

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

AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING

LOCATION: CITY HALL, 2ND FLOOR, COUNCIL CHAMBERS

February 5, 2024

7:00 P.M.

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

2. Minutes for Approval

Minutes of September 16, 2023 – Finance Committee Of-The-Whole Budget Hearing

Minutes of November 27, 2023 – Planning & Development Committee

Minutes of December 4, 2023 – Council Meeting

Minutes of January 8, 2024 – Council Meeting

Presentations and Introductions

3. Unfinished Business

a) Reports of Council Committees

b) Ordinances on Second-Third Reading

Proposed Ordinance 24-O-02, an ordinance annexing certain real estate commonly known as 53893 North Park Avenue and 53847 North Park Avenue, Elkhart, Indiana 46514, and declaring the same to be part of the City of Elkhart, Indiana

c) Ordinances and Resolutions Referred to Committees

Proposed Ordinance 24-O-03-R, an ordinance appropriating Nine Million, Four Hundred Thousand (\$9,400,000.00) from the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Fund for the LaSalle, McKinley and Benham area water and sewer project

Proposed Ordinance 24-O-04-R, an ordinance appropriating Five Million, One Hundred Thousand Dollars (\$5,100,000.00) from the Elkhart Capital Outlay Fund for the LaSalle, McKinley and Benham area water and sewer project

d) Tabled Ordinances and Resolutions

There are no tabled ordinances or resolutions

4. New Business

a) Ordinances on First Reading

There are no ordinances on first reading

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**

Please limit your comments to 3 minutes to allow others time to comment

h) **Scheduling of Committee Meetings**

5. **Acceptance of Communications**

Minutes of December 27, 2023 – Board of Aviation Commissioners

Treasurer’s Report – January 2023 – November 2023 – Controller’s Office

6. **Adjournment**

DRAFT

MINUTES OF THE 2024 CIVIL CITY BUDGET HEARINGS OF THE COMMON COUNCIL ON SEPTEMBER 16, 2023

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

Absent: None.

The 2024 Civil City Budget Hearings of the Common Council of the City of Elkhart were held on September 16, 2023 at the Lerner Theatre in the Crystal Ball Room, 410 S. Main Street, Elkhart, Indiana. This meeting was made available to the public via WebEx. Finance Committee Chairman Arvis Dawson and Council Members Lewis Anne Deputy, Brent Curry, Brian Thomas, Aaron Mishler, LaTonya King, Megan Baughman, Dwight Fish and David Henke were physically present at the Lerner Theatre, Crystal Ballroom. No Council Members participated remotely.

Councilman Dawson, Finance Committee Chairman, called the meeting to order at 9:30 a.m.

The clerk called the roll.

Councilman Mishler said prior to this meeting, I emailed all council members a copy of the council rules, as well as some excerpts from it. Council rules are applicable during all council and committee meetings and I expect us all too hopefully without any issue, follow them all during this meeting.

Mayor's Introduction of the 2024 Budget:

Mayor Rod Roberson welcomed the council to the budget hearing. He said that he will make sure that Jamie has time between now and the final reading of the budget to answer questions. He said all of the department heads are prepared and ready to make a presentation in front of you today. He made the council aware that there are placeholders in the budget for 2024 as there was an unfinished decision that was still being weighed out. The placeholder is for the police department and it is to be removed or heavily revised based on continued discussions. The mayor turned the discussion over to Jamie so that he could go through dates, deadlines and where we go from here as we do have a couple of new council members and also for the public. He wanted to make sure that they have an understanding of exactly how we go about preparing the budget and the responsibilities of the administration and council from this point forward.

Jamie Arce, City Controller welcomed the council and said that the process we are undergoing is mirroring a large part of what we have done the last several years. He said the primary difference is we have accelerated the Finance Committee meeting by a week. Our statutory deadline to have the budget adopted is no later than November 1st. The current timeline, we have the public hearing scheduled for Monday and then adoption scheduled for the first meeting in October and that can be revised if the council needs additional time to make decisions or have discussions. He said the only hard deadline we have is November 1st.

Budget of the Mayor's Office (Page 15 of the Budget Book):

Discussion on the Mayor's budget starts at 30 minutes and 57 seconds of the audio recording

Mayor Roberson said the proposed salary and payroll adjustments is relatively the same as it was last year.

Councilman Henke said I just wanted to ask some questions it goes through several department budgets but at least it will clarify what is included. He said for example, under professional services, expenditures year to date through June was 7,000, the request is 7,000. What is that specifically and the timeliness of it as it is already expended in the first six (6) months. Second is it enough money? **Jamie Arce** replied, I cannot speak to the specifics, but I can get you that information. He said it is his understanding that it is a one-time payment to assist the director of communications. This is why we feel that will be sufficient for the 2024 year.

Councilman Henke said can you repeat or give a better explanation please of what the covers? Is that a one-time payment annual? **Jamie Arce** stated that would have been a singular payment for a service that would have been provided over a 12 month period. He said he would get that information to the council.

Councilman Henke said then telephone communication, although not a big number, if we would look at annualize from year to date June is 4,600 this went to 6,000. Are you dividing communication telephones amongst all departments now? **Jamie Arce** replied we are and this would be specifically the cellular communication and data plans related to a specific department.

Councilman Henke said then moving on I know there is a maintenance contract. Would that be copiers, computers what is... **Jamie Arce** replied most likely it would have been copiers.

Councilman Henke said then classified other charges, if we would annualize it is at 700 dollars, but the request is 5,000. **Jamie Arce** replied that other services and charges is a non-detailed account that we tend to use for unknown and unforeseen contingencies. He said counselor, just to clarify, you need more clarifications surrounding the professional services was there another area? **Councilman Henke** said as it comes up, I think it is more about the trending of other services and charges and identifying what is in that line item. What is identified or not identified.

Councilwoman Baughman said I just want to have some clarity. I think at one time, Jamie and the mayor discussed the city giving a donation or partnering with JA for their city hall, which would be appropriate to highlight is that the education component? **Jamie Arce** replied no. The JA Biz Town is embedded as part of our economic development grant.

Councilwoman Deputy said with the other services and charges, you said that is sort of a non-detailed account that you can use sort of fluid. How do you go about getting that information or tracking it throughout the year? **Jamie Arce** replied we take a two phase approach to that. In general our direction or our guidance would be if you have unforeseen expenses that we need to utilize this account line to cover, then I would prefer to do a budget transfer, which I would have that authority within the major category to appropriately reflect the expenditure type and not have it run through the equivalent of a miscellaneous account. **Councilwoman Deputy** said and at any point in time, we can access you for detailed information on how that money is being

spent. **Jamie Arce** replied yes. At any point in time you can request to see the detail associated with any of the general ledger accounts.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 budget for the Mayor's Office was tentatively approved.

Discussion on the Mayor's budget ends at 38 minutes and 23 seconds of the audio recording.

Budget of Community Promotions (Page 125 of the Budget Book):

Discussion for the Community Promotions budget starts at 39 minutes and 18 seconds of the audio recording.

Jamie Arce said with the Community Promotion Fund you will see that there has been no request in change. I just want to remind the council as to the purpose of this fund since it is relatively new for us. 1982 this fund was established that had differing histories in statute but this is the preferred method. State Board of Accounts has taken a position that when we are using taxpayer funds to promote the community that this type of fund needs to be established with clear guardrails as to what can be expended and what those purposes are for. He went on to read what the ordinance (**Ordinance No. 3389**) described for uses of this fund.

Councilman Henke said I appreciate that explanation that was very clear. My question then becomes as I am looking the last budget that we just ventured through, there was for example, travel to Washington, D.C., where did that expense come from? Did that come from this discretionary fund? **Jamie Arce** replied no, that would have been from the mayor's department budget out of travel.

Councilwoman Deputy said I am just trying to understand, if I went back to this other services and charges; the 5,000 would that be similar to this? So would it really be 15,000 dollar that we are budgeting if you go back to Page 15. **Jamie Arce** replied yes. He went on to say that the expenditures in the promotion fund are I think more restrictive than what they are in the operating fund because of the nature of the expenditure itself.

Councilman Henke said it was brought out there was a separate budget line item, or was it in the mayor's budget at that time? **Jamie Arce** said I believe historically, at least when I joined the city, promotion had been embedded within the mayor's budget in its entirety. Upon discovery and guidance from the State Board of Accounts, and looking through our code of ordinances I discovered that we were not going to have to take action or ask the council to take action to establish this fund the way State Board of Accounts would have us do as we already had it established. Once I became aware of that, we took the appropriate steps to keep it within the budget and move those expenses where they should be.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Fish.

By a unanimous voice vote, the 2024 budget for Community Promotion was tentatively approved.

Discussion on Community Promotion budget ends at 46 minutes and 05 seconds of the audio recording.

Budget of the Common Council (Page 31 of the Budget Book):

Discussion for the Common Council budget starts at 46 minutes and 05 seconds of the audio recording.

Councilman Henke said similar questions quite honestly we have a trend and office supplies the maximum used was 483 dollars that was in the first six (6) months of this year; 2022 was a total of 258 dollars. We are on track to spend 33% of the budget. So, I am wondering why the increase in offices supplies, is there an anticipation of something that we does not know. **Jamie Arce** said there is no increase in the council budget with the exception of the personnel related items. Councilman Henke said same question for professional services, the request is 50,000 do we anticipate or is that just a placeholder? **Chairman Dawson** replied this is standard practice. It has been 50,000 for probably the last five (5) years. **Jamie Arce** replied is used to be 100,000 until the council reduced it in 2021. **Councilman Henke** said looking at legal notices publication; looking at the trend we are twice the maximum over the last three (3) years, is that again just because it is hard to anticipate? **Jamie Arce** replied it is largely dependent on the amount of work that we ask you to do. So the more ordinances and resolutions that require legal notices, drive up the cost. If we are budgeting appropriately and not needing to come and ask for additional appropriations or other public hearing legal notice type legislation, that has a direct affect to the costs that we incur.

Councilman Mishler said just curious about the increase in the employers group and life insurance that is 148,000 dollars increase there. **Jamie Arce** replied given that we offer health insurance to every one of you and this is a new election cycle, I am uncertain as to what if any health insurance someone may need to have. Once we have that all squared away and we know who will be participating, we will not be spending the money. **Councilman Mishler** asked is this standard practice during an election cycle? **Jamie Arce** replied it is a standard practice that we are adopting every four years.

Councilman Thomas said with a figure of 218,700 would that stay in the budget regardless of who signs up or would you come back with an adjustment? **Jamie Arce** said generally we would not be adjusting the budget down it would stay there and would revert back to the general fund at the end of the year as unspent money, but if the council would like, we can write it down at that point, once we get through the enrollment of any new council members at that time.

Councilman Curry said but once we reduce it down, what if somebody changed their status in the middle of the year. **Jamie Arce** said that is a good point, if we have unforeseen vacancies that come about or other components there is always a little bit of that risk. He said we can administratively write it down without taking council action to formally unappropriate it if we wanted.

Councilwoman Deputy said when you get a chance, in regards to professional services it is almost five (5) times for the 2023 budget. That is a big jump if we can just get an idea of what that is for. I heard you say if we do more ordinances it is going to require... **Jamie Arce** said that would be under legal. Professional services would be more depended on outside counsel or

outside items that you would be wanting to do that maybe the administration would not be able to provide. **Councilwoman Deputy** asked could it be in relation to maybe projects we have planned going forward, is that why you have budgeted more? **Jamie Arce** said we have not moved the budget. That budget has remained at 50,000 since this administration came on. It had previously been 100,000 dollars and when the President Curry was doing the budget he chose to write it down to 50,000 to have some flexibility.

