is seed money to plan for a larger celebration that could be 350,000 dollars. But, we would like to kick it off with the seed money and the hope to leverage that that is a whole different perspective than getting it in this.

Chairman Dawson said so actually we were going to do a Paul Thomas day. We had some seed money in the council budget and we were going to do the same thing.

Councilman Henke said so while we are on the Lerner, if I could, I want to buzz through a little bit faster than I have. Travel is another one that 300, 200, 900; your travel budget had been 1,700. Conferences and continuing education is now 13,700. So again, I think we are all Lerner supporters, but more importantly, we are constituent supporters, so overall the budget has grown considerably and annually added some new positions. Again, these were not reductions of council, these were place holders from administration. They took their own place holders out, so that is fine. I know there was something at play there and we all kind of played along. But, I am looking at the travel and why it would go up 700% is everybody going, what don't we have that we did not have last year, what is the benefit for all this? **Michelle Frank** said travel, originally we had classified it under our education line. That was where we had spent it out of. The controller's office, we worked with them to reclassify. So now, our travel budget is allocated to travel not what it previously. We did increase education because of the continuing education opportunities, accreditation opportunities. **Councilman Henke** said but in your Schedule A, it just says travel for conference and continuing ed 12,000 dollars increase, which represents 705%. **Michelle Frank** said right, but originally that was in our education line. That was in our education line previously so I increased our education line by 7,800 dollars to cover VMS for IBM and a tech conference. So, I took 12,000 dollars out of my travel or out of my education line, put it in travel. So now, you are seeing a true 12,000 dollar travel costs for conferences and I increased education by 7,800 dollars. **Councilman Henke** said in the Schedule A, it would have been nice to say, travel, conference, continuing ed 12,000 transferred from and then we could actually see the two sides. So that would have been helpful there. Then professional services 24,400 would be estimated for this year based on the first six (6) months. Do you have some major professional service issues coming up? **Michelle Frank** said our current professional services use is for Kruggel Lawton, our accounting firm, Schoff Security, organ tuning, pest control. We are adding, I believe, 8,500 dollars for a maintenance software, a facilities maintenance software that would have to come out of professional services. **Councilman Henke** said when I get concerned is that, for example, there was 2,962 and subscriptions, but you already spent 3,200 for six (6) months. So, the suggestion is that you have already paid and no more is coming for the rest of the year. But you are still budgeting at 2,962 how do you are you going to drop something to make that work? **Michelle Frank** said generally what we do is where we have savings, we will move it. **Councilman Henke** said then in another budget, we have the 1 Million dollar annual transfer, correct? **Jamie Arce** said that is correct. **Councilman Henke** said I am just saying, when we talk about that 50,000 and all that, constituents continue to pay a 1 Million dollars a year for operational things that the Lerner. So, then I would ask how is your overall fund as far as raising dollars so that the Lerner becomes more self-funded, how is that going, because the city gave 500,000 towards that as well. **Jamie Arce** said I think what you are referring to is the Friends of the Lerner, which I am not sure is if

DRAFT

Rex or any other members of the... **Councilman Henke** said I am just referring that when we ask for more and more and more there is people there that are raising dollars constituents give a 1 Million dollars, we can add 50,000 dollars, but if we were going to add all these other pieces that an increase of 500,000 plus; we just have to be mindful that it is a jewel. It is a monument, but there is a cost benefit. We just have to be mindful of that is all I ask.

Councilwoman Deputy said the processing fees that is at 51,000, but you did not have them in 2022 and there were none year to date for 2023, could you just shed a little light on that? **Michelle Frank** said the 51,000 is a placeholder in case we do not hit our ticketing minimum with our current contract with our ticketing provider. In 2021, I mentioned that we only operate for four (4) months, so there was a shortfall from being able to process tickets for them to reach their minimum of 51,000 from our facility, so we paid 38,589 to them. In 2022 we did not have to worry about it, we hit our goals and they made their money. 2023 is trending the same way. So that is there is case there is a shortfall and we need to pay the ticketing company.

Councilman Henke said miscellaneous 100,000 dollars. **Jamie Arce** said that is a transfer; it is a new item to provide future potential capital expenditures. This is to help plan for future needs similar to the HVAC system that we just replaced. **Councilman Henke** said but you also have HVAC citywide contract and that was that was a 1 Million dollars. **Michelle Frank** said that does not include the Lerner. **Councilman Henke** said but you have a brand new system and a citywide contract does not include the Lerner. **Chairman Dawson** said I think we have a guarantee from who put it in. **Jamie Arce** said the Lerner has their own maintenance preventative program on that. This 100,000 transfer is essentially meant to safe keep and have capital available for future, future needs. **Councilman Henke** said I hear you but I am going down a path that I do not like at all because we are transferring in 50,000 dollars for a celebration but in addition, we are starting to put 100,000 dollars towards future, future. **Jamie Arce** said that 100,000 dollars is going to be not appropriated for any additional use. It will transfer into the Lerner capital fund to sit there in the event that the theater has a capital need for future planning. **Councilman Henke** said so it too is a placeholder and I guess I would have thought and in my budgetary work that we would have to reduce that by 50,000 dollars and it would have covered the other 50,000 ask. As something would develop, you would come to the council and ask for whatever was needed for whatever project. **Jamie Arce** said the attempt here is to try and plan for future capital and not have to come and ask for a huge ask. **Councilman Henke** said so whether you set it in the general fund and let it sit or set it in the limited Lerner fund, we have greater latitude in the general fund because we have already transferred it to their fund. Cannot bring it back necessarily to make it work for the rest of the city, should it have an issue. So, I would have thought that we would have transferred it based on need when something has identified to expend on, not to start to house money somewhere else in the event something does come up and then ask for 50,000 dollars more for a celebration.

Councilman Thomas said let us circle back to travel and education are you not traveling to conferences for the education, so they are kind of commingled. **Michelle Frank** said we are traveling. **Councilman Thomas** said I mean, you take the cost of travel and the cost of education. **Michelle Frank** said they are not together in the same line. **Councilman Thomas** said well we got to travel to get to the...I know they are not in the same line, but you are using that money to get to the conference. **Michelle Frank** said we are using the travel to get to the conference. We are paying education, for the conference fees, for education fees, for

DRAFT

certifications. **Councilman Thomas** said they are all essentially go on to the same conference. You got to travel to that conference, you got to stay at that conference. **Michelle Frank** said sure so IVAM, venue manager's conference. We are not paying the conference our airline fees and our hotel fees. We are paying the airline, the airline fees and the hotel, the hotel fees.

Councilman Thomas said but it all comes out of the same pod. **Michelle Frank** said it does. **Councilman Thomas** said I know several years ago, especially when COVID was around that the trend was to, I hate to use an old term Zoom, WebEx, whatever we are using, is that available or do you have to go. **Michelle Frank** said you have to go. Some of these are educational based, a lot of them are educational based, but a lot of them are networking. I mean, it is impossible to network, darn near impossible to network when you are videoing. A lot of this has to do with face to face time with agents, with industry professionals, with other venue managers, promoters. **Councilman Thomas** said and where is this going to be held this year? **Michelle Frank** said the one that I am talking about is in Nashville. It is the International Entertainment Buyers Association.

Councilman Curry said when you travel for this education do our people get certification and how many people actually go from the Lerner. **Michelle Frank** said for the certification part, this was the first year that we have done certifications it is through the International Association of Venue Managers, it is their venue management school. It was a waitlisted program. I was selected and so was my Director of Events, Sarah Macer. We are in year one of two years and then I would move on to the graduate institute after that, there is a certification that comes with that next year. I am looking at adding an additional staff member to go to that certification course. **Councilman Curry** said with the certification will they become more valuable to the Lerner? **Michelle Frank** said it is the intention. I will say, I was asked to attend VMS, I think I was in my second year being in this industry. I was in Lima, Ohio at the civic center and my mentor at the time recognized the potential that I did not know I had. So, it is partly a mentorship program and when I moved here a couple of years later, the opportunity for me to actually fulfill going to the venue management school was not on the table because there were no funds under our previous management at the Lerner. Going into VMS ten (10) years later, after I, you know, I did not attend it ten (10) years ago, but I attended it just previously and I thought what else can I learn being in this industry? Is this going to be very basic? I walked away with a lot more knowledge than what I went into it. It covers all aspects and, I mean, anything from back of house, to catering operations, to how to run a theater, negotiating contracts, booking, scheduling anything that you can become very well versed in. I was really very happy and excited to be able to have Sarah Macer go with me because I was able to kind of foster that that next mentorship after recognizing some of her potential there. So, I want to continue to do that for our facility. There is a lot of advocacy for it, it is a very prestigious program.

Councilman Henke said just again, I just caution us, we would all like to go and all of those things. In the healthcare business, we usually send a department head and then they bring the information disseminate it back to the group. You are travel and education is 44,250 collectively and it is starting to look like, I mean, it is the highest based on the number of employees, if we would look at it that way and so the cost benefit is, what does the person paying for it, the constituent get from this. If it is greater programming, greater, all of that stuff, I could see that. It is just a huge rise while we are asking for 100,000 dollars here and a 50,000

DRAFT

there and by the way we now have travel of 44,250. I think we just have to be mindful of those things use the public's money wisely. **Michelle Frank** said if I may, I absolutely agree. I think when you look at the statistics of how the Lerner has risen from 2016 to 2022 and in 2022, we did 280 events in the theater. Prior to that our best year it was only 130. So, when I am looking at going to these conferences I am setting up meetings with agents and with industry professionals. That is actually where the amphitheater project was born from. I would not have made those relationships with those promoters, with those agents, had it not been the IEBA conference in 2021. **Councilman Henke** said I think on your Schedule A, I think that bio would have been the selling point. I think just saying there is where the connections were made, that is how we graduated into. The certifications are certifications. If they do the industry good as far as bringing something back to Elkhart, then it is worth the public's money to get it there. We just want to be very careful with that. I know you have been, this is a pretty big jump in some of these areas, so I appreciate the explanation. I think more over a nice bio like you had written up in the newspaper and so on would have been a nice tagline for us.

Councilwoman Baughman said under the buildings and structures, I was just curious do not we have some money left ARP money around 150,000 dollars? Would not that qualify for the four (4) exhaust fans necessary to complete, so it would not have to come out of our operating budget. We could apply the remaining balance of our ARP funds to that. **Jamie Arce** said if that would be the council's desire I guess the administration could bring forth that in an additional appropriation to use ARP money. It would definitely be an allowable piece.

Councilwoman Baughman said I will make a motion that we do look into ARP... **Chairman Dawson** said you do not need to make a motion. It is a matter of record that you have asked. **Councilwoman Baughman** said I just think it would be a better use of funds.

Councilman Henke said what do you mean you cannot make a motion. **Chairman Dawson** said she does not need to make a motion because we cannot appropriate money. **Councilman Henke** said no, but we can reduce that. **Chairman Dawson** said that is not what she asked for, she did not say anything about reducing. She wants to make sure that ARP money is available to be used as an administration.

Councilwoman Baughman said how about this, I make a motion to reduce the in buildings and structures for the removal of the four (4) exhaust fans by the amount of ARP money we have available as a balance, I think it is 100,000. **Chairman Dawson** said we have to have a specific number. Councilwoman Baughman said 150,000. Second by Councilman Henke

Chairman Dawson asked if there was any council discussion. Seeing none, he asked the clerk to do a Roll Call vote.

AYES: Deputy, Mishler, Baughman, Henke

NAYS: Curry, Thomas, King, Fish, Dawson

By a vote of 5-4, the motion fails.

Chairman Dawson asked if we could move to the police department.

DRAFT

Police Department Budget – Page 55 of the Budget Book

Councilman Henke said I do not like the new budget format by the way that we put department heads in to, and we, we do not really keep track of have to refer to another paper that does actually have it. I do not like that we do not track it differently on an actual budget paper. We are just chasing these numbers routinely with every change that we do make. Overtime is going up 36 ½% and with all the money we have shifted that direction and the advertising that we have paid for, what do we do to manage overtime, which is now going to be roughly a 1 Million dollars. Plus double overtime that takes us to a 1,000,250. **Dan Milanese, Chief Elkhart Police** said the double overtime is a contractual issue that we have had to put in the budget specifically to meet the CBA requirement. Then when it comes to overtime, obviously a lot of things affect that. So, to manage that, we do the best we can when it comes to trading people, we just did that recently this weekend with the sister cities events, we actually trade days off for people so we try to minimize it, manage it that way. What becomes difficult too when you see the increase for overtime is going to be that when we pay people more as they earn more money, that overtime rate goes up, and as we struggle with filling positions that increases our manpower. So, to say, I have an overall strategy to try and address that specifically it is really kind of a case by case basis and unfortunately with our struggle with manpower right now, that becomes difficult to give a specific on when it is touched on by so many different things. **Councilman Henke** said this is a huge number and I realize you are down 23 officers I believe currently, you are having to cover basis are there areas where officers are being used that could be reduced and help get this number managed? For example, you are here almost every meeting, we have Officer Murray here as well and we have Officer Weaver. A token would be if we would release the officer from these chambers during the meetings. **Councilman Mishler** said point of order there, I believe we are required to have a Sergeant at Arms. **Councilman Henke** said not required, that is up to the Chairman. **Chairman Dawson** said I require it. **Councilman Henke** said but it is up to the Chairman of the council so, it is not a state law or city law. We have to have these things and I am just looking at other areas when we do have crowds and gatherings downtown. After a while, the burnout is the burnout, you know, the money is one thing, but the burnout is yet another. I just look at that area and I know it is a huge number and it is a hard to manage number. I would also then at that same time we are only budgeted for 30,000 retrospectively for sign on bonus and I just find that significantly low. If by chance that we could increase it, I cannot, council cannot, but had it been 100,000 dollars and we actually basically give officers 15/20,000 dollars to come on that are already certified officers through the academy, we save a certain amount of money, but we also save money by dropping this overtime. So I am just looking for avenues by which we could help reduce the expensive numbers and reduce the burnout rate of our officers. The area of clothing allowance is one of those things. When you talk about clothing allowance are those actual police uniforms. **Jamie Arce** said that is the CBA component, the requirement that is embedded in the contract. **Councilman Henke** said there went that, and then your department still has sick incentive of 171,600 and that is paid out at year end so there is no expenditure in the first six (6) months. The question is, how does that roll into overtime as well in the amount of money paid out in overtime to cover sick time of the department there should be a trend report somewhere so we could see how that is impacting us. In fact of H.R., I realize they may not be in the police department so much but if we would actually trend all these extra hours, equating to all this overtime and double time are officers getting sick more frequently. **Chief Milanese** said we use very little

DRAFT

sick, almost none. The officers use that time in the CBA that is paid out to them at the end of the year so, we virtually use no sick time, there are a few but almost none used. **Councilman Henke** said then additionally, I would like you to speak to the operational supplies, not greatly off but, still on the high end, and I know we are all putting money into the what if scenario. 436 is what the projected annualized amount would be and we are at 502. **Jamie Arce** said that would align with prior years if you look at 21/22 actuals that were in excess of what we are requesting and budget. **Councilman Henke** said but if that argument works there, it should work the opposite right. **Jamie Arce** said I understand what you are saying. **Councilman Henke** said it is very low and they ask for twice as much. I just wanted to point that out. Then additionally the gasoline, I realized we are no longer in a...help me out what did Mayor Moore call it. **Jamie Arce** said hedge fund and we no longer participate in the hedge fund. **Councilman Henke** said we probably should have. Fuel is 755,000 dollars and even though we have not been there, 436 is what is expected but 755 and I am assuming because we do not control the gas price. Is that why it went up? **Jamie Arce** said well it did remain flat. **Councilman Henke** said it remains flat from last year, but again, we are using your words the trend, it has never been 500,000 but we are asking 755,000. If we are saying a trend is a good trend, we cannot just qualify that same trend then in other accounts.

Councilwoman Baughman said particularly on that one if the trend is around 450,000 to 500,000 but we are asking 755,000 can someone help me understand that gap. **Jamie Arce** said I believe the request from the police department was based on the uncertainty of gas prices and the amount of hours and miles that they drive. **Councilwoman Baughman** said that would have been based on the ask last year as well. **Jamie Arce** said yes. **Councilwoman Baughman** said because we have not increased it you have remained flat 755, but you are going to come nowhere close to that. So, would it be realistic to say it is an area that we could cut 100,000 dollars from because you have never been to 500,000. I am just trying to get your thoughts. **Chief Milanese** said I fully understand that I think part of it was we have seen such an uncertainty with gas prices, and we saw some things trending just throughout the year, obviously it has been a little volatile when it comes to those things. We have seen gas prices changed so much and then last year obviously was a pretty extraordinary year for gas prices. So, I think we went kind of heavy on the cautious side, but I do not disagree with you. I think there is some flexibility there. I would leave a little bit of that up to the controller. Part of that realizing this is my first budget in front of you. I am just trying to make sure that if there is an unknown that I am not thinking of that he would have knowledge on. I do not want to speak too much to that. But I do completely understand where you are coming from and I understand we are not projected to get to that point, it really is a buffer for us just because of we had a we did have an issue last year of making sure we were funded properly. **Councilwoman Baughman** said I hear you, and I appreciate the fact it is flat, obviously going forward and budgeting is do not get me wrong, is a challenging thing. I am tempted to make a motion to reduce it by 100,000 to 655 because you have never even exceeded 500,000 then allow if you were to get close and be worried, you would come back to the council to make that increase effective. I just think it is a better management of money.

Councilwoman Baughman makes a motion to reduce gasoline by 100,000. Second by Councilman Henke.

DRAFT

Councilman Henke said in the total budget you normally, as a police department, give back to the city of the trend is correct 2.5 Million dollars of unused money at the year end. So there is a huge amount of money that could be transferred. This 100,000 dollars actually represents .004 of the money within that police department budget and could be used any one of these transfers. So, rather than just the what if scenarios we know that you are going to transfer back 2 Million plus dollars to the general fund. **Chief Milanese** said I am hoping to be fully staffed so, I hope I do not have to give any money back. **Councilman Henke** said I am just letting council know, it is a drop in the bucket comparison to the 2.5 Million that has been coming back from the police department because of open positions and then because of all the social security taxes and all those things, and so on that do not get paid out as well. So 100,000 really is a drop in a bucket. But I think it better represents obviously they can transfer within that department anytime they want. And my suggestion because there is 2 and a half Million dollars that will still be there at year end. **Jamie Arce** said just to clarify my authority is controller is limited within the major category. So if there is a shortfall any transfer that would be needed out of personal services would require council action. That would not be seen as being favorable, but just to clarify what my authority is.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

Councilman Fish said I have one follow up question to this category of gasoline, our suppliers, are they amenable to having contracts anymore; fuel contracts because of the volatility of the market. **Chief Milanese** said not that I am aware of, I would have to check with central garage. **Jamie Arce** said we currently have a fleet manager that handles that through Yoder Oil. Previously I believe it had been Right Express but I believe we get good service and prices.

Councilwoman Deputy said could you shut a little light on travel? Because I see you have 145,500 budgeted this year and for the next year but at the most, the budget has come in at about 50,000 dollars. So, was there a reason that maybe that was budgeted higher? **Chief Milanese** said it was so, for us, one of the things we are finding is, as we are struggling with getting some of the certified police officers, we have actually replaced a lot with civilian staff, like our CSI techs and things like that. So to get those folks trained, you are not taking somebody that is kind of already been trained in police work and then moving to somewhere else. You are bringing them into a new position and that has required quite a bit of training and travel for that. One of the things that we are hoping to do, if we are able to get that training center, is to bring training local, not send people away. So unfortunately we have had to do a lot of that and we anticipate that increase. The other thing we have seen is quite an increase in the travel costs between not only airfare and even car rental. I do not know if you have done that lately but between that hotel rooms, things like that, it has become quite expensive for us. It has been a great asset for us to be able to offset, like, actually Councilman Henke had made a comment about looking at other ways to reduce and supplement our force valid point and we have done that but, that does come at a cost with the training and the travel. So, we do anticipate some

DRAFT

increase. **Councilwoman Deputy** said do you end up doing more traveling in the last six (6) months because right now year to date you are at about 50,000 and you are budgeted for 145,000 next year. **Chief Milanese** said unfortunate it becomes a little bit unpredictable depending on our hiring and getting people in and how often we train. A lot of times at the end of the year, you will see us trying to get some of these either make up trainings or some additional training and sometimes it depends on how many people we send to the academy. If we can get more people in get more people hired. It is unfortunately not as predictable as we would like it to be, but we would like the availability of the budget knowing that we sometimes blow through those in years, go through that money pretty quickly if we blow through it. But we use it up pretty quickly. Just depending on the circumstances for training.

Councilman Henke said travel, I just want to look globally. I would have thought, you know, again 75 to 100,000 of that would really go to address the real need, because we would like to have sworn officers and if that amount of money was transferred up to your sign on bonus line, would we get a better result and have less dependence than on these people paid for by the travel and also paid for by the double time and overtime. I would just if there is something we could do on the incentive side to better attract. I do not think, you know, if they do not want to live in a city and not get the 2,400 dollars, we kind of bump ourselves as well. Now for Jamie, the Yoder Oil agreement though does give us a discount by volume, right. So we are not paying full gas, but we are not getting a significant discount. It is cents per gallon. **Jamie Arce** said at Yoder Stations. **Councilman Henke** said yeah, which is where our fleet cards come from, right. So, we do get less than market rate. The question is that the volume the city buys it is substantial money as far as a discount, but it is still a lot of money. First budget, well done.

Chairman Dawson asked if there are any other amendments that we would like to apply to our budgets. He said I am looking for amendments.

Buildings/Code Enforcement Budget – Page 21 of the Budget Book

Councilman Henke said I have some questions for buildings and code before the amendments. Professional Services 5,880 in 21, 14,809 in 22 and zero so far for the first six (6) months and we budgeted 40,000. 66% to 70% greater than actual and then we have 40,000 budgeted again. Is there an expectation just because it equals 40,000 and 40,000 and we did not use it and we asked for it again. There is nothing on the Schedule A so, the question is, what is the expectation of that 40,000. That would be 4310400.

Chairman Dawson said somebody call him and we will come back to that. He said let us wait until someone is here to answer your questions. **Councilman Henke** said we can come back to that one.

Tim Vistine, Building Commissioner appeared via WebEx. He asked what the question was. **Councilman Henke** said under professional services line item 4310400, labeled professional services and in 21/22 the average there is about 9,000 as a mean. In the first six (6) months of 23 there was zero expenditures showing, but the ask is still 40,000. So, is there a history or an expectation? **Tim Vistine** said we are now being required to do asbestos testing when we do demolitions for orders to take actions as well, as that professional services also

DRAFT

covers a third party engineering firm JPR to do certain inspections for us for the for the OTA. **Councilman Henke** said I know that it is contrary since there was no movement budgetary for those of us that are trying to oversee and make sense of this we are not in your system. I think that would have been great to say the reason it has not changed is we are now going to be required to pay for asbestos removal and that professional service is the actual removal or the identification of asbestos. **Tim Vistine** said it would be the identification and it roughly averages about 1,500 to 2,000 per house. **Councilman Henke** said okay. I was looking through your Schedule A, you have a reduction of 6,000 dollars, which is 100% of the budget under small tools and minor equipment, but I do not see anything on the Schedule A, can you give us that answer? **Tim Vistine** what we try to do is that we have drills that each one of the code officers have and from time to time they break. As well as screws that we need to re-board up a house that we do not really feel necessary to call the board up service, so we save that money. So, we budgeted for small hand tools and for screws as well. I believe that the maintenance man for the building said small tools and miscellaneous hardware is in there as well. **Councilman Henke** said finally, I am going to ask just for my education, credit card processing fee. What do you as building and code enforcement have a credit card processing fee for, is that the use of a card, the payment of a card... **Tim Vistine** said we have two credit card readers in the permit service department that we pay privileges to have that service for. If somebody comes in for a permit or something that they need from the city, they can use that credit card machine.

Chairman Dawson said let us move on to the cemetery. Do we have anything for the cemetery?

Cemetery Budget – Page 75 of the Budget Book

Councilwoman Deputy said no questions on your budget but I will say thank you. It was very, very clear so it did not bring up questions.

Councilman Henke said I think your budget did really well. For the questions I would have had you have the only thing that I would suggest when it talks about decreased, reflect anticipated needs; for those of us not in your service, it does not mean much to us. So, if you would say you know, based on trend, do you decrease or something like that. **Jamie Arce** said I think to answer the question regarding the professional services, the 25,000 that they had budgeted current year was for one time, need to have a plan and they are not anticipating having any needs. **Councilman Henke** said that would have been good, it was a place holder, unnecessary, give us the answer. **Jamie Arce** said they do not need any money this year.

Chairman Dawson said do we have anything for the railroad.

Railroad Museum Budget– Page 109 of the Budget Book

Councilwoman Baughman said I do have some couple of questions they could help answer. You currently have how many...we have one full time employee. **Tim Reecer, Railroad Museum** said the budget allows for one full time employee and that is the director. So, the museum itself currently does not have a full time employee. **Councilwoman Baughman** asked and the museum operating hours are... **Tim Reecer** said presently they are Wednesday through Saturday 10am to 5pm. **Councilwoman Baughman** said are they looking to change?

DRAFT

Tim Reecer said we are looking to take them back to where they were pre-COVID; which would leave us closed on Monday's and Tuesday's so, we would bring back our Sunday hours.

Councilwoman Baughman said help me understand the part time salary proposed budget of 129,000 dollars. **Tim Reecer** said Jamie prepared that, but it should be for six (6) staff members at 18.00 per hour, utilizing their present staffing. **Councilwoman Baughman** said so, at some point, would it make more sense to hire somebody full time, a couple of full time people are at a reduced salary than to add in so many part time people and therefore adding cost to the overhead of the operation. You are open 28 hours a week based on what you just shared. I get there is other things that happen but to hire six (6) part time people at 129,800; has there been any talk of hiring two (2) full time or something that would be cheaper than that. **Tim Reecer** said that is a question for the administration. **Bradley Tracy** said if you do not mind, I think what Mr. Reecer is not saying is the fact that some of these part time people are people who are actually curators. Could you explain to the council what these different people do so they have a better understanding than just thinking that they are taking tickets, I do not think it is clear what they do. **Tim Reecer** said that two of the positions that they have are administrative. They are the ones that operate the front desk, they greet the guests, they take the money and they do all the cash handling. We have curators on staff that are responsible for the accession and deaccession of all the museum assets. They are the ones in charge of preserving, building and constructing exhibits. We do have in the budget, a position for an event coordinator part time that will assist us in bringing in events that was originally part of the 2021 budget. We had put that position on hold as we navigated COVID. We were not going to fill that role if we could not hold events, and then with some of the other staffing shortages that we have run into this year, that position has gone unfilled. The museum itself has a niche employment opportunity, we either capture semi-retired individuals or we capture employees that are seeking this industry specifically so, our candidacy pool is very small if you will. It is very hard to find employees especially at the present rate of pay. We currently pay 15 dollars an hour. So, it is hard to find someone especially when we are offering them employment at part time rates less than 30 hours a week. We are trying to move that into 2024, so we can fill all those positions. **Councilwoman Baughman** said I think one of my challenges is as we look at the treasurer's report and it shows that the revenues for the New York Railroad Museum through June 30th were 7,100 dollars and so, if you double that you are at about 14,200 dollars and yet your expenses for 2024 budget are at 310,000 dollars. That becomes a challenge for the taxpayers to absorb, just wrap their minds around. **Tim Reecer** said I think you will find that with many museums or other venues that are similar to this, we are not money making machines, so we are never going to receive the revenue that matches our expenses. We are never going to bring in a profit. That is not what we are designed to do. **Councilwoman Baughman** said I appreciate and I am not looking at that. I am just trying to manage expenses to be able to use to the people's money. In 2022 the expenses were 145,000 and so we have doubled to 310,000 projected for 2024. **Tim Reecer** said a part of that expenditure this year was we put a new roof on the building, a portion of the building, and that roof was I believe, 115,000 this year. So, it was appropriated last year and we carried it over into this year, the contract was complete this year. So, that expense showed up in 2023. **Councilwoman Baughman** said okay but then I am just looking at projected proposed budget for 2024 and that is showing 310,000, so, we have effectively doubled your expenses, but our revenue is around 15,000. I am concerned about a trend as a city and just understanding at what point do we say wait a minute, our expenses far exceed the value that we are giving. We have to

DRAFT

make some tough decisions to be better stewards of the people's money. **Tim Reecer** said I appreciate it.

Councilman Mishler said initially, I think one thing to consider here is that the railroad museum many of us were used to it, we know it, and it is not an exciting or new thing for us. However, if you are going to see a show at the Lerner and stay at the Hotel Elkhart, it is an additional attraction to incentivize folks to come to our community. We know it is never going to be a money making operation however, it is an important piece of what makes downtown Elkhart and attractive place to come and visit. I know for example, just the YouTube channel that shows trains going through downtown, gets thousands of views. It is a hub for many people who are very interested in trains. And, while you and I might not be in that demographic, I think it is an important part of what makes our community our community.

Councilwoman Deputy said you said it gets millions of views, does the city receive any kind of compensation for those millions of views? **Tim Reecer** said no, we do not host the videos ourselves. That is not a burden that the museum or the IT Department, wishes to take on at the moment. We contracts through a company called Virtual Rail Fan, they host all the infrastructure. All we do is give them a place to put their cameras and then in return we receive visitors because the cameras are there. **Councilwoman Deputy** said I understand the significance to the railroad museum for Elkhart history. I really do and I understand that I have taken my own kids. I understand you go and visit it. I do struggle and I am going to have to align with Councilwoman Baughman on this, that we are bringing in 14,000 dollars and the citizens are having to essentially for salaries. So, I would like to make some kind of motion to reduce personnel services by 150,000 dollars and come up with the makeup you need to get it running, but that aligns a little bit more. I know you said you had 2 full time administrators, you have curators. **Tim Reecer** said I have no full time staff. **Councilwoman Deputy** said two administrators, you have curators and I understand they have a unique knowledge and we are adding an event coordinator. It is just hard to justify knowing that right now we are bringing in 14,000 dollars especially when unfortunately in the city, companies are announcing how much they are down and we have citizens who are being let go and then they see their tax dollars are going to this.

Councilwoman Baughman said she said personnel services. I do not know... **Councilwoman Deputy** said overall personnel services are budgeted at 252,000 dollars. Councilman Henke said you are going to have to select a line item.

Councilwoman Deputy said let me amend it and say we reduce that budget by 129,800 which reduces all your part time. Second by Councilwoman Baughman. Chairman Dawson said you still need a line item. Councilwoman Deputy said okay part time is 4110150.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

DRAFT

Councilman Henke said here is a little blip, I think, in your reporting system in that rather than a capital expense or an expense from the general fund coming to pay for that roof or some other mechanism. It was slid in there as though. **Tim Reecer** said that was an appropriation from the year before and we carried it over to purchase order because of the contract. **Councilman Henke** said do you see it on your Schedule A anywhere, I do not. So, there is not an explanation for seeing 119,554 dollars there and it could have easily been said, carry over from 2022 capital because then you also have not put in there a fence that is either this year or next 140,000 when the average quote was 200,000 in addition to that. I do not find that this budget is even reflective of total costs because we already have another repair in front of us. I would say that we should probably have an asset management as far as the buildings and the buildings future upkeep over the next five (5) years and what that cost is going to be, because I am also quietly honestly very disappointed that we let the Mohawk go and we did not build anything to put it in. Instead we gave it, did not make that attempt, which is total contrary to where Mayor Moore was and that is something we are not going to get back. It may be a visit, but it is a significant asset that took the value of the railroad museum down. So, I have less confidence that we are going to do anything of change with this railroad museum. And, I would offer that you would probably need to even reduce the hours of operation even more so, you can have a part time person in management by budget. I would give you that Ron Troyer, who knows that area very well; I would think love to have a position with the railroad yet again, just to be a part time.

Councilman Mishler asked do we have a promotional budget for the railroad museum is that included in any part of this or is it just kind of word of mouth. **Tim Reecer** said we have a very small advertising budget. Most of the advertising and marketing does run through our not for profit division, the friends. Most of the events are carried out by them and so the expenditures lay with them. **Councilman Mishler** said that may be something to consider in the future for considering ways to increase attendance and revenue from the railroad museum is supporting their advertisement and letting more people know that they exist and get more people there to spend money.

Councilwoman Deputy said Mr. Reecer thank you, I know you are managing a lot of hats for the city, so thank you.

Councilman Fish said I would just like to add a couple of things here. The some members of the council have a hard time when dollars do not match and we have to have intangibles that they do not understand and that is just the way it is in certain departments. And I must speak for the Friends of the Railroad Museum, who have raised 100,000 dollars in the last five (5) years to support the museum directly, which brings more people in, and the residual dollars that they spend not at the museum. I mean, what is what would be the cost to get in right now? What is the admission fee? **Tim Reecer** said 5 dollars. **Councilman Fish** said so the people from Ohio that I directed to hotels, and restaurants are going to spend several 100 dollars in our community and that is the tradeoff. That is the thing that frustrates a lot of people they cannot see a real dollar for the goodwill that we are spending down there. I have spent three (3) full days of my own time, installing the new railroad track for the NIBCO Express, I am not going to bill you that is my volunteer time. I know a lot about railroads, I am not the expert, but

DRAFT

I know how important it is to the people of the City of Elkhart. But, more important to the thousands of people that come to the events that we sponsor that come into this city specifically to see that and then spend time going to the environmental center, and the downtown quilt garden and the Goshen area. So, there is so many things that we are not talking about in a real sense. So, it is really disingenuous if you take 14,000 dollars and equate it to 310. We really need to get outside of that conversation and make sure that we are real honest with ourselves, whether we are attacking the same kind of number levels of the Lerner. You know, it really does equate to huge dollars in the greater scheme of things. We have to look past that.

Chairman Dawson said we are going to take a five (5) minute recess.

Buildings & Grounds Budget – Page 61 of the Budget Book

Chairman Dawson asked if there were any questions for Mike. He said I am looking for amendments. He said I was asked by our senior councilman that we stick to the budget and not telling the departments how to run their departments, that was the request made of me. I told him that is what we would do going forward. So, if you have amendments make amendments that is what we are here for.

Councilwoman Deputy said I would like to make an amendment to reduce temporary 4110140 by 110,000. Second by Councilman Henke.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Baughman, Henke

NAYS: Curry, Thomas, Mishler, King, Fish, Dawson

By a vote of 6-3, the motion fails.

Councilwoman Deputy said I would like to make an amendment to part time 4110150 to reduce that by 110,000. Second by Councilman Henke.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

Councilman Henke said overtime 4110160, just look at your trend and reduce by 20,000. Second by Councilman Thomas

DRAFT

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the motion fails.

Councilman Henke said clothing and outerwear I am assuming is contractual. **Mike Lightner, Department Head for Buildings and Grounds** said it is. **Councilman Henke** said then telephone and communication 6,000, 8,000, 5,000 and we are at 20,000. **Jamie Arce** said that is being increased to cover the cost of the lucidity program and the required data that is going to be needed for tablets for the crews in the field. **Councilman Henke** said equipment repair 0200, I do not understand the trend as far as 792 for the first six (6) months out of 7,000 dollars. So, is that necessarily needed? How do we qualify that? Let us just call it 800 dollars for the first six (6) months of a 7,000 dollar budget. I am just trying to understand a trend here. **Mike Lightner** asked what line item that was. **Jamie Arce** said 4360200 equipment repair. **Mike Lightner** said I am not sure on that I will have to get back to you on that one. **Councilman Henke** said then the big one is the HVAC; city wide HVAC that we now know does not include the Lerner. Let me find it again, maintenance contract 250,000. So, that is a new contract and that is the annual cost. **Mike Lightner** said correct.

Councilwoman Baughman said can I just have some clarity on the annual cost. So, this will be perpetual for the maintenance contract for 250. **Mike Lightner** said I believe that is how it is set up. **Bradley Tracy** said this goes back to the discussion we had during the Lerner HVAC system replacement and so, we are preparing a RFP, this is what we are asking for a quote or bid to come back. This is to start keeping a maintenance contract so we know where we are and at the same time be able to now in the future, predict what needs to be replaced and at what time. **Councilwoman Baughman** said I love that and I think that is great for the city in itself, but just to prepare going forward that will be a line item that will be in there every year.

Street Department Budget – Page 65 of the Budget Book

Councilwoman Baughman said I just want to ask a question on that, particularly on your landfill charges you had approved for 2023 175,000 the end of June of this year you were at 32,000 you are holding steady for next year, but just to get your thoughts on that. **Mike Szucs, Street Commissioner** said this year is a little bit of a change for us. There was not a handshake agreement, but an agreement with the county when we dumped sweeper dump there, which is that that is what pays for; we are charged. They will not let us do it for free even though they love us to dump there. So, to offset that when we are paving on the south side of town this year, it helped our fuel costs and they want road mill all the time. So, what we take off the street, what we mill off the street they want for free. So I said well you want the sweeper dump for free and you want this for free, can we make the change so that it was one for one and I think we are still 350 loads to the good. That will change next year though. We will not be able to do that again next year. **Councilwoman Baughman** said well great job this year for doing that.

DRAFT

Councilman Henke said good job with the department. I know paving costs and I was just saying, that is not the only area that paving materials, there is another budget that went up. So collectively, how much has gone up one by cost and two by a larger paving demands I guess. **Mike Szucs** said like, what are you asking? **Councilman Henke** said so you went up 43.5% on this particular budget and I realize in the first six (6) months what, asphalt plants and do what they do opening late. But you went up 43.5% and then the explanation is because the increase cost of that material. **Jamie Arce** said that is partially correct. There was a 500,000 dollar transfer which I guess this is a gap on the Schedule A and that is my fault. There was a transfer from a reduction on the Local Roads and Streets which I recall we discussed in the Finance Committee meeting. There is a gap on the corollary 500,000 coming in from Local Roads and Streets. **Councilman Henke** said I was looking for an explanation.

Councilwoman Deputy said supplies line item 4230142 at this point 22,000 dollars that is pretty normal for the last three (3) years. We have budgeted at 52,000 dollars for next year, just curious. **Mike Szucs** said for regular supplies. **Councilman Henke** said it is not in the Schedule A and it is a 63% increase. **Mike Szucs** said I might have to get back to you, but at this point we are actually for where we are at now, that was back in June and some of those funds have diminished quite a bit and since fuel costs were not as high as they were this year and we did save a little money by how we operate, turning trucks off and not letting them run all day long. Small things, just those little things, not hauling asphalt from South Bend and having seven (7) trucks go to South Bend every day they are coming to Elkhart because the plant is not broke small things like that add up. So this year we have a little bit extra in fuel so we transferred that money from fuel into supplies recently so if it looks like we are not using that money in supplies we are.

Engineering Budget – Page 59 of the Budget Book

Councilwoman Baughman said on temporary I just want my question will be on temporary for 4110140, you have no expenses through June of this year in temporary employees and yet we continue to have that been a steady allocation. Just your thoughts. **Tory Irwin, Director of Public Works** said it is for a summer intern, a summer engineering intern. Sometimes we get them sometimes we do not. It just depends sometimes on our workload. If we have too much and we do not have to look for an intern and then sometimes it depends on how much work we think we can generate for an intern. Sometimes it just works that we cannot find an intern.

Councilman Henke said so, did that impact the employer group in life that was a portion of personal services that went up and with the addition of that or is that just because it was a percentage of the full time. **Jamie Arce** said employers group in life went up based on the plan selections of the current labor force within the engineering department. There was some turnover during the year here recently that is causing a shift in what plans the employees are selecting.

DRAFT

Parks Department Budget – Page 71 of the Budget Book

Councilman Henke said I am looking at the lead ranger, the full time ranger, the program coordinator, I get the program coordinator, as you had explained at the first hearing, a full time office service. I am just concerned about that level of add-ons in this budget. Additionally I want to go through professional services and the five (5) year master plan is 75,000 got that, Pierre Moran pool 60,000 makes sense. There is a 125,000 dollar cost out of the parks has a subsidy needed for the New York Central Railroad Museum. **Jamie Arce** said that was my decision or the administration's position that if there are going to be property tax funded subsidies to the museum and the environmental center that it best aligns with the parks department. There their revenue stream has been offset to have to that. If this was shifted back to the general fund, then we would see a reduction in the revenue accordingly based on that subsidy. **Councilman Henke** said as I mentioned in the 3rd district, none of us by majority, want the Walker Park bathroom. We have been around that we have had meetings in that regard and we ask that we not do that.

I am asking to reduce under buildings and structures by 200,000. Second by Councilwoman Baughman.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish Dawson

By a vote of 5-4, the amendment fails.

Councilwoman Deputy said I know that you also were looking at doing 450,000 dollars for Walker Park, the redesign. I would like to offer an amendment to take out the 450 because you are doing a five (5) year master plan this coming year. I would rather see how that master plan incorporates Walker Park and then maybe come back next year for that.

I would like to offer an amendment to reduce the other equipment line by 450,000. Second by Councilwoman Baughman

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilwoman Deputy said I have one more. We have motor equipment, line item 4440200 I would like to amend it to take out the two (2) Ford Mavericks at 40,000 apiece.

I would like to amend it to take that out. Second by Councilman Henke

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

DRAFT

Councilman Henke said natural gas 4350200 by trend alone reduced by 10,000 from 40 to 30.
Second by Councilwoman Baughman

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

IT Department Budget – Page 45 of the Budget Book & Cum Cap Development Budget – Page 131 of the Budget Book

Jamie Arce said just for everybody's information; the IT budget is split between the general fund on page 45 and Cum Cap Development on page 131.

Councilwoman Baughman said I just have a question. I just recently read an article in the Indianapolis Star that talked about money coming into the state through the Biden infrastructure bill that passed, that would apply to cybersecurity. Did not know if that was something that we were aware of, or any access to those resources that would help us in particular as we work to manage that. **James Gerald, Director of IT** said I believe it is SLCGP, it is a bunch of acronyms. He said we are working with the state right now. They have applied for that grant and they are still determining how they are going to roll that out. So, nothing has been finalized yet. I am usually on about a monthly call that discusses that topic.

Councilwoman Baughman said is that something that our lobbyists could help in any way, shape or form help secure funding for that? **James Gerald** said I am not sure, that is something that we could investigate.

Councilwoman Deputy said this is under cum cap development. It would be office equipment 4440300. We have budgeted 210,000 dollars this year. I see that already we have spent 150,000. We are budgeting another 210,000 what exactly is the office equipment that we are purchasing on an annual basis. **Councilman Henke** said I believe it is reported in the wrong category. **James Gerald** said I am honestly not 100% sure on that one. I think a lot of our office equipment, including the PC's, monitors, tablets and just the general devices we use on a daily basis. I can find out more and get back to you on that. **Councilwoman Deputy** said the other one I had is motor equipment 4440200 again this is in capital outlay. It is the 135 for three (3) new vehicles. **James Gerald** said as before I had discussed that we had a 2008 Ford Ranger, a 2015 and 2013 Taurus and Impala that we donated from the police department. They are getting up there on miles and wear and tear. We are looking to replace those and these are not take home vehicles.

Councilman Henke said I do want to look at office equipment. Just because it trends to that number does not mean it makes sense because you cannot have that level of office equipment. If someone would read this budget 153 in 21 and 116 5 in 22 and 150,666 in the first six (6) months of 23. My guess is most of that is computer hardware and so it should be shifted down to 0500 category. It does not make it look as though it is actual office equipment, other equipment or do a line time because you are IT but it just seems like it begs the question and

DRAFT

there is nothing on the Schedule A that would give us anything other than to believe you are buying tables and chairs at 120,000 dollars a year. I just think it could be reported better.

City Clerk Budget – Page 25 of the Budget Book and Records Perpetuation – Page 87 of the Budget Book

Councilwoman Baughman said I do have a question; under part time she stayed pretty consistent around 49-50 thousand dollars. Based on a year to date activity through June 26,000 so she will be about 52,000. She has budgeted this year for 72,000 then hold a little increase to next year. 72,200, just curious as to why the big buffer on that knowing that the trend line is pretty consistent. **Jamie Arce** said I would speculate that that would just be based on anticipated needs. I am speaking on behalf of Ms. Barrett who was unable to attend tonight because she had eye surgery today. That was her position to budget, based on what she foresees needing in part time assistance. **Chairman Dawson** said I have had a conversation with her as well and it has something to do with archiving. We are going to be doing a lot more archiving. Councilwoman Baughman said she will be anticipating more part time hours and people needed. **Bradley Tracy** said on the archiving she is at a phase now where we are doing, her office is doing more of the scanning of materials. In the beginning, a lot of that was done by a company when we first started and as they move on and she changes into different areas, she is going to be doing more of the scanning and cataloging everything herself.

Councilman Henke said I thought we basically had our own archivist that was a new position three (3) years ago and that person worked from home and we had from the city clerk that we were making such progress. Now it looks as though we are going to be doing more. So, I am having conflicting reports. We have someone dedicated to that service. **Bradley Tracy** said I agree. What I know from talking with Deb, they are moving into a different phase of what they are doing. They are responsible for the court and the council. I believe they are moving towards the court at this point which is going to require some more leg work in the first part of the process. Councilman Henke said it is a housekeeping thing but from a budgetary standpoint, it is not nonsensical. Subscriptions, which is the 0300 account. 250 spent in the first year, then last year a total of 804 dollars. We are asking for 3,500.

I move that we reduce that amount by 1,500. Second by Councilwoman Baughman

AYES: Deputy, Thomas, Mishler, Baughman, Henke

NAYS: Curry, King, Fish, Dawson

By a vote of 5-4, the amendment passed.

Jamie Arce said looking to clarify what that motion. **Councilman Henke** said it was reduced by 1,500 dollars for subscriptions and it leaves 2,000 which is greater than any expenditure and 30% over 3 years. **Chairman Dawson** said I know she has new accreditations and I do not know if this has anything to do with her new certification where she is going to need more subscriptions to do her job.

DRAFT

Councilwoman Deputy said on records perpetuation, professional services on page 87. Other services and charges 4310400, at this point if you annualize it, it will be 1800 dollars. Just curious if you have any idea what those professional services would be. **Jamie Arce** said I believe that is the cost of utilizing the outside service provider that had been helping to scan some of the larger books and records that that would not be generally easy for us just to scan on our own. **Angie McKee, Council Clerk** said I believe is the cost of the SBS portal and she is texting Deb to get an answer to the increase in subscriptions. **Jamie Arce** said and the cost of their cloud service as well. I am going to try to see if it is a one-time timing issue for the trend component. **Councilman Henke** said I am just saying there is a blank Schedule A, it would have been really helpful. **Jamie Arce** said on the Schedule A with past practices it was only addressing the material components. If you want to go line by line we can if that is the council's preference on every penny. We are happy to prepare the 2025 budget in that capacity. **Councilman Henke** said but you are a controller and a CPA so, if the trend does not require the continued over funding, you would ask the question, why should we continue based on this trend. I would just suggest, we wasted a whole page here with nothing written whatsoever and you could just say, still needed based on and that would have saved all of us who actually did the homework and read the material. That would have just saved all the time.

Chairman Dawson asked if we had Deb's response. **Angie McKee** said her response was we use a software called Times Matter that we share with the legal department and they raised the cost of that license this year and so that was her reason for her increase for subscriptions and dues. **Councilman Henke** said it would have been nice to have known that as well, but we have already voted. He said she has already stated what the vote tally was. **Chairman Dawson** said that can be done on a reconsideration and it does not have to be done at the next meeting. It can be done tonight if you so choose. If not, we will just move on.

Councilwoman Deputy said I just have one question, under the records perpetuation that is something completely separate than the part time that we are paying as the archivist. **Bradley Tracy** said yes.

Councilwoman Baughman said I make a motion to add back the 1,500 dollars to the clerk's subscription line.

Councilman Henke said to do that you would have to suspend the council rules by unanimous vote. **Chairman Dawson** said I am checking with the parliamentarian but in the meantime, what is your motion?

Councilwoman Baughman said to amend the amendment that just passed 1,500 reduction to reconsider that. Second by Councilwoman Deputy

Councilman Henke said this is not legal, I am just letting you know. **Chairman Dawson** said I have Aaron checking. **Councilman Curry** said what are we exactly doing? **Chairman Dawson** said we have a motion to reconsider the 1,500 dollars that was reduced in the clerk's subscription and dues line.

DRAFT

Councilwoman Baughman said I think it is very well taken. I appreciate that further information knowing what she wanted for. So, had she been here, she could clarify that for us and maybe alleviated that amendment.

Councilman Mishler said page 21 of 33 Paragraph S, Motion to Reconsider. When a motion has been made and carried or lost, it shall be in order for any member of the majority at the same or the next regular meeting, to move for the reconsideration thereof. Per council rules page 21 of 33 Paragraph S.

Chairman Dawson asked the clerk to do a Roll Call vote on the motion to reconsider.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Dawson

NAYS: Henke

By a vote of 8-1, the motion to reconsider passed.

Councilman Mishler said point of order here just to clarify. If you want it to be removed you vote yes, if you want it to remain vote no. Councilwoman Baughman said just to be clear, if you want the 1,500 to stay in, vote no. Chairman Dawson said right.

Chairman Dawson asked the clerk to do a Roll Call vote on reconsideration.

AYES: Deputy, Curry, Thomas, Mishler, King, Baughman, Fish, Dawson

NAYS: Henke

By a vote of 8-1, the 1,500 was added back to the subscription and dues line.

Environmental Center Budget – Page 103 of the Budget Book

Councilwoman Deputy said under motor equipment which is 4440200 capital outlay, I would like to make a motion to reduce that by 80,000 dollars. Second by Councilwoman Baughman

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Henke said I am on operating supplies. An average having been 6,300 dollars a year and we are at 15,565 on the ask, can you just help us. **Jeff Zavatsky, Supervisor of the Environmental Center** said I am sorry, what is your question. **Councilman Henke** said why we went up 92.7% on operating supplies, what changed? **Jeff Zavatsky** said we have increased our program and events for the year. We have done it this year and we are continuing to increase that as well. It is basically a matter of increase for program events, staff uniforms, uniforms for prescribed burns when we do those. **Councilman Henke** it is operationally and

DRAFT

then the block by block would not help you in those situations. The seven (7) people block by block. **Jeff Zavatsky** said no they would not.

I moved to reduce that 15,565 by 5,000 which will leave 10,565 Second by Councilwoman Deputy.

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Mishler said on the gasoline line item, it is going up from 2,000 to 2,400 is that going to be reflective of the potential decrease in gas from the electric vehicle, is that being considered or factored in there at all? **Jeff Zavatsky** said it is the gas is really going to reflect the use of the tractor that we just got increase in diesel costs. He said we also have a side by side that also takes gas and we also have smart miscellaneous power equipment.

Councilwoman Deputy said under small tools and minor equipment 4230300. I know there were quite a few.

I would just like to make a motion to reduce that by 10,000 dollars. Second by Councilman Henke.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Aviation Budget – Page 79 of the Budget Book

Councilman Henke said temporary/seasonal, it seems like we have not really budgeted that before it was 661 and 22. We are adding all these contract service people, AmeriCorps and block by block, and we have a new expenditure, and this will be in the temporary/seasonal of 3600 dollars with zero expended so far this year.

I moved to reduce by 1,500. Second by Councilwoman Baughman

DRAFT

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Henke said building materials averaged 3,700 dollars but it was bumped to 5,100 in an annualized and we are at 34,500. **Jamie Arce** said that is partially reflective of a transfer as indicated in the Schedule A from the repairs and maintenance building where we are making a differentiation from when we are buying the materials in doing the repairs in house versus having the repair outsourced. I believe you see a correlated reduction on the repairs and maintenance building of 20,000 dollars and the other services in charges category. **Councilman Henke** said we will see the reduction where? **Jamie Arce** said in the other services and charges category 4360100 repairs and maintenance has a 20,000 dollar reduction. **Councilman Henke** said then we did the building materials asphalt 17,700. There was 3,600 dollars in the first, but why is that separated out? Is that just for tracking that it is outside of street and other departments? **Jamie Arce** said on the asphalt and tar? **Councilman Henke** said it is 4230124. **Jamie Arce** said I believe that would be the case. That is consistent with prior years. **Councilman Henke** said I do not know about that. **Jamie Arce** said I mean in terms of the utilization. **Councilman Henke** said there is 4,500 dollars in 21 and there were zero dollars in 22. **Jamie Arce** said I was not speaking to the trend, I was speaking to the purpose of the account line. Councilman Henke said okay, the expenditure simply has not been there by a large margin. If we took his highest year and doubled it, we would be less than 10,000 so if we reduce by 7,000 we are still giving 10,700.

I make a motion to reduce by 7,000. Second by Councilwoman Deputy.

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Henke said I am going to leave some of the smaller things go, but I would say that travel in everyone's budget is exploding and I would think we should be paying attention to this. I know there has been some frills and board member travel, and all of those things paid for by aviation that is supported by the whole community. 6,000 was the highest expenditure in 22, but this is at 11,500.

I move to reduce by 5,500. Second by Councilwoman Baughman

DRAFT

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Henke said equipment leases. There is nothing that I can see on the Schedule A. **Jamie Arce** said so this is for the snow broom that they have on order and is yet to be delivered. **Councilman Henke** said so 160,000 dollars did not make it to the Schedule A. **Jamie Arce** said there was no change over last year that is why it did not make the Schedule A. **Councilman Henke** said so buildings, I see where we added 75,000 for an internal whatever we are doing in addition to the account that we just went over before.

I move to reduce by 25,000. Second by Councilwoman Deputy

Jamie Arce said is that the buildings line. **Councilman Henke** said that would be line item 4430500 under capital outlay.

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilwoman Deputy said I have one more.

Under supplies 4230110, I would like to reduce building materials by 20,000. He is at 5,000 that the most it would ever be. Second by Councilman Henke

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilwoman Baughman said I just have a question. On line item 4440500, it is budgeted for 30,000 dollars. I did not see anything in the Schedule A. For clarity, what would that be? They have not spent any money year to date. **Jamie Arce** said current year is for a LED rotating beacon replacement. **Councilman Henke** asked him to repeat what he said. **Jamie Arce** said in 2023 that was budgeted for a LED beacon. He said the current 2024 request is for a digital sign. **Councilman Henke** asked again what the 2023 money was for. **Jamie Arce** said it was for a LED beacon replacement. **Councilwoman Baughman** said just to clarify they have

DRAFT

not done that yet. **Jamie Arce** said as of June it had not yet been replaced. He also said as of year to date it has not been done.

Councilwoman Deputy made a motion to reduce other equipment by 30,000 dollars. She stated that digital signs end up costing more. Second by Councilwoman Baughman

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Communications Center Budget – Pages 51 and 107 of the Budget Book

Councilwoman Deputy said I know that you increase your education budget for public schools, retirement homes, you increased it by 10,000 dollars. You have spent a 1,000 dollars so far this year.

I would like to make an amendment to reduce it by 10,000 dollars. Second by Councilwoman Baughman

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilwoman Deputy said can you share a little bit what professional services is? I see that in 2021 we did not have any 2023 as a late we do not have any; you were budgeted for 17,100. **Dustin McLain, Director of 911 Communications Center** said that is for our quality assurance for medical emergency dispatch protocols. We get an annual bill for that. It should be coming up here at the end of this month, if I am not mistaken. **Councilwoman Deputy** said so it increased because I know in 2022 it was 10,000 dollars. **Dustin McLain** said it was prorated because we got it around March or so last year.

Councilman Henke said maintenance contract 4360400, if I would annualize that it is 89,000, but your budget is 65. Are you going to be covered is there a new contract? It was 44,571 in the first six (6) months. **Dustin McLain** said I believe my predecessors had put the funds in the wrong budget line, so we moved something around. I think that was kind of covered in the Schedule A that some of the funds were adjusted. **Jamie Arce** said that also includes the new contract with Central Square. **Councilman Henke** said so the contract with Central and then there was, and maybe that is what you are saying is contract services. The new CAD system built from our subject matter expert. **Dustin McLain** said yes, we have a third party who is a former dispatcher for the center who has experience with CAD integrations since we are moving

DRAFT

over to this new system, we have been using her expertise in the contract services. **Councilman Henke** said and I assume that subscriptions is a timely manner. **Dustin McLain** said correct. **Councilman Henke** said then education. You had a pretty heavy education in 22 and in 23 it is only 895 dollars in the first six (6) months. Then we went from 10,000 to 20,000 so a 100% increase. How many people does that go after? **Dustin McLain** said we currently have thirteen (13) dispatchers. Our staffing as we discussed at the previous meeting is limited. So, the training is not readily available. We also increased our travel budget to kind of plan ahead for next year because a lot of our trainings are onsite, we are not able to do them via WebEx or Zoom. We are going to need to make sure that we have the funds available for the trainings as well as the hotels and travel. Then also we wanted to make sure that we had room for that public education. We have some things that we are going to be pushing out this next year to help the community understand how to utilize our services and help us with our partners and first responders. **Councilman Henke** asked can you tell me how much of the 20,000 the new CAD related education is. **Dustin McLain** said for the new CAD there are no funds going on.