Motion for **tentative approval** by Councilman Thomas. Second by Councilwoman Baughman.

By a unanimous voice vote, the 2024 budget for the Common Council was tentatively approved.

Discussion on the Common Council budget ends at 56 minutes and 33 seconds of the audio recording

Budget of the Clerk's Office (Page 25 of the Budget Book):

Discussion on the City Clerk's budget starts at 57 minutes and 04 seconds of the audio recording.

Councilman Mishler my question is about the council clerk position, is that fully supported under the clerk's budget under your line items or is that split partially under the city council employees as well. **Debra Barrett, City Clerk** replied I believe that is split. **Jamie Arce** replied 55/45. **Councilman Mishler** asked to which side? **Jamie Arce** said he will get that information for him. **Councilman Mishler** said I understand that at some point this past year we had to utilize some outside services to assist in that position. Do we know how much that was? **Debra Barrett** replied I am not sure on the amount but those claims were paid out of the Records Perpetuation fund from professional services and that was already budgeted.

Councilman Henke said just a couple of questions, more of just a trend thing. Subscriptions, expenditures 250 request 3,500. Does that fluctuate pending on the time of year? **Debra Barrett** said yes, the subscriptions is for professional groups. **Councilman Henke** said under stationary and printing, you do not have a budget for. **Jamie Arce** said we have taken the position that we are trying to narrow some lightly used detail accounts that provide limited value and management and it has been rolled into office supplies.

Jamie Arce said Councilman Mishler that split is 55% council, 45% clerk.

Motion for **tentative approval** by Councilman Mishler. Second by Councilwoman Baughman.

By a unanimous voice vote, the 2024 budget for the City Clerk was tentatively approved.

Budget of the Clerk’s Records Perpetuation Fund (Page 87 of the Budget Book):

Discussion on the Records Perpetuation budget starts at 1 hour, 01 minutes and 00 seconds of the audio recording.

Motion for **tentative approval** by Councilman Curry. Second by Councilwoman Baughman.

By a unanimous voice vote, the 2024 budget for Records Perpetuation was tentatively approved.

Discussion on the Records Perpetuation budget ends at 1 hour 06 minutes and 13 seconds of the audio recording.

Budget of the City Court (Page 27 of the Budget Book):

Discussion on the City Court budget starts at 1 hour, 06 minutes and 35 seconds of the audio recording.

Councilman Henke said I see that it is a trend now to take department heads as they were separated out over the years and move them to full-time. Can you just give the philosophy behind that? **Jamie Arce** replied it is to clean up clutter within the general ledger and the chart of accounts. The salary of a department head is well known within the salary ordinance and is easily provided in the event that it is needed.

Councilwoman Deputy asked under Pro Tem, what is that? **Judge Grodnik** replied it is for substitute judges in the event that I cannot be there.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Curry.

By a unanimous voice vote, the 2024 City Court budget was tentatively approved.

Discussion on the City Court budget ends at 1 hour, 09 minutes and 48 seconds of the audio recording.

Budget of City Court/Probation (Page 29 of the Budget Book):

Discussion on the City Court/Probation budget starts at 1 hour, 10 minutes and 09 seconds of the audio recording.

Councilman Thomas said you keep track of whether they violated their probation or not, but do you also keep track of what their original infraction was and as to the reason they were referred to you as probationary. **Bryan Shaw, Chief Probation Officer** said he does not keep track of the crime that they are on probation for.

Councilman Henke said repairs and maintenance building, it is just interesting to see what would be included in that. Year to date expenditures, essentially 400 dollars annualized and the request is 10,000. What could all be used in repairs maintenance, are those monitors or those... **Bryan Shaw** said it could be heating and air, it could be anything to do with the building. For

example, last year, we had somebody break into our air conditioning unit and steal all of the copper, so we had to have the AC unit replaced.

Councilman Fish said your Schedule A shows 3,000 for legal assistance is that strictly an outside service? **Bryan Shaw** said in city court we offer legal aid and city court pays the Elkhart Legal Aid department for their representation and we reimburse them for their services to the city court. The requested increase reflects the ongoing and rising costs of services.

Motion for **tentative approval** by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 City Court/Probation budget was tentatively approved.

Discussion on the City Court/Probation budget ends at 1 hour, 15 minutes and 17 seconds of the audio recording.

Budget of Probation User Fees Fund (Page 83 of the Budget Book):

Discussion on the Probation User Fees budget starts at 1 hour, 15 minutes and 25 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Henke. Second by Councilman Mishler

By a unanimous voice vote, the 2024 Probation User Fee budget was tentatively approved.

Discussion on the Probation User Fees budget ends at 1 hour, 16 minutes and 50 seconds of the audio recording.

Budget of Corporation Counsel (Page 37 of the Budget Book):

Discussion on the Corporation Counsel budget starts at 1 hour, 17 minutes and 40 seconds of the audio recording.

Councilman Henke said I would like to go to professional service. Yours was a significant change. Last year was 40,000 and this year is 40,000, it just begs to ask the question about activity or absence of activity.

John Espar, Corporation Counsel said the best way to describe that is that has been our good fortune when we do not have to experience the expenditure of legal fees on outside legal counsel. In previous years or under previous administrations, some items may have been farmed out to outside counsel that we have been able to manage in house of late. He said we do anticipate some significant activity as we move forward with other special projects. **Councilman Henke** said just for my own education, publication of legal notices. 5,000 is budgeted but activity for 23 is 169, is that more of a placeholder because we just do not know. **John Espar** said the 5,000 that is budgeted this year was in anticipation of a large number of cases that we were actively pursuing in city court that over the years have been unable to locate the named defendant either because they moved on or had just moved locations and we were unable to locate them. The next step in that process is publication of notice. We budgeted anticipating individual summonses that would have to be publicized in full in the newspaper at almost 200 dollars per item and we literally had hundreds of them. **Councilman Henke** said subscriptions just need an

explanation. The ask is 15,500 when the annualized for this year would be around 6,300. **John Espar** said it has actually grown with recent increases. He said the subscriptions is somewhat misleading because once upon a time, we used to call it software. Now our software providers have moved to an annual subscription platform. The 15,500 that we have requested consist of Time Matters, which is our case management and document management software, West Law which is our legal research tool, Locator Plus which is a tool we use to find individuals for whom our current address is no longer a valid address and Tapestry which is a service to search titles or produce liens and produce deeds which have been filed with the recorder's office.

Councilman Thomas said going back to publication of legal notices. Having to post those in the newspaper, especially a print version in the seems archaic and outdated. Is there anything coming down the legislation pipeline network. **Councilman Mishler** replied with I have actually been in communication with State Representative Doug Miller, who is in the process of heading a task force to try to address that situation. Not only will it save us a little money in the cities but it could hopefully reach out to some more people. **Jamie Arce** said I also believe it is a focus of AIM.

Councilwoman Deputy said the telephone and communications. I see that is increasing, just curious. **John Espar** said we have actually run out of money in that account based on last year's budgeted sums. It is a reflection of an increase in our services. It is managed through the IT department. Part of it is our mobile service and part of it is our fax service.

Motion for **tentative approval** by Councilman Mishler. Second by Councilman Henke.

By a unanimous voice vote, the 2024 Corporation Counsel budget was tentatively approved.

Discussion on the Corporation Counsel budget ends at 1 hour, 26 minutes and 31 seconds of the audio recording.

Budget of Controller General Fund (Page 33 of the Budget Book):

Discussion on the Controller General Fund budget starts at 1 hour, 26 minutes and 42 seconds of the audio recording.

Councilman Henke said if you could help me out, office supplies tends to be relatively low but then an increase. **Jamie Arce** replied those tend to be timing related items. The majority of the gaps that you are going to see year-to-date versus analyzed are timing related. He said there is some contingency in my professional services similar to John to be flexible in the event that we need to engage outside financial assistance in projects that might be unforeseen and to help fill capacity gaps that my team might have. **Councilman Henke** said under contracts, do you have a new contract that you ventured? **Jamie Arce** said if you look, one of the things that we noted last year when we were revising the presentation to a more sub categorized approach, the maintenance contract that we would have had like subscriptions, software or others, were suggesting that they were repairs and maintenance when that was not the case. So, we made the decision that was not transparent, identifying as a repairs and maintenance that was actually a contractual service that would be something other than a professional service. Consistently

throughout the book, you should see transitions into this contract services line either out maintenance contract or professional services line to better align the type of service.

Councilwoman Deputy said going back to the increases for your employees. Do those employees reside in the city or outside of the city? My ears perked up when you said that you are getting a lot of interest from outside candidates and not internal candidates. **Jamie Arce** said our accounts receivable individual was a transfer in from another department so she had a preference there. I do not believe that either her or our accounts payable individual are city residents.

Councilman Mishler said I know some communities in the state do operate on a structural deficit basis, to my understanding Elkhart has never created our budget in that regard. Correct? We always look to have a healthy reserve and I think that is kind of represented here as well. **Jamie Arce** said that is correct.

Councilman Henke said therefore, the question would be how many open positions for example, police department, how many open positions will never be filled, but they are budgeted for and normally that represents about 2.5 to 2.7 Million dollars a year fully budgeted, but that money is still available and it tends to be transferred and expended.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Controller's General Fund budget was tentatively approved.

Discussion on the Controller's General Fund budget ends at 1 hour, 49 minutes and 10 seconds of the audio recording

Budget of Board of Works (Page 17 of the Budget Book):

Discussion on the Board of Works budgets starts at 1 hour, 49 minutes and 30 seconds of the audio recording.

Councilwoman Deputy asked on your Schedule A, what is the Block by Block initiative that was 450,000 dollars? **Jamie Arce** said this is an organization that helps to provide ambassadors and I believe they are currently in 170 different locations across the country. They provide backend assistance and help supplement cleanliness, promote safety, event support and engage in community pieces. It is really allows us to be able to tailor is to what we need and what they can provide. The reason it is in the Board of Works budget versus another department budget is we are not certain to the level of involvement or impact to one department or who would be managing that relationship in the event that you are able to approve it and we generally see the Board of Works as city wide services that we cannot routinely or readily identify to one department. **Councilwoman Deputy** asked how many people does this involve. **Jamie Arce** said as presented I believe this would be seven (7) and we can tailor that down to whatever we would need. Councilwoman Deputy said so how would this work in conjunction with 311, with our public safety officers...do you see where I am going with this? You have these seven (7) people at 450,000 dollars, is this going to help alleviate work that the public safety officers are doing and some of what the park rangers are doing. **Bradley Tracy** said I am not sure it

alleviates the 311 situation as much as it would for example when we have our big events downtown, having the additional clean up, having additional ambassadors walking around during the event. It could eliminate potentially a public safety officer who could then be readdress someplace else. I believe this going to enhance but at the same time will allow other departments to rebalance. For example with parks, they could help with cleanliness of the parks especially when they have multiple events in one day. Councilwoman Deputy said so I am just trying to get this number in my head. If you break down the 450,000 dollars it makes it 64,000 per person. **Jamie Arce** said not only does that include the payroll component, it also includes their supplies, uniforms and other pieces that would go along with the job. The proposal has the cleaning and safety people with a target starting wage of 18.50 per hour. **Councilwoman Deputy** said I know that buildings and grounds do early morning clean up, it is not going to involve these people. **Bradley Tracy** said building and grounds and the street department both still participate in every current event we have downtown. But yes, this would eliminate some of this problem. It would not completely eliminate those departments because they come in beforehand and put up barricades and manages traffic. **Councilwoman Deputy** said I did not explain it very well. During a festival, I see building and grounds out during the day taking care of overflowing stuff, these ambassadors are not going to be involved with that, correct? **Bradley Tracy** said the day to day operations of the building and grounds department will not change. This is going to enhance and provide additional opportunities for us as we continue to try and build our neighborhoods and in parks making sure that the little things are being done and then project and pinpoint when we need people in certain places that will supplement.