Councilman Thomas said under travel; this year you asked five (5) jumping up to ten (10), and unless I am overlooking it, it did not make Schedule A, as to the reason it is a 100% increase. **Jamie Arce** said it says increased in travel for training opportunities for dispatchers and their continuing education. **Councilman Thomas** said I am sorry, travel for what, training opportunities? **Dustin McLain** said correct. Like I was saying, the training that dispatchers get are across the country. We have two (2) major training groups, NINA and ABCO and they host all over the country. It is few and far between that we actually even get them in the state, so we need to travel to those locations. We have not been taking advantage of that due to COVID previously and then due to the staffing issues that we ran into recently. We are looking ahead and are optimistic that staffing is going to get filled here and give our dispatchers and opportunities to get out there.

Councilwoman Baughman said just for some clarity on the Schedule A, I think that there is a line that is not lining up. You have travel at 5,000. **Jamie Arce** said it is the maintenance contract it should be shifted up. It is the right justification. **Councilwoman Baughman** said I agree. It was a little bit confusing. So, the maintenance contract is called new contract with Central Square. **Jamie Arce** said that is correct.

Fire Department Budget – Pages 47, 93 and 133 of the Budget Book

Councilman Henke said so, we had a shift in LOIT? Is that what we are saying on the full time line item? **Jamie Arce** said no, we continue to maintain an 80/20 split for police and fire payrolls. There may have been some realigning but that is the intent is an 80/20 split between those two (2) as it has been. **Councilman Henke** said I am just trying to understand the annualization of the first six (6) months and then we had a decrease of 85,533 even including the department heads budget in here. **Jamie Arce** said that is correct. **Councilman Henke** said I am not following how we added his salary in. Looks like we added his particular salary in the 23 budget. **Jamie Arce** said that is correct. **Councilman Henke** said then I want to go to overtime, which is a killer. How many positions are you behind? **Shaun Edgerton, Fire Chief** said we are currently down two (2) at this point. **Councilman Henke** said so we are down two (2)... **Chief Edgerton** said I just counted today and we have six (6) people off on medical leave. We

DRAFT

have three (3) people off on suspension. Consequently, those positions have to be covered with overtime. For all intents and purposes, it the two (2) plus the six (6) plus the three (3), so we are down eleven (11). **Councilman Henke** said because we are growing at a pretty significant rate as far as budget I realize, and here is the problem as a counsel person that I have with our budgetary procedures, is that we shift things in and out and yours has a 2 Million dollar shift, and we have to chase it down and say, okay, two (2) years ago what did we do to start to line up towards that? We went from 13 8 to 14 8 and then we are going to be at 16 7. It just is nice to have a little bit of understanding of the shifting in and shifting out as we do budgets because it is all hard to keep track of and I am fairly knowledgeable in this area. So next I am looking at the clothing allowance, is that purely contractual? **Chief Edgerton** said purely contractual. **Councilman Henke** said office supplies 5,000 4,000 spent 714 dollars as of now. We are at 13,500. **Chief Edgerton** said traditionally what we do at the fire department is that we will use our office supplies for the total as the year goes along and then at the end of the year, we will make our purchases for the next year. **Councilman Henke** said but it looks like in three (3) years you have never spent above 5,157 and we moved from 11,000 to 13,500, without an incident or expectation, or change of letterhead or anything else. It is a 22 just about a 23% increase. Just in the coverage that we never used before so realistically it is more than a 50% increase at present. **Jamie Arce** said at present, they have spent almost 7,400 dollars, for whatever help that might provide. **Councilman Henke** said rig gear is contractual. **Chief Edgerton** said yes it is contractual. **Councilman Henke** said medical surgical that is not too far off base. Building materials, did you have it up front? There it is, increased reflect new account line and then that money was pulled from what other account line that we separated out. **Jamie Arce** said we just established it. It is a pure new account line with new funding that does not have an offset. **Councilman Henke** said so what would that be expected to cover since it is a new account. **Chief Edgerton** said that covers things that we use for training. We use building materials, 2x4's, plywood, dry wall, those are the kind of things that we use in order to train our individuals with. So, we separated that into another account in order to be able to go and buy those things and use those for training. **Councilman Henke** said and then your small tools, 157% increase. It say small tools increased due to transfer from equipment repairs, but your equipment repairs went up as well. **Jamie Arce** said the equipment repairs went down by 75,000. **Councilman Henke** asked what line item. **Jamie Arce** said 4360200, decrease to reflect transfer of 55,000 to small tools and 20,000 to vehicle repair parts. **Councilman Henke** said okay, could you help me with scuba; 16,000 21,000 and then suddenly we have 53,933 at the beginning. I am assuming we bought everything at the beginning of the year. **Chief Edgerton** said there were certain things that I do not want to say they expired, they just went bad. Things like dry suits, wet suits, those kinds of things that we use for our water rescue team. Those things need to be replaced at that point in time. There was also a push for us to put scuba, hazmat and tech rescue under one banner. So, those are all now under the same banner. I cannot recall what that line is called right now but we took those three (3) entities, and put those under one banner and that line is now I believe 90,000 dollars. **Councilman Henke** said if I would look at this and say scuba and that equipment, it has a shelf life there is dates on it like bunkers and all that. **Chief Edgerton** said it is not so much that it has dates, but what ends up happening is that over time you are talking about rubber products, those kinds of things, they wear out, and they get holes in them. We repair them, they dry rot. There are several things that can end up happening with that kind of equipment. So, it has to be replaced on a periodic basis. **Councilman Henke** said it looks as though we have done that a big chunk of it at the beginning

DRAFT

of this year and it looks like it may have been expected because that was in the 23 budget. But, based on how the administration is doing the budget, they rolled over that same number as that we are going to have that same turnover of all that same equipment. **Chief Edgerton** said I guess the best way for me to tell you guys, there is always a turnover in those teams and that equipment is custom. I cannot go out and buy off the rack. Basically, it has to fit me and being that I have several individuals that are over 6'6" who participate in these in these teams, I have to buy their thing custom. **Councilman Henke** said subscriptions, it looks like you have doubled up from 22, which was the biggest year 2,959 and now we are going to 5,400 is there new subscriptions of some kind? **Chief Edgerton** said there are subscriptions that are involved with EMS. There are subscriptions that are involved with hazmat, in the bureau all those entities have subscriptions that they have to keep up to date. **Councilman Henke** asked if Jamie could define the risk reduction of these departments. What would define that line item? **Jamie Arce** said that was a request of the chief that we renamed that line. **Chief Edgerton** said that was previously the arson investigation bureau. We renamed that line to risk reduction which is more in line with the industry standard at this point and that is public education, inspections and investigations, those kind of things come out of that line. **Councilman Henke** said so you are not the only department with risk reduction listed. Does police have risk reduction? **Jamie Arce** said I do not believe so. **Councilman Henke** said we created a line item just for this one. I am just concerned that if it is not consistent throughout the budget, it just throws us off a bit without a definition. **Jamie Arce** said I understand that.

Councilwoman Deputy said when we met in October, you guys had not reached an agreement with the firefighters Union has that occurred and how is that being reflected in the budget? **Jamie Arce** said it has not been reflected in the budget yet. **Councilwoman Deputy** said just a question, so do we still approve this tonight or do you need to wait until we really know how it is going to impact the budget. **Jamie Arce** said I think the following pass practice, given where we are at with the negotiations and that council is yet to approve anything. We would take a wait and see approach as to what the impact of their budget is going to be and whether or not do too vacancies and other things that whatever is agreed upon between the council and the union if there is going to be a need for an additional appropriation at some point in 2024 to cover the costs associated with the negotiations. **Councilwoman Deputy** said so just to clarify, if this gets approved tonight, you are saying we should anticipate possibly another ordinance coming to appropriate more money. **Jamie Arce** said correct. To cover the costs associated on the impact of the contract and it is agreed upon. We may or may not need to appropriate funding. **Councilwoman Deputy** said any idea on how much that ordinance could be? **Jamie Arce** said not currently because we have yet to agree or offer what the economic components would be.

Chairman Dawson said that Brian and I are the council liaisons and we have yet to meet to figure out where they are with negotiations. I imagine when HR comes up they will be able to speak better to it.

Councilwoman Deputy said so it is difficult to approve something if you do not know the amount that.

DRAFT

Bradley Tracy said if I could just clarify, it is going to go up. This is the current level. We anticipate increases as all the other bargaining agreements have includes increases and raises throughout the time and it is customary not to pre-determine what those are until we negotiate the actual amount. **Councilwoman Deputy** said so have you may be increased some stuff here to anticipate that? **Bradley Tracy** said no, that is what I am saying. There was nothing here at all as far as the additional salaries or increases for clothing allowance or anything that might happen during the negotiation.

Councilman Henke said is there any other department that is yet to ratify a contract? **Jamie Arce** said this is currently the only one that we are in negotiations with. Last year we completed police, ASFME and teamsters. The Indiana FOP Local for Dispatch would be the next one up. **Councilman Henke** said we have complained about this to your point Councilwoman Deputy, we have complained about this going into right at the budget and we do not have a solid contract or expectation even to say that customarily a budget would have gone up in the personal line accounts by a percentage so we could actually buffer the thing. Because we are talking about place settings in so many other departments, but we do not do a place setting for a major budget like this. **Jamie Arce** said I think I understand where you are coming from; the other side is not wanting to hamper our negotiating position and suggest that we have already agreed to something that we have not. **Councilman Henke** said is there any reason that this could not have been scribed agreed to prior to the budget ratification. Why could not this have been concluded a week ago, other than negotiations or ongoing could we not come to the conclusion. It does not look good financially to have open ends that could be impacted by that amount of money.

Councilman Mishler said I will not that this previous budget year we had a similar situation with the FOP. So, we are looking at the reflection of that in this year's budget and next year we will be able to have a full reflection of it in the budget. Unfortunately, I do not know if it is a timing issue or what, but that just seems to be the, when the budget negotiations begin and around this time.

Councilman Henke said contractually, we can open them up if both parties agree. I am just saying from a budgetary measure and I recall complaining a year ago that we had an open FOP budget, a 20 Million dollar budget that had yet to be ratified and it puts us in a precarious position.

Councilwoman Deputy said I would just offer we have been told by the county or whatever we have to have this done by the Department of Local Government Financing. Could we take that same approach when we are doing contract negotiations? **Bradley Tracy** said unfortunately, no, the contracts currently, you provide notice in April at that point, you begin negotiating until it is done. We cannot force a date certain on negotiation.

DRAFT

Legal Department Budget – Page 37 of the Budget Book

Councilwoman Baughman said on professional services the line obviously has come down significantly since 2022 the allocation of 40,000 for this year and you have not used any maintaining that steady amount for next year. Can you elaborate on that? If you have used none, does it make sense to reduce that even more? **John Espar, Corporation Counsel** said I am sure I have already incurred on an ongoing project now, additional legal expenses that will come out of that professional service line item. If I had to guess, I would say that we will probably use all of the 40,000 before the end of the year. I would hate to speculate how much has been used, but I would probably put 10 to 20,000 has been used since that report was generated.

Councilwoman Baughman said my next question is subscriptions. You had budgeted for this year, 15 8, you are on track at the end of June of 3,100 double that, let us just say it is 6,500. Yet, you still budgeted 15 5 for the next year. **John Espar** said the largest subscription we have is for our case management software Time Matters and that came due after that statement and it is... **Jamie Arce** said it is 14,450. He said that subscription account line is a one-time expenditure with their case management software and it is currently at 14,450 dollars.

Councilman Henke said you talked about legal publication that there are now cases you're going after at a more rapid pace. I see that and hopefully we get there. I understood the subscriptions. There was contracts services and I wanted to go back under maintenance contracts. Is that just a shift from a maintenance contract to contract services? **Jamie Arce** said yes. **John Espar** said that is for printer scanner maintenance. **Councilman Henke** said I am just asking again, on the Schedule A, that would have been a great little transfer note.

Central Garage Budget – Page 97 of the Budget Book

Councilwoman Deputy said number one, thank you because you did really good detail as well. The only question I have is under education you have budgeted 10,000 dollars and right now you would have spent through this year 6,000 let us say. Just curious previous years it was more 1,600 2,500 just curious why the increase. **John Holt, Central Garage** said one is for the CDL School that we have never really utilized before. But now, since they passed the law that we do have to send everybody to an actual accredited school we had to get that in our budget. Um, we have, you. Our education has been used this year. I am instituting a plan in our garage for education for the guys so that they can know more about what they work on. **Jamie Arce** said for the council's benefit, currently there is 7,000 dollars that has been spent and another 3,600 that is pending and they have requested an adjustment already to accommodate that additional 1,000 dollars. So, they will have consumed the entirety of that budget and would have had to have made some decisions on shorting other needs perhaps.

Councilman Henke said were you going to get me the roll stock list. **Josh Holt** said you should have received that today sir. He said I did receive it today. He said I am looking at clothing and outerwear, is that a new budgetary item? **Jamie Arce** said that is a contractual item for the ASFME union members. **Councilman Henke** said do you have something specific in mind for the building materials or is that is just because things are aging. **Jamie Arce** said you have a 10,000 dollar increase to reflect anticipated building maintenance needs. **Josh Holt** said that is to redo the duct work on our heating system in the shop. **Councilman Henke** said then

DRAFT

professional services, increase needs to study for future building expansion 40,000 dollars. Did we have a presentation or anything or are you just starting. **Josh Holt** said we are just starting this I have been in talks with DLZ and this is the number that he recommended me to budget for next year. **Councilman Henke** said in replacement of the shop or expansion of the shop. **Josh Holt** said expansion on the shop.

Councilman Mishler said the small tools and minor equipment; I see it went down by 4,500, but still the year to date activity through June is only at 1,700. Is there more something expected, is there a late year rush for things. **Josh Holt** said part of that was transferred by Jamie for the contracts on budgetary needs. **Jamie Arce** said we made the decision that the tool allowance that is a qualified plan was best not be included as a payroll item but to be more reflective of the type of expense that it is as a tool.

HR Budget – Page 35 of the Budget Book

Councilwoman Baughman said I have some questions under education and training you had spent through the end of June, 12 5, roughly. So that would make you about 25,000 your approved budget for this year 64 and you are holding steady at that. I think we talked about this at our meeting that that was for in person online training. Do you expect to be at the 64,000 this year? **Wayne Belock, HR Director** said we are going to be increasing...there are a couple of things that are in the works as far as online training that we are going to be starting. There is also some in person training sessions. We are going to be close to that. This is the first year we have budgeted for it, so, I think after this year, and next year will be able to get maybe more accurate picture of that. But the intent is to beef up the training, especially in the middle managers and those types of things. **Councilwoman Baughman** said is there any way to measure the effectiveness of in person versus online training? **Wayne Belock** said some of the sessions, the online is good as far as covering general principles, and the in person training is helpful, because some people need work in specific areas of management. How to manage people, how to manage different situations where they can actually kind of do a trial run with different trainers. So, I think there is a benefit to both. We cover some of the basics in the online, but some of the people need the in person and then their supervisors designate who would go to that. **Councilwoman Baughman** said well, I do think that data shows that people learn and retain more in person and so the challenge becomes, many of us in the last few years, have done a lot of things online due to the pandemic and yet you might find yourself multitasking during that. Let's just call spade a spade. **Jamie Arce** said engagement becomes challenging. **Councilwoman Baughman** said I just do not know if it is why it might be convenient and it might offer us an opportunity to offer a level of education that is it the most effective use and greatest bang for our buck. I am just thinking that we might need to look at the effectiveness and engagement and not to just check the box. **Wayne Belock** said that is the intent is to make it effective.

Councilwoman Deputy said Jamie, you could probably help me with this. Is there any way you could give us an up to date of how much has been spent out of 4390910, which would be education and training for Human Resources? **Jamie Arce** said I just checked and I think it was just over 13. **Wayne Belock** said it is 13, but there is a contract that was just approved this past week by Board of Works for some training. In addition, we are in discussions with IUSB for some in person training that will consume additional dollars. **Jamie Arce** said it is 13,120.

DRAFT

Councilwoman Deputy said do you remember how much the contracts were for the remainder of the year. **Wayne Belock** said I am approximating it will be probably 10,000 more.

Councilwoman Deputy said so that would put at let us just say 25,000 for the total year, is that correct? **Wayne Belock** said if we go with those figures yes.

Councilwoman Deputy made a motion to reduce that line by 34,000. Second by Councilman Henke.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Thomas said back to travel; you budgeted 5,000 dollars in this year's budget. To date, you have only spent 200 yet you still asked for 5,000. What is the rationale behind that? **Wayne Belock** said so, in addition to expanding training city wide, the intent is to also have training more for the people in our department. Some of that may involve travel to different conferences. There really has not been a robust training, so that is something we want to work on and that would enable us to at least have a budget place holder for that.

Councilman Thomas made a motion to take 3,000 off of travel leaving a balance of 2,000. Second by Councilman Henke.

Chairman Dawson asked the clerk to do a Roll Call vote.

AYES: Deputy, Thomas, Baughman, Henke

NAYS: Curry, Mishler, King, Fish, Dawson

By a vote of 5-4, the amendment fails.

Councilman Henke said have you mentioned professional services? Did you cover that? **Wayne Belock** said I think we did at the initial session. **Councilman Henke** said and then I am looking at the full line item of supplies year to date. You had a 15,000 dollar budget, which is neither here nor there that is just a number. The question really is the trend and to date if we would annualize your supplies through the first six (6) months it is 4,286 for the year and yet we are budgeted at 15,000. Again, you have zero expenditures in office supplies in the first six (6) months. You have zero expenditures for safety supplies in the first six (6) months. You had those in your budget this year so we are at 300% of actual. **Wayne Belock** said so there are three (3) components there. The first one is operating supplies that deals with the additional materials we are using for onboarding and orientation processes. We have beefed that up quite a bit. Also, for participating in different recruiting fairs in the area. The office supplies, I am not sure why that is showing zero because I know we have bought office supplies. It is not substantial. We kind of moved money from stationary and printing over the last couple of year because that was kind of redundant. As far as safety supplies, I think we discussed that in the last session. That is a

DRAFT

cushion where our department can supplement things to buildings and grounds or parks or other areas where through workers compensation issues that may come up. We identify additional supplies that may be needed such as extra gloves in the winter, sunscreen, hats, and things like that. So that is a kind of fund that can be used city wide to supplement some of the other requirements that are contractual. That is more of a proactive fund to try to address injuries before they happen. **Councilman Henke** said then when we met for the original budget introduction, I had asked for the total annual reported workers comp claims by number and cost value and then the personal injury total cost, did you happen to get around to that? **Wayne Belock** said I do not have that, we are still working on it.

Planning Department Budget – Page 41 of the Budget Book

Councilman Henke said I am looking at office supplies, the big year was in 21 1,600, 22 was 624 and we are budgeted for 3,500, is that just in anticipation of. **Mike Huber, Director Economic Development** said I inherited this budget. Trying to learn first time doing a budget and trying to understand what the office supplies demand and use is going to be. I know we have made a relatively recent significant purchase and I think the numbers have changed since what you see. I did not bring that sheet with me tonight. **Councilman Henke** said there was a big one, the professional services line, can you just remind me what we did there and why there was such a change. 42,656 in the first six (6) months. Was that something specific? **Mike Huber** said this was allocated to the development of the new zoning ordinance which I believe was a 90-92,000 dollar contract. We are about halfway through that process and we have used about half as well. We are about three quarters of the way through now and we are getting close to the end of that. So, we will use all of that this year. In terms of looking at next year, we have learned through a couple of our other planning processes we may have to do some additional changes to our zoning ordinance based on some of the feedback we have gotten out of the plans. So, we will need to do some implementation of some of those zoning recommendations within the zoning code as well. Then we are anticipating a number of annexations next year that we think are going to be coming through. They are fairly large and fairly complex. So, we are also budgeting for some fiscal planning analysis with Baker Tilley to help us do those fiscal analysis projections so that you guys have good accurate information when you consider those annexation request. **Councilman Henke** said then your liability insurance I am assuming it is a one-time payment for the year. **Jamie Arce** said that is a one-time thing that we handle.

Economic Development Budget – Page 39 of the Budget Book

Councilman Henke said the professional services line. **Jamie Arce** said 263 spent to date. **Mike Huber** said so the things that were included in that this year; we had a city wide annexation study completed. That was about 120-125,000 dollars. Again, this was programmed before I got here and we have also contributed to the Benham Avenue Neighborhood planning process and we have done some planning within enFocus to help us in doing some of the housing market study analysis as well. **Councilman Henke** said if you would the same thing on maintenance contracts. **Mike Huber** said the maintenance contracts are related to the property maintenance we have for the city owned properties. We supplement buildings and grounds with those funds. **Councilman Henke** said so, we would annualize that though, and you are at 10,600. **Mike Huber** said they came later. Obviously, there was not a lot of maintenance before

DRAFT

June. It has been through June, July, August and September when we had a lot of growing and a lot of mowing. **Councilman Henke** said in 22 the total was 2,700. **Mike Huber** said we did not do it in 22. That was new in the budget this year. Again, I inherited that and we anticipate carrying that obligation forward again next year.

Councilwoman Baughman said for some clarity. Did you say that maintenance contracts is at 21,000 right now? **Mike Huber** said that is correct.

Councilman Henke said I am sure you inherited it, but we inherited a shift in interpretation of budget lines every year and that is why we just have to ask too many questions. Your educational component is pretty significant increase as well, considering what was spent to date. The average actual is less than 5,000 in 21 and 22 and we are at 10 5. **Mike Huber** said we had periods this last year where we were down in staff in multiple positions across both planning and economic development. We have since activated and we brought in some new staff so we obviously without the staff, they were not engaged in education and training. I do want to encourage our staff to take education and get training. We have two (2) fairly new staff members to our team in our economic development department. I want to encourage them to get certifications and start taking classes so that is why you see the budget where it is. It is not based on what has happened before me getting here, but it is understanding the needs of our team and the youth in some areas and also the growth of some of our longer term staff members into management positions to make sure they also have access to training and certifications that they need to be better prepared to do their jobs as well. **Councilman Henke** said so, the category of other services and charges annualized to date was 438,176.56. So, if I would look at the ask, it is 100,000 dollars above if I would analyze the current. I am just looking, where all the dollars are going and it seems to be the other services and charges and I am just looking at the amount of increases to be sure that there is a cost listed. I want to make sure that our benefit is equally as measurable in that regard. Then you had motor vehicle, increase to reflect... **Mike Huber** said we were getting two (2) new cars this year and so we have removed that from the budget for next year. **Councilman Henke** asked did you get the ones for this year. **Mike Huber** said we have not yet received the vehicles. **Councilman Henke** said but they are ordered. **Mike Huber** said I believe that is correct. **Josh Holt** said yes they have been ordered.

Councilwoman Deputy said other services and charges, did you confirm that? Because that was 80,000 and the highest it has been was 38,000. If you double it, it is 14,000. What was that again, can you please just clarify? **Mike Huber** said we have had an increase in the timing of this and where these are coming. We are doing things with other services and charges when we have expenses, legal expenses that are related to some of our activities and projects that are outside that TIF area, we still have to pay for those. Additionally, when we do ongoing some of the budgeting and financing and some of the projections, financial projections related to economic development project and we engage Baker Tilley as they help us with those projections as well. So, that is where those dollars come from.

DRAFT

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-20

Chairman Dawson opened the public discussion. There was no public discussion

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-20

Chairman Dawson returned the discussion to the council. There was no further discussion from the council.

He asked the clerk to do a Roll Call vote on second reading

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, the proposed ordinance passed on second reading.

Motion for third and final by Councilman Mishler, second by Councilman Fish.

Chairman Dawson asked the clerk to read the proposed ordinance by title only. He then asked her to do a Roll Call vote

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, the ordinance passed on third and final reading.

Chairman Dawson said having all official business being conducted, I declare this meeting adjourned.

Debra D. Barrett, City Clerk

Arvis Dawson
Finance Committee Chairman

Roderic Roberson
Mayor

Jamie Arce
City Controller



City Controller's Office
229 S. Second St.
Elkhart, IN 46516

574.294.5471
Fax: 574.294.8491

Memo

To: Arvis Dawson, Council President
From: Jamie Arce, City Controller
Regarding: 2024 Police Schedule of Salaries and Other Compensation
Date: September 6, 2023

For your consideration, please find the following proposed ordinance and supporting schedule adopting the maximum salaries for the high-ranking officials of the Elkhart police department and members of the Fraternal Order of Police Lodge No 52.

The maximum salaries of high-ranking officials align with the City's performance management model and have increased by a flat 4.5%. Performance based raises will be awarded based on the approval of the 2024 budget.

For the Members of the Fraternal Order of Police Lodge No 52 the City Council approved the collective bargaining agreement between both parties that began on January 1, 2023, and ends on December 31, 2025. The salaries, other compensation, and benefits included in herein are representative of the obligations set forth in the collective bargaining agreement. The table below lists the base salary obligations for the duration of the agreement.

Pay Grade	Title	Annual Base Salary		
		2023 (Base)	2024 (4.50%)	2025 (4.25%)
P-1	3rd Class Patrolman	\$ 61,000	\$ 64,240	\$ 67,438
P-2	2nd Class Patrolman	\$ 65,000	\$ 68,240	\$ 71,438
P-3	1st Class Patrolman	\$ 72,000	\$ 75,240	\$ 78,438
P-4	Investigator	\$ 73,000	\$ 76,240	\$ 79,438
P-5	Sergeant	\$ 77,000	\$ 80,465	\$ 83,884
P-6	Lieutenant	\$ 81,000	\$ 84,645	\$ 88,242

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER
COMPENSATION FOR THE POLICE OFFICERS OF THE CITY OF ELKHART,
INDIANA, FOR THE CALENDAR YEAR 2024**

WHEREAS, Indiana Code § 36-8-3-3 requires that the compensation for police officers be fixed by ordinance of the Common Council of the City of Elkhart, Indiana (“Common Council”) not later than November 1 of each year for the ensuing budget year.

WHEREAS, this ordinance sets forth the negotiated items which fix the annual pay and salaries of the sworn members of the Elkhart Police Department as defined in Indiana Code § 36-8-1-9; salaries of the First Class Patrolman as defined in Indiana Code § 36-8-1-11; salaries for upper level policy making positions in the department as defined in Indiana Code § 36-8-1-12; and other monetary fringe benefits

NOW, THEREFORE, BE IT ORDAINED by the Common Council that:

Section 1. The Common Council recognizes the negotiating team which represents the Fraternal Order of Police Lodge #52 as the sole and exclusive bargaining representative for all sworn full-time officers (“police officers”) of the Elkhart Police Department for purposes of negotiating annual pay, monetary fringe benefits and other monetary items which are addressed in this ordinance, excluding all police officers who hold the rank of Captain or above (“upper level policy maker”), who are governed by Indiana Code § 36-8-1-12 as upper level policy makers.

Section 2.

The salaries, wages, and compensation for the payment of salaries for sworn police officers of the City of Elkhart, Indiana, including upper level policy making positions defined by Indiana Code § 36-8-1-12 are hereby established, payable on a bi-weekly basis, every other Friday. For

the calendar year 2024, the position and maximum compensation is set forth as follows, expressed as the annual amount, if the corresponding bi-weekly compensation were paid for the entire year.

Title (Paygrade)	2023	2024	2025
Police Chief (P10 5A)	\$92,200 – \$124,700	\$95,000 – \$128,500	\$95,000 – \$128,500
Assistant Chief (P9 4C)	\$84,000 - \$113,600	\$86,500 – \$117,000	\$86,500 – \$117,000
Captain (P8 4B)	\$ 94,100	\$ 97,240	\$ 100,438
Lieutenant (P6)	\$ 81,000	\$ 84,645	\$ 88,242
Sergeant (P5)	\$ 77,000	\$ 80,465	\$ 83,884
Investigator (P4)	\$ 73,000	\$ 76,240	\$ 79,438
1 st Class Patrolman (P3)	\$ 72,000	\$ 75,240	\$ 78,438
2 nd Class Patrolman (P2)	\$ 65,000	\$ 68,240	\$ 71,438
3 rd Class Patrolman (P1)	\$ 61,000	\$ 64,240	\$ 67,438

The salary set forth above for Captain (P8 | 4C) shall be retroactive to January 1, 2023.

Section 3. For the calendar year 2024, salary and wage payments shall be made every other Friday with the first payment being January 5, 2024.

Section 4. For calendar year 2024, the following special incentives and allowances are hereby authorized for police officers.

SHIFT DIFFERENTIAL PAY

All police officers who work the afternoon or midnight shift will receive an additional compensation per pay period as follows:

Shift	2023	2024	2025
Afternoon	\$70.00	\$ 73.00	\$ 77.00
Midnight	\$90.00	\$105.00	\$115.00

HOLIDAY PAY

- A. In order to receive holiday pay, a police officer must work their last regular workday before a holiday and their next scheduled workday after the holiday. Holidays are those days designated by Ordinance No. 5856, as amended from time to time.

- B. If a police officer's regular workday is a designated or actual holiday (not both) and the police officer works that day, the police officer shall receive: (i) their regular base rate of pay for hours worked, (ii) two hundred dollars (\$200.00) holiday pay, and (iii) eight (8) hours of straight compensatory time.
- C. If a police officer's regular workday is a designated or actual holiday (not both) and the police officer does not work that day, the police officer shall receive only their regular pay for that day and no additional benefits. However, if a police officer is called in to work on a designated or actual holiday that would be a regular workday for him/her, the police officer shall receive: (i) either two (2) times their base rate of pay multiplied by the actual hours worked or two (2) hours, whichever hours are greater, or compensatory time equal to one and one-half (1 ½) times the actual hours worked; and (ii) two hundred dollars (\$200.00) holiday pay.
- D. If a police officer's regular day off falls on a designated or actual holiday (not both) and the police officer is not called in to work, the police officer shall receive eight (8) hours of straight compensatory time.
- E. If a police officer's regular day off falls on a designated or actual holiday (not both) and the police officer is called in to work, the police officer shall receive: (i) either two (2) times their base rate of pay multiplied by the actual hours worked or two (2) hours, whichever hours are greater, or compensatory time equal to one and one-half (1 ½) times the actual hours worked; (ii) two hundred dollars (\$200.00) holiday pay; and (iii) (8) hours of straight compensatory time.

OVERTIME PAY

Overtime pay for non-exempt personnel shall be paid at a rate of one and one-half times the police officer's regular rate of pay in accordance with Section 7(k) of the Fair Labor Standards Act. Overtime pay is authorized for non-exempt personnel who participate in the Operation Pullover Grant Program by performing patrol duties during off-duty hours.

Overtime shall be paid at the rate of two (2) times the police officers regular hourly rate inclusive of incentive pay, specialty pay, shift differential and longevity for each hour of overtime worked or credited for the following: Overtime caused by man power need or overtime posted for any City sponsored or approved event held within the City of Elkhart.

SICK INCENTIVE PROGRAM PAY

To encourage proper attendance and avoid misuse of sick days and/or extended leave benefits, each police officer shall be entitled to Sick Incentive pay according to the following:

- A. A police officer with the rank of Third Class Patrolman (P-1) or Second Class Patrolman (P-2) shall be entitled to a One Thousand Dollar

(\$1,000.00) payment if the officer did not use a sick day during the Sick Incentive Program year.

- B. A police officer with the rank of First Class Patrolman (P-3) or above, shall be entitled to a One Thousand Two Hundred Dollar (\$1,200.00) payment if the officer did not use a sick day during the Sick Incentive Program year.
- C. The amount payable to each police officer, as referred to in paragraphs a. or b. above, shall be reduced by Two Hundred Dollars (\$200.00) per sick day for each of the first four (4) sick days used by the officer. Use of a fifth (5th) sick day shall disqualify the officer from any payment and from any further eligibility and participation in this Sick Incentive Program for the remainder of the program year.
- D. The Sick Incentive Program year shall run from December 1st through November 30th of the following year (e.g. December 1, 2023 through and including November 30, 2024). The payment due to each officer eligible under this Sick Incentive Program shall be made by the City to the officer on or before December 15th, following the end of the program year (November 30th).
- E. All monies remaining in the Sick Incentive Program after the calculation of the payments due pursuant to paragraph d. above shall be equally divided among those officers with perfect attendance for the program year. This Sick Incentive Program bonus shall also be payable on or before December 15th.
- F. An eligible officer leaving employment with the Elkhart Police Department, in good standing, shall have the payment due under this Sick Incentive Program pro-rated by the number of calendar days from December 1st until the date of separation from employment. Furthermore, any such officer shall not be entitled to any share of the perfect attendance bonus referred to in paragraph e. above.
- G. Sick Incentive Program pay (either the \$1,000.00 or the \$1,200.00 as referred to in paragraphs A. or B. Above) shall be based upon the rank the officer held the majority of the Sick Incentive Program year.

SEVERANCE PAY: POLICE OFFICERS

- A. Upon retirement, voluntary termination, or death, the officer, or their estate, shall be paid for all earned vacation time, earned unused personal days, earned compensatory time, earned sick incentive, and prorated uniform allowance to which they were entitled on their last day of employment at their current hourly rate.

Section 5. For calendar year 2024, the following special incentives and allowances are hereby authorized for police officers and upper-level policy makers as defined by Indiana Code § 36-8-1-12.

REGULAR LONGEVITY PAY

- A. Each eligible police officer or upper level policy maker shall receive additional compensation in recognition of their continuous service as a certified Law Enforcement Officer pursuant to the following schedule and in accordance with the salary ordinance in effect.

<u>Continuous Years of Law Enforcement Service</u>	<u>Compensation per Month</u>
After completing year 2	\$25.00
After completing year 5	\$50.00
After completing year 10	\$100.00
After completing year 15	\$150.00
After completing year 20	\$450.00
After completing year 21	\$550.00

The longevity herein, as applied to upper-level policy makers, shall be retroactive to January 1, 2023.

CLOTHING AND EQUIPMENT ALLOWANCE

Each police officer and upper level policy maker with the rank of Second-Class Patrolman (P-2) and above shall receive Two Thousand Dollars (\$2,000.00) each per year for clothing and equipment allowance.

COMPENSATORY TIME

All executive, administrative, and supervisory personnel, which includes upper level policy making positions defined by Indiana Code § 36-8-1-12, in accordance with the Fair Labor Standards Act ("FLSA"), will be prohibited from receiving compensatory time while serving in those capacities. Compensatory time for all non-exempt officers shall be determined and administered in accordance with the applicable law, including FLSA and the Collective Bargaining Agreement.

SPECIAL INCENTIVE PAY

In addition to regular pay and benefits, specialty pay shall be tendered to all police officers, including upper ranking policy makers defined by Indiana Code 36-8-1-12, who are assigned and work as a specialist in the below listed assignments at the

specified rate. Each police officer or upper level policy maker that is trained and assigned to a special duty position shall receive a sum not to exceed Six Hundred Dollars (\$600.00) as special incentive pay unless otherwise noted below. No police officer or upper level policy maker shall receive more than four (4) special incentive pays annually. The total number of special incentive pays for all police officers shall not exceed one hundred eighty (180).

1. Truth verification examiner
2. Firearms instructor
3. SWAT Team Member
4. Explosives, Ordnance & Disposal (EOD) Officer
5. Evidence Technician (\$1,500.00)
6. Breathalyzer Operator
7. Canine Officer
8. Armorer
9. Criminal Investigation Division (CID) Technician
10. Meth Lab Officer
11. Accident Reconstructionist
12. Field Training Officer (\$1,500.00)
13. Emergency Vehicle Operations Course (EVOC) Instructor
14. Community Relations Officer
15. Defensive Tactics Instructor
16. Drone Operator
17. Tactical Field Officer
18. Drug Recognition Expert (DRE)
19. Limited English Proficiency / Sign Language Proficiency Incentive Pay
20. Any additional special duty position established by the Administration

PENSION CONTRIBUTIONS

The City of Elkhart shall pay 22.5% of the contribution required by the 1977 Police Officers' and Firefighters' Retirement Fund for each eligible police officer and upper-level policy makers. Each eligible police officer or upper-level policy maker shall pay the remaining 1.0%.

Section 6. For calendar year 2024, the following special incentives are hereby authorized:

RESIDENT INCENTIVE

Any person, except for persons covered by a collective bargaining agreement, employed by the City of Elkhart on a full-time basis, whose compensation is fixed under this ordinance, who establishes and maintains legal residency within the city limits of the City of Elkhart, physically resides on a continuous, permanent basis within the Elkhart city limits, and satisfies such other the requirements described in the Employee Handbook relating to this incentive, shall be entitled to an annual lump sum monetary bonus of up to

two thousand four hundred dollars (\$2,400). The residency bonus shall be prorated for each full month of city residency out of the twelve (12) months immediately preceding the month selected by the City Controller for the payment of the bonus, and provided the person is so employed by the City on the last day of the pay-period prior to the bonus payment date.

LATERAL ENTRY PROGRAM

- A. A person who becomes a full-time sworn law enforcement officer through the Elkhart Police Department's Lateral Entry Program shall be eligible for a hiring bonus payment in the following amount based on the number of years of continuous service as a full-time law enforcement officer for another local, state, or federal law enforcement agency and currently holds a law enforcement certification through a State or Federal agency:

Years of Full-Time Experience	Total Amount of Incentive Payment
Less than two (2) years (0-2)	\$5,000.00
Two (2) to Three (3) Years	\$10,000.00
Four (4) or more years	\$15,000.00

For purposes of this Section, a year of full-time law enforcement experience with another law enforcement agency shall mean that the person has worked no less than 2,080 hours from his or her current date of hire to the person's anniversary date the following year and subsequent years thereafter. The experience or service with another law enforcement agency must be continuous and uninterrupted.

- B. The payment of the hiring bonus to the police officer shall be made in three equal installments as follows: (1) first installment, upon appointment to the Elkhart Police Department, (2) second installment, upon successful completion of the field training, and (3) third installment, upon successful completion of the police officers one-year probationary period.

Any sworn member who received monies pursuant to this Lateral Entry Program and who leaves employment from the Elkhart Police Department before their one (1) year anniversary with the Department, shall be required to pay back to the Elkhart Police Department all lateral bonus monies received.

POLICE OFFICER RECRUITMENT BONUS PROGRAM

Any City of Elkhart Employee, who verifiably assists in the recruitment and hiring of any new full-time sworn police officer, may be eligible upon Department verification of each of the stages listed below:

1. Upon an individual, who has been recruited by a City of Elkhart Employee, graduating from the Indiana Law Enforcement Academy, the sum of three hundred dollars (\$300.00) shall be allocated for payment for that City of Elkhart Employee who assisted in the recruitment.
2. Upon that individual then successfully completing the Field Training Program (FTO), the sum of seven hundred dollars (\$700.00) shall be allocated for City of Elkhart Employee who assisted in recruitment.
3. For the City of Elkhart Employee to be eligible to receive the bonuses described above, the candidate must have successfully completed the specified phase of the hiring process and be hired by the Elkhart Police Department as a full-time sworn member. Any City of Elkhart Employee desiring to participate in the Police Officer Recruitment Bonus Program shall be required to timely complete all required forms with the Department, and upon verification of their recruited candidate successfully meeting the hiring standards, processing for payment of the recruitment bonus shall commence.

LATERAL POLICE OFFICER RECRUITMENT INCENTIVE PROGRAM

Any City of Elkhart Employee, who verifiably assists in the recruitment and hiring of any new full-time lateral sworn police officer is eligible for a one-time bonus payment of one thousand dollars (\$1,000.00). Said bonus shall only be processed for payment upon the following conditions being met:

1. The lateral police officer candidate successfully completed a Law Enforcement Training Board-certified 40-hour Pre-Basic Course, and is hired as a full-time sworn member of the Elkhart Police Department.
2. Verification of the City of Elkhart Employee's recruitment activities and their timely completion of all required forms with the Elkhart Police Department.
3. The lateral police officer candidate, completed the annual mandatory training program addressing domestic violence, use of force training, firearms training, and emergency vehicle operations training; and

4. All Police Department regulations governing this program must have been complied with by the City of Elkhart Employee in order for them to be qualified and eligible to be paid under this program.

Section 7. Any ordinances, resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

Section 8. The effective date of this Ordinance shall be January 1, 2024.

[Balance of page is intentionally blank.]

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____, at
_____ a.m./p.m.

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

City of Elkhart
 Schedule A
 2024 Salary Ordinance

Index	Position	Pay Grade	2024 Maximum Annual
<u>Police Department</u>			
1	Chief of Police	P10 5A	\$ 136,028
2	Assistant Chief of Police	P9 4B	\$ 118,022
3	Captains	P8 4A	\$ 112,215

Index	Position	Pay Grade	2024 Annual Salary
4	Lieutenant	P6	\$ 84,645
5	Sergeant	P5	\$ 80,465
6	Investigator	P4	\$ 76,240
7	1st Class Patrolman	P3	\$ 75,240
8	2nd Class Patrolman	P2	\$ 68,240
9	3rd Class Patrolman	P1	\$ 64,240

Roderic Roberson
Mayor

Jamie Arce
City Controller



City Controller's Office
229 S. Second St.
Elkhart, IN 46516

574.294.5471
Fax: 574.294.8491

Memo

To: Arvis Dawson, Council President
From: Jamie Arce, City Controller
Regarding: 2024 Fire Department Schedule of Salaries and Other Compensation
Date: September 6, 2023

For your consideration, please find the following proposed ordinance and supporting schedule adopting the maximum salaries for the high-ranking officials of the Elkhart fire department and members of the International Association of Firefighters Local #338

The maximum salaries of high-ranking officials align with the City's performance management model and have increased by a flat 4.5%. Performance based raises will be awarded based on the approval of the 2024 budget.

For the Members of the International Association of Firefighters Local #338 the collective bargaining agreement between the City and IAFF expired on December 31, 2023. As such, the City and the IAFF are currently in the process of negotiating the terms of a new contract and, as such, the rates of pay associated with the union are continuing from 2023 into this proposed ordinance.

At which time both parties have reached an agreement an amendment to this ordinance will be brought forth to recognize the changes agreed upon by both parties.

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A SCHEDULE OF SALARIES AND OTHER
COMPENSATION FOR THE FIRE DEPARTMENT OF THE CITY OF ELKHART,
INDIANA, FOR THE CALENDAR YEAR 2024**

WHEREAS, Indiana Code § 36-8-3-3 requires the compensation for employees of the Fire Department be fixed by ordinance of the Common Council of the City of Elkhart, Indiana (“Common Council”).

NOW, THEREFORE, BE IT ORDAINED by the Common Council that:

Section 1. The salaries, wages and compensation for the payment of salaries of employees of the Fire Department of the City of Elkhart, Indiana, are hereby established, payable on a bi-weekly basis, every other Friday. For the calendar year 2024, the position and maximum compensation is set forth in the attached Schedule A attached, expressed as the annual amount, if the corresponding bi-weekly compensation were paid for the entire year.

Section 2. For the calendar year 2024, salary and wage payments shall be made every other Friday with the first payment being January 5, 2024.

Section 3. For calendar year 2024, the following special incentives and allowances are hereby authorized for each eligible firefighter:

(The balance of this page was intentionally left blank.)

INCENTIVE PAY FOR SPECIAL POSITIONS

A sum not to exceed the following:

<u>Specialty</u>	<u>Annual Pay</u>
<u>Hazardous Materials</u>	
HAZMAT Team Coordinator	\$4,000.00 ea.
HAZMAT Team Leaders	\$1,000.00 ea.
HAZMAT Team	\$617.00 ea.
<u>EMS</u>	
Licensed Paramedics	\$4,600.00 ea.
<u>Water Rescue</u>	
Water Rescue Team Coordinator	\$4,000.00 ea.
Water Rescue Team Leader	\$1,000.00 ea.
Water Rescue Team	\$617.00 ea.
<u>Technical Rescue</u>	
Technical Rescue Team Coordinator	\$4,000.00 ea.
Technical Rescue Team	\$617.00 ea.
<u>Mechanics, Instructors, and Assistants</u>	
SCBA Coordinator	\$4,000.00 ea.
SCBA Maintenance	\$2,742.00 ea.
Assistant Mechanics	\$2,742.00 ea.
Instructors	\$4,000.00 ea.
Technology Assistant	\$2,742.00 ea.

HOLIDAY PAY

A. Except as otherwise stated in Subsection C, to be eligible for holiday pay, a firefighter must work his or her regular tour of duty before, during or after a scheduled holiday. Holidays are those days designated by Ordinance No. 4507, as amended from time to time.

B. If a firefighter's regular tour of duty begins on a scheduled holiday and he or she works that entire shift, the firefighter shall receive three hundred dollars (\$300) holiday pay. If a firefighter does not work the entire shift, then he or she will receive a pro-rated amount of holiday pay. If a firefighter's regular tour of duty does not begin on a scheduled holiday and he or she is eligible for holiday pay pursuant to Subsection A, the firefighter shall receive one hundred fifty dollars (\$150) holiday pay.

C. If a firefighter's regular tour of duty begins on the calendar day before or after a scheduled holiday, but he or she: (i) takes a vacation day or personal day on at least one of those days, or (ii) is unable to work at least one of those days due to an on-duty injury, then the firefighter shall receive one hundred fifty dollars (\$150.00) holiday pay. If a firefighter's regular tour of duty begins on the day of the scheduled holiday, but he or she: (i) takes a vacation day or personal day

on that day, or (ii) is unable to work that day due to an on-duty injury, then the firefighter shall receive three hundred dollars (\$300) holiday pay.

D. If a firefighter's regular tour of duty does not begin on the day of the scheduled holiday, but he or she works overtime on that day, then the firefighter shall be paid his or her overtime rate and a pro-rated amount of holiday pay based on the number of actual hours worked.

E. If a firefighter's regular tour of duty begins on a scheduled holiday, but he or she elects to trade work time with another firefighter, then the first firefighter will forfeit a pro-rated amount of his or her holiday pay based on the number of hours worked by the second firefighter. The second firefighter shall receive the forfeited pro-rated amount based on the number of hours he or she actually works.

LONGEVITY PAY

Firefighters will receive Fifteen Dollars (\$15.00) per month for every four (4) years of continuous employment. Seventy-five Dollars (\$75.00) per month maximum.

LONGEVITY INCENTIVE PAY

Over Twenty (20) Years of Service: One Hundred Dollars (\$100.00) per month for firefighters after twenty (20) full years of service, in addition to regular longevity pay.

CLOTHING ALLOWANCE

After serving one (1) year on the Fire Department, each firefighter shall receive a sum not to exceed Two Thousand Dollars (\$2,000.00) per year as clothing allowance.

COMPENSATORY TIME

The top five (5) ranks or pay grades will be prohibited from receiving Compensatory Time.

OVERTIME PAY

Firefighters in pay grades F-7 through F-11 shall not be entitled to overtime compensation. Overtime pay for all other firefighters shall be paid at a rate of one and one-half times the firefighter's regular rate of pay, which is to be calculated at the firefighter's pay grade and specialty pay.

SEVERANCE PAY

Upon retirement, voluntary termination, or death while on active duty, the firefighter, or his/her estate, shall be eligible for payment for earned vacation benefits, compensatory time and incentive pay in accordance with the collective bargaining agreement between the City of Elkhart (the "City") and the International Association of Firefighters, Local No. 338 (the "Union").

SICK TIME

For those firefighters holding the rank of F-9 and above, the amount of sick time they shall receive annually shall be forty (40) hours. For those firefighters holding the pay grade and rank of F-8 Battalion Chief and below, the amount of sick time they shall receive annually shall be one hundred twenty (120) hours. Sick time shall not accumulate from year to year. All sick time shall be taken in accordance with the sick time provisions of the most current collective bargaining agreement between the City and the Union. These sick time provisions supersede all other sick time benefits provided by the City.

INJURY BENEFITS

Notwithstanding any ordinance to the contrary, all firefighters, regardless of rank, shall be entitled to take medical leave in accordance with the medical leave provisions of the most current collective bargaining agreement between the City and the Union.

RESIDENT INSENTIVE

Any person, except for persons covered by a collective bargaining agreement, employed by the City of Elkhart on a full-time basis, whose compensation is fixed under this ordinance, who establishes and maintains legal residency within the city limits of the City of Elkhart, physically resides on a continuous, permanent basis within the Elkhart city limits, and satisfies such other the requirements described in the Employee Handbook relating to this incentive, shall be entitled to an annual lump sum monetary bonus of up to one thousand two hundred dollars (\$1,200). The residency bonus shall be prorated for each full month of city residency out of the twelve (12) months immediately preceding the month selected by the City Controller for the payment of the bonus, and provided the person is so employed by the City on the last day of the pay-period prior to the bonus payment date

Section 4. Any ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

Section 5. The effective date of this Ordinance shall be January 1, 2024.

[Balance of page is intentionally blank.]

City of Elkhart
Schedule A
2024 Salary Ordinance

Index	Position	Pay Grade	2024 Maximum Annual
<u>Fire Department</u>			
1	Fire Chief	F12 5A	\$ 136,028
2	Assistant Fire Chief	F11 4A	\$ 112,215
3	Division Chief	F10 3C	\$ 105,247
4	Battalion Chief	F8 3C	\$ 105,247

Index	Position	Pay Grade	2024 Annual Salary
5	Inspector, Investigator, or 1st Class Firefighter	F6	\$ 77,551
6	Suppression or EMS Captain	F5	\$ 71,793
7	Suppression or EMS Lieutenant	F4	\$ 70,445
8	Suppression or EMS Driver / Operator	F3	\$ 66,819
9	Master Firefighter	F2	\$ 64,108
10	Firefighter	F1	\$ 56,745

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____, at
_____ a.m./p.m.

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

To: City Council
From: Mike Huber ~~M.H.~~
Date: November 8, 2023
Re: 23-PUDA-06 VL Bent Oak Trail

The petitioner requested a major amendment to the Bent Oak Planned Unit Development, Ordinance 3537 to allow for the establishment of two (2) additional development lots for single family dwellings.

Staff recommended in favor of the request as the areas chosen for the new lots were in areas of the golf course that could accommodate the new development without compromising elements of the course. The new sites will be incorporated into the existing home owners association. The Plan Commission passed it onto City Council with a "Do Pass" recommendation on November 6, 2023 by a vote of 7-0.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “BENT OAK PLANNED UNIT DEVELOPMENT DISTRICT” (ELKHART CITY ORDINANCE NO. 3537) TO AUTHORIZE TWO (2) ADDITIONAL LOTS, SUBJECT TO THE BENT OAK PUD DISTRICT, R-1, SINGLE FAMILY DWELLING STANDARDS

WHEREAS, the Common Council of the City of Elkhart, Indiana adopted Ordinance No. 3537, approving the “Bent Oak Planned Unit Development District,” (Bent Oak PUD), a planned unit development of the City of Elkhart, Indiana; and

WHEREAS, the Bent Oak PUD District contains the real property commonly known as Bent Oak Golf Community, including the vacant land and along Bent Oak Trail which is sufficient to support two (2) buildable lots and legally described as set forth in “Exhibit A,” attached (the “Real Estate”); and

WHEREAS, the Real Estate of the Bent Oak PUD District is presently assigned the zoning district of Bent Oak PUD District, R-1, Single Family Dwelling Standards; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting that the Plan Commission recommend to the Common Council of the City of Elkhart, an amendment to the Bent Oak PUD District to authorize within the real estate of the Bent Oak PUD District, to allow two (2) additional single family dwelling lots for further development in the subdivision; and

WHEREAS, the Bent Oak PUD District is presently at the maximum allowable lots, authorized under Ordinance No. 3537 of the City of Elkhart, Indiana, thus requiring a major amendment to the Bent Oak PUD District, to authorize the requested two (2) additional lots,

subject to the Bent Oak PUD District, R-1, Single Family Dwelling Standards, if the owner's additional development of the real estate is to be permitted; and

WHEREAS, the requested amendment, as petitioned, remains compatible with the adjacent properties and reflects responsible growth and development; and

WHEREAS, on November 6, 2023, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Bent Oak PUD District for the purpose stated herein and voted to forward the petition to the Common Council with the Commission's "DO PASS" recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA that:

Section 1. The Bent Oak Planned Unit Development District, adopted by the Common Council of the City of Elkhart under Ordinance No. 3537, as amended, be, and hereby is, further amended to authorize two (2) additional single family dwelling lots for further development as single family homes within the real estate of the Bent Oak PUD District, located in the City of Elkhart, County of Elkhart, State of Indiana, and particularly described in Exhibit A," attached.

Section 2. Limitations of Amendment. All other terms and conditions of the Bent Oak PUD District, as adopted by the City of Elkhart under Ordinance No. 3537, which not specifically amended in this ordinance, remain fully effective and binding upon the property.

Section 3. Special Conditions. The amendment authorized herein is subject to the following:

- A. The existing corrugated drainpipe located on the additional lot at the intersection of St. Andrews Place and Bent Oak Trail shall be replaced with PVC or RCP, prior to final review by the Plat Committee; and

- B. The two (2) additional lots shall be subject to the rules, regulations, covenants and conditions of the Bent Oak Homeowners' Association, Inc.; and
- C. The two (2) additional lots shall be subject to the covenants, conditions, limitations, and restrictions which are applicable to the Bent Oak St. Andrews Village, recorded with the Office of the Elkhart County Recorder, plat book 15, page 79.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

EXHIBIT A

LEGAL DESCRIPTION:

A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA AND BEING THAT 0.30 ACRE PARCEL SURVEYED BY WIGHTMAN, TERANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR NO. 80040523 AND SHOWN ON A MINOR SUBDIVISION CERTIFIED ON AUGUST 24, 2023 AS 236369 (ALL MONUMENTS REFERENCED HEREIN ARE SET OR FOUND ON THE AFORESAID LANG SURVEY), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO KENNETH M. QUARANDILLO AND KARRY QUARANDILLO BY TRUSTEE'S DEED RECORDED ON AUGUST 5, 2004 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA AS INSTRUMENT NO. 2004-20713; THENCE SOUTH 39°02'12" WEST, A DISTANCE OF 80.11 FEET TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 73.05 FEET TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP; THENCE NORTH 46°10'54" WEST, A DISTANCE OF 79.63 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE BENT OAK TRAIL SAID POINT BEING TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ON SAID SOUTH LINE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 872.38 FEET, A CENTRAL ANGLE OF 07°45'21" AND LIMITED IN LENGTH BY A CHORD WHICH BEARS NORTH 39°56'25" EAST, A DISTANCE OF 118.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID QUARANDILLO PARCEL AND BEING A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP; THENCE SOUTH 54°23'11" EAST ON THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 135.07 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE LEGAL RIGHTS OF A PUBLIC HIGHWAY, ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

ALSO,

A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA AND BEING THAT 0.44 ACRE PARCEL SURVEYED BY WIGHTMAN, TERANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR NO. 80040523 AND SHOWN ON A MINOR SUBDIVISION CERTIFIED ON AUGUST 24, 2023 AS 230309 (ALL MONUMENTS REFERENCED HEREIN ARE SET OR FOUND ON THE AFORESAID LANG SURVEY), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 161 AS SHOWN ON THE RECORDED PLAT OF BENT OAK ST. ANDREWS VILLAGE IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 15, PAGE 79, SAID POINT BEING A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP; THENCE NORTH 86°06'40" WEST, A DISTANCE OF 135.00 FEET TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP ON THE EAST RIGHT OF WAY LINE OF BENT OAK TRAIL; THENCE FOR THE NEXT TWO COURSE ALONG SAID RIGHT OF WAY, THE FIRST COURSE BEING A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 8018.36 FEET, A CENTRAL ANGLE OF 00°14'27" AND LIMITED IN LENGTH BY A CHORD WHICH BEARS NORTH 04°00'15" EAST, A DISTANCE OF 33.70 FEET TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP; THENCE CONTINUING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 380.20 FEET, A CENTRAL ANGLE OF 18°38'18" AND LIMITED IN LENGTH BY A CHORD WHICH BEARS NORTH 13°26'38" EAST, A DISTANCE OF 116.88 FEET TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP; THENCE SOUTH 86°44'30" EAST, A DISTANCE OF 114.63 FEET; THENCE SOUTH 03°31'36" EAST, A DISTANCE OF 150.00 FEET TO A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP THE POINT OF BEGINNING.

So ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this _____ day of _____, _____,
at _____ a.m./p.m.

Debra D. Barrett, City Clerk

Approved by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

Debra D. Barrett, City Clerk

Rod Roberson
Mayor



Planning & Development
Community Development
Economic Development
Planning Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471

November 9, 2023

The Common Council
City of Elkhart
Elkhart, IN 46516

**RE: Petition 23-PUDA-06
Vacant Land along Bent Oak Trail**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, November 6, 2023**, heard the above petition as prescribed Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Bent Oak Planned Unit Development District, Ordinance 3537. The proposed amendment would add two (2) additional home site lots for single family dwellings.

The Plan Commission **voted 7 to 0 in favor** of this major amendment to PUD petition and thus it is sent to the Common Council with a "Do Pass" recommendation with the following conditions:

- 1) The two (2) additional proposed lot shall be required to become part of the existing home owner's association.
- 2) The proposed lot at the intersection of St Andrews Place and Bent Oak Trail has an existing corrugated pipe for drainage – it has been scoped and is in need of replacement. This pipe shall be required to be replaced with PVC or RCP prior to the final approval by the Plat Committee

Sincerely,

A handwritten signature in black ink that reads "Carla Lipsey". The signature is written in a cursive, flowing style.