Councilman Mishler said you mentioned that over one hundred communities where this has been successful. Do we have any examples of communities where this has been introduced and then pulled back because they did not have success? If that is not available now, can we get that if there are any? **Bradley Tracy** said I am not sure that people are big on sharing their failures but I will be happy to look into that in more detail. **Mayor Roberson** said when this was presented to us, we asked some of those same questions. With respect to the Block by Block Consultant who presented it to us it evolved in most of those communities never ended up where it started. Literally it allows us to be able to manage it so that it becomes useful. **Councilman Mishler** said the other question was, you mentioned potential savings to the taxpayers regarding overtime. Do we have any idea of what that amount could be potentially? **Jamie Arce** said I think it is hard to project. You will not see offsetting amounts buried throughout the budget. One for uncertainty to not have to go back and then ask for an additional appropriation going forward. **Mayor Roberson** said the one thing that we have started doing, is recording the amount of overtime per event from each one of our departments. **Councilman Mishler** asked if this was only a one year contract that is not extended. **Bradley Tracy** replied yes, it is not a contract yet, only a proposal.

Councilman Henke said let us use the number seven (7), how many hours per person does the city get under the agreement? **Jamie Arce** said currently that would be 40 hours per person. **Councilman Henke** said I am wondering if we provided the litmus test regarding cost benefit of just adding three (3) more full time people to buildings and grounds or anywhere else in comparison to a contract. **Jamie Arce** said I appreciate where you are coming from, what I see is the benefit that a pilot provides to see if it is going to be successful. **Councilman Henke** said the question becomes what is in it for the taxpayer because currently these venues are cleaned up and things are taken care of without the cost of 450,000 dollars, but this has been an ongoing

process. **Jamie Arce** said the manager per the Block by Block proposal would be at 70,000 and then the other six (6) people would be at 18.50 per hour and the rest of the 450,000 would be operational.

Councilman Fish said under professional services is that outside sourcing, payroll and HR? **Jamie Arce** replied yes. HRIS is the human resources information system and in our outsource payroll component. **Councilman Fish** said and then under election expenses we are currently in an election cycle and then we go into one next year, why the decrease? **Jamie Arce** said the county did not request our assistance. This is a county directed piece of 2024. I do not believe that we have anyone on the ballot or that were required to participate in it.

Councilman Henke said this outside contract and its hours are more than 14,600 extra hours that the city taxpayer is going to pay for. Essentially, it feels like an artificial inflation of employment numbers for the City of Elkhart. The question then becomes what does the taxpayer get that they do not already get? Then grant expenses, can you help me understand; we had zero expenditures. **Jamie Arce** said that was last year's approved AmeriCorps individuals that were assisting the environmental center and other areas of the city and we are anticipating continuing that program. Councilman Henke said other services and charges; you have 14,400 annualized but the request is 108,900. **Jamie Arce** said it is to remain the same and that has remained fairly consistent. That is for unforeseen, single use items that is not a department budget that a department head gets to utilize. Any request for unidentified or unique items have to come through me and the administration to be able to identify the appropriateness of the spend.

Motion for **tentative approval** made by Councilman Thomas. Second by Councilman Fish.

Chairman Dawson asked the Clerk to do a Roll Call vote due to a nay voice vote.

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

NAYS: Henke

By a vote of 8-1. The 2024 Board of Works budget was tentatively approved.

Discussion of the Board of Works budget ends at 2 hours, 20 minutes and 03 seconds of the audio recording.

Budget of Non-Departmental (General Fund Transfers) (Page 13 of the Budget Book):

Discussion of the Non-Departmental General Fund Transfers budget starts at 2 hours, 20 minutes and 04 seconds of the audio recording.

Councilman Henke said when we laid out the capital outlay fund, how are we tracking payments and interest back to the fund as far as the payments coming back to the city. **Jamie Arce** said they return back to the fund as revenue. **Councilman Henke** said then we are tracking the 3 to 3 ½% interest that was claimed on those loans. **Jamie Arce** said correct. The 3% or 4% loan that may be associated with that. **Councilman Henke** asked what is the restriction of use of the capital outlay fund. **Jamie Arce** said if I recall the fund was established for capital projects with a minimum of 100,000 dollars or more in cost that was purposeful to make sure that these

were major capital that this was not just a one or two vehicle that these were true capital related projects.

Councilwoman Deputy asked if Jamie could provide her with the capital outlay fund ordinance. **Jamie Arce** replied that he would circulate that to everyone.

Councilwoman Baughman said I would just like clarification under miscellaneous, the purchase of investments of 12.5 million. **Jamie Arce** said I am glad you brought that up because I had that as a note. We purchased some CD's earlier in the year. We laddered them out to 18 months because at the time, the rates were better than what we were getting in the checking account. The yields have changed a little bit, so as those come to maturity where we are just leaving them back into cash because the long term yield on the CD is not paying as well.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Fish

By a unanimous voice vote, the 2024 Non-Departmental (General Fund Transfers) was tentatively approved.

Discussion of the Non-Departmental (General Fund Transfers) ends at 2 hours, 24 minutes and 40 seconds of the audio recording.

Budget of EDIT Intra-Fund Transfers & Economic Development Grants (Pages 137-139 of the Budget Book):

Discussion on the Edit budget starts at 2 hours, 24 minutes and 50 seconds of the audio recording.

Councilman Fish asked the unsafe building fund, does that commingle at all with our Brownfield monies? **Jamie Arce** replied no.

Councilman Henke said can you just clarify for me 45200002 other funds. It says 50,000. **Jamie Arce** said that that 50,000 is the change the 1,100,000 is the amount of the request and, and the two (2) other funds is the State Board of Accounts nomenclature for the transfer from 1 button to another. **Councilman Henke** said so the Million dollars is to go to their operational line item. **Jamie Arce** said correct to help if needed fund the operations of the Lerner Theatre. **Councilman Henke** said there had been a move for an endowment that would handle more of the operational cost of the Lerner. **Jamie Arce** said that was strictly the Fiends of the Lerner and that does not work into my calculations at all. **Councilman Henke** said the total expenditure for the Lerner which I support is 1 Million dollars or is there more money attached. **Jamie Arce** said this would be the potential subsidy required to offset the entirety of their budget so if we have a blockbuster year, and we have lots of revenue coming in, then they do not need as much of the city's money.

Councilman Thomas said bouncing to page 139 grant disbursements that is the different programs that are enclosed in this plastic. **Jamie Arce** said yes and that is one of those areas that I am trying to clean up from being embedded in other services and charges to have more clarity around what the expenditure is for. **Councilman Thomas** asked did we have a Salute to Veteran's event last year, this year it is not included in 24. **Jamie Arce** said that is correct. He

said that is what Andy Jones had out at the airport and I do not believe that there were plans for that to be an annual event. **Councilman Thomas** said 20,000 out of neighborhood beautification initiative, is that going somewhere else? **Jamie Arce** said I think that had been in anticipation that we were going to utilize it in other departments where, like, whatever ended up needing to happen was absorbed by a department's budget. **Councilman Thomas** said inner urban trolley, what is our percentage of payment toward the cost of trolley, as opposed to other cities and towns. **Jamie Arce** said I am not certain, but we can get you that information. He said I believe that is from MAGOC and we can request what that breakdown is.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Curry.

By a unanimous voice vote, the 2024 EDIT Intra-Department Transfers and Economic Development Grants was tentatively approved.

Discussion on the 2024 EDIT Intra-Department Transfers and Economic Development Grants ends at 2 hours, 30 minutes and 35 seconds of the audio recording.

Budget of Park Bond (Page 127 of the Budget Book):

Discussion on the Park Bond budget starts at 2 hours, 30 minutes and 38 seconds of the audio recording.

Councilman Henke said would you mind just covering the other services fluctuation cost. **Jamie Arce** said that was the cost for additional supplemental disclosures that are required as part of the debt issuance. We outsourced that and should probably realistically be transitioned to professional services.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Thomas.

By a unanimous voice vote, the 2024 Park Bond budget was tentatively approved.

Discussion on the 2024 Park Bond budget ends at 2 hours, 32 minutes and 04 seconds of the audio recording.

Fire Pension (Page 147 of the Budget Book):

Discussion on the Fire Pension budget starts at 2 hours, 32 minutes and 05 seconds of the audio recording.

Councilman Henke said we have professional services that was not budgeted in 21/22. **Jamie Arce** said we are anticipating on transitioning some of the payroll. So these pensioners get paid through the payroll system very much like the rest of the civil city, and our intention is to transition that expenditure to the pension payroll portion of it. **Councilman Henke** said travel and postage which are not big numbers. **Jamie Arce** said that is dependent on the pension secretary's use. If they have mail that they need to send or mileage that they need reimbursed for attending to a pensioners needs, that is what that is supported for. **Councilman Henke** asked and who would Grant turn those into? **Jamie Arce** said I believe they are assisted by their

department's administrative people on helping them get that through the accounts payable claims process.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Henke.

By a unanimous voice vote, the 2024 Fire Pension was tentatively approved.

Discussion on the 2024 Fire Pension budget ends at 2 hours, 34 minutes and 53 seconds of the audio recording.

Police Pension (Page 149 of the Budget Book):

Discussion on the Police Pension budget starts at 2 hours, 34 minutes and 56 seconds of the audio recording.

Councilman Henke said help me with the medical/surgical a 37,523, 3,145 was expended. What would have been included in medical/surgical? **Jamie Arce** said I think there was a misunderstanding of what should be spent out of that account. There may have been PERF physicals or something similar paid out of it when the natural thought is well, this is for pension, so this is a pension expense. The intention is to discontinue that practice, there should not be medical or surgical expenses for a pension here.

Motion for **tentative approval** made by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Fire Pension budget was tentatively approved.

Discussion on the 2024 Police Pension budget ends at 2 hours, 27 minutes and 15 seconds of the audio recording.

Budget of Human Resources (Page 35 of the Budget Book):

Discussion on the Human Resources budget starts at 2 hours, 37 minutes and 37 seconds of the audio recording.

Councilman Thomas asked to have explained what an HR generalist is. **Wayne Belock, Human Resource Director** said this is one of the changes that we are requesting to our budget. A HR Generalist is basically skilled at all the various HR functions that our department does. The primary function of this new position would be support for our safety and risk management function. **Councilman Thomas** said not to look into a crystal ball but would this be someone that you would more than likely search for from the outside or could it, would it be an in house promotion? **Wayne Belock** said it could be but we are really looking for somebody who would have experience to be able to hit the ground running and not have a big learning curve.

Discussion ends at 2 hours, 45 minutes and 05 seconds of the audio recording.

At this time 11:30am, Chairman Dawson announced the lunch break. He said we would reconvene at 12:30pm

Discussion on the Human Resources budget resumes at 3 hours, 45 minutes and 39 seconds.

Councilwoman Deputy said on education and training. I see 64,000 and we are only at 24,000 half way through this year. Do you have some conference plans and training? **Wayne Belock** said yes, there is some online training as well as some in person training that are in process and well as some web based training that we have purchased that I do not believe is reflected in those figures. **Jamie Arce** added, this is not just training for his department. This would be for global training across the enterprise.