Carla Lipsey
Plan Commission Recording Secretary



Staff Report

Planning & Zoning

Petition: 23-PUDA-06

Petition Type: Major Amendment to PUD

Date: October 2, 2023

Petitioner: Bent Oak Golf, LLC

Site Location: Bent Oak Golf Community

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Bent Oak Planned Unit Development District, Ordinance 3537. The proposed amendment would add two (2) additional home site lots for single family dwellings.

Existing Zoning: PUD, Planned Unit Development – R-1, One Family Dwelling District standards

Size: +/- 202 Acres

Thoroughfares: County Road 7

School District: Concord Community Schools

Utilities: Available and provided to site.

Plan Commission Action: Recommendation to Common Council.

Surrounding Land Use & Zoning:

Property to the north is an apartment complex zoned PUD, Planned Unit Development, land to the east is vacant residential zoned R-1, One Family Dwelling District, land to the west is farm land with some residential and the land to the south is Saint Joseph Valley Parkway.

Applicable Sections of the Zoning Ordinance:

See enumerated in request.

Comprehensive Plan:

The Comprehensive Plan calls for residential uses.



Staff Analysis

The petitioner is requesting a major amendment to the Bent Oak Planned Unit Development to establish two (2) additional lots in order to develop parcels for single family dwellings. The PUD ordinance requires that a change in density (adding additional lots) must be submitted for approval to the Plan Commission. The two (2) proposed lots are both located along Bent Oak Trail, one at the intersection of St. Andrews Place and the next just west of the club house parking area on the east side of the street.

In 1984, the planned unit development for the Bent Oak Golf Community was approved by the Elkhart City Common Council, Ordinance 3537. The development was approved for residential lots and an 18 hole golf course. There have been two previous amendments to the original PUD. One in 1990 to allow for the duplex patio homes on north Bent Oak Trail and the other in 1995 to establish the Doral Village patio home section of the development on the far south side of the PUD.

Staff has no issue with the request. There appears to be sufficient room to plat the two lots referenced in the request along Bent Oak Trail. Any additional lots beyond the two requested, would seemingly require some bit of reconfiguration of a fairway.

This request is somewhat unique in that the entirety of the infrastructure is already in place. Normally the petitioner would be required to submit plans for review and approval at Technical Review to ensure compliance with development standards. Staff has determined that Technical Review will not be necessary. The only new connections would be for water, sanitary sewer and the drive connection.

Recommendation

The Staff recommends **approval** of the major amendment to the Planned Unit Development based on the following findings of fact:

- 1) The Comprehensive Plan is anticipated to call for this area to be developed with residential uses. The proposed addition of development lots are compatible with the existing development.
- 2) The proposed use should not impact the other permitted uses approved for this PUD as the request adds additional lots for permitted uses within the development. The proposal should not negatively impact surrounding properties as the impact to traffic and the existing golf course will be minimal.
- 3) The proposed use is compatible and already permitted by the planned unit development. The increase in density will not impact adjacent residents in this PUD.

Conditions

Should the Plan Commission recommend approval of the Major Amendment to the Bent Oak Planned Unit Development the following conditions should apply:

- 1) The two (2) additional proposed lot shall be required to become part of the existing home owner's association.
- 2) The proposed lot at the intersection of St Andrews Place and Bent Oak Trail has an existing corrugated pipe for drainage – it has been scoped and is in need of replacement. This pipe shall be required to be replaced with PVC or RCP prior to the final approval by the Plat Committee.

Photos



Attachments

Petition, appeal letter, site plan.

1

1

PETITION #: _____

FILING FEE: \$ _____

PETITION to the PLAT COMMITTEE

PETITION TYPE: MINOR SUBDIVISION

Property Owner(s): Bent Oak Golf LLC

Mailing Address: 415 W. High Street, Ste A, Elkhart Indiana 46516

Phone #: 574-596-6606 Email: GregLakner@aol.com

Contact Person: Wightman c/o Terry Lang, PS

Mailing Address: 1402 Mishawaka Avenue, South Bend, Indiana 46615

Phone #: 574-233-1841 Email: tlang@gowightman.com

Subject Property Address: vacant land along Bent Oak Trail

Zoning: PUD

Present Use: golf course Proposed Use: single family residential

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) (PRINT): GREG. A. LAKNER

SIGNATURE(S):  DATE: 9/14/2023

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plat Committee:

- A completed Petition form signed by the legal owner of record.
- A completed Application for Approval of a New Subdivision.
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- Two bonds and two mylars of the proposed plat drawing signed by the legal owner of record.
- One copy of the Appeal Letter signed in ink by the owner of the property. (Optional)
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

PETITION #: 23-PUDA-04

FILING FEE: \$ 100-

PETITION to the PLAT COMMITTEE

PETITION TYPE: MINOR SUBDIVISION

Property Owner(s): Bent Oak Golf LLC

Mailing Address: 415 W. High Street, Ste A, Elkhart Indiana 46516

Phone #: 574-596-6606 Email: GregLakner@aol.com

Contact Person: Wightman c/o Terry Lang, PS

Mailing Address: 1402 Mishawaka Avenue, South Bend, Indiana 46615

Phone #: 574-233-1841 Email: tlang@gowightman.com

Subject Property Address: vacant land along Bent Oak Trail

Zoning: PUD

Present Use: golf course Proposed Use: single family residential

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) (PRINT): GREG. A. LAKNER - MEMBER

SIGNATURE(S): *Greg A. Lakner* DATE: 8/25/23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plat Committee:

- A completed Petition form signed by the legal owner of record.
- A completed Application for Approval of a New Subdivision.
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- Two bonds and two mylars of the proposed plat drawing signed by the legal owner of record.
- One copy of the Appeal Letter signed in ink by the owner of the property. (Optional)
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

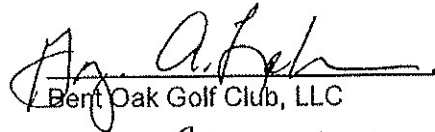
RECEIVED BY: SD per ET DATE: 8/25/2023

**AFFIDAVIT IN SUPPORT OF PLANNED UNIT DEVELOPMENT (PUD) PETITION
OR PUD AMMENMENT PETITION**

I, Bend Oak Golf Club, LLC, being first duly sworn upon his oath deposes and says that he is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

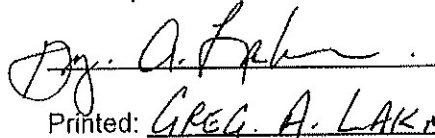
1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my Planned Unit Development (PUD) petition or PUD Amendment petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owners of record of the property located at vacant land along Bent Oak Trail, Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on 14th day of September, 2023.


Bent Oak Golf Club, LLC

Printed: GREG. A. LAKNER

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the forgoing factual statements and representations are true and correct.

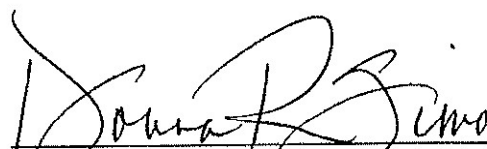

Printed: GREG. A. LAKNER

STATE OF INDIANA)

)SS:

COUNTY OF ST. JOSEPH)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Bend Oak Golf Club, LLC by GREG. A. LAKNER and acknowledged his execution of the forgoing. Subscribed and sworn to before me this 14th day of September 2023.



Donna R. Simon, Notary Public
My commission expires August 29, 2028
Commission No. NP0638068
Notary Public in and for the State of
Indiana Resident of St. Joseph County,
Indiana



September 13, 2023


TO: Honorable Members of the Plan Commission
and City Council
City of Elkhart, Indiana

RE: ___ Planned Unit Development
X PUD Amendment

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Bent Oak Golf Club, LLC is the owner of the following described real estate located within the City of Elkhart, Concord Township, Elkhart County, State of Indiana, to-wit:
See Exhibit A
2. The above described real estate presently has a zoning classification of a PUD Planned Unit Development District under the Zoning Ordinance of the City of Elkhart.
3. Petitioner presently occupies the above described property in the following manner:
Currently a vacant ground within the designated golf course, lying outside general play area.
4. Petitioner desires to amend said PUD for the purpose of creating 2 additional single family lots along existing dedicated right of way. This area is outside of the general play area for the golf course.
5. Is in accordance with Comprehensive Plan: yes
Encourages Innovations in Development and/or redevelopment: yes
Foster the safe, efficient, and economic use of the land, transportation, public facilities, and services: yes
Facilitates the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity, and public parks: yes
Avoids the inappropriate development of lands and provide for adequate drainage and reduction of flood damage: yes
Minimizes adverse environmental impacts of development: yes
Improves the design, quality and character of new development: yes
Fosters a more rational pattern of relationship between residential, business, and industrial Uses: yes
Protects existing neighborhoods from harmful encroachment by intrusive or disruptive development: yes

WHEREFORE, Petitioner pray and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning the above described parcel of land located in the City of Elkhart to Planned Unit Development or amending the PUD as described on the petition.


Bent Oak Golf Club, LLC
by GREG. A. LAKNER

Contact person: Terance D. Lang, PLS
Wightman
1402 E. Mishawaka Avenue
South Bend, Indiana 46615
574-233-1841

Exhibit A

Legal description:

A part of the West Half of Section 20, Township 37 North, Range 5 East, City Of Elkhart, Concord Township, Elkhart County, Indiana and being that 0.36 acre parcel surveyed by Wightman, Terance D. Lang, Indiana Professional Surveyor No. 80040523 and shown on a minor subdivision certified on August 24, 2023 as 236369 (all monuments referenced herein are set or found on the aforesaid Lang survey), being more particularly described as follows:

Beginning at the southeasterly corner of a parcel of land conveyed to Kenneth M. Quarandillo and Karry Quarandillo by Trustee's Deed recorded on August 5, 2004 in the Office of the Recorder of Elkhart County, Indiana as Instrument No. 2004-26713; thence South 39°02'12" West, a distance of 86.11 feet to a 5/8" rebar iron set with Wightman Firm 0145 cap; thence North 90°00'00" West, a distance of 73.95 feet to a 5/8" rebar iron set with Wightman Firm 0145 cap; thence North 46°10'54" West, a distance of 79.53 feet to a point on the south right of way line Bent Oak Trail said point being to a 5/8" rebar iron set with Wightman Firm 0145 cap, thence on said south line along a non-tangent curve to the left having a radius of 872.38 feet, a central angle of 07°45'21" and limited in length by a chord which bears North 39°56'25" East, a distance of 118.00 feet to the southwesterly corner of said Quarandillo parcel and being a 5/8" rebar iron set with Wightman Firm 0145 cap; thence South 54°23'11" East on the southerly line of said parcel, a distance of 135.07 feet to the point of beginning.

Subject to the legal rights of a public highway, any easements, covenants or restrictions of record.

Also,

A part of the West Half of Section 20, Township 37 North, Range 5 East, City Of Elkhart, Concord Township, Elkhart County, Indiana and being that 0.44 acre parcel surveyed by Wightman, Terance D. Lang, Indiana Professional Surveyor No. 80040523 and shown on a minor subdivision certified on August 24, 2023 as 236369 (all monuments referenced herein are set or found on the aforesaid Lang survey), being more particularly described as follows:

Beginning at the northeast corner of Lot 161 as shown on the recorded plat of Bent Oak St. Andrews Village in the Office of the Recorder of Elkhart County, Indiana in Plat Book 15, Page 79, said point being a 5/8" rebar iron set with Wightman Firm 0145 cap; thence North 86°06'40" West, a distance of 135.00 feet to a 5/8" rebar iron set with Wightman Firm 0145 cap on the east right of way line of Bent Oak Trail; thence for the next two course along said right of way, the first course being a non-tangent curve to the right having a radius of 8018.36 feet, a central angle of 00°14'27" and limited in length by a chord which bears North 04°00'15" East, a distance of 33.70 feet to a 5/8" rebar iron set with Wightman Firm 0145 cap; thence continuing along a curve to the right having a radius of 360.20 feet, a central angle of 18°38'18" and limited in length by a chord which bears North 13°26'38" East, a distance of 116.66 feet to a 5/8" rebar iron set with Wightman Firm 0145 cap; thence South 86°44'30" East, a distance of 114.63 feet; thence South 03°31'36" East, a distance of 150.00 feet to a 5/8" rebar iron set with Wightman Firm 0145 cap the point of beginning.

LEGAL NOTICE 23-PUDA-06

Hearing on proposed Planned Unit Development #23-PUDA-06

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana on **MONDAY, OCTOBER 2, 2023 at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Planned Unit Development #23-PUDA-06.

Petitioner: Bent Oak Golf, LLC

Request: Per Section 20.10.B.3, of the City of Elkhart Zoning Ordinance, a Major Amendment to the Bent Oak Planned Unit Development District, Ordinance 3537. The proposed amendment would add two (2) additional home site lots for single family dwellings.

Location: Vacant Land along Bent Oak Trail

Zoning: PUD, Planned Unit Development

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <http://coei.webex.com>, enter **2315 285 4415** as the meeting number and "Plan" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting, or may be submitted to Carla.Lipsev@coei.org prior to the meeting.

LEGAL DESCRIPTION:

The East half of the Northwest quarter of Section 20, Township 37 North, Range 5 East except the North 1155.29 feet thereof.

Also:

The South half of the Southwest quarter of the Northwest quarter of Section 20, Township 37 North, Range 5 East, except a tract 250 feet north and south by 500 feet east and west out of the Northwest corner thereof.

Also:

The North 45 rods of the Southwest quarter of Section 20, Township 37 North, Range 5 East.

Also:

Beginning at the Southeast corner of the Southwest quarter of Section 20, Township 37 North, Range 5 East; thence north 115 rods; thence west 160 rods to the west line of said section; thence south along the west line of said section 75 rods; thence east 80 rods; thence south 40 rods to the south line of said section; thence east along the south line of said section 80 rods to the place of beginning; Less and excepting right-of-way dedicated to the State of Indiana. All above lands subject to public highways.

All above lands containing 102.5 acres, more or less

Arguments for and against the granting of the above designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 15th day of September, 2023, by the City of Elkhart, Plan Commission.

Publication Date: 9/22/2023

NOTE NOT FOR PUBLICATION . . . The City of Elkhart Planning Department, Municipal Building, 229 South Second Street, Elkhart, IN 46516 . . . should be billed for the cost of this publication. Please send proof of publication to this address. Thank you.

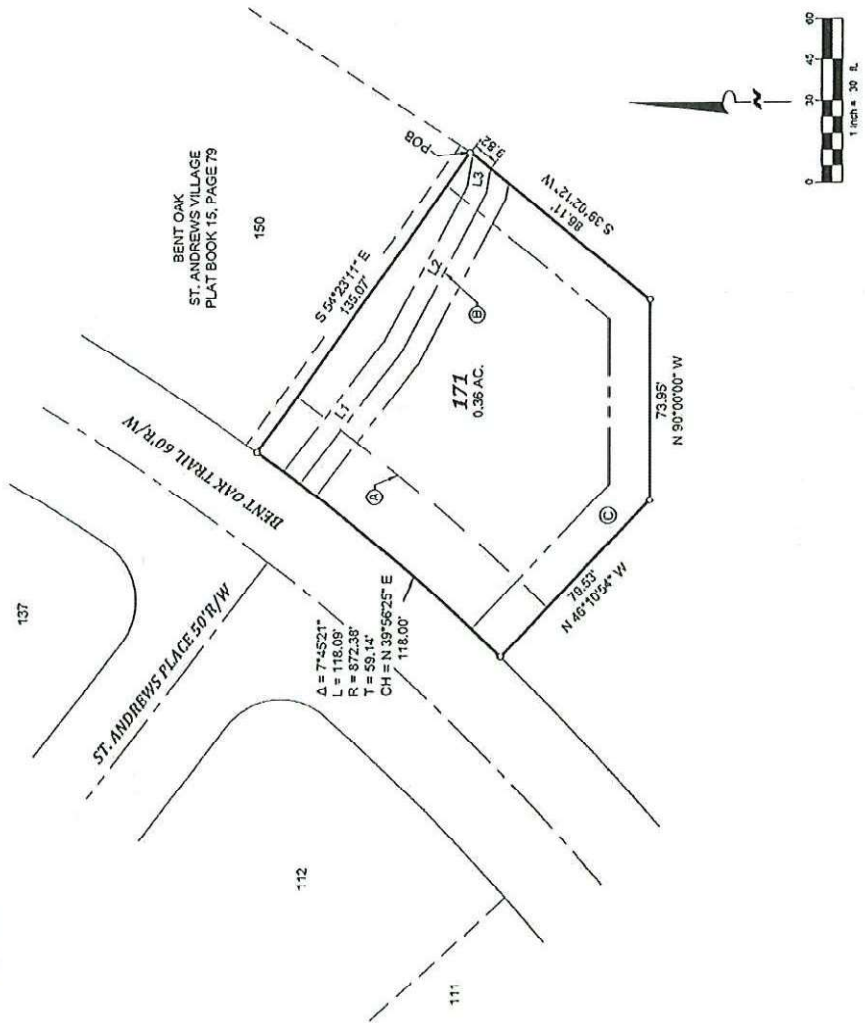
BENT OAK ST. ANDREWS VILLAGE MINOR SUBDIVISION

A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST,
CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.

DRAINAGE MAINTENANCE CERTIFICATION
THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SWALES, SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPEDS THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES. IN THE EVENT ANY SUCH FACILITIES BECOME DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT THE EXPENSE OF SAID LOT OWNER. IN THE EVENT OF THE OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITIES OF THE CITY OF ELKHART, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. THE CITY OF ELKHART, INDIANA, IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON SAID LOT OWNER'S REAL ESTATE. THE RIGHT OF SAID CITY OF ELKHART, INDIANA, SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND AN ENCUMBRANCE UPON THE TITLE TO SAID LOT. THE CITY OF ELKHART, INDIANA, IS FURTHER GRANTED RIGHT OF ACTION FOR THE COLLECTION OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED OF SAID LIEN AND FOR THE COLLECTION OF SAID LIEN. SUCH COLLECTION AND FORECLOSURE ACTION SHALL TAKE PLACE IN THE COURTS OF JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

- LEGEND**
 ○ 20" REBAR IRON SET CAPPED 0145
 ⊗ 2" BUILDING SETBACK LINE
 ⊕ CL 15' DRAINAGE EASEMENT
 ⊙ 15' DRAINAGE & UTILITY EASEMENT

LINE NO.	BEARING	LENGTH
L1	S51°52'28"E	61.10'
L2	S81°11'23"E	86.51'
L3	S80°25'24"E	8.89'



LEGAL DESCRIPTION:
A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA AND BEING THAT 0.36 ACRE PARCEL SURVEYED BY WIGHTMAN, TERRANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR, NO. 80040233, AND SHOWN ON A MINOR SUBDIVISION CERTIFIED ON AUGUST 24, 2023 AS 230369 (ALL MONUMENTS REFERENCED HEREIN ARE SET OR FOUND ON THE AFORESAID LANG SURVEY), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST-CORNER OF A PARCEL OF LAND CONVEYED TO KENNETH M. QUARANDILLO AND KARRY QUARANDILLO BY TRUSTEE'S DEED RECORDED ON AUGUST 15, 2004 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA AS PLAT BOOK 15, PAGE 79, BEING MORE PARTICULARLY DESCRIBED AS BEING 118.00 FEET TO A 25" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE NORTH 90°00'00" WEST, A DISTANCE OF 73.95 FEET TO A 25" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE NORTH 01°42' CAP, THENCE NORTH 46°10'54" WEST, A DISTANCE OF 79.93 FEET TO A POINT ON THE SOUTH BOUNDARY OF WAY LINE BENT OAK TRAIL SAID POINT BEING TO A 2" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ON SAID SOUTH LINE BEARING NORTH 80°25'24" EAST, A DISTANCE OF 8.89 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ON SAID SOUTH LINE BEARING NORTH 81°11'23" EAST, A DISTANCE OF 86.51 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ON SAID SOUTH LINE BEARING NORTH 51°52'28" EAST, A DISTANCE OF 61.10 FEET TO THE SOUTHWESTERLY CORNER OF SAID QUARANDILLO PARCEL AND BEING A 25" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE SOUTH 54°23'11" EAST ON THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 135.07 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE LEGAL RIGHTS OF A PUBLIC HIGHWAY, ANY EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

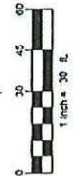
ALSO:
A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA AND BEING THAT 0.44 ACRE PARCEL SURVEYED BY WIGHTMAN, TERRANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR, NO. 80040233 AND SHOWN ON A MINOR SUBDIVISION CERTIFIED ON AUGUST 24, 2023 AS 230369 (ALL MONUMENTS REFERENCED HEREIN ARE SET OR FOUND ON THE AFORESAID LANG SURVEY), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 161 AS SHOWN ON THE RECORDED PLAT OF BENT OAK ST. ANDREWS VILLAGE IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 15, PAGE 79, SAID POINT BEING A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE NORTH 85°05'40" WEST, A DISTANCE OF 118.00 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP ON THE EAST BOUNDARY OF SAID LOT 161, THENCE ALONG SAID BOUNDARY BEARING NORTH 80°25'24" EAST, A DISTANCE OF 8.89 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ALONG SAID BOUNDARY BEARING NORTH 81°11'23" EAST, A DISTANCE OF 86.51 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ALONG SAID BOUNDARY BEARING NORTH 51°52'28" EAST, A DISTANCE OF 61.10 FEET TO THE SOUTHWESTERLY CORNER OF SAID QUARANDILLO PARCEL AND BEING A 25" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE SOUTH 54°23'11" EAST ON THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 135.07 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE LEGAL RIGHTS OF A PUBLIC HIGHWAY, ANY EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

ALSO:
A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST, CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA AND BEING THAT 0.44 ACRE PARCEL SURVEYED BY WIGHTMAN, TERRANCE D. LANG, INDIANA PROFESSIONAL SURVEYOR, NO. 80040233 AND SHOWN ON A MINOR SUBDIVISION CERTIFIED ON AUGUST 24, 2023 AS 230369 (ALL MONUMENTS REFERENCED HEREIN ARE SET OR FOUND ON THE AFORESAID LANG SURVEY), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 161 AS SHOWN ON THE RECORDED PLAT OF BENT OAK ST. ANDREWS VILLAGE IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 15, PAGE 79, SAID POINT BEING A 5/8" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE NORTH 85°05'40" WEST, A DISTANCE OF 118.00 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP ON THE EAST BOUNDARY OF SAID LOT 161, THENCE ALONG SAID BOUNDARY BEARING NORTH 80°25'24" EAST, A DISTANCE OF 8.89 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ALONG SAID BOUNDARY BEARING NORTH 81°11'23" EAST, A DISTANCE OF 86.51 FEET TO A 20" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE ALONG SAID BOUNDARY BEARING NORTH 51°52'28" EAST, A DISTANCE OF 61.10 FEET TO THE SOUTHWESTERLY CORNER OF SAID QUARANDILLO PARCEL AND BEING A 25" REBAR IRON SET WITH WIGHTMAN FIRM 0145 CAP, THENCE SOUTH 54°23'11" EAST ON THE SOUTHERLY LINE OF SAID PARCEL, A DISTANCE OF 135.07 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE LEGAL RIGHTS OF A PUBLIC HIGHWAY, ANY EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

SURVEYOR'S CERTIFICATION
I, TERRANCE D. LANG, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON AUGUST 24, 2023 THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF ALL MONUMENTS ARE ACCURATELY SHOWN, AND THAT THE MONUMENTS WILL BE INSTALLED IN ACCORDANCE WITH THE PROVISIONS, REQUIREMENTS AND CONDITIONS OF THE OFFICIAL SURVEYING ACT, PURTNER, I AFFIRM, UNDER THE PENALTY OF PERJURY, THAT I HAVE TAKEN CARE TO HAVE REDUCT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Terrance D. Lang
TERRANCE D. LANG, P.S. No. 80040233



WIGHTMAN
1402 MIDWAY AVE.
SOUTH BEND, IN 46615
574.233.1341
www.wightman.com

PROJECT NAME:

REVISIONS

NO.	DATE	DESCRIPTION
1	08/24/23	THE SUBDIVISION, COMING ON OTHER PLATS OF THIS SUBDIVISION WITHOUT WIGHTMAN SURVEYING & ENGINEERING, L.L.C.

DATE: 08/24/23
SCALE: 1" = 30'

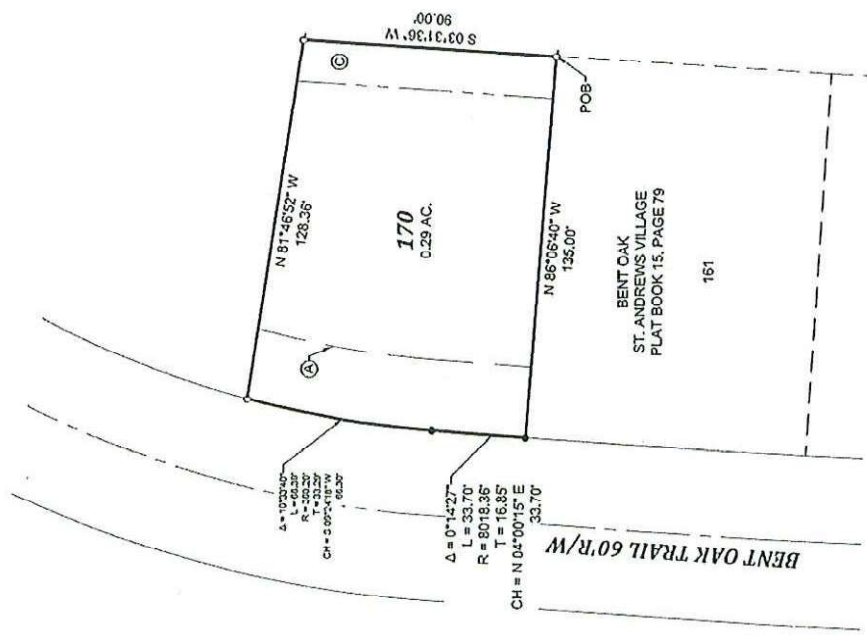
SECONDARY PLAT
JOB No. 230369
1 of 2

BENT OAK ST. ANDREWS VILLAGE MINOR SUBDIVISION

A PART OF THE WEST HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 5 EAST,
CITY OF ELKHART, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA.

DEED OF DEDICATION

THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, HEREBY OFFER TO SET OFF, PLAT AND SUBDIVIDE THE SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT OF THIS SUBDIVISION. THE SAID REAL ESTATE IS DESIGNATED BENT OAK ST. ANDREWS VILLAGE MINOR SUBDIVISION. ALL STREETS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT. BETWEEN WHICH LINES AND THE PROPERTY LINES THERE SHALL BE ERRECTED OR MAINTAINED NO BUILDING OR STRUCTURE. THE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED WATER ARE RESERVED TO THE PUBLIC UTILITIES FOR THE INSTALLATION OF WATER MAINS, POLES, DUCT LINES, WIRES AND DRAINAGE FACILITIES. SUBJECT TO ALL TITLES, EASEMENTS, RIGHTS AND INTERESTS RESERVED HEREON OR MAINTAINED IN SAID EASEMENT, BUT OWNERS OF THE SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND THE RIGHTS OF OWNERS OF OTHER LOTS IN THIS SUBDIVISION.



OWNERS CERTIFICATION

WE, THE UNDERSIGNED, OWNERS OF THE LAND DESCRIBED IN THIS DOCUMENT AND THAT WE HAVE CAUSED THE LAND DESCRIBED IN THIS DOCUMENT TO BE SURVEYED AND DO HEREBY ACKNOWLEDGE AND ADOPT THIS PLAT AND DEVELOPMENT PLAN AS SET FORTH BY THIS DRAWING AND DOCUMENT.

BENT OAK GOLF CLUB LLC
BY
415 W. HIGH STREET, SUITE A
ELKHART, INDIANA 46516
STATE OF INDIANA SS:
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BENT OAK GOLF CLUB LLC BY AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSE THEREIN SET FORTH.



DONNA R. SIMON, NOTARY PUBLIC
EXPIRATION DATE: AUGUST 29, 2028.
NOTARY IS A RESIDENT OF ST. JOSEPH COUNTY, IN.