Councilman Henke said office supplies which has not been budgeted in 22 is 432 dollars. Is this because it was in some other line item and is being broken out now? **Jamie Arce** said that would have been the case in certain other cases as with the safety supplies. Given the newness of the leadership within the department, last year's budget included some of these safety supplies and other operating needs that they are still trying to get their arms around how they are going to implement certain things within the department. **Councilman Henke** said so when you suggest safety supplies, is that goggles, gloves...what it safety supplies? **Wayne Belock** said it would be those types of things which we would supplement what some of the employees already get depending on what department they are in. **Councilman Henke** said contract services were not budgeted in 21/22, I am assuming that was a transfer in. **Jamie Arce** said yes that is a transfer in some capacity for maintenance contracts to give us a better alignment with the type of service that we are being provided.

Councilwoman King said are there any requirements that insurance companies are asking of us in order to reduce our premium? **Wayne Belock** said yes as part of the rationale for the position is also to demonstrate that we have processes in place to mitigate loss and proactively address liability.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilwoman Baughman.

By a unanimous voice vote, the 2024 Human Resource budget was tentatively approved

Discussion on the Human Resource budget ends at 3 hours, 53 minutes and 30 seconds of the audio recording.

Budget of Information Technology – General Fund (Payroll Only) (Page 45 of the Budget Book):

Discussion on the 2024 Information Technology budget starts at 3 hours, 53 minutes and

Councilman Thomas said your record on your budget page 45; there is nothing there. Is that because you were part of another department prior to 23? **Jamie Arce** said that is a good opportunity to clarify. Previously, the IT department had been operating out of the Cumulative Capital Development Fund and in large aspect previous controllers had moved some of the operations over there to spend down cash reserves. We had reached a point where we can no longer fully operate out of the fund with the amount of revenue that the CCD fund generates. Which is why last year we transitioned payroll over and essentially leaving the capital components within the Cumulative Capital Development Fund which will be the next agenda

item. **Councilman Thomas** said on the Schedule A you have 73,900 for a public safety administrator, it actually claims that it is an emergency service administrator. We have had emergency services forever, and I cannot recall that we have had a head of emergency services at 74,000, can you justify that addition as an employee? **James Gerald, Director of IT** said we have had a public safety administrator in place prior to the consolidation of IT and we are looking to try and expand that a little more. Right now we have technicians that rotate through emergency services stationed out of the police department and it is more of a reactive role instead of a proactive role. They are there to fix and get the officers and emergency responders back on the road as quickly as possible but we are looking for more of a dual role for this new position. It combines both the systems and server administrator, and the network administrator into one to properly gauge and maintain their network between comms, fire and police.

Councilman Thomas asked do we currently have an administrator as a staff person. **James Gerald** said not currently. **Councilman Thomas** said who is the head of our emergency service? **Jamie Arce** said so I think that is the 911 dispatch. This position is completely different from being the 911 dispatch department. **Councilman Thomas** asked are we being properly with your department being in the depot. **James Gerald** said with the exception of this position I believe so. We currently have two (2) administrator level positions and those two (2) roles are overseeing this year alone 24 new services that we are offering and applications in addition to everything that we were doing before. **Councilman Thomas** said over and above staffing, the actual physical location. **James Gerald** said it is adequate for my needs currently.

Councilman Mishler said just for my own clarification, I know we spoke briefly on the phone about this, the public safety administration position on this is more in place to support EMS and officers, if they have it issues while they are out in the field or in the department to go there and fix those issues. Currently, we have kind of a rotating position that does that and this would be doing that full time and also train people in case there is an absence or something like that correct. **James Gerald** said that is correct. This would do several things number one it makes them the center point of contact for all three police, fire and 911 which right now we do rotate technicians through so each time we do that there are different skill sets that are being employed each time and then there are also different notes that are being taken at each of these different meetings as we go through Pro Suite CAD implementation, the phone system implementation and we do not have the consistency we need to be more effective than we are currently.

Councilman Mishler said if an officer does have a problem with their laptop and they have to return to the station, there could be a delay in responding to calls or providing services if there is an IT issue of a certain severity and this should potentially solve those and get our officers back on the street as quickly as possible. **James Gerald** said absolutely. We are looking to build our skill set as high as we can across the board, but this position specifically would be at a higher level and the hope is to be able to send that person out to meet the emergency responder wherever they are so we do not take them out of service and be able to quickly diagnose and resolve their issues.

Councilman Curry said I wanted to ask you about the new police system, I think it is called Axseum, the new police system we have for monitoring things. Does your department monitor that and how is that working? **James Gerald** said you mean the Axon camera system?

Councilman Curry said yes. **James Gerald** said we work in conjunction with the police department but that is mainly a police function and we assist with the hardware, software or anything that they need there. I believe it is cloud hosted.

Councilman Curry said so that is going smooth and you have not had any problems with it. **James Gerald** said not anything that has been reported to me but I cannot really speculate.

Councilman Henke said we have talked before, and I just wondered as the amount of hours, the amount of initiatives that your department is going through as this will continue to ramp up over time, are you tracking per department the number of calls and hours expended from your staff? **James Gerald** said not 100%. We have a tracking system and reporting module in our helpdesk software that when users use it, will track some of these things. I am looking at implementing one that is a little bit more robust so I can get more granular and be able to give details like that.

Motion for **tentative approval** made by Councilman Thomas. Second by Councilman Fish

By a unanimous voice vote, the 2024 Information Technology General Fund budget was tentatively approved.

Discussion on the 2024 Information Technology General Fund budget ends at 4 hours, 04 minutes and 55 seconds of the audio recording.

Budget of Information Technology (Cumulative Capital Development) (Page 131 of the Budget Book):

Discussion on the 2024 Information Technology Cumulative Capital Development budget starts at 4 hours, 05 minutes and 27 seconds of the audio recording.

Councilman Mishler said on the phone system upgrades, I believe that is part of what we already began the process of correct? **James Gerald** said that is correct earlier in the year, council graciously granted us phase one of the project for emergency services. This would be for phase two for the rest of city. **Councilman Mishler** said as far as the computer replacement part what are we doing we the old ones? **James Gerald** said are you talking to the servers or the computer? **Councilman Mishler** said the computers themselves, how are those being handled? Are they being recycled, are they being sold, how is that being handled? **James Gerald** said most of them are very old most are probably 6 to 7 years old and usually the life of a PC is 4 to 6 years. So, I do not think they have any value. What we are doing is as we replace them, we are documenting where they came from and then put them on an asset disposals list that we could submit to the controller's office and then they are recycled.

Councilman Henke said the 750,000 dollars is the increase for the server. Is that comparison to the phone system? What was the total cost of the phone upgrade? **James Gerald** said I do not have the exact numbers, but I believe phase one of the phone system was around 130,000 and phase two is expected to be about 180,000. **Councilman Henke** said I thought it was told to us that there would be a net savings as far as from renting to owning or vice versa. Do you recall what that number was and where we would find that particular number? **James Gerald** said not the exact number, but we will not realize those savings until the whole project is done because at that point, we can move off of the Comcast system and that is where most of the savings will come from. **Councilman Henke** said and then the server itself at 750,000, is that a replacement? **James Gerald** said correct, it is a replacement of current servers. **Councilman Henke** said and that current server's age and the capacity? **James Gerald**

said it is six (6) years old. Most of them were bought in 2016 and then there were two (2) that were bought in 2017.

Councilwoman Deputy said I see you have replacement of three (3) vehicles. How many vehicles do you guys have and who utilizes those vehicles? **James Gerald** said we currently have three (3) vehicles. One is a 08 Ranger, and then the other two (2) are former fleet cars from the police that were donated to us. One is a 2013 and one is a 2015. Right now, it is mainly the technicians that use those to go out and service the calls throughout the city in 23 locations. **Councilwoman Deputy** said and they do not drive them home, they are not their vehicles. **James Gerald** said that is correct, the vehicles stay on the property.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Fish.

By a unanimous vote, the 2024 Information Technology Cumulative Capital Development budget was tentatively approved.

Discussion for the 2024 Information Technology Cumulative Capital Development budget ends at 4 hours, 09 minutes and 08 seconds of the audio recording.

Budget of Parks and Recreation (Page 71 of the Budget Book):

Discussion on the 2024 Parks & Recreation budget starts at 4 hours, 09 minutes and 25 seconds of the audio recording.

Councilman Mishler said I was wondering if you could speak to the additional positions, the shift from part time to full time and the need for those positions. **Jamison Czarnecki, Parks Superintendent** said absolutely. As you will notice, we have asked for an increase to an additional full time ranger moving the part time ranger up to the assistant program coordinator role and the full time office service. With the program that is something that we have been hoping to do for a long time but I wanted to make sure that we could argue comfortably and note that our programming needs have gotten there. What we have been able to do is increase our programming from last year and this year alone 140% new programming has been going on. The community has been has requested and asked for us to do more and we are at capacity with our current program coordinator, working a lot of late nights and lots of comp time. So, we are hanging on but our hope is that we are able to do more and the difference between the part time to the full time is that this person will be able to be better trained, will be able to develop not only be able to just do the hands on work of setting up and breaking down tables and chairs at the end of the night but also start to train them up so that we can partner and collaborate with other communities and have their credibility to where they are trained up and we can do more with less of our own resources but partnering with other people. The front office secretary; that is currently a part time position. What we have been able to do over the last three (3) years that I have been in the superintendent role is that I have asked for staff to track the data that we have been collecting and part of that has been the phone calls and the people that come into the office. What we have seen is that, from last summer, this summer with the increased programming, it has also led to 72% of calls on average increased into the department with August having 107% alone more calls than last year, and those calls take a toll on our office services staff. And our other shift is that we hope to take our marketing specialists, who is in office services, and focus

her efforts on external communications, branding, advertisements and putting her into more of a role that is outside of the community, which also has a decrease of opportunities within office services. Our hope is that we are able to give a more quality and responsive opportunity there and the reality is, it is just difficult with a part time person and limited hours not to mention the amount of training that you want somebody to be able to answer fully to when they do call and losing that folder are not having a full time position means that we are a revolving door and we just shift people to other places after we train them, so our hope is to stop that and have a great person there. **Councilman Mishler** said and the park ranger? **Jamison Czarnecki** said our hope there is that the rangers serve a very unique role throughout the park system and the community at large. They are an opportunity where we do not have to require the investment that we do for a police officer with a ton of training that we have but at the same time, our rangers can do more than they are now and I think that will happen if we are able to shift two (2) part time into one (1) full time and that opportunity will lead us to have a full time ranger from 8 to 5 and then another full time ranger from 3 to 11 with a 2 hour gap throughout there.

Councilman Thomas said on the Schedule A miscellaneous, 125,000 increase for additional subsidy needed for railroad museum, what would that cover? **Jamie Arce** said the railroad museum and the environmental center both require subsidy to be able to operate. Given that they best align with the parks department from a philosophical perspective, we have shifted the subsidy away from the general fund and to have it align with the parks and recreation component while also not impacting the revenue. We have given them the appropriate amount of revenue to cover that piece from the Levy as well. **Councilman Thomas** said I am looking at the word additional, is this a higher subsidy than what the museum had been getting? **Jamie Arce** said that would be additional money that is necessary to offset the current budgeted needs in the current budget year for the environmental center and the railroad museums. **Councilman Thomas** said so the environmental center does not need an additional subsidy this year, is that why they are not on the Schedule A? **Jamie Arce** said that is correct. **Councilman Thomas** said the replacement Zamboni, are we replacing the original one that we got? **Jamison Czarnecki** said when we opened the facility in 2008 the Zamboni was purchased as a used vehicle already and is has been 15 years since that time. Our hope is that we are able to go after external funding and sponsorships. **Councilman Thomas** asked if we were still participating in equipment auctions or do we just go out and purchase it on our own? **Jamie Arce** said there are circumstances where we are using a purchasing co-op where a community or a set of communities, whether it is the federal government, the state, or otherwise have requested in solicited bids for things to get the lowest price we actively use that and, and use those as opportunities to lower the cost for our capital.

Councilman Curry said you mentioned the removal of the bridge and I was wondering, are we going to replace that bridge? **Jamison Czarnecki** said the plan is not to replace that bridge. That bridge was an impediment to a lot of the free flow of having a clean pond. The turbidity that was not existing and was not aerating the pond so the bridge decreased the ecological value for the pond. People can still access it from the north. **Councilman Curry** said you also have in here improvements for the Pierre Moran pool. You are talking about redesigning. **Jamison Czarnecki** said so that was built in the 1970's and I am not sure that we have had a major upgrade to that pool since then. It is still one of our most popular amenities that we have. The back of the pool looks like a wonderful oasis; there has been some work done on the stairs and the slides and the kiddie pool looks great. But, when you come into it, it is an archaic system.

Once they register and pay their admission, the women go the right and the men to the left and that has created a very scary liability to us. What happens when you have a 9 year old kid who does not come back out on the other side and you cannot go back in because you are a mom and you have two (2) boys. There are some very scary things that we are recognizing that we need to put ourselves in a better spot with family restrooms and a better understood of an opportunity where that just alleviates some of those liabilities.

Councilwoman Baughman said I just had a question about the improvements to Walker Park under other equipment. **Jamison Czarnecki** said Walker Park is actually one of our oldest playgrounds it is past its lifespan. If you go there, there is a lot of equipment that is broken, there is a lot of damages to it and that happens when you have got a really popular park that kids utilize. It is definitely is one of the top 3 of our most utilized parks. That playground itself is a liability as it stands right now, it has got to be upgraded and enhanced, but I would argue that because the park is of size and a part of town that does not have a lot of park amenities or park areas that it is worth a more significant investment than you would see in a regular neighborhood park.

Councilman Fish said on the other services, outside transportation, if you just explain that line. Why it is 15 here and zeroed out before. **Jamison Czarnecki** said the transportation has 15,000 dollars into it because we are looking to do more bus programming, like, field trips, our summer school programming, after school programming, whenever we have to transport the kids, or even to some of our programs, when needed an account line that would allow us to spend out of that and that was for better tracking. **Councilman Fish** said and that is just due to an increase of need and demand from the public. **Jamison Czarnecki** said I would say it is just more of an accounting switch. **Councilman Fish** said the other question I have is under advertising. It has jumped up quite a bit, do we have a relationship to promote our parks with the Convention and Visitors Bureau? **Jamison Czarnecki** said we do have a great relationship with them, and we have been in talks about how we can collaborate and partner more. **Councilman Fish** said on repairs and maintenance, we see a 60,000 dollar drop. I like to see that but what has changed there? **Jamison Czarnecki** said that money was allocated for Studebaker and High Dive Pavilions. We were able through Buildings and Grounds do some of that work and they look fantastic, but we are going to take a pause from that next year until and doing any pavilions until we get a better understanding of how we want to prioritize after this. Because of this, we decided not to ask for any improvement money in that category. **Councilman Fish** asked so that money might come back? **Jamison Czarnecki** said I anticipate that 2025 will be looking to increase the pavilion someplace else when we have a better plan.

Councilman Henke asked what the comp time policy for the parks department is as I see that you have no overtime budgeted. How does that mimic what the city's policy is? **Jamison Czarnecki** said our policy that I believe is the city's currently, is that if somebody works who is a non-exempt employee, who works 41 hours or more instead of the overtime, they get comp time that is awarded to them. That has what we have been working under as a policy. If I am wrong about that I would definitely have that conversation, but that is what we are operating as with the parks department. Now most of our people do not get comp time the only people that seem to is the current part timing events assistant, the marketing person and the program coordinator because their hours are not 8 to 5 but a lot of seasonality in the summer. I will look into that for sure to make sure that we are in the good graces with the policy of the

administration. **Councilman Henke** said in my add on request, what is the average pay out of comp time over the last three (3) years, at year end, all comp time and all departments. **Jamie Arce** said we can work with payroll.

Councilwoman Deputy said I go back to the block grant thing that is being considered, how could that be utilized. And in regards to the restrooms at Walker Park, I know that the environmental center wants to do restrooms and he mentioned that they would automatically lock. Is that something that could be considered at Walker Park so that somebody did not have to go and lock it at night? **Jamison Czarnecki** said that is something that I would definitely check into. If that technology exists, I would definitely love to know that and if that is affordable and something we can do, then it sounds like a great idea. **Councilwoman Deputy** said in regards to the Zamboni, do you have repair costs on that? She also said at Pierre Moran, have we had safety issues because I know that in 2023 there were cameras that were installed. With the proposed improvements, if they are approved, are you going to be able to utilize that equipment or are we going to have to get all new cameras. **Jamison Czarnecki** said those cameras are external and internal and those can be reused should we do that work. He went on to say that we have had some crime issues throughout the years so the hope for those external cameras is to prevent some of that. He said in regards to the repair costs on the Zamboni, I will work with Josh and Buildings and Grounds to get those to you. What I have heard and what we have seen over the last few years is that parts are getting very scarce and when you have something that is so outdated, it is hard to find those parts. In regards to the block by block grant, I think that is something that we are realizing as a city and that is why it is underneath Board of Works is that there is a huge opportunity within parks and there is also huge opportunity to the city overall. That success has been shown by communities across the world and they have noted in reports that 97% of the communities sign on again.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Curry.

By a unanimous vote, the 2024 Parks & Recreation budget was tentatively approved.

Discussion on the 2024 Parks & Recreation budget ends at 4 hours, 47 minutes and 44 seconds of the audio recording.

Budget of Parks Program Fund (Page 115 of the Budget Book):

Discussion starts for the 2024 Parks Program fund starts at 4 hours, 47 minutes and 53 seconds of the audio recording.

There were no questions asked during this budget presentation.

Discussion on the 2024 Parks Program Fund budget ends at 4 hours, 49 minutes and 02 seconds of the audio recording.

Budget of Aviation (Page 79 of the Budget Book):

Discussion on the 2024 Aviation budget starts at 4 hours, 49 minutes and 48 seconds of the audio recording.

Councilman Henke said normally you provide us with the number of take-off and touchdowns, can you provide that for us? **Andy Jones, Director of Aviation** said I will get that for you.

Councilman Henke said then the total number of employees for your department? **Andy Jones** said 4 air traffic controllers, 5 full-time maintenance people, 1 part-time, 1 office service and myself. And currently, we are short 1 part-time air traffic controller. **Councilman Henke** said building materials, you outlines in your Schedule A, asphalt and tar, it was 17,000 approved in 23 and 36 dollars is used year-to-date. Is that just an ongoing thing as needed? **Andy Jones** said that is a fall activity.

Councilwoman Deputy said just curious about the airport administration building renovations. **Andy Jones** said the structure is about 50 years old. We want to paint the exterior and do some graphics on it. Also, we need to do some renovations inside. The staircase and the railing is kind of circa 1983 made out of exterior deck material, so we would like to upgrade that. We need some new carpeting, some Windows need to be replaced and we need to do some interior painting. It just needs some updating, it is getting kind of beat up and we need some new furniture. In the pilot's lounge where visitors come to file flight plans, getting flight instructions etc...they need something to sit on and a table to work at.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Aviation budget was tentatively approved.

Discussion on the 2024 Aviation budget ends at 4 hours, 53 minutes and 16 seconds of the audio recording.

Budget of Environmental Center (Page 103 of the Budget Book):

Discussion on the 2024 Environmental Center budget starts at 4 hours, 53 minutes and 30 seconds of the audio recording.

Councilman Henke asked can you share with us the number of overall visitors in a twelve (12) month period. **Annie Klehfoth, Program Coordinator** said unfortunately we are not able to track visitors that come after hours the only attendance that we can track are people that come to our programs or events but we do get a lot of traffic. Our director is often there after hours and he has seen full parking lots in the evening around 7 o'clock but unfortunately we are not always there to capture that. **Councilman Henke** said so the question would be, how many are repeat visitors and how many are new visitors? We could not really know that then either. **Annie Klehfoth** said right. **Councilman Henke** said then how do we qualify a new position of education coordinator? **Annie Klehfoth** said education has been a cornerstone of the environmental center since before the building existed and this third position existed once upon a time. I do not know why it went away, but we are very excited for it to come back. We only have about two (2) people right now that are running it. We have over 80 acres to take care of,

we do programs and events and we do site management. So, there are a lot of hats that we are all wearing. This third position, we are really looking for somebody who can target education. **Councilman Henke** said in looking at your overall total supplies category, the expenditure through June was 12,816 but the ask is 117,000. **Jamie Arce** said when you look at the small tools in minor capital pieces that is where the substantial increase is coming through on their budget. The capital items that do not meet our capital rules of 5,000 or greater, they have been identified as needs to be able to continue to do everything that they are doing. And I do believe there are some timing issues on the current year-to-date spend as well. **Councilman Henke** said let look at other services and charges and take the total, but the year-to-date was 37,700, let us just call it 70,000 for the year but yet the ask is 145. **Jamie Arce** said I would direct you to repairs and maintenance building as part of that group is what is driving. That is what I was referring to with the recent action that the Board of Works had been requested to allow for the solicitation quotes for some of the repairs and maintenance there were embedded in the 2023 budget. They have not shown as spent yet but we anticipate having contracts in place to move those much needed repairs and maintenance. **Councilman Henke** said the city has vehicles on top of vehicles and trailers on top of trailers, but yet here is another trail dump trailer for a UTV. I would just like to know that we have exhausted all of the departments and we just do not have those things. I am also questioning the validity of an 80,000 dollar pickup truck that happens to be an EV and then you are going to have to add a 13,000 charging station. Essentially you are asking the taxpayers for 93,000 dollars. **Jamie Arce** said to speak to the EV charger, the expectation, or the anticipation that Jeff has is that will not on that be specific for just that vehicle, that charger would be available for the general public that we would then charge. Money had been appropriated for this purpose but we were unable to get the vehicle and that money reverted back. So, this is a second run at trying to get a much needed vehicle. **Councilman Henke** said I can understand that, but the EV charger, would that then be based at the environmental center. **Jamie Arce** said it would be a combo piece. **Councilman Henke** said so what is the transferred in amount to this department to operate? **Jamie Arce** said to answer your question, it is 725,000 is the requested transfer in.

Councilwoman Deputy asked Annie if she had something she wanted to share. **Annie Klehfoth** said just a couple of points. In regards to the trailer that we are asking for, it can be pulled behind a UTV and can go on the trails to help with brush clean up. She went on to say and the electric vehicle that we are asking for it up to 80,000 dollars. That is not the price tag now and we also felt that was the most fiscally responsible vehicle for an environmental center. The EV charging stations that are being installed at the environmental center will be solar powered so anything that we use to charge the vehicle would be free to us. The truck that we are looking for also serves as a generator. We can plug power tools and things like that, indirectly on the trails when we are going to add those observation decks and things like that.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Fish.

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

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

NAYS: Thomas, Henke

By a vote of 7-2, the 2024 Environmental Center budget was tentatively approved.

Discussion on the 2024 Environmental Center budget ends at 5 hours, 14 minutes and 12 seconds of the audio recording.