INTENT OF SUBDIVISIONS:

1. LAND USE: RESIDENTIAL.
2. DRAINAGE: THE SUBDIVISION OF THIS PARCEL SHALL NOT CONSTITUTE ANY MAJOR WATER RUNOFF TO ADJACENT PARCELS OR WITHIN THE PERIMETER OF THIS SITE.
3. SEWAGE DISPOSAL: CITY SEWER
4. WATER SUPPLY: CITY WATER
5. STREET IMPROVEMENT: NONE REQUIRED
6. EXISTING OR PROPOSED RESTRICTION: NONE

NOTES:

1. CURRENT ZONING: RESIDENTIAL
2. BASES FOR VERTICAL DATA IS THROUGH NATIONAL USGS DATUM.
3. GROUND WATER DEPTH IS GREATER THAN 7 FEET.
4. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 18039C0138D AND 18039C0129D WITH AN EFFECTIVE DATE OF AUGUST 2, 2011, INDICATES THIS AREA TO BE DESIGNATED ZONE X. AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

- LEGEND
- 5/8" REBAR IRON SET CAPPED 0145
 - ⊙ 25" BUILDING SETBACK LINE
 - ⊖ CL 15" DRAINAGE EASEMENT
 - ⊗ 15" DRAINAGE & UTILITY EASEMENT

CITY OF ELKHART PLAN COMMISSION
APPROVED BY PLAN COMMITTEE OF THE CITY OF ELKHART ON THIS
DAY OF _____, 2023.

JEFFREY O. SCHAEFFER _____

TORY IRWIN _____

ERIC TROTTER _____

ACCEPTANCE OF DEDICATION
BEIT RESOLVED BY THE BOARD OF PUBLIC WORKS, CITY OF ELKHART,
INDIANA THAT THE DEDICATIONS ON THIS PLAT ARE HEREBY APPROVED
AND ACCEPTED THIS _____ DAY OF _____, 2023.

MICHAEL C. HACHMAN, PRESIDENT

CHAD CRAIBTREE, VICE PRESIDENT

JAMIE ARCE, MEMBER

RONNIE DAVIS, MEMBER

ROSE RIVERA, MEMBER

AUDITORS CERTIFICATE
DULY ENTERED FOR TAXATION THIS _____ DAY OF _____, 2023.

PATRICIA A. PICKENS, ELKHART COUNTY AUDITOR

RECORDED'S CERTIFICATE
RECEIVED FOR RECORD THIS _____ DAY OF _____, 2023
AT _____ AND
INSTRUMENT NO. _____ PAGE _____

FEE: _____

KAALA BAKER, ELKHART COUNTY RECORDER

WIGHTMAN
1402 MISHAWAKA AVE.
SOUTH BEND, IN 46815
574.233.1841
www.wightman.com

PROJECT NAME

REVISIONS
DATE: 08/04/23
SCALE: 1" = 30'

SECONDARY PLAT



MEMORANDUM

DATE: 10/11/2023

TO: Common Council

FROM: Corporation Counsel John Espar

RE: Proposed Ordinance No. 23-O-27
 Vacation Petition No. 23-V-02
 EOZ Business, LLC, Petitioner

AN ORDINANCE VACATING PACIFIC STREET, A PUBLIC WAY OF WITHIN THE CITY OF ELKHART, INDIANA

Petitioner, EOZ Business, LLC, filed a petition to vacate Pacific Street, a public way.

This Council conducted a public hearing on October 2, 2023.

The attached materials were previously provided to the Council with the original petition and are included here for ease of reference. Any interested property owner comments or objections are likewise included, together with any departmental responses in connection with the petition.

Proposed Ordinance No. 23-O-27 presents to the Council for its consideration, an ordinance to grant the petition, vacate the public way, while preserving any easements for any public utilities situated within the vacated property.

ORDINANCE NO. _____

**AN ORDINANCE VACATING PACIFIC STREET, A PUBLIC WAY WITHIN THE
CITY OF ELKHART, INDIANA**

WHEREAS, a municipality has the exclusive right to vacate any street, alley or other public way within its corporate boundaries; and

WHEREAS, Indiana Code 36-7-3-12, permits a person who owns or has an interest in any lot or partial lot, and who wants to vacate all or part of a public way or public place contiguous to the lot, to file a petition for vacation with the legislative body of a municipality within whose corporate boundaries all or any part of the public place or way is located; and

WHEREAS, EOZ Business, LLC, (the "Petitioner") is the owner of the four (4) parcels of property on the west and east sides of Pacific Street□, further identified by Parcel Identification No(s). 06-05-279-035-012, 06-05-279-033-012, 06-05-276-053-012, and 06-05-276-054-012, property contiguous to all or part of the public way generally described as Pacific Street, a public way within the City of Elkhart, Indiana; and

WHEREAS, Petitioner filed Vacation Petition No. 23-V-02 with the Common Council of the City of Elkhart (the "Common Council") requesting that the Council vacate that portion of the public way generally described as Pacific Street, in the City of Elkhart, Indiana, and

WHEREAS, Indiana Code 36-1-11-4.3 provides that a sale or transfer of a land containing a public easement or right of way does not deprive a public utility of the use of all or part of the

public easement or right of way that is sold or transferred if, at the time of the sale or transfer, the public utility is occupying and using all or part of that public easement or right of way for the location and operation of its facilities; and

WHEREAS, pursuant to Indiana Code 36-7-3-12, the Common Council held a public hearing on October 2, 2023, at which time information was presented by the Petitioner supporting the petition to vacate said public way and by any interested parties, including any aggrieved persons objecting to it.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. After considering the information presented at the public hearing, together with the information submitted to the Council in connection with the petition and any other information presented at the public hearing and any subsequent public meeting of the Council, the Common Council hereby finds and determines:

- A. That the vacation will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous; and
- B. That the vacation will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient; and
- C. That the vacation will not hinder the public's access to a church, school, or other public building or place; and
- D. That the vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and
- E. That one or more public utilities are currently occupying and using all or part of area; and

F. That this proposed vacation shall neither diminish nor deprive such public utilities' right to use all or part of the vacated area and an easement for the same shall continue, the vacation notwithstanding.

Section 2. Subject to any public utility easements, the public property specifically described below and depicted in "Exhibit A," attached hereto, is hereby vacated:

Vacation of a portion of Pacific Street located between East Jackson Boulevard to the the south and Hannah Court to the north, all located within River District Northwest Addition, First Replat, the plat of which is located in the Northeast Quarter of Section 5, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and being recorded in Plat Book 41, page 2, Elkhart County Recorder and being further depicted on the attached Vacation Sketch, marked Exhibit "B", described as follows: Commencing at the southeast corner of Lot 3C of said First Replat and further being the intersection of the west boundary of Pacific Street and the north boundary of East Jackson Boulevard; thence North 19 degrees 07 minutes 53 seconds West, said bearing being the basis of bearing of the description with all other bearings herein relative thereto, 10.00 feet along the east line of said Lot 3C and west boundary of Pacific Street to the point of beginning of this description; thence continuing North 19 degrees 07 minutes 53 seconds West 511.50 feet along the east line of said Lot, the east line of Lot 3A and said west boundary to the south boundary of Hannah Court; thence North 70 degrees 25 minutes 44 seconds East 45.00 feet to the east boundary of Pacific Street and further being the west line of Lot 4A of said Replat; thence South 19 degrees 07 minutes 53 seconds East 511.04 feet along said east boundary, the west line of Lot 4A and Lot 4B; thence South 69 degrees 50 minutes 17 seconds West 45.01 feet to the point of beginning and containing 23,007 square feet, more or less.

Section 3. Pursuant to Indiana Code 36-7-3-14 (a), the vacated area being part of platted land, the descriptions of the lots and parcels of that land shall be preserved as set forth in the plat, with the proportionate parts of the area added as provided by law, unless all the owners of land in the vacated area consent in writing to the description of the area by:

- (1) the method used before the plat was made;
- (2) meets and bounds; or
- (3) other appropriate description.

Section 4. The Clerk shall furnish a copy of this Ordinance to the Elkhart County Recorder for recording and to the Elkhart County Auditor.

Section 5. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

[Signature pages follow]

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

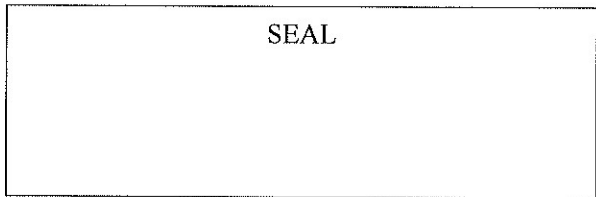
By: _____
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

Before me, Angela McKee, Notary Public in and for said County and State, on this _____ day of _____, _____, personally appeared Arvis Dawson in his capacity as President of the Elkhart Common Council and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. _____ as the duly authorized act of the Common Council of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Angela McKee, Notary Public
Resident of Elkhart County
My Commission Number: NP0738730
My Commission Expires: January 25, 2030



PRESENTED to the Mayor by me this _____ day of _____, _____, at _____
_____ a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

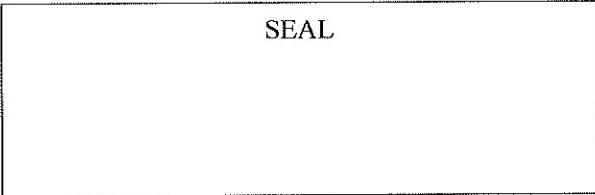
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

Before me, Angela McKee, Notary Public in and for said County and State, on this _____
day of _____, _____, personally appeared Rod Roberson in his capacity as Elkhart
City Mayor and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the
execution of the foregoing Ordinance No. _____ as the duly authorized act of the Mayor of the
City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of _____,
_____.

Angela McKee, Notary Public
Resident of Elkhart County
My Commission Number: NP0738730
My Commission Expires: January 25, 2030



EXECUTED AND DELIVERED in my presence:

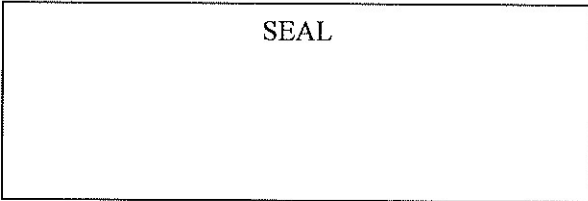
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

Before me, Angela McKee, Notary Public in and for said County and State, personally appeared Debra D. Barrett in her capacity as Elkhart City Clerk, who being personally known to me as the Elkhart City Clerk, and whose name is subscribed as a witness to the foregoing instrument, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Arvis Dawson, as President of the Elkhart Common Council and Rod Roberson, as Mayor of the City of Elkhart, in the above-named subscribing witness's presence, and that the above-named subscribing witness is a disinterested person as defined by law.

Witness my hand and Notarial Seal this _____ day of _____,
_____.

Angela McKee, Notary Public
Resident of Elkhart County
My Commission Number: NP0738730
My Commission Expires: January 25, 2030



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John M. Espar

ALLEY/STREET VACATION PETITION

Vacation # 23 -V- 02

Date: 8.4.2023

Elkhart, Indiana

TO: THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

(Please indicate below what is to be vacated and how your property relates to or abuts upon said alley or street.)

The undersigned, owners of real estate commonly known as: EOZ BUSINESS, LLC

LOTS 3A, 4A, 4B AND 3C, RIVER DISTRICT NORTHWEST ADDITION, FIRST REPLAT

(Lot Numbers or Other Identification)

and abutting upon alley or street proposed for vacation, respectfully petition(s) for the passage or an ordinance providing for the vacation of: PACIFIC STREET

(E/W or (N/S) street or alley or public right-of-way/or a more lengthy legal description may be attached)

Reasons for request: SITE IMPROVEMENTS LOCATED ON EITHER SIDE OF PACIFIC STREET

Please provide names and addresses of each property owner who owns property abutting upon the alley or street to be vacate. Please Print and attach separate sheet if necessary.

<u>Property Owner's Name</u>	<u>Addresses</u>	<u>Lot Numbers</u>
<u>EOZ BUSINESS, LLC</u>	<u>120 W. LEXINGTON AVE ELKHART, IN 46516</u>	<u>LOTS 3A, 3C, 4A AND 4B</u>

Please provide names and addresses of any party who would be directly affected by this vacation even though their property might not abut upon the property being vacated-attach separate sheet if necessary.

SEND NOTICE TO:

(Name)	(Address)	(Phone No.)
(Name)	(Address)	(Phone No.)
(Name)	(Address)	(Phone No.)

<u>Petitioner's Signature</u>	<u>Mailing Address</u>	<u>Phone:</u>
-------------------------------	------------------------	---------------

- Attach to Petition Application:**
1. Drawing showing area of proposed vacation (including parcel identification numbers)
 2. Location of buildings (access to garages and/or off street parking areas)
 3. **List** of names and addresses of property owners whose property abuts this property proposed to be vacated
 4. Legal Description of proposed vacation
 5. \$100.00 Filing Fee for certified mailing and advertising



Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

August 4, 2023

City of Elkhart
229 South Second Street
Elkhart, IN 46516

RE: PROPOSED PACIFIC STREET VACATION SUBMITTAL, CITY OF ELKHART

To Whom it May Concern:

Enclosed, please find the following item for the above referenced project:

- One (1) copy of the Street Vacation Petition
- One (1) drawing depicting that portion of Pacific Street to be vacated, including parcel identification numbers.
- One (1) legal description of that portion of Pacific Street to be vacated.
- One (1) copy of Preliminary Concept Zone 1 Site Development Plan
- One (1) list of names and address of property owners whose property abuts Pacific Street. Note there is one owner, EOZ Business, LLC, that abuts said Street.
- Application fee

Should you have any questions please contact me at 574-232-4388.

Sincerely,

Jeffrey Barnes, PS
Professional Surveyor

enclosures

H:\2023 Projects\2023-0143\02-Survey\Transmittals\2023-08-04 Vacation
Submittal to COE\2023-08-04 Pacific Street Vacation Submittal.docx

EXHIBIT "A"

Project: Pacific Street Vacation
Part of River District Northwest Addition, First Replat

Sheet 1 of 1

Vacation of a portion of Pacific Street located between East Jackson Boulevard to the the south and Hannah Court to the north, all located within River District Northwest Addition, First Replat, the plat of which is located in the Northeast Quarter of Section 5, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, and being recorded in Plat Book 41, page 2, Elkhart County Recorder and being further depicted on the attached Vacation Sketch, marked Exhibit "B", described as follows: Commencing at the southeast corner of Lot 3C of said First Replat and further being the intersection of the west boundary of Pacific Street and the north boundary of East Jackson Boulevard; thence North 19 degrees 07 minutes 53 seconds West, said bearing being the basis of bearing of the description with all other bearings herein relative thereto, 10.00 feet along the east line of said Lot 3C and west boundary of Pacific Street to the point of beginning of this description; thence continuing North 19 degrees 07 minutes 53 seconds West 511.50 feet along the east line of said Lot, the east line of Lot 3A and said west boundary to the south boundary of Hannah Court; thence North 70 degrees 25 minutes 44 seconds East 45.00 feet to the east boundary of Pacific Street and further being the west line of Lot 4A of said Replat; thence South 19 degrees 07 minutes 53 seconds East 511.04 feet along said east boundary, the west line of Lot 4A and Lot 4B; thence South 69 degrees 50 minutes 17 seconds West 45.01 feet to the point of beginning and containing 23,007 square feet, more or less.

This description was written from the information obtained from the recorder's office and other sources that were not necessarily checked by a field survey.

Reference document: River District Northwest Addition, First Replat, recorded in Plat Book 41, page 2, Elkhart County Recorder's Office.

Prepared for: City of Elkhart
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski
Date: July 26, 2023
Job Number: 2023-0143

H:\2023 Projects\2023-0143\02-Survey\Street Vacation\2023-07-26 Pacific St Vacation Legal Exhibit A.doc

PACIFIC STREET VACATION

List of Existing abutting Property Owners

Two (2) Parcels West of proposed vacation:

06-05-279-035-012
06-05-279-033-012
EOZ Business
120 W Lexington Ave
Elkhart, IN 46516

Two (2) Parcels East of proposed vacation:

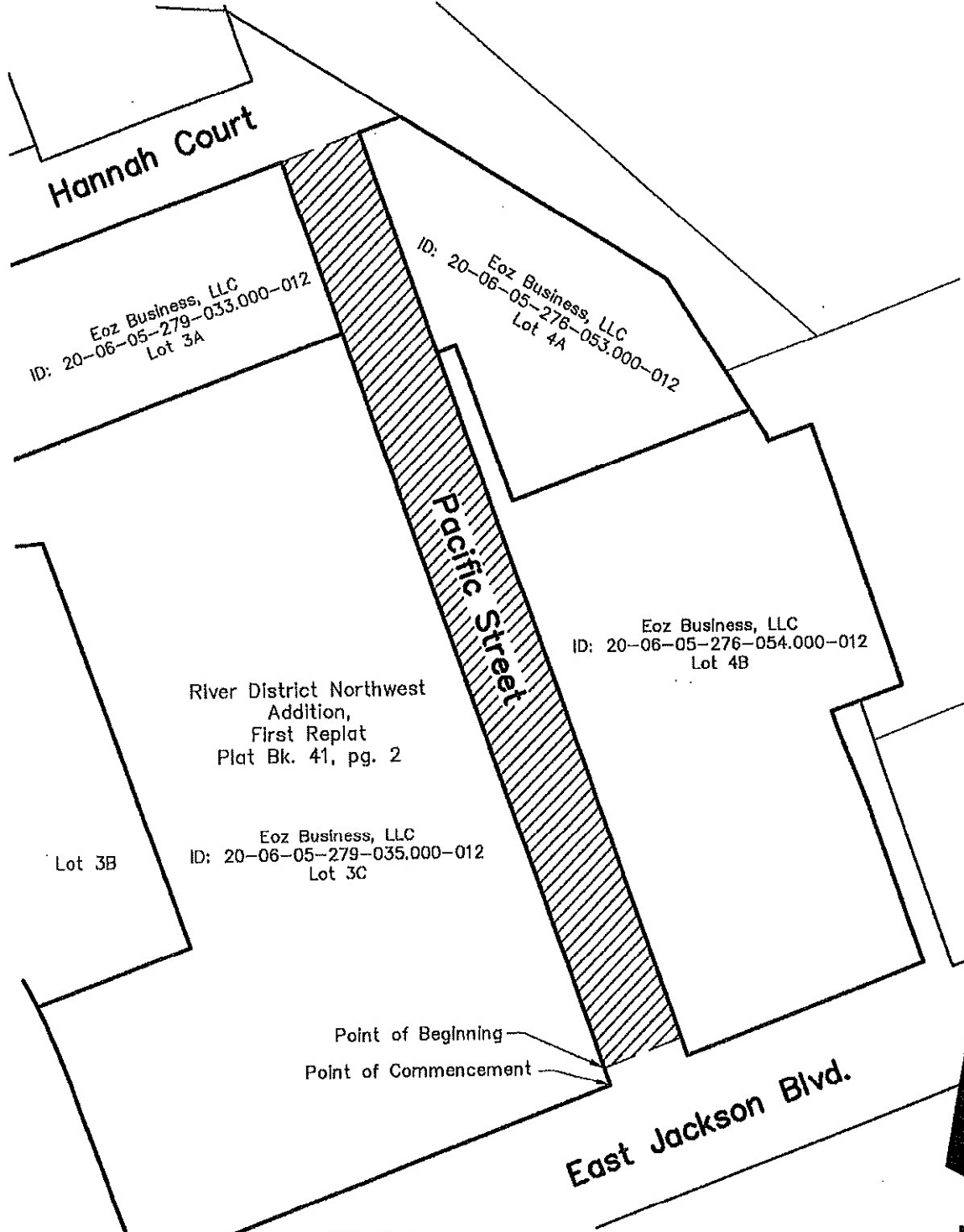
06-05-276-054-012
06-05-276-053-012
EOZ Business
120 W Lexington Ave
Elkhart, IN 46516

Parcel No: n/a
Road: Pacific Street
Sec: 5 Town: 37N Range: 5E

Vacation Sketch Exhibit "B"

Prepared for: City of Elkhart
Owner: City of Elkhart

Job No: 2023-0143
Drawn: jsb
Checked: mdc
County: Elkhart



H:\2023 Projects\2023-0143\02-Survey\Street Vacation\2023-07-25 Pacific Vacation Sketch.dwg, 7/26/2023 2:52:51 PM



JONES
PETRIE
RAFINSKI

South Bend, IN
p: 574.232.4388
Fort Wayne, IN
p: 260.422.2522



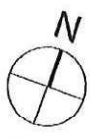
Pacific Street
Vacation limits



1" = 80'

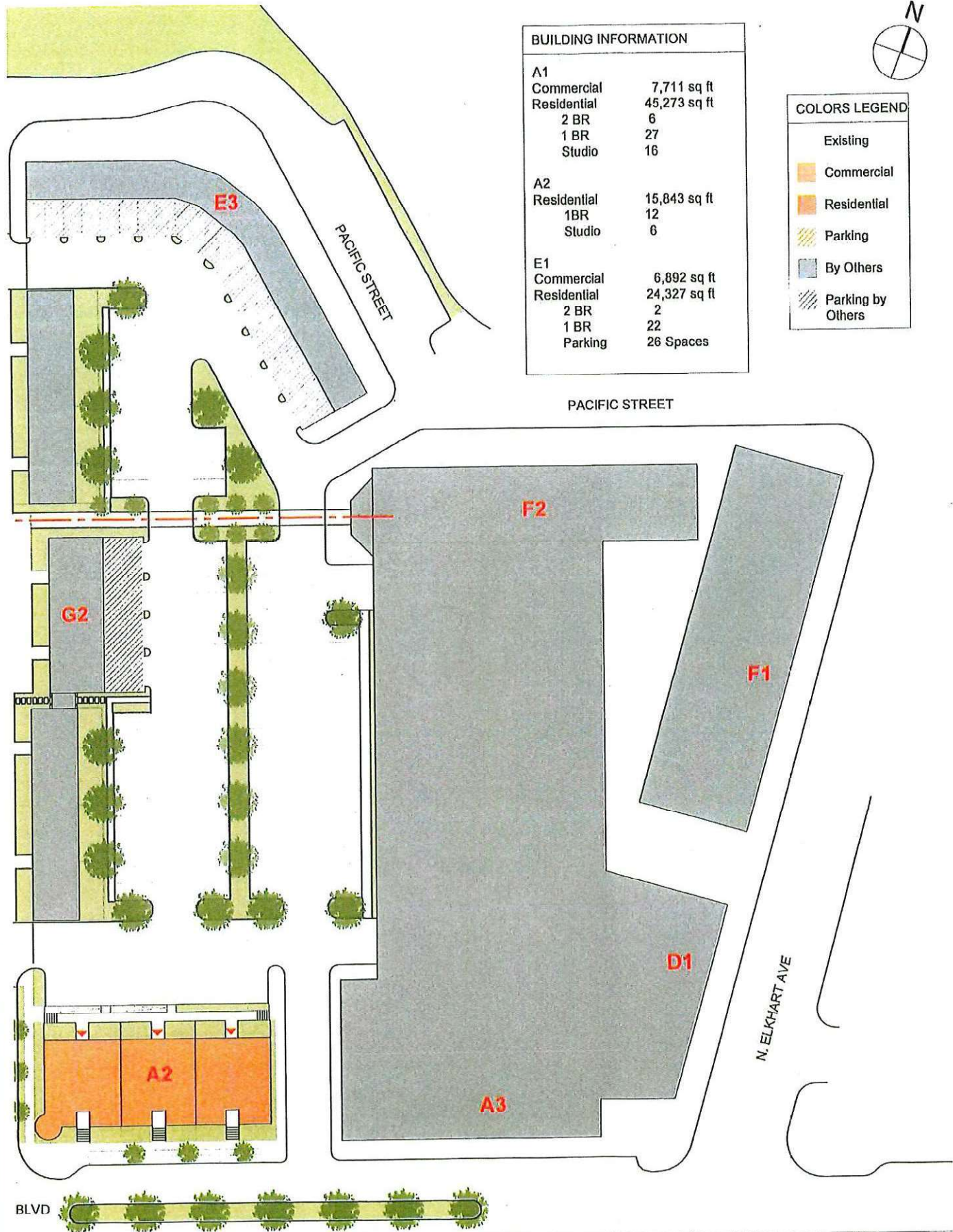


E. JAC



BUILDING INFORMATION		
A1		
Commercial		7,711 sq ft
Residential		45,273 sq ft
2 BR		6
1 BR		27
Studio		16
A2		
Residential		15,843 sq ft
1BR		12
Studio		6
E1		
Commercial		6,892 sq ft
Residential		24,327 sq ft
2 BR		2
1 BR		22
Parking		26 Spaces

COLORS LEGEND	
Existing	
Commercial	
Residential	
Parking	
By Others	
Parking by Others	



Rod Roberson
Mayor

Debra D. Barrett
City Clerk



Proposed Ordinance No. 23-O-38

City Clerk's Office
229 S. Second St.
Elkhart, IN 46516

574.294.5471 ext. 1080

November 27, 2023

Hon. Arvis Dawson, President
Hon. Megan Baughman
Hon. H. Brent Curry
Hon. Lewis Anne Deputy
Hon. Dwight Fish

Hon. David E. Henke
Hon. LaTonya King
Hon. Aaron Mishler
Hon. Brian A. Thomas

Re: Proposed Ordinances Numbered 23-O-38

Dear Council Member:

Enclosed for your consideration is Proposed Ordinance No. 23-O-38, an ordinance amending Ordinance No. 5959, which fixes the compensation for appointed officers and other salaried employees of the City of Elkhart ("City") for calendar 2024, to authorize and approve the payment of the residency bonus to all current full-time employees of the Office of the City Clerk ("Office").

The Common Council of the City authorized and approved a residency bonus of two thousand four hundred (\$2,400) for full-time employees of the City who reside within the city limits. The payment of the residency bonus to select full-time employees of the City is adversely affecting the morale of the Office. It is sending the message to long-tenured, full-time employees of the Office who live outside the city limits that they are less valued by the City and that their years of service and contribution to our community is not important compared to their residency status. The disparate treatment of current nonresident full-time employees of the Office is unjustly marginalizing and penalizing these employees.

The Proposed Ordinance amends Section 3 of Ordinance No. 5959 to expand the residency boundaries to include all of Elkhart County for full-time employees of my Office hired before January 1, 2024. For any individuals that I hire for full-time employment on or after this date and who were not previously employed by the City, they will be required to reside within the city limits to be eligible to receive the residency bonus. This requirement also will apply to any current full-time employee that was hired before January 1, 2024, but not working in my Office and who I hire for a full-time position.

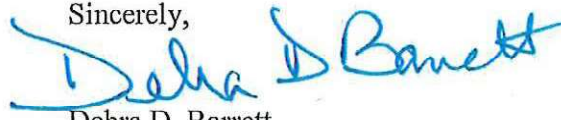
I believe this change to the residency requirement is more equitable to existing full-time employees of my Office and promotes harmony and inclusivity within my

Office. It also recognizes and applauds the long-tenured, full-time employees for their years of service and dedication to our community.

Based on the forgoing, I am requesting your support for and adoption of Proposed Ordinance No. 23-O-38.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Debra D. Barrett". The signature is written in a cursive style with a large initial "D".

Debra D. Barrett
City Clerk

Enclosure

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5959, FIXING THE SALARIES AND WAGES FOR APPOINTED OFFICERS AND OTHER SALARIED EMPLOYEES OF THE CITY OF ELKHART, INDIANA, FOR THE YEAR 2024, TO AUTHORIZE AND APPROVE THE PAYMENT OF THE RESIDENCY BONUS TO ALL CURRENT FULL-TIME EMPLOYEES OF THE OFFICE OF ELKHART CITY CLERK

WHEREAS, on October 4, 2023, the Common Council of the City of Elkhart, Indiana, (“Common Council”) adopted Ordinance No. 5959, An Ordinance Fixing the Salaries and Wages for Appointed Officers and Other Salaried Employees of the City of Elkhart, Indiana for the Calendar Year 2024 (“Salary Ordinance”); and

WHEREAS, Section 3 of Salary Ordinance authorizes a city residency bonus payment of two thousand four hundred dollars (\$2,400) to full-time employees of the City of Elkhart (“City”) who reside within the city limits of the City; and

WHEREAS, the City Clerk has determined that providing an economic benefit to only resident full-time employees is detrimental to the operation of the City Clerk’s Office (“Office”) because it unjustly penalizes current nonresident full-time employees of the Office, thereby adversely affecting the morale of the Office; and

WHEREAS, with the approval of the Common Council, the City Clerk is authorized under Indiana Code § 36-4-11-4 to appoint all deputies and employees and is authorized under Indiana Code § 36-4-7-3(d) to fix their salaries; and

WHEREAS, the City Clerk is recommending that the Salary Ordinance be amended to eliminate the disparate treatment of current full-time employees of the Office; and

WHEREAS, the Common Council has duly considered this matter and determined that it is necessary, proper and in the best interests of the City to remedy this inequity in the Office.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:

Section 1: Amendment. Section 3 of Ordinance No. 5959 shall be amended to add the following provision:

“Notwithstanding anything to the contrary herein, an employee of the City Clerk’s Office shall be entitled to an annual lump-sum monetary bonus of up to two thousand four hundred dollars (\$2,400) if the employee meets the following requirements:

1. Is a non-bargaining employee of the City;
2. Is employed on a full-time basis;
3. Establishes and maintains legal residency within the Eligible Residency Area (as defined below);
4. Physically resides on a continuous, permanent basis within the Eligible Residency Area; and
5. Satisfies such other requirements described in the Employee Handbook relating to this incentive.