Budget of Railroad Museum (Page 109 of the Budget Book):

Discussion on the 2024 Railroad Museum starts at 5 hours, 14 minutes and 39 seconds of the audio recording.

Councilwoman Deputy said can you share sort of what you guys are doing to try and increase the number of people who are coming to visit? **Tim Reecer, Interim Director of the Railroad Museum** said much like some of the other departments of city, we do operate in the red and so we are an attraction, we are not meant to generate revenue for the city. We are trying to host more events, last year we have four (4) murder mystery dinners that were sold out. Some of the attendees did not realize we were there and have since come back with their grandchildren or children. So we are starting to offer more and more events to draw people into the building to make sure they are aware of the space but then they also spend money downtown through restaurants or other shops.

Councilman Henke said do you have a visitor log? **Tim Reecer** said yes. **Councilman Henke** said and do you know where people come from? **Tim Reecer** said yes, we get people not just within the country but internationally as well.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Mishler

Chairman Dawson asked the clerk to do a Roll Call vote

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, the 2024 Railroad Museum budget was tentatively approved.

Discussion on the 2024 Railroad Museum budget ends at 5 hours, 27 minutes and 19 seconds of the audio recording.

Budget of Cemetery (Page 75 of the Budget Book):

Discussion on the 2024 Cemetery budget starts at 5 hours, 27 minutes and 57 seconds of the audio recording.

Councilman Henke said we talked earlier, could you elaborate on your temporary help since that was not previously used or budgeted in prior years. In 23 you had 10,030 dollars but none utilized to date. What is the plan moving forward? **Charles Choate, Cemetery Director** said I would probably refer to Jamie on that. **Jamie Arce** said there could be some payroll related differences that may be embedded within the part-time versus the temp seasonal. We will look into that and make any necessary changes. In some cases when part-time or temp seasonal employees are hired, it is not generally uncommon that we might get the wrong earnings code but all the other controls are in place but that could be part of the difference. **Councilman Henke** said I just wanted to know how we were going to utilize people. Sick incentive, that contractually went away. **Jamie Arce** said no that transitioned to being in alignment with the city handbook as part of the agreement that the council helped approve. **Councilman Henke** said so that was dissolved into payroll general right. **Jamie Arce** said yes they are now accruing sick time in the same fashion as the rest of the city. **Councilman Henke** said professional services in 23 there was 25,000 budgeted, zero utilized. **Jamie Arce** said we are in the process of identifying a provider to provide some professional planning for Prairie. **Bradley Tracy** said last year during the budget hearing, Charlie brought to you the concept that we needed to develop a master plan for Prairie Street and it is time for the city to expand Prairie Street Cemetery because we are just about totally out of space at Rice. Charlie and I have been working with firms and we now have two (2) quotes that will be going in front of the Board of Works in October.

Councilman Mishler said that 85,000 and 60,000 are just an up to amount correct? **Charles Choate** said that is correct.

Councilman Thomas said my question is why our cemeteries are not put on an updated priority list in tree removal and/or maintenance. Not only of trees but also upturned headstones and whatnot. Why are cemeteries not put on the same priority as maybe our parks? **Bradley Tracy** said you will notice shortly when the Buildings and Grounds budget is presented, you will see 150,000 dollars in professional services. What that money is for, is the Forestry department has continued to have a lag and the ability to catch up on bad trees. This administration is asking the council for 150,000 dollars to go toward having outside consultants or providers to help the Forestry department, do the best they can to catch up in the next year. As far as the maintenance, the general rule is the maintenance of the cemeteries is to be completed by the full-time employees that work around the year. **Councilman Thomas** said so to add to that, the maintenance of the cemeteries is grass cutting essentially and trimming. But when a tombstone topples over because of age or it is actually hit by a mower, you are saying that becomes total responsibility for the cemetery department? What I am saying is, if it gets to be too much for a ten (10) person department, why we cannot have a cemetery day where you send your people out there to help them. **Bradley Tracy** said that happens more than you know on a regular basis. Buildings and Grounds in past years have gone out and cleaned up fences and repaired fences for them and when they cannot get caught up, we do provide people. Last year buildings and grounds, the street department and the airport all assisted in the maintenance of the facilities as well.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Fish.

By a unanimous voice vote, the 2024 Cemetery budget was tentatively approved.

Discussion on the 2024 Cemetery budget ends at 5 hours, 37 minutes and 51 seconds of the audio recording.

Budget of Mausoleum Operations (Page 101 of the Budget Book):

Discussion on the 2024 Mausoleum Operations budget starts at 5 hours, 37 minutes and 58 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Thomas. Second by Councilman Fish.

By a unanimous voice vote, the 2024 Mausoleum Operations budget was tentatively approved.

Discussion on the 2024 Mausoleum Operations budget ends at 5 hours, 38 minutes and 26 seconds of the audio recording.

Budget of Building & Code Enforcement (Page 21 of the Budget Book):

Discussion on the 2024 Building & Code Enforcement budget starts at 5 hours, 39 minutes and 04 seconds of the audio recording.

Councilman Henke said I do not see a difference between north, south, east and west. Do we have a plan, can you help me with any new processes that are being put into place. **Bradley Tracy** said everyone month Amy and her team and Tim and his team give reports to the Board of Public Safety on the number of actions that they have taken care of. We have attempted to give code enforcement officers more flexibility requiring them to at least once a week if not twice a week, flex their hours to work different hours of the day so we are not ending our eyes at 5 o'clock. As far as city employees are concerned, those employees who have city phone paid for by the city, have been instructed to install the 311 app so that they have the opportunity to report. I feel as we move into this next year with the new neighborhood initiative program, code has started in addition to doing code enforcement issues, they have been increasing the report ability, for example, street signs, potholes those are not code enforcement issues, but they have added those responsibilities to their daily routine so that when they do see something that they cannot handle, they are reporting it into the 311 system. It is not a perfect system, but it has improved since we started 311 a couple of years ago. **Councilman Henke** said how much damage has to be done and how often do we have to report it before it gets resolved.

Councilman Mishler said how many personnel are in the department for code enforcement. **Amy Latimer, Customer & Executive Service Manager** said we have four (4) code officers. **Jamie Arce** said this budget handles more than just the code officers, it handles the permits, the inspectors, building commissioner and Amy as well. Councilman Mishler said how many did we have in 2007? Was it four (4), did we have more and were those positions cut and never added back? Are we where we were, do we have less, and do we know? Councilman Henke said we

had six (6) in 2008. **Councilman Mishler** said has our city grown or shrank since then? We have increased in population as well as land area and I assume properties as well. My question is why knowing that we have more people, more properties, why do we still only have four (4) code enforcement officers compared to what we had in 2007. Why has there not been an ask to increase the personnel capability so we could address some of the code concerns that has been brought forward. My question here is, are we trying to do more than what the staff is capable of and should we address the need for addition code officers to address that. **Bradley Tracy** said that is a good question. I think it comes down to as a city and the administration, when they come to the council and ask for additional positions, we review all of the position requests and in the past this has not risen to the highest level. We can definitely re-examine that. **Mayor Roberson** said as we move into the neighborhoods, as this initiative will do, we will re-evaluate where we are. If I am not mistaken, we went down to three (3) and we add one (1) back since this administration started. Once we begin the process of getting into the neighborhoods in 2024, we will then reevaluate to determine whether or not an additional code enforcement officer, how we equip our current ones may change, which will allow us to deal with the expanded relationship, create a unique kind of a ubiquity between areas across the city, and make sure that we have the right personnel doing the right things and the right recording mechanism in place every neighborhood is different.

Councilwoman Baughman said my question has to deal with professional services. In 2022 the total activity was 14,809 and that year the original budget was 40,390. The first six (6) months of that year, we did not use any more professional services and yet, in the first six (6) months of 2023, we have not expended any costs associated with professional services and yet, we have a proposed budget of 40,000. Any thought of reducing that to 20,000. **Jamie Arce** said that is a good question. This like other budgets has just been established to provide flexibility in the event that the office needs additional capacity.

Councilwoman Deputy said Jamie when you get a chance, can you please clarify for me the cost of 311, not just the software but personnel associated with it. The other thing I want to say is, as we are looking at code in the initiatives, we may want to look and see if we need to adjust the cost when we do have code violations to see if that would cause people to step up and make sure they are following our codes. **Mayor Roberson** said we are constantly in touch with multiple different cities, multiple different places in order to evaluate our coding relationship from fines, to coverage, to the tools that we use.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Fish.

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

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Thomas, Baughman, Henke

By a vote of 5-4, the 2024 Building & Code Enforcement budget was tentatively approved.

Discussion on the 2024 Building & Code Enforcement budget ends at 6 hours, 04 minutes and 30 seconds of the audio recording.

Budget of Unsafe Building Fund (Page 89 of the Budget Book):

Discussion on the 2024 Unsafe Building fund starts at 6 hours, 05 minutes and 10 seconds of the audio recording.

Councilman Thomas asked how many did we take down last year. **Amy Latimer** said not off the top of my head, but it is going to be around 5 to 8 houses that we took down last year.

Councilman Thomas asked is this a case by case and not estimating now we are going to do so many this year and so many next year. **Amy Latimer** said it is a case by case.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Mishler

By a unanimous voice vote, the 2024 Unsafe Building Fund was tentatively approved.

Discussion on the 2024 Unsafe Building Fund ends at 6 hours, 6 minutes and 15 seconds of the audio recording.

Budget of Economic Development (Page 39 of the Budget Book):

Discussion on the 2024 Economic Development budget starts at 6 hours, 6 minutes and 30 seconds of the audio recording.

Councilman Fish asked what does the future look like for us with the current developments, can you give us an overview. **Mike Huber, Director of Economic Services** said I think we have successfully completed a number of pretty significant development agreements as well as planning initiatives this year and we have got another full slate next year. Coming in, I think we have got a very talented team, and I have challenged our team to do as much internal as we can because I think we have the skills to do a lot of that and not rely on increasing our professional services budgets are going outside. I think the one limitation we have is not in terms of our talent or our skill and our team, it is in terms of the capacity that we have in our team, given the number of projects and things we are working on right now to have the time to do some of those.

Councilman Fish said there are some numbers that I would like to justify but I think the types of projects we are doing and the quality of projects we are doing are going to justify anything in your increases, would you say that is true? **Mike Huber** said I would say that is accurate.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Fish.

By a unanimous voice vote, the 2024 Economic Development budget was tentatively approved.

Discussion on the 2024 Economic Development budget ends at 6 hours, 09 minutes and 50 seconds of the audio recording.

Budget of Planning Department (Page 41 of the Budget Book):

Discussion on the 2024 Planning Department budget starts at 6 hours, 10 minutes and 01 seconds of the audio recording.

Councilman Fish said I really did not hear you Jamie. Could you explain that a little bit more?

Jamie Arce said if you look at the Schedule A, for planning, I believe the end of the sentence says in new position, at family rate, we are not asking for a new position that was just a copy and paste error on my part for some naming standardization that I had utilize for vacancy currently.

Councilman Henke said under professional services for economic development as well as planning, is most of that is that legal work. **Mike Huber** said that is not accurate. In last year's professional services for instance, we would have in both planning and economic development, for example, we undertook a complete overhaul of the city's subdivision and zoning ordinances and we are in the process of working through that this year. Additionally, we have undertaken a fairly extensive annexation study so that was probably 250,000 dollars of professional services between the two departments. **Councilman Henke** said if it is engineering design or something of that nature planning in general, have we acquainted that to the possibility of hiring that professional to the city or is it such a varied expertise that it is an individualized more specific type of professional service that you are after. **Mike Huber** said it is more the latter. Again, when we think about how very specific projects can come up, say like an amphitheater that takes a certain specific kind of study and a certain specific kind of expertise that we would not want to necessarily bring on full-time person for because once that project is over, we do not need that expertise.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Curry.