The term “Eligible Residency Area” shall have the following meaning: (i) for employees hired before January 1, 2024 and working for the City Clerk on this date, the term means within the County of Elkhart, (ii) for employees hired on or after January 1, 2024 and working for the City Clerk or for any department of the City of Elkhart on this date, the term means within the city limits of the City of Elkhart, and (iii) for employees hired before

January 1, 2024 but not working for the City Clerk on this date, the term means within the city limits of the City of Elkhart.”

Section 2: Remainder of Ordinance No. 5959. In all other respects, Ordinance No. 5959 as originally adopted shall remain in effect.

Section 3: Effective Date. This Ordinance shall be in effect from and after its passage and approval, according to law.

ORDAINED this ____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

Debra D. Barrett, City Clerk

PRESENTED to the Mayor by me this ____ day of _____, _____,
at _____ a.m. /p.m.

Debra D. Barrett, City Clerk

APPROVED by me this ____ day of _____, _____.

ATTEST:

Rod Roberson, Mayor

Debra D. Barrett, City Clerk

Appendix

1. Years of Service Spreadsheet

A spreadsheet detailing the years of service for each employee is attached. This information serves as a testament to the dedication and commitment of our team members.

2. Letters from Administration Espousing the Value of These Employees

The administration sends out congratulatory letters on the anniversary date of each city employee's date of employment. I have attached two examples however, they are sent to each one. I would like to bring your attention to the highlighted sections. These praises do not match the rewards offered by the city to city employee residents.

- a. *"You are a vital part of our success, and you and your family should be very proud of your hard work and commitment to serving the community as you do, especially during these unprecedented and challenging times"*
- b. *"Because of you and your hard work, Elkhart is a vibrant community to live, work and raise families."*

			CLERK STAFF EXCLUDED FROM THE CURRENT RESIDENCY BONUS				Total Number of years
Employee	Elkhart City Departments/Positions						
Angela Oldroyd	911 Dispatcher/JDAACS Coordinator	3 yrs	Office Services Public Works	3.5 yrs	Current Chief Deputy Elkhart City Clerk's Office	9.5 years	16 years
Angela Fields	Various Positions clerks Office		Various Positions clerks Office		Current City Clerk's Office Court administrator	24 years	24 years
Angela Mckee					Current Deputy Clerk of the City Council	1.8 yrs	1.8 yrs
Angela Rollins	Building and Code Office Services	1.2 yrs	Clerks Office Cashier	2yrs	Current City Clerks Office Court Recorder	7 yrs	10.2 years
Martha Schofield			Clerk's Office part time	3 years	Current City Clerk's Office Data Manager	4.5 yrs	7.5 years
Patricia Hayes					Current City Clerk's Office Head Cashier	4 yrs	4 yrs
Total years excluded from incentive							63.5

Barrett, Debra

From: Fields, Angie
Sent: Wednesday, November 8, 2023 10:03 AM
To: Barrett, Debra
Subject: FW: Thank you for your service to the City of Elkhart

Dear Angie:

Congratulations on your 23-year anniversary with the City of Elkhart.

Thank you for your dedicated service to our city, which helps us provide the unparalleled service that I promised the citizens of Elkhart. **You are a vital part of our success, and you and your family should be very proud of your hard work and commitment to serving the community as you do, especially during these unprecedented and challenging times.**

I am fortunate to have you on my team, and Elkhart is a better place because of you.

Mayor Rod

Mayor Rod Roberson | City of Elkhart
229 South Second Street
Elkhart, IN 46516
574.294.5471 x1041
Rod.Roberson@coei.org



McKee, Angie

From: Neal, Danielle on behalf of Roberson, Rod
Sent: Friday, February 3, 2023 12:04 PM
To: McKee, Angie
Subject: Congratulations

Dear Angie,

On behalf of the City, we would like to congratulate you on 1 year of service to the City of Elkhart. Your time, dedication and commitment to provide unparalleled service truly adds value to our city and is greatly appreciated. Because of you and your hard work, Elkhart is a vibrant community to live, work, and raise families.

Please know that you are a valuable part of the day to day service we provide our constituents. We are fortunate to have you on our team, and we look forward to many more years of serving Elkhart together.

Sincerely,

Mayor Rod

Mayor Rod Roberson | City of Elkhart

229 South Second Street

Elkhart, IN 46516

574.294.5471 x1041

Rod.Roberson@coei.org



City of Elkhart

City of Elkhart
Board of Aviation Commissioners Meeting
October 25, 2023

The Board of Aviation Commissioners meeting was called to order by Commissioner Bruce Shreiner at 4:00pm on Wednesday, October 25, 2023 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioners Shari Mellin & Doug Thorne were present. Commissioner Tom Shoff was present via Webex. Also present were Andy Jones, Karen Shaw, Ryan Sherwood, Paul Shaffer, and Kevin Davis.

Amendment:

Mr. Shreiner made a motion to amend today's agenda to include discussion of replacement of lawn mowers. Mrs. Mellin made a MOTION to approve the amendment. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Approval of Minutes:

Mrs. Mellin made a MOTION to approve the minutes of the September 27, 2023 meeting. Mr. Shoff SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Mr. Shreiner made a MOTION to approve claims as submitted for \$63,892.53. Mrs. Mellin SECONDED the motion. Mr. Shreiner asked about the 2 additional invoices for hazmat material removal. Andy advised this is for the removal and proper disposal of many years of accumulation of old paint & chemicals from the airport. There being no further discussion, the motion PASSED unanimously.

Airport Manager's Report:

Andy advised he was on a conference call on Tuesday with the FAA, INDOT and BF&S. The topic discussed was Capital Improvements grant funding for EKM for the next five years. Andy also updated them on numerous projects and events that have occurred over the past three years. Andy advised that Karen Shaw completed the process of renewing the System for Award Management (SAM). The airport now continues to be eligible to receive federal and state grants funding.

Old Business:

Andy advised that after last month's BOAC meeting agenda was published there was a change added. When an agenda is changed after being published a motion and a majority vote is required before the BOAC may take action on that agenda. That didn't happen last month. Andy asked for a motion to approve the amended September BOAC meeting agenda to include permission to declare old snowplow blades surplus. Mr. Shreiner made a MOTION to approve as requested. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

New Business:

First item under New Business is the 2024 BOAC Meeting Schedule. Mrs. Mellin made a MOTION to table this vote until next month while Karen does additional research on claims submission deadlines. Mr. Shreiner SECONDED the motion. There being no further discussion, the motion to table PASSED unanimously.

The next item under New Business is AIP-38 Pay Request #5 to the FAA for reimbursement for BF&S Invoices for Runway 18-36 Pavement Rehab Design, for \$51,165.75. Paul Shaffer from Butler, Fairman, & Seufert (BF&S) advised this is to pay for invoices related to Runway 18-36 Pavement Rehab. Mr. Shreiner

City of Elkhart
Board of Aviation Commissioners Meeting
October 25, 2023

made a MOTION to approve. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

The next item under New Business is Consideration of the 2025-2029 Draft Capital Improvement Plan (CIP). Paul advised the CIP draft plan is due on December 1, 2023 and involves various plans for 2025 to 2029. Paul advised these plans can be updated and changed as needed, but would like the board to make a decision due to the FAA/INDOT deadline looming. In summary, Paul advised the following as part of the CIP draft:

- 2025 Land acquisition for approach protection, easements and parcels 67 and 77-85
Runway 18-36 Lighting Rehabilitation, Design

- 2026 Runway 18-36 Lighting Rehabilitation, Construction

- 2027 Taxiway D Lighting Rehabilitation, Environmental Assessment & Design
Taxiway D Pavement Rehabilitation, Environmental Assessment & Design

- 2028 Taxiway D Lighting Rehabilitation, Construction
Taxiway D Pavement Rehabilitation, Construction

- 2029 Taxiway B1 Realignment, Design
Taxiway B1 Realignment, Construction

Mr. Shreiner made a MOTION to approve the 2025-2029 CIP Draft. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

The last item under New Business is Replacement of Lawn Mowers. Andy advised that Josh Holtz from Central Garage had us include funds in the FY 2023 Aviation budget for the purchase of one new Toro 4000 series lawn mower. Andy further advised that he is in agreement with Josh that based on a number of factors replacing our aging Z-turn mowers would be a better choice. We already replaced the 4000 Series this year, and now is the time to replace the two 9 and 10 years old Z Turn mowers. The rule of thumb for replacing mowers is after 5 to 7 years. Andy advised he and Josh have two units in mind, but will work with Maintenance Chief Bruce Maclachlan on the specifications for each. Andy advised that the funds are available in the FY 2023 Aviation budget. Andy requests a motion to allow him to work with the Central Garage to select and purchase two replacement Z-turn mowers instead of just one Toro 4000 Series mower. Mr. Shoff asked if the airport still uses the remote-controlled mowers. Andy advised in the affirmative. Those units are also made available to other city departments for use on challenging mowing tasks. Mrs. Mellin made a MOTION to approve Andy working with Josh on these replacements. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

Privilege of the Floor:

Mr. Thorne opened comments. Mrs. Mellin advised that for the November BOAC meeting she will attend via Webex. Mr. Thorne advised he will be absent. Mr. Shoff advised he should be available. Mr. Shreiner advised he will be present.

Adjournment:

Mr. Shreiner made a MOTION to adjourn. Mr. Shoff SECONDED. There being no further discussion, the meeting adjourned.

City of Elkhart
Board of Aviation Commissioners Meeting
October 25, 2023

Next regular BOAC meeting is scheduled for Wednesday, November 29, 2023 at 4pm. Location will be the Elkhart Municipal Airport Administration Building, 1211 County Road 6 W., Elkhart, IN 46514 & via WebEx.

Respectfully Submitted,

Tom Shoff *BDS*
Tom Shoff – Aviation Board Secretary

11/29/23
Date

BOARD OF PUBLIC SAFETY
Tuesday, November 28, 2023

Vice Chairman Carol Loshbough called a regular meeting of the Board of Public Safety to order at 9:10 a.m., Tuesday, November 14, 2023. Clerk Nancy Wilson called the roll. Carol Loshbough, Kara Boyles and Willie Brown were present. Robert Woods and Anthony Coleman were absent.

1. APPROVE AGENDA

On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting November 14, 2023

On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the minutes from November 14, 2023 were approved as presented.

3. POLICE

Asst. Chief Whitmyer presented an Agreement with Force Science Ltd. for approval. On motion by Kara Boyles, seconded by Willie Brown and carried 3-0, the Board approved an Agreement between the Elkhart Police Department and Force Science for an initial case review fee of \$10,000.00.

Asst. Chief Whitmyer presented a Flock Group Inc. (Flock Safety) 5-year contract for approval. On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the Board approved a 5-year contract between the Elkhart Police Department and Flock Group Inc. for \$65,000.00/year.

Asst. Chief Whitmyer presented a contract with Studio Line Productions for approval. On motion by Willie Brown, seconded by Kara Boyles and carried 3-0, the Board approved a contract between the Elkhart Police Department and Studio Line Productions for enhanced digital forensic analysis.

Asst. Chief Whitmyer brought an incident that occurred on September 21, 2023 to the Boards attention. On that day, a juvenile was hanging over the bridge expressing a wish to kill himself by jumping off the bridge. Cpl. Morgenthaler was the first officer on the scene. He established communication with the young man even though there was a language barrier. Shortly after, Cpl. Toth and Chaplain Cerda arrived. Chaplain Cerda was able to continue a rapport with the young man speaking Spanish. After talking with him, the male juvenile agreed to climb back over the bridge railing and extended his arms. As Cpl. Morgenthaler grasped him, he let go of the railing showing his intention of following through and jumping off the bridge, at which time they were able to pull him over the railing to safety. Cpl. Toth and Cpl. Headley were there to help pull him to safety. The efforts and quick thinking of Chaplain Cerda, Cpl. Morgenthaler, Cpl. Toth and Cpl. Headley saved this young man from serious injury and possible death. They all received Letters of Commendation for Life Saving in recognition of the way they handled this incident taking the immediate action necessary to save this young man's life. Their actions reflect highly upon the Elkhart Police Department and the Law Enforcement profession. Congratulations from the Board of Safety to all. Our training is working and our people are good. Job well done! On motion by Willie Brown, seconded by Kara Boyles and carried 3-0 the Board recognized Cpl. Jesse Morgenthaler, Cpl. Nathaniel Toth, Cpl. Gavin Headley, and Chaplain Marta Cerda for their excellent work and thanked them for their service to our community.

BOARD OF PUBLIC SAFETY
Tuesday, November 28, 2023

4. OTHER PUBLIC SAFETY MATTERS

2024 Board of Safety Meeting Dates

On motion by Kara Boyles, seconded by Willie Brown and carried 3-0, the Board adopted the 2024 Board of Safety Meeting Dates as presented.

Police & Fire Merit Commission Minutes

On motion by Kara Boyles, seconded by Willie Brown and carried 3-0, the Board accepted and placed on file the Police and Fire Merit Commission minutes.

5. GRIEVANCE- FIREFIGHTER RYAN CHRIS

Human Resource Director Wayne Belock presented a Motion to Continue. The reason for the request is there is investigation still going on that should be resolved by the next meeting. Depending on the resolution, it may make the grievance moot, or it may go the other way. The City's position is that the grievance does not need to proceed at this meeting primarily because of the fact we are waiting for other events to happen. Carol asked him if the Fire Merit Board reinstated the Firefighter. Wayne said that is correct, what happened is right after the incident he was placed on Unpaid Administrative Leave. After the disposition of the charges in Michigan the Fire Merit Commission acted and reinstated him. However, the investigation had not been completed, so the issue of discipline either way had not been addressed. After he was reinstated by the Merit Commission it was up to the City to decide where to assign him, and he was assigned to the duties set forth in the grievance pending completion of the investigation. Pursuant to Management's rights, we have the right to assign, change hours, and all of those things. So, in the interim, until this investigation process is complete, he is being paid his regular pay. Carol asked if he is receiving 24-hour pay, and Wayne said yes.

Jason Gour, President of Elkhart Firefighters Local 338 presented a Motion to Proceed. While there is an investigation, he was reinstated, and that is for disciplinary matters, and it would be past practice that would be done simultaneously or after the incident happened. No one has ever been placed on 8-hours before. He is not able to take any overtime, so monetarily it is affecting him, as well as child care. That is why he asked the Board to hear the grievance today, so they could have a resolution to this and get Firefighter Chris back to work. Also, to save the City money by not back-filling overtime for his position. Carol responded to his statement of past practice and asked if this has ever occurred. Jason said with Firefighter Chris, in his circumstance being charged with a misdemeanor, Chief Edgerton could explain past practice or I can, but typically they would continue at work, go serve a 40-hour suspension, then right back to work. Typically, if they don't lose their license, they are even able to drive. This is not being done in this case. Carol said she understood him to say in the past, when this has occurred and legal proceedings have ended, the Firefighter is returned immediately to their normal job as long as it was in the realm of the charges not disqualifying them from being a Firefighter. Jason said yes, if it was a Felony we would not be having this discussion right now. Willie asked no contest to the felony, and Jason said no, to the misdemeanor, that is why he tried to get that stricken from there. It was misdemeanor OWI operating a utility vehicle, which he didn't lose his license for. Carol asked the City to address that. Wayne responded that in the background facts

BOARD OF PUBLIC SAFETY
Tuesday, November 28, 2023

he was careful to just reference what was contained in the grievance itself. Wayne asked if the Board has a copy of the grievance. Nancy gave them each a copy. Wayne said under background facts he said "As Firefighter Chris notes in his grievance, he was charged with a Felony, Operating While Intoxicated (OWI), as a result of an off road vehicle crash in Cass County Michigan", and then he said as he notes in his grievance, he was convicted of a misdemeanor "operating while visibly impaired" after he pled no contest to felony charges, so that should have been misdemeanor charges. Carol said we need to note that for the record. Carol asked Wayne about the issue of past practice. Wayne said he has not been around very long, Chief Edgerton might be able to address that, but the issue here is the Merit Commission didn't take up the issue of further discipline for violation of rules and procedures. After he came back, the City didn't pursue it at that time, pending the disposition of the felony charges. Now that he is back, the investigation proceeded as to whether he violated rules of conduct and those types of things. That is currently what is under investigation. Wayne said the point is he can still be disciplined for violating rules and procedures when he comes back. The Merit Board did not take up that issue, so that is what is currently pending. Theoretically, they could have another hearing once the discipline is presented to them and suspend him or not. But right now, he is reinstated and he is working. We are not violating anything the Merit Board told us to do. We have the right to assign him wherever we want to. Carol said past practice does have standing and she wanted to hear from Chief Edgerton. Chief Edgerton said in the past what had happened, they were pretty straight forward incidents where you had individuals who were arrested for OWI or DWI, in which case that individual came to him and said Chief, I was arrested for OWI, understanding this past practice had gone back decades, and the reason being by statute, I as Chief can only give a certain amount of time, so that individual would be given a 5-day suspension, 40 hours automatically. They serve their 5 days for the misdemeanor, and are put back to work. This case was different because there were some other things that needed to be adjudicated before we got to that point. Carol asked if he had any time off, and Chief Edgerton said no, he never had time off for the misdemeanor OWI, he was on unpaid leave because he had felony charges pending. Carol asked how long he was on unpaid leave and Chief said 504 hours. Willie asked Chief what the impact is with this individual not on full time duty. The Chief said back filling his position costs \$1,000.00/day. Carol asked the Chief how short they are. The Chief said we are allowed 144 and we have 135.

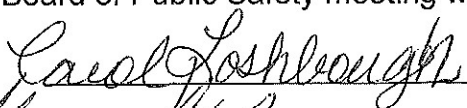
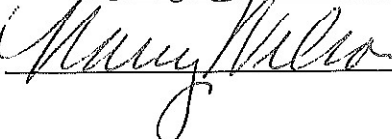
Carol opened Board discussion. Kara asked about the Merit Commission, noted in their minutes they had discussion about discipline, and they took action prematurely correct? Because the City still needed to do their investigation and determine if there would or would not be discipline. Wayne said correct, there is still an unfinished step. Wayne said once the felony went away the Merit Commission had to do something from their prospective, but the issue of discipline had not been addressed at that point and time. Willie said to Jason, you said regarding Firefighter Chris violating any rules in the handbook, this accusation does not apply to this grievance or discipline. Please explain. Jason said because we are grieving his work schedule right now, and discipline would go to the Merit Commission. Jason

BOARD OF PUBLIC SAFETY
Tuesday, November 28, 2023

cleared up, the City brought forth requesting Firefighter Chris to come back to work, not the Union. We agreed with it. Also, the union mentioned the discipline because there was no discipline and there needs to be discipline. The meeting that we had did not qualify, because if there was just time served there would be nothing in his file. There needs to be a separate hearing for discipline. Jason said it should be like anyone else you are at work, serve the discipline then back to work. They never went to 8-hours. That is what we are saying, just continue what we have done in the past decades as Chief explained. Kara said from the City's point of view and Article 14, they are fully, legally able to make these determinations, to not place him in a vehicle, to give him the 8-hour shift, 40 hours per/week, and assign him work and duties as determined by the City. Wayne said that is the broader concern here to not lose sight of is that Management rights are very broad. As Mr. Gore just indicated they are grieving the schedule. If that's the case, then we have the right to make the schedule, and the grievance should be denied if you are proceeding with it today. Kara said she is ready to make a motion. Jason noted under Article 24 it specifically says what their schedule is. There is no reference to an 8-hour. Also in the second paragraph under Management's rights it says they would relinquish Managements rights to anything that is specifically addressed in the contract. Under Article 25 Section 1 and also Section 4. Wayne clarified Article 24 says what a 24 hour schedule is, it doesn't say everyone is entitled to one, that is the distinction, and that doesn't supersede the provisions in Article 14 for that reason. The grievance also asks for other relief that is not in the contract which is paid administrative leave which is not even set forth there. What they are asking the Board to do is to reinstate him to a 24/48 schedule, or put him on paid leave, and paid leave doesn't exist in the contract. So, our position is if you determine it merits a grievance, we have the right to assign him. It is basically going to be resolved one way or the other in the next two weeks or less, given that is when you next meeting. Willie asked what are the duties he is performing on these 8-hour shifts compared to the 24-hour shift. Chief Edgerton said basically the duties are whatever the Officer in charge deems appropriate at that time. They have him do whatever they need him to do that day. Deputy City Attorney Kevin Davis clarified he pled no contest to a misdemeanor OWI. On motion by Kara Boyles, seconded by Willie Brown and carried 3-0, the Motion to continue was corrected under Background Facts, paragraph two, last sentence "no contest to the misdemeanor charges", by changing the word felony to misdemeanor. On motion by Kara Boyles, seconded by Willie Brown and carried 3-0, the Board continued the grievance for Ryan Chris to December 12, 2023 at 9:00 a.m. On motion by Willie Brown, seconded by Kara Boyles and carried 3-0 the Motion to Proceed was denied.

6. ADJOURNMENT

The Board of Public Safety meeting was adjourned at 9:48 a.m.

 Carol Loshbough, Vice-Chairman
Attest:  Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, November 21, 2023. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Jamie Arce, Ron Davis, and Rose Rivera attended in person. Chad Crabtree was absent. Mike noted the time was after 9:00 a.m. and no more bids or quotes would be accepted.

1. Approve Agenda

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the agenda amended by changing item VII (b) from release of liens to I&M Easement. The amended agenda carried 4-0.

2. Open Bids & Quotes

Bid #23-18 Painting Northwest Wellfield Pressure Filters

Proof of publication was presented which appeared in The Elkhart Truth on October 28 and November 4, 2023. The following bids were received:

Slatile Roofing and Sheet Metal Company submitted a signed and certified bid summary form with all items checked. The base bid was \$376,400.00.

Seven Brothers Painting Inc. submitted a signed and certified bid summary form with all items checked. The base bid was \$166,500.00.

A&N Construction Company submitted a signed and certified bid summary form with all items checked. The base bid was \$223,985.00.

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Quote #23-18 Hively Ave. Overpass Demolition Project Contract #1

The first quote was received from Beer & Slabaugh for \$74,500.00. The second quote was from C&E Excavating for \$57,250.00. The third quote was from John Boettcher Sewer & Excavating for \$58,872.00. The fourth quote was from Richard Brothers Inc. for \$57,360.00. On motion by Jamie Arce seconded by Rose Rivera and carried 4-0, the Board referred the bids to staff to review and make a recommendation at the end of the meeting if possible.

Open Quote #23-04 EEC Vault Toilets

No quotes were received. Jamie noted under statutory requirements, there is an opportunity to proceed without re-quoting since no quotes were received.

3. Public Hearing

Disposal of 1015 E. Jackson Blvd.

Mike Machlan opened the Public Hearing. Jamie Arce presented proof of publication appearing in the Elkhart Truth on November 10, 2023. Bryan Cress introduced the hearing by stating the City of Elkhart originally acquired the property at 1015 East Jackson to allow for possible future expansion of the intersection of Goshen Avenue and Jackson Blvd. We sub-divided the property, and we are looking to get rid of the portion of the property we do not need. That portion of the property includes the residential structure. By disposing of the property there will be some proceeds from the sale, and we will return the property to the tax base. Mike asked for public comment on this issue. Jamie asked Bryan if the property was purchased with Utility funds. Bryan said no, it is civil City. Mike asked anyone wishing to speak in favor to come forward. Seeing no one, he asked if anyone wanted to speak against

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

the issue. No one came forward. Bryan reminded the Board they were being asked to make a recommendation to the Mayor to dispose of the property. Jamie asked Maggie Marnocha, once the Mayor makes a decision to sell, will it come back to the Board of Works, or will the Common Council take action on the disposal. Bryan clarified, after the Board of Works makes a recommendation to the Mayor, the Mayor will give or not give his approval, then it goes to the financial body that owns it, in this case it would be the City Council that would also need to give its approval, then the property would be appraised and offered for sale. Maggie said the Deed would come back to the Board of Works. On motion by Ron Davis, seconded by Jamie Arce and carried 4-0, the Board made a recommendation to the Mayor to dispose of the property known as 1015 East Jackson Boulevard, Elkhart, Indiana.

Disposal of 28864 West County Road 16

Bryan Cress explained the City acquired the property 28864 W CR 16 to gain access to a sewer structure at the rear of the property. We have since put in an access drive to that structure and sub-divided the property to separate our access drive from the remainder of the property which includes a residential structure. We are asking the Board of Works to make a recommendation to the Mayor to dispose of 28864 W CR 16. You will see later on the agenda since the Board of Works is the fiscal body of the Utility, I will be asking you in a separate action for your approval to dispose of the property. Mike Machlan opened public comment for those in favor of this action. Seeing none, he opened public comment for those wanting to speak against. Seeing none, he closed public comment. On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board made a recommendation to the Mayor to dispose of the property known as 28864 W CR 16.

4. Claims & Allowance Docket

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the claims and allowance docket totaling \$1,929,774.99, consisting of 28 pages as prepared on November 15, 2023 at 11:10 a.m.

5. Minutes Regular Meeting November 8, 2023

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board approved the minutes from November 8, 2023.

6. Engineering

(A.) Administration

Award Bid #23-16 2024 Street Materials

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board awarded Bid #23-16 for 2024 Street Materials to four suppliers for thirteen bid lines as listed in the board memorandum and documents provided by the Engineering staff.

PSA with Crawford, Murphy, and Tilly, Inc. for Hively Avenue Overpass Project FRA Grant Application Support

A motion was made by Jamie Arce and seconded by Rose Rivera to approve a PSA with Crawford, Murphy, and Tilly, Inc. for the Hively Ave. Overpass Project Grant application Support with a not to exceed fee of \$21,000.00. Jeff Schaffer asked the Board to table the contract. On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the PSA with Crawford, Murphy, and Tilly, Inc. for Hively Avenue Overpass Project FRA Grant Application Support was postponed to a future date.

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

Change Order #1 & Final for Bid #23-07 ADA Curb Ramp Program

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved Change Order #1 and Final for Bid #23-07, 2023 ADA Curb Ramp Program, increasing the Contract value by \$16,260.60, resulting in a Final Contract price of \$211,595.60.

(B.) PWU Attorney

Utility Easement I&M

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved an Agreement with Laredo for online access to real estate records.

(C.) Utility

I&M Easement

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved a Utility Easement and Right of Way for the benefit of Indiana Michigan Power to perform work at the Wellfield Gardens.

Board of Works Resolution 23-R-25 Supporting the Amendment to the Sewer Rate Ordinance

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved Board of Works Resolution 23-R-25, a Resolution of the Board of Works of the City of Elkhart, Indiana, supporting the proposed Sewer Rates as submitted to the Common Council in "An Ordinance Amending Ordinance 5286". Tory Irwin explained the request to the Board. The last sewer rate increase took effect in 2022. This rate increase is a five-year increase annually starting in July 2024, and every January thereafter for the next four years. It is a significant increase. We acknowledge that. We have no other options to fund our obligations under the Long Term Control Plan (LTCP), while also maintaining our Sewer Utility assets. Mike noted the LTCP is an unfunded Federal mandate. Tory said this increase is projected to close the LTCP. This rate increase was designed to fund all of the remaining work, which will go above and beyond the 2008 estimate of \$135,000,000.00. Tory said there is no way anyone could have anticipated the COVID pandemic and the implications thereafter to inflation. Jamie Arce said while he reviewed the packet, it triggered him on some direction the State Board of Accounts provided as part of their Cities and Towns Bulletin. It said it is a requirement of the Board who oversees municipally owned Utilities to set rates and or recommend that rates are set in an amount that will ensure sound fiscal condition for the Utilities. That is embedded in the Statute. Jamie made a motion amending this Resolution 23-R-25 to include the Whereas clause IC Code 36-9-23-25 requires the Board of Public Works to set rates in an amount which will ensure a sound fiscal condition for the municipally-owned sewer utility. Ron seconded the amendment which carried 4-0. Mike opened the floor for public comment for or against. Seeing no one, he closed discussion and called for the vote on the amended motion. The motion carried 4-0.

Board of Works Resolution 23-R-26 Supporting the Amendment of the Water Rate Ordinance

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved Board of Works Resolution 23-R-26, a Resolution of the Board of Works of the City of Elkhart, Indiana, supporting the proposed Water Rates as submitted to the Common Council in "An Ordinance Amending Ordinance 5620". Tory Irwin noted,

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

again, as with the Sewer Rate Resolution, we take no pleasure bringing this Resolution to the Board. 1998, 2008, & 2023, those are the dates the Common Council has been asked to take action on Water Rates. By the time these new rates would take effect, because the Indiana Utility Regulatory Commission (IURC) regulates the Water Utility, it will be 2025. Our water rates, because it has been so long, are now the cheapest in the State of Indiana by a significant margin. We have been rejected for grant money from the State of Indiana in the past because our water rates are so low. Lead was not an issue when the rates were passed in 2008. The Water Utility has taken proactive steps to address lead since 2015, with annual costs to identify and replace lead service lines proactively. There are a number of Federal mandates on the Water Utility just like the Sewer Utility that are unfunded that we are now having to undertake, along with managing a system that is 100+ years old in some places. We believe this rate increase is needed in order for us to maintain the system and address all of the unfunded mandates. Jamie added this is all while the total cost of operations has not remained flat. Since 2008, inflation has continued to move along. We have continued to expand and provide appropriate services, and there are very few businesses that have kept their prices flat since 2008. Jamie agreed the percentage increase appears to be extremely steep, the requirement that we have to continue to provide services to ratepayers is important, and unfortunately, this action is what we need to take. Tory reminded the Board, while the bills are combined, the Water and Sewer Utilities are very much separate. All of the funding and all of the resources are separate. Tory added, even though it is a large percentage increase, it is not a large dollar increase because the current rates are so low. Jamie noted even with the increase we will still be lower than our peers in neighboring communities. Mike noted we have pipes that were built in 1905 and 1910 which is more than 100 years old. Mike asked if the Asset Management Plan has been useful in guiding this decision, and Tory said yes, very much so. The Asset Management and Lead Plan, and trying to replace our 100+ year old pipes to prevent incidents like we had this summer when we had to take out 2/3 of downtown and put them on a boil advisory, yes it is very much guiding us. The Water Utility has been very fortunate. We have no debt. We will be taking on Bonds to fund these capital projects. Mike asked if the increase is capital as opposed to operational costs. Tory said yes, it will help offset the increase in operational costs, but it is also for capital projects. We are at the point where we can't do capital projects on the Water Utility. Mike noted that is what has been eaten up by inflation. Jamie made a motion amending Resolution 23-R-26 to include the Whereas clause IC Code 8-1.5-3-8 requires the Board of Public Works to set rates in an amount which will ensure a sound fiscal condition for the municipally-owned Water Utility. Rose seconded the amendment which carried 4-0. Mike opened the floor for public comment for or against. Seeing no one, he closed discussion and called for the vote on the amended motion. The motion carried 4-0.

(C.) Utility

Partial Payment #61 to Donohue & Associates: Elkhart WWTP Capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved partial payment request #61 in the amount of \$79,571.00 to

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

Donohue & Associates, Inc. from the allocated SRF loan for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

(D.) Summary

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board ratified the following permits:

Water Assessment

LJ Builders, LLC.
62309 State Rd 19
Elkhart, IN. 46517
Property: Cleveland Ave
Paid in full, \$1365.00

Mary Collins
3329 Calumet Ave
Elkhart, IN. 46514
Property: 3329 Calumet Ave
Paid 20% down \$271.62

Driveway Permit

#5110, Owner: Abraham Miller
Property: 2104 Vermont
Contractor: MAAJ Concrete
\$10,000 bond by Contractor

#5094, Owner: LJ Builders
Property: 1245 Romain Ave
Contractor: LJ Builders
\$600.00 bond by Contractor

#5108, Owner: Jason Rost
Property: 327 Joyce Ct.
Contractor: Mares Construction
\$10,000 bond by Contractor

Release of Bond:

#5094, Contractor: LJ Builders
Property: 1245 Romain Ave
\$600.00 bond

#5050, Owner: Magdalera Escobedo
Property: 1410 El Reno Street
\$600.00 bond

#5111, Contractor: Straight Talk Construction
Property: 2204 Timberstone Dr. East
\$600.00 bond

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

7. Utilities

(A.) Administration

Board of Works Resolution 23-R-27 Appropriating Funds to Water Operations,

Chemicals

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved Board of Works Resolution 23-R-27, a Resolution of the Board of Public Works of the City of Elkhart, Indiana appropriating funds to Water Operations Chemicals in the amount of \$63,000.00.

Updated Water Utility Monthly Transfers

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the updated Water Utility Monthly Transfer schedule as included in the memo dated November 15, 2023 from Laura Kolo.

Water Utility MRO for October 2023

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board accepted and placed on file the Water Utility MRO for October 2023.

Approval of the Disposal of 28864 W County Road 16

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the disposal of the property at 28864 W County Road 16, Elkhart, Indiana 46516 (Second Replat of Lot 5A Frank's Addition).

(B.) Pretreatment

Notice of Alleged Violation: Simonton Lake

A motion was made by Jamie Arce and seconded by Rose Rivera to find Simonton Lake in violation of the Wastewater Use Ordinance and assess a penalty of \$300.00. Steve Brown explained the violation to the Board. Steve Grubb came forward to speak to the Board. They had an issue with a contractor back in June. When the County issued their permit, they missed their Utility Easement and they drilled into the force main. It was repaired, but there may have been some debris down line, and they were not pumping at that time at a high enough rate to really get a good scour on that line. Since then, the car lot that is building a parking lot over our force main, granted us a new easement on their new property line. We replaced the force main and had the line jetted. They changed their operations at the lift station. Now they are back to their maximum of 200 gallons/minute, which they said should give us a little better scour. Also, by relocating the force main, they actually took out 3 90's, so now it is a straighter shot. They had the line cleaned, and the lift station was cleaned. They are still running their chemical feed. They increased cleaning the force main from twice/year to four times/year. They are hoping by taking out those three bends and increasing the cleaning they will eliminate the issues they were having. They violated three months in a row because it took time to do all of the improvements after they realized they damaged it back in July. Mike closed discussion and called for the vote. The motion carried 4-0.

Notice of Alleged Violation: Bimbo Bakeries Permit #2006-03

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board found Bimbo Bakeries in violation of the Wastewater Use Ordinance and assigned a penalty of \$200.00 per the Elkhart Enforcement Response Plan. Steve Brown explained the violation to the Board. Bryan Grubb Chief Plant Engineer for

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

Bimbo Bakeries came forward to speak to discuss the response to the wastewater violation. For whatever reason, this grab was high. Our response to that is we want to review our current work instructions and SOP's for all of our operations, and try to understand where the holes may be in our procedures. In order to do that methodically, we want to do a root cause analysis with our team at the bakery and identify all areas where this can be a potential risk or loss, and then react from the data we collect. We don't have a definitive time or reason, or a true understanding to be able to respond to it, but we want to be methodical in how we look at our SOP's and how we do our clean up in our daily production. Mike asked him how often they monitor, and Bryan said they monitor monthly or more if there is a situation that requires more frequency. Mike closed discussion and called for the vote. The motion carried 4-0.

Notice of Alleged Violation: McDowell Enterprises Permit #85-01

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board found McDowell Enterprises in violation of the Wastewater Use Ordinance and assigned a penalty of \$500.00 per the Elkhart Enforcement Response Plan. Steve Brown explained the violation to the Board from September 2023 for nickel and zinc. Mike noted they are significant exceedances, and Steve added they are repeated offenses. Mike asked if anyone from McDowell wished to speak on this matter. No one came forward. Steve read the written response from McDowell into the record. It said, "In response to our September 22, 2023 Pre-treatment report showing metals above the permit levels and the subsequent notice of alleged violation of 10/30/23 from the utility, McDowell Enterprises, Inc. has completed extensive testing to determine any chelating factors in the chemicals used in our various processes. Evidently a formulation change was made by a vendor that we were unaware of, and that has created significant chelation and inability of the standard treatments to eliminate the metal parameters to the degree necessary. This chemical has now been eliminated, and we believe the problem, to be solved. A subsequent sample pulled in October 2023 was clean and seems to prove this chemical to have been problem. We regret the variance and have notified our vendors that we must be made aware of any formulation changes." Steve said he will work with McDowell to prepare a consent order before the end of the year as requested by the Board. Jamie said based on their response, we should not see a violation in October. Mike said he thought the Board should add on to the penalty and then give them three months to not violate and reduce it later. Maggie Marnocha pointed out that when the Board gives them a reduction as long as they don't violate, that puts the onus, the responsibility back on the Pretreatment staff to follow those dates. So, the Pretreatment office, besides staying on top of all the monitoring, they have to then keep track of McDowell Enterprises again to make sure they are worthy of this reduction. Maggie suggested that the Board say that if they if they have no additional violations in the next 3 months then McDowell Enterprises can come before the Board at that time and ask for a reduction looking back. Mike liked the suggestion and Jamie agreed. Jamie said that is a great point, we often don't see the impact that those types of actions have on the administrative component, and putting the onus on the violator to come back and recapture or request to recapture those amounts makes sense. Maggie clarified it is up to McDowell to petition the Board for a

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

reduction. Maggie made it clear this pertains to this specific violation. She is not suggesting the Board open itself up to people continually coming back in here when the Board assesses a penalty after people have due process. That is what this is; it is a form of due process. After the Board assesses a penalty, that's it. On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board increased the penalty to \$1,000.00, and allowed for McDowell Enterprises to petition the Board for an abatement of the additional \$500.00 penalty on the condition they are in compliance for all parameters for the next 3 months of November, December 2023 and January 2024. The request needs to be made within 30 days of the 3 months compliance. The amended motion carried 4-0.

** Member Rose Rivera left the meeting.

McDowell Enterprises Permit #85-01 Review & Recommendations

A motion was made by Jamie Arce and seconded by Ron Davis, that the Board find McDowell Enterprises in violation of the Wastewater Use Ordinance and reduce the penalty for McDowell Enterprise Permit #85-01 for the first violation to \$500.00, and the second violation to \$300.00 (\$100 for each parameter) which is a total penalty of \$800.00. Maggie Marnocha explained that at the July 5, 2022 Board meeting, the Board saw a large number of violations by McDowell Enterprises following the EPA audit of the Pretreatment program. The Board approved a number of violations and agreed to a reduction as long as McDowell did not violate until August 31, 2023. As the Board is aware, there were a number of violations. In reviewing its history, we realized we needed to come back to the Board to remove the reduction. She pointed out that none of the violations were put on their bill, so none of them were paid. Laura Kolo, Steve Brown and I reviewed all of the penalties. We realized with all of the work we have been doing with the EPA recently that some of the penalties were calculated incorrectly according to our Enforcement Response Plan. We asked the Board to reduce a large amount of penalties from \$15,000.00 to just over \$5,000.00. The Board agreed. At that time, Mrs. Loshbough asked the Board to have me review the other two penalties. One was \$1,000.00, and the other was \$1,750.00. Steve Brown and I reviewed them and realized there was a misapplication of the Enforcement Response Plan again. Those also had not been billed. Maggie asked the Board to take the \$1,000.00 penalty that was assessed on July 5, 2022 and correct it by reducing it to \$500.00 which is in line with our Enforcement Response Plan. Upon evaluation of the \$1,750.00 penalty, we believe it should be a \$300.00 penalty. So, the \$1,000.00 penalty and the \$1,750.00 penalty totaling \$2,750.00 should be a total penalty of \$800.00 to McDowell Enterprises based on the Enforcement Response Plan. Maggie pointed out that this concludes the review of any of the pending violations for McDowell Enterprises. Jamie asked Maggie a question. In circumstances like the action we just took in doubling the penalty, are we taking those actions into account when we are comparing it to the Enforcement Response Plan, because it is not going to align correctly. While I make sure we are doing things appropriately and have controls in place to make sure we are not overbilling someone for a penalty, I also don't want them to be rewarded for stiffer penalties that the Board would have imposed that do not agree with the Enforcement Response Plan to be unnecessarily reduced. Maggie responded that they looked at the recommended amounts that were alleged to be based on the

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

Enforcement Response Plan. Those were the numbers I gave the Board, \$1,750.00 and \$1,000.00. Those were not enhancements. Had they been enhancements then really, quite frankly, it would not have been my place to come here and ask the Board to reconsider. Jamie said he was referring to the \$15,000.00 to \$5,000.00. Maggie said those were alleged to have been the recommendation based directly on the Enforcement Response Plan. As I come here to the Board today with a reduction to \$800.00 that is strictly what is recommended on the Enforcement Response Plan. The Board is free and authorized to penalize McDowell Enterprises up to \$2,500.00/violation. The Board can say that is all well and good Maggie that you corrected what the Enforcement Response Plan recommendation is, but we still want to hold them to \$2,750.00. Certainly the Board's prerogative. I just wanted the Board to be aware of the inaccuracy in the recommendation. Mike said he did not feel right assessing an extra penalty going back to July 2022, because at that time, we were comfortable with a reduction. Jamie agreed, and said he was using that as an example to make sure that how we were documenting and substantiating the recommended penalty compared to the action the Board is requesting if there is additional penalties, that was all taken into account. Mike closed discussion called for the vote and the motion carried 3-0.

Permit Renewal Lippert Components Plant #83 Permit #92-05

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board issued Lippert Components Plant #83, Permit #92-05 a five year Industrial Wastewater Discharge Permit.

Permit Renewal: MOR/Ryde International Inc. Permit #2006-01

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board issued MOR/Ryde International Inc., Permit #2006-01 a five year Industrial Wastewater Discharge Permit.

Cobus Green Consent Order with Compliance Schedule

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board approved a Consent Order for Cobus Green as recommended by the Pretreatment staff. Steve Brown gave the Board the details of the agreement that was agreed upon by both parties.

7. New Business

Ratify Signatory Action-BW/Cook Heating and Cooling Services

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board ratified the signatory action of the Fleet Manager between the City of Elkhart and BW/Cook Heating and Cooling Services.

Cisco Security Enterprise Agreement

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board approved an agreement with Cisco Security Enterprise, and authorized IT Director James Gerald to sign the agreement.

Disposal of Assets to Broyln Auction

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board granted permission to dispose of assets and send them to the Broyln Auction as included on the memo from Fleet Manager Josh Holt dated November 14, 2023.

Service Agreement for Digital Kiosks

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board

BOARD OF PUBLIC WORKS
Tuesday, November 21, 2023

approved a Service Agreement between Blue Dot Equity LLC and the City of Elkhart for the installation and usage of digital displays.

Settlement Agreement 131 South Shore Drive

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board approved a Settlement Agreement with Jacqueline Deppe & Scott Williamson, 131 South Shore Drive in the amount of \$300.00, and granted Building Commissioner Tim Vistine authorization to sign the agreement.

8. Use & Event Permits

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the following permits were approved:

- Winterfest Parade & Tree Lighting 12/2- Parade & Public Assembly, Special Exception from Noise Ordinance, ESS, EMS, EPD, Temporary Street Closures, Golf Carts, Stage, Plaza Sign
- Ugly Sweater 5k Run/Walk & 1 mile walk 12/2- Parade & Public Assembly, Special Exception from Noise, ESS, EPD, Temporary Street Closures, Plaza Sign

9. Award Quotes

Quote #23-13 EEC Cabin Siding (tabled)

On motion by Jamie Arce, seconded by Ron Davis and carried, the Board took the award of Quote #23-13 off the table for consideration. On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board awarded the EEC Cabin Siding replacement Quote #23-13, to Helman Custom Carpentry, who was the lowest, responsive and responsible quote with a contract price in the amount of \$115,000.00.

Quote #23-11 EEC Cabin Windows (tabled)

On motion by Jamie Arce, seconded by Ron Davis and carried, the Board took the award of Quote #23-14 off the table for consideration. On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board awarded the cabin doors, glass and window replacement, Quote#23-14, to Helman Custom Carpentry, who was the lowest, responsive and responsible quote with a contract price in the amount of \$72,200.00.

Quote #23-18 Hively Avenue Overpass Demolition Contract #1


On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board awarded Quote #23-18 Hively Avenue Overpass Demolition Contract #1 (2701 South Main Street) to C&E Excavating who submitted the lowest responsible quote with a contract price in the amount of \$57,250.00.

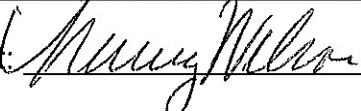
10. Public Participation

Tory Irwin, Director of Public Works came forward to present the Board Utility budget books for their review until the presentation by staff at the December 5, 2023 Board of Works meeting. If you have any questions or clarifications, please call or email the staff.

11. Adjournment

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board of Works adjourned at 11:06 a.m.

 Mike Machlan, President

Attest:  Nancy Wilson, Clerk of the Board

LERNER THEATRE BOARD
Wednesday, November 8, 2023

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 11:00 a.m. on Wednesday, November 8, 2023. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Dallas Bergl and Dina Harris attended in-person. Carrie Berghoff attended on WebEx. Dallas Bergl, Jamie Arce and Ashley Martin were absent.

1. AGENDA

On motion by Dallas Bergl, seconded by Diana Lawson and carried 5-0, the agenda was amended by adding Addendum No.1 to Amended and Restated Management Agreement with Crystal Room Catering, LLC.

2. MINUTES: Regular Meeting October 11, 2023

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the minutes from October 11, 2023.

3. TREASURER'S REPORT

Claims

On motion by Dallas Bergl, seconded by Diana Lawson and carried 5-0, the Board approved the claims and allowance docket totaling \$28,882.98 as listed on the register consisting of 4 pages, prepared on November 3, 2023 at 12:54 p.m.

Financials September 30, 2023

Michelle Adams of Kruggel, Lawton and Co. attended the meeting on WebEx. The September 30, 2023 financial report was submitted to the Board for review. Total operational expenses of \$1,303,039 were covered by a City contribution of \$851,749 (65%) and a Lerner contribution of \$451,290 (35%). This compared with 2022 City's contribution of 47% and the Lerner's contribution of 53%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$389,813 which was a decrease of (\$146,678) from 2022. The YTD net loss for all Lerner operations (including City expenses) at the end of the period was (\$139,249) which was a decrease of \$848,349 from the net income on last year's statement of \$709,100. On budgeted City Operational Expenses alone we were over-budget by \$63,837 year to date. On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Financials from September 30, 2023 were approved.

4. CRYSTAL BALLROOM CATERING

Kurt Janowsky attended the meeting in person. He said October was a very good month for the Ballroom. They are a peanut up over last year's record year. November and December look really good. The year is finishing strong and will be a very good year.

Gary presented Addendum No. 1 to Amended and Restated Management Agreement with Crystal Room Catering, LLC. On motion by Dallas Bergl, seconded by Diana Lawson and carried 5-0, Addendum No. 1 to Amended and Restated Management Agreement with Crystal Room Catering, LLC was approved.

5. PREMIER ARTS

Craig Gibson attended and said they finally announced their 2024 Season and they are very excited. It is their 16th year at the Lerner! PA is opening the season with Peter Pan, then School of Rock, Oklahoma, Dream Girls, and Elf. It's a strong season with lots of opportunities for kids since all of the shows have junior versions. Tonight we have auditions for A Lerner Christmas, and we added another show for the children called A Christmas Carol, but it has all fairy-tale creatures. The

LERNER THEATRE BOARD
Wednesday, November 8, 2023

TECHNICAL & FACILITIES DIRECTOR
PREPARED BY: DEEN TUGGLE

Overview:

Trick-r-Treat! October went by in the blink of an eye! This month has been a very busy month. I took on the role of Technical & Facilities Director, overseeing both the tech and facilities side of The Lerner. There has been a lot of learning and growing over the past few weeks. On the tech side, we have provided support for many events such as the Premier Arts Ladies Luncheon, Wizard of Oz, Rob Schneider, Disney Jr. Live, Eaglemania, and Oaklawn's Got Talent auditions. On the facilities side, I've worked on organizing tasks and prioritizing. We also welcomed aboard a new Operations Manager, Wayne Neff, with a vast background in HVAC, plumbing, electrical, and more. I've spent time working with him to get him acquainted with the building. I've also momentarily taken over oversight of the services department, making sure our janitors are scheduled to keep the building clean. We are working on filling our open positions, as our current staff are being stretched to their limits to keep up with the influx of Lerner and Ballroom events. It's definitely been a rollercoaster of a month.

Accomplished in October:

- Started overseeing facilities and services.
- Provided technical support for numerous shows.
- Worked on scheduling numerous departments.

Upcoming tasks:

- Having Wayne fully trained to directly oversee facilities and services.
- Working on the upcoming winter shows.
- Routine maintenance.

COMMUNICATIONS & MARKETING COORDINATOR
PREPARED BY: JENNA BROUILLETTE

October has been a longer month here at The Lerner with staffing changes and new faces, but has had many great opportunities to delve into new things. We kicked off the month by announcing Hocus Pocus and The Haunted History Tours, the very first public exploration into the paranormal at The Lerner Theatre. We had a lot of excitement about this event and sold out the ticket sales for it! I had a lot of fun generating graphics and posting themed photos to stir the energy around this unique event.

I focused a lot on capturing video content and posting more of our patrons on our pages. Between September's Lerner on the Lawn and hosting Rob Schneider, we were able to create two short videos to post on our platforms that our audience engaged with well. I'd love to continue this in the future as video content becomes more relevant in the minds of our audience.

Rob Schneider was my first sold-out show at The Lerner, and it was great to feel

LERNER THEATRE BOARD
 Wednesday, November 8, 2023

BOX OFFICE MANAGER

PREPARED BY: BRITTANY WEINGART

3 accomplishments:

- Successfully completed 2 New Hire Orientations
- Lead my first show with Premier Arts Wizard of Oz
- Learned how to do the Kruggle Lawton audits from start to finish alone

3 Goals

- Learn Show Builds
- Finish Merging all the walkup contacts/accounts to an actual Patron account
- Finish updating/merging the volunteer points spreadsheet

Date	Time	Event Name	On Sale Date	Sold	Net Revenue	Hist. Fee	Total Reven
10/15/2023	7:30 PM	The Wizard of Oz (10/13/23 - 10/15/23 - 5 performances (3 Adult, 1 Youth, 1 PA Academy)	1/1/2023	1492	\$23,360.50	\$4,476.00	\$27,836
10/20/2023	7:00 PM	ROB SCHNEIDER - THE NARCISSIST CONFESSIONS	6/7/2023	308	\$14,787.00	\$924.00	\$15,711
10/26/2023	6:00 PM	Disney Junior Live: Costume Palooza	6/14/2023	393	\$13,605.75	\$1,179.00	\$14,784
10/28/2023	8:00 PM	EagleMania - The World's Greatest Eagles Tribute Band	1/27/2023	132	\$5,996.00	\$396.00	\$6,392
11/3/2023	8:00 PM	The Guess Who	6/15/2023	225	\$16,063.25	\$675.00	\$16,738
11/4/2023	7:30 PM	Ancient Aliens Live	5/4/2023	95	\$6,742.51	\$285.00	\$7,027
11/5/2023	4:00 PM	Elkhart County Symphony 4-Show Package 2023-2024	9/11/2023	20	\$470.00	\$60.00	\$530
11/6/2023	4:00 PM	Elkhart County Symphony - Pictures of Elkhart County	7/21/2023	98	\$878.00	\$294.00	\$1,172
11/11/2023	8:00 PM	One Night in Memphis	6/3/2023	258	\$14,147.50	\$774.00	\$14,921
11/17/2023	7:30 PM	SIMONSOLLARD	7/27/2023	105	\$6,950.00	\$315.00	\$7,265
11/19/2023	3:00 PM	Kimball Organ: Kid Brother	3/15/2023	0	\$0.00	\$0.00	\$0
11/22/2023	7:30 PM	CHRIS ISAAK	9/14/2023	102	\$10,554.25	\$306.00	\$10,860
11/25/2023	3:00 PM	Aurinko Ballet Nutcracker	9/15/2023	109	\$2,868.76	\$327.00	\$3,195
11/29/2023	7:00 PM	Sal Vulcano	7/12/2023	48	\$2,712.50	\$144.00	\$2,856
12/7/2023	7:30 PM	Top of the World presents a Carpenters Christmas	8/24/2023	86	\$3,719.25	\$258.00	\$3,977
12/9/2023	7:30 PM	One Night of Tina: A Tina Turner Tribute	6/14/2023	-168	-\$9,916.50	-\$504.00	-\$10,420
12/15/2023	9:30 PM	A Lerner Christmas (12/15/23 - 12/17/23 - 3 performances)	1/1/2023	101	\$2,448.25	\$503.00	\$2,951
2/4/2024	4:00 PM	Elkhart County Symphony - Operatic Reveries	7/21/2023	2	-\$6.00	\$6.00	\$0
2/10/2024	7:30 PM	Colin Mochrie & Brad Sherwood: Asking for Trouble	9/21/2023	55	\$3,792.00	\$165.00	\$3,957
3/2/2024	8:00 PM	SCOTT BRADLEES POSTMODERN JUKEBOX - THE '10' TOUR	9/28/2023	84	\$6,593.25	\$252.00	\$6,845
4/6/2024	7:30 PM	KANSAS: 50th Anniversary Tour - Another Fork in the Road	9/12/2023	195	\$22,922.25	\$585.00	\$23,507
2/23/2024	7:00 PM	Rodney Carington: The Greatest Tits Tour	10/20/2023	364	\$33,071.00	\$1,092.00	\$34,163
10/27/2023	9:30 PM	The Haunted History Tours	10/6/2023	99	\$3,150.50	\$297.00	\$3,447
6/9/2024	10:00 AM	Tata School Winter Bravo Bash 2023	10/15/2023	4	\$52.00	\$12.00	\$64
4/14/2024	7:00 PM	ZACH WILLIAMS A HUNDRED HIGHWAYS TOUR	11/2/2023	2	-\$6.00	\$6.00	\$0

Total Ticket Revenue \$197,493.02

7. NEW BUSINESS

Ticketmaster Contract

Michelle Frank discussed the issues they have been having with their ticket provider. She was pleased to report they are starting a new relationship with Ticketmaster in January 2024. They are in negotiations with City Legal and the Controller's Office fine tuning the terms, and hoping to finalize it in the next 2 weeks. She was happy to confirm that the Community Event prices will remain consistent with the current provider. The fees charged for National Tours will be slightly higher,

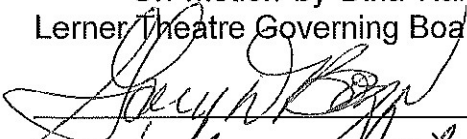
LERNER THEATRE BOARD
Wednesday, November 8, 2023

8. PUBLIC PARTICIPATION

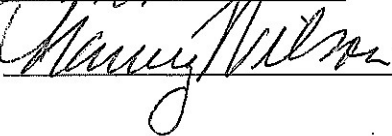
Dallas Bergl commented on the passing of a fantastic citizen and former Lerner Governing Board member Vernice Moore-Gore. She was an absolute inspiration and a joy to work with.

9. ADJOURNMENT

On motion by Dina Harris, seconded by Dallas Bergl and carried 5-0, the Lerner Theatre Governing Board was adjourned at 11:39 a.m.



Gary Boyn, President

Attest: 

Nancy Wilson, Clerk of the Board

Rod Roberson
Mayor

Dustin McLain
Department Head

574.293.2175
Fax: 574.294.5530



Elkhart City Communications
135 East Franklin Street
Elkhart, Indiana 46516

Date: December 1, 2023

To: Mayor Rod Roberson
Elkhart City Board of Public Safety
Common Council

From: Dustin McLain, Department Head
Elkhart Communications Center

Re: **November 2023 Month End Report**

We processed 7,934 incoming & outgoing emergency and non-emergency phone calls. This was a decrease of 612 calls from November of 2022. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 *This includes Landlines, Wireless, VoIP, TextTY, and abandoned.* (as reported by ECats State reporting online)	Administrative (non-emergency)	TOTAL (including outbound)
	1798	6136	7934
2022 TOTALS	2036	6510	8546

By shift, we entered 6069 calls into the CAD, a decrease of 160 calls from November of 2022. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	TOTALS
Day Shift	1664	347	231	2242
Afternoon Shift	2008	323	357	2688
Midnight Shift	901	144	94	1139
All Shifts	4573	814	682	6069
2022 TOTALS	4725	799	705	6229

*Other Calls refers to calls made to communications that either required a response by other departments, such as Parks Dept., Street Dept., etc. This also includes calls that are dispatched out as attempts to locate, repossessions and/or private impounds.

OTHER BUSINESS

- For the month of November 2023 we handled 35 AUDIO REQUESTS for the Prosecutor's Office and Police Dept. We provided 9 (FOIA) Public Records Requests to individuals.
- We have four remaining open positions after our two new hires begin December 18th.