By a unanimous voice vote, the 2024 Planning Department budget was tentatively approved.

Discussion on the 2024 Planning Department budget ends at 6 hours, 13 minutes and 58 seconds of the audio recording.

There was a recess starting at 6 hours, 14 minutes and 00 seconds. Budget hearing resumes at 6 hours, 23 minutes and 06 seconds of the audio recording.

Budget of Engineering (Public Works) (Page 59 of the Budget Book):

Discussion on the 2024 Engineering Public Works budget starts at 6 hours, 23 minutes and 34 seconds of the audio recording.

There were no questions asked on the Engineering Public Works budget.

Motion for **tentative approval** made by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Engineering Public Works budget was tentatively approved.

Discussion on the 2024 Engineering Public Works budget ends at 6 hours, 23 minutes and 50 seconds of the audio recording.

Budget of Cumulative Sewer (Page 135 of the Budget Book):

Discussion on the 2024 Cumulative Sewer budget starts at 6 hours, 24 minutes and 05 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Henke. Second by Councilman Mishler.

Councilwoman Deputy said I see 250 for the improvement of sewers, can you just explain this for educational purposes for me. **Tory Irwin, Director of Public Works** said this is an historical allotment for the city to address drainage issues that are small and necessarily are no part of the larger sanitary sewer system. Like spots where puddles exist and last days on end. We get in there and try to use small fixes.

By a unanimous voice vote, the 2024 Cumulative Sewer budget was tentatively approved.

Discussion on the 2024 Cumulative Sewer budget ends at 6 hours, 25 minutes and 13 seconds of the audio recording.

Budget of EDIT Trash & ADA:

Discussion on the 2024 EDIT Trash & ADA budget starts at 6 hours, 25 minutes and 19 seconds of the audio recording.

Councilman Thomas said when is our current contract up. **Tory Irwin** said the contract is through 2025 with an optional 3 year extension. **Councilman Thomas** said another 3 years. **Tory Irwin** said it is optional through the extension. So in 2025, I imagine this administration, the council and the Board of Works will have to decide whether that contract gets extended. **Councilman Thomas** said have you begun soliciting bids and whatnot. **Tory Irwin** said it is 2023 and it is 2 years away. We will look at it in 2025. Again, it is optional 3 year extension, so I imagine those discussions will take place in that calendar year.

Councilman Henke said the 100,000 dollar increased, was there a new account, what was reflective of making that change or was that just a general contractual? **Jamie Arce** said that was contractual. When we negotiated it, there was a low inflation rate used of like 2% over the course of the life of the contract, which is being I think super in our favor right now.

Councilman Mishler said this is just a general question that I have had from several residents and businesses; that is the lack of recycling options for businesses and residents who live in the downtown area. I do know if that is something that can be potentially discussed in the future as we head towards those 2025 negotiations and the potential to consider adding recycling to parks and things like that as well as in the environmental center.

Councilwoman Deputy said on the repairs and maintenance for ADA, could you ever use that for other departments? For instance, the environmental center wanted to make a concrete pathway so it was ADA compliant. **Tory Irwin** said some background on that fund, it is split between three (3) different departments; the engineering department, street department and buildings and grounds. And then between those two (2) departments it is then split further amongst all of the city departments for things like doors when there are doors on buildings that are not ADA compliant. **Councilwoman Deputy** said and are we using any of that ADA money. **Tory Irwin** said we spend all of the ADA money every year.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Curry.

By a unanimous voice vote, the 2024 EDIT Trash & ADA budget was tentatively approved.

Discussion on the 2024 EDIT Trash & ADA budget ends at 6 hours, 29 minutes and 25 seconds of the audio recording.

Budget of Motor Vehicle Highway (Page 65 of the Budget Book):

Discussion on the 224 Motor Vehicle Highway budget starts at 6 hours, 29 minutes and 37 seconds of the audio recording.

Jamie Arce said for the record it appears that I have omitted a new fund that Mike will be using that would be the Riverboat Gaming Fund on page 91. That should be included as part of the discussion and I would suggest adding it as a new point D on the list.

Councilman Henke said are you suggesting then that 750,000 be put in line item? **Jamie Arce** said it is budgeted, it is just not on the agenda to be discussed and I wanted to make sure that we need to see that. **Councilman Henke** said most of this is self-explanatory. The gasoline 495, 495 and it is hard to predict where we are going with this. Year-to-date, was 129 we did not have a great winter season but that is a pretty significant increase. Are we not part of the hedge fund anymore? **Jamie Arce** said we have not been part of a hedge fund for quite some time. **Councilman Henke** said outerwear, 14,000 dollars. **Jamie Arce** said that was embedded as part of the contractual obligations that were approved for the ASFME and teamsters unions. In this case, the ASFME portion is what operates out of the street department. **Councilman Henke** said the salt, do we have left over from prior years and that is what we are going to utilize. Medical surgical, could you please help me understand what is all included in that piece. **Jamie Arce** said are generally those things that you would need like Band-Aids, certain safety supplies. He

said we can get back to you on what the true details are of what is being spent out of that fund. **Councilman Mishler** said it could refer to things like stop the bleed kits which were given to various departments as well as AED's which cost fairly significantly as well. **Councilman Henke** said contract services uniforms, 44,000 dollars that was contractual as well. **Jamie Arce** said yes.

Councilman Thomas said motor equipment, street machinery; am I reading this right that you are not asking for any type of equipment. **Jamie Arce** said that would be not correct. There is a decrease of 433,000 over last year. Current year for motor equipment is 785,000 which is made up of the items that are listed on his Schedule A. The Kenworth tandem axle dump truck, the two F250's. **Councilman Thomas** said he is asking for all of those. **Jamie Arce** said yes and that is what makes up the 785,000. **Mike Szucs, Street Commissioner** said what we are replacing is the pickup trucks that are over 15 years old. **Councilman Thomas** asked if one of them could go to the environmental center. **Mike Szucs** said one of them already has.

Councilwoman Deputy asked if Mike could shed light on the Johnson Street, Irwin Street and Bristol Street projects. **Mike Szucs** said if you remember years ago when they milled the concrete down on Cassopolis Street, and then they repaved over it, we want to do the same thing to cut the cost into a fraction of what it would be to replace it all in concrete. If we mill that down 4 inches, then use asphalt on it and maintain it every 2 to 3 years, it should hold up for 10 years.

Chairman Dawson said so there is no rebar on Johnson Street. **Mike Szucs** said there is but it is 6 inches or deeper. Chairman Dawson said and on 2nd and 3rd it is like 12 inches. **Mike Szucs** said it is like a mesh. **Tory Irwin** said 3rd Street will be reconstructed in the next few years as part of the long term control plan. **Chairman Dawson** asked if it was going to be asphalt or concrete. **Tory Irwin** replied we have not made that determination yet.

Councilman Henke said is it your department or buildings and grounds that handle the sunken manhole covers. **Tory Irwin** said it is a combination between the street department and utilities. **Councilman Henke** said how do we measure the priorities for those types of things? **Mike Szucs** said we proactively go out for patching and said it was paved over personally by himself.

Councilman Curry said we did fix Augusta Lane a few years back and I was wondering is that something that we will use that same technique in the future? **Mike Szucs** said I would not recommend doing that. As everybody knows, Bent Oak is built on a dump and it is clay capped and the clay just holds water.

Councilman Mishler said how is it determined; the rotation of what streets are getting taken care of. **Mike Szucs** said it starts with the passer rating. Then with our records and stuff on how many times we are patching the street, how much traffic it accumulates during the year.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Henke

By a unanimous voice vote, the 2024 Motor Vehicle Highway budget was tentatively approved.

Discussion on the 2024 Motor Vehicle Highway budget ends at 6 hours, 44 minutes and 00 seconds of the audio recording.

Budget of Local Road & Streets (Page 69 of the Budget Book):

Discussion on the 2024 Local Roads & Streets budget starts at 6 hours, 44 minutes and 08 seconds of the audio recording.

There were no questions asked for this budget.

Motion for **tentative approval** was made by Councilman Henke. Second by Councilwoman Baughman.

By a unanimous voice vote, the 2024 Local Roads & Streets budget was tentatively approved.

Discussion on the 2024 Local Roads & Streets budget ends at 6 hours, 44 minutes and 22 seconds of the audio recording.

Budget of Cumulative Capital Improvement-Sidewalk Program (Page 129 of the Budget Book):

Discussion on the Cumulative Capital Improvement Sidewalk Program budget starts at 6 hours, 44 minutes and 29 seconds of the audio recording.

Councilwoman Deputy said I was impressed when I went to the Board of Works, you guys have a master plan for the streets do you have something similar for sidewalk repairs? **Mike Szucs** said no yet.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Thomas.

By a unanimous voice vote, the 2024 Cumulative Capital Improvement (Sidewalk Program) budget was tentatively approved.

Discussion on the 2024 Cumulative Capital Improvement Sidewalk Program budget ends at 6 hours, 45 minutes and 48 seconds of the audio recording.

Budget of Riverboat (Page 91 of the Budget Book):

Discussion on the 2024 Riverboat budget starts at 6 hours, 45 minutes and 55 seconds of the audio recording.

There were no questions asked for this budget.

Motion for tentative approval made by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Riverboat budget was tentatively approved.

Discussion on the 2024 Riverboat budget ends at 6 hours, 46 minutes and 12 seconds of the audio recording.

Budget of Buildings & Grounds (Page 61 of the Budget Book):

Discussion on the 2024 Buildings & Grounds budget starts at 6 hours, 46 minutes and 39 seconds of the audio recording.

Councilwoman Deputy said under repairs maintenance what is the boardwalk fencing under boardwalk? **Mike Lightner, Buildings & Grounds Superintendent** said it used to be the boardwalk, now it is just the concrete street scape behind McDonald's. **Councilwoman Deputy** said so we are adding fencing under the boardwalk. **Mike Lightner** said we are adding fencing to enclose the area so that individuals cannot get underneath there.

Councilman Henke said your budget is pretty tight on fuel, what are you doing differently from other departments. **Mike Lightner** said I do not know what we are doing differently.

Councilman Henke said you do not have electric vehicles. **Mike Lightner** said we do not.

Councilman Henke said clothing/outerwear, I am assuming this is a breakout. **Jamie Arce** said this is a similar situation for the ASFME contractual obligations. **Councilman Henke** said would that be travel as well, is that now a breakout. **Jamie Arce** said that is correct. We would be isolating it out of other services and charges or something similar.

Motion for **tentative approval** made by Councilwoman Deputy. Second by Councilman Henke.

By a unanimous voice vote, the 2024 Buildings & Grounds budget was tentatively approved.

Discussion on the 2024 Buildings and Grounds budget ends at 6 hours, 49 minutes and 19 seconds of the audio recording.

Budget of Central Garage (Page 97 of the Budget Book):

Discussion on the 2024 Central Garage budget starts at 6 hours, 49 minutes and 50 seconds of the audio recording.

Chairman Dawson said do you recommend the fleet that represented in each budget? Are those are your recommendations? **Josh Holt, Central Garage/Fleet Manager** said yes. **Chairman Dawson** said so any budget that has a vehicle in it, you have made the recommendation. **Josh Holt** said yes, it has gone through my department to verify that whether or not it they need it and prices. **Jamie Arce** said with the exception of the fire department.

Councilman Henke said building materials trending if we round up you have spent 2,000 dollars, 831 through June but yet, the ask is 13,500. **Jamie Arce** said some of this as a result of us identifying when we are buying the supplies and actually doing the work versus hiring out the service to do the work and trying to best identify if the building materials that we are buying may have in previous iterations been buried, not inappropriately per se within a repairs and maintenance or other service account line. **Councilman Henke** said for the first time, there is a professional service line of 40,000 dollars. Can you help me with that? **Josh Holt** said that is the cost that I was told by DLZ that it would cost to do a study on how big our building needs to be. I do not want to just build a building, I want to do it right. Our fleet is expanding and the garage is going to have to be expanded. **Bradley Tracy** said to further expand on the 40,000 dollars, it would not only be the study but also the RFP, the cost analysis etc. **Councilman Henke** said rolling stock, how many motorized vehicles does the city has at this point? **Josh Holt** said currently we are at about 1,200 pieces of equipment and that is lawn mowers, weed eaters, trailers, police cars. It is limited on the fire trucks because fire kind of has their own fleet so I do not track theirs as closely as I do the rest of the city. Councilman Henke said if we were just to ask for cars, trucks... **Josh Holt** said I can break that down for you.

Councilwoman Deputy said do you have a master plan on replacement. **Josh Holt** said yes I do. Some of that is in the budgets that were presented today by different departments. Some of the trucks that we have in the city are 12-14 years old and my philosophy is to get rid of them while they are worth something instead of milking them until they are dead.

Councilman Mishler said about the summary of capital expenses report we had for a central garage had the replacement service truck at 100,000 over here and over here has it at 45,000. **Jamie Arce** said that is the change over last year. It is identified as 100,000 dollars and that is what the budget shows.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Henke.

By a unanimous voice vote, the 2024 Central Garage budget was tentatively approved.

Discussion on the 2024 Central Garage budget ends at 6 hours, 56 minutes and 18 seconds of the audio recording.

Budget of Communications-Dispatch (Page 51 of the Budget Book):

Discussion on the 2024 Communications –Dispatch budget starts at 6 hours, 56 minutes and 35 seconds of the audio recording.

Councilman Henke said are you at full capacity now? Number of employees? **Dustin McLain, Director of Communications Center** said no. Currently we have 13 working on the floor and 2 in the administrative positions. So we have 6 available open spots. **Councilman Henke** said I am looking at your overtime line item and that is probably secondary to that hard it is hard to attract people and so on. **Dustin McLain** said yes, we have had a lot of overtime over the last several years so we needed to increase that this year. **Councilman Henke** said would you suggest that this is pay related, stress related. **Dustin McLain** said across the country there is a staffing crisis. I actually have an article that I could provide the entire council on staffing crisis for 911 centers across the country. **Councilman Henke** said looking at contract repairs, projected for year-end would be 5,500 dollars and there is 57,000 budgeted. **Jamie Arce** said I believe that is a timing issue for repairs. **Councilman Henke** said education, are you then suggesting that is secondary to turnover because education was at 10,000 dollars and the highest tier was 8,000 and now it is at 20,000. Is that in anticipating turnover and training? **Dustin McLain** said what we are also anticipating doing with education is also using it for public education. Moving forward, we have several initiatives that we are trying to push for our department to help the community understand what the 911 centers do in their communities, reaching out to the schools as well as retirement homes, kind of filling them in on what we do and that is going to involve having materials and resources to present to the public. So we are using the education line for internal as well as external. **Jamie Arce** said I would add that in the past they have had a Suga grant that has assisted with some of the training costs. It was recognized as part of the restricted donation and so that would have offset training related costs that would have otherwise have been paid through their operational budget. **Councilman Henke** asked if we were using LOIT money at all for this department. **Jamie Arce** said no not at all, only for police and fire.

Councilman Fish asked what the minimum legal age is for a dispatcher. **Dustin McLain** said 18 years old. **Councilman Fish** said are you working with the police department or maybe fire and going to seminars with them and sharing the booth space maybe at a job fair or things like that. **Dustin McLain** said we worked the city itself with the job fairs that we have had over at the career center. We also had a booth at the Night Out Against Crime and we are going to be working more closely with the police and fire departments to make sure we are a part of those. I am just going out and making sure that our presence is known and letting people know what we do and trying to recruit. Our newest hire just got released and he is 19 years of age. **Councilman Fish** said are you finding that we have the right marketing message, are we attractive enough for someone to come in. **Dustin McLain** said I believe so. We just opened our hiring pool for three (3) positions and we had 170 applicants. It is just the training process is about 6 months. It takes quite a while, we have vetted about 30 of them. At this point, we have had 20 of them test and we have about 7 qualified candidates that we are getting ready to interview next week.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilman Henke.

By a unanimous voice vote, the 2024 Communications-Dispatch budget was tentatively approved.

Discussion on the 2024 Communications-Dispatch budget ends at 7 hours, 01 minutes and 18 seconds of the audio recording.

Budget of E-911 (Page 107 of the Budget Book):

Discussion on the 2024 E-911 budget starts at 7 hours, 01 minutes and 24 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Curry.

Councilman Henke said have we addressed the county any further regarding receiving of greater funds for 911? Do you know, has that been an ongoing communication, is there any wiggle room to reimburse on. **Dustin McLain** said we have an interlocal agreement with Elkhart County, it is about 30 years old. It goes over this payment plan and it is not something that we have visited at this point. There are somethings in the background that the state 911 is working on that may resolve some of this in the near future but we do not have anything definitive at this time. It is something that I hope to be presenting to you over the next year.

By a unanimous voice vote, the 2024 E-911 budget was tentatively approved.

Discussion on the 2024 E-911 budget ends at 7 hours, 03 minutes and 52 seconds of the audio recording

Budget of Fire Department (Page 47 of the Budget Book):

Discussion on the 2024 Fire Department budget starts at 7 hours, 04 minutes and 11 seconds of the audio recording.

Councilman Fish said tough business, are we still down a few firefighter? **Shaun Edgerton, Fire Chief** said at this point we are down two (2). Unfortunately we had two (2) individuals who did not choose to become members of the Elkhart Fire Department a week before we started our latest rookie class. **Councilman Fish** said you are still going to job fairs etc...are we attractive enough to get them to sign up. **Chief Edgerton** said we are in the process of starting a new pool and in the pool that we currently have right now, it has approximately 30 individuals still in. It expires February of next year. Prior to its expiration, we will have started the process again. Fortunately or unfortunately, depending on your point of view, we do not find it necessary for us to go to job fairs and those kinds of things. Once we open up the pool, we will probably have somewhere in the neighborhood of 2 to 3 hundred applicants apply for employment. Of course, we have to go through the testing process and we will whittle that down to somewhere around 150. **Councilman Fish** said then from there, you will start processing them and seeing who is really going to make the cut right? **Chief Edgerton** said once we go through the first two (2) stages of the process, then those individuals go on a list and then we hire from that list. We start at the top and make our way down. We run an 18 week academy and that process is the process

that helps us whittle the individuals down to the cream of the crop. **Councilman Fish** said I am curious about the lateral transfer. Are we attractive enough in the region to draw people over? **Chief Edgerton** said we are definitely attractive enough to whittle them down. Unfortunately, the mayor set up rules that I have to abide by and it does not allow me to take those individuals and put them through an abbreviated rookie school and then place them into service. They have to apply and where they fall on the list is where they fall on the list and we hire accordingly.

Councilman Henke said just running down office supplies 1,400 dollars would be projected. 13,500 is requested. Is there a huge increase, is there a change, and is there a correction? **Chief Edgerton** said I believe that is a change. What we have from direction of the controller's office, there are certain things that we were taking out of one line and should not have been coming out of said line. It should have been coming out of another line. So, in order to correct those kind of issues, we have taken money from one account and moved it to another account therefore correcting those kinds of issues. **Councilman Henke** said where should I see that reduction, what line item then? **Jamie Arce** said I am not 100% certain on that one given that it was at that 2,500 dollar materiality where we were not really identifying those pieces. But, as you will see within the supplies and services, we are really tightening up where certain repairs or certain supplies had been paid out of historically out of services areas that were offsetting in different account levels. **Councilman Henke** said not sure if this is a typo or what, but under building repairs on the Schedule A, line 4230110 it says building repairs but in the actual budget it says building materials. **Jamie Arce** replied it is a typo. **Councilman Henke** said small tools, is projected to be 30,000 at year end, the budget was 35,000 but now is going to 90,000 for small tools. It says increase to reflect transfer but then I should see a reduction in that other line. **Jamie Arce** said you do, you see a 75,000 dollar reduction in line 4360200. **Councilman Henke** said I question physicals, year-to-date it was 86,735 and if I would prorate that for the 23 budget year, it is 173,470 and the ask is 136. Does that indicate that we have few positions open than what we had in 23? **Chief Edgerton** said no it is not indicating that we have few positions, the physical and of itself is a voluntary thing to the firefighters. They do not have to take the physical and what the trend that we are seeing now is that, as we have grown younger as a department, those younger individuals are not taking advantage of the physicals as much as they have in the past much to my chagrin. It is what it is and we have adjusted the budget accordingly. **Councilman Henke** said so what you are saying is going forward, as a younger group of people that do not participate as much in the physical. **Chief Edgerton** said there are other things that you need to take into consideration. All the physicals come out of that along with if we send someone for a physical evaluation to make sure they are fit for duty, or if we send someone for a psychological evaluation it gets paid for out of that line.

Councilwoman Deputy said just for planning purposes what is the allocation or where is it budgeted for Stations 5 and 6 as well as the training facility. **Jamie Arce** said those have not been included in the budget and will be addressed once the administration is ready to move forward with the construction component. **Councilwoman Deputy** asked does this budget reflect what would be included from the firefighters union. **Jamie Arce** replied no, not yet given that we are still in the process of negotiating and it is the council who establishes those rates of pay. We felt that it was the best strategy to not include any type of forecast on what wages may or may not be impacted and once those are identified, then we will take a wait and see approach to see if additional preparations will be necessary to cover those obligations that you will approve. **Councilwoman Deputy** said are we moving at all to having the fire department sort of

have the rolling stock plan like the police? **Jamie Arce** said they do have one in place and we operate with that. **Councilwoman Deputy** said I am probably jumping to another one, but are we having all of our ambulance fees now go into the cumulative fire equipment? **Jamie Arce** said not currently. That is still 75/25, 75% going into the cumulative fire and 25% is funding the rainy day fund. It is our intention to move forward and request that 100% of that go to cumulative fire.

Councilman Henke said I understand that we have, you have changed billing representatives for ambulance billing. **Jamie Arce** said we have been with AccuMed for the last few years.

Councilman Henke said when an ambulance bill is rejected do we track the rejection rate? Can we see that in some form of an audit? **Chief Edgerton** said I would ask that you send me your concerns in an email and I will address those and I will get you the numbers that you are looking for. As far as rejection rate, I believe that is something that legal tracks on their side.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Fish.

By a unanimous voice vote, the 2024 Fire Department budget was tentatively approved.

Discussion on the 2024 Fire Department budget ends at 7 hours, 19 minutes and 44 seconds of the audio recording.

Budget of PS LIT Payroll (Fire) (Page 93 of the Budget Book):

Discussion on the 2024 PS LIT Payroll budget starts at 7 hours, 19 minutes and 47 seconds of the audio recording.

There were no questions asked regarding this budget

Motion for **tentative approval** made by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 PS LIT Payroll budget was tentatively approved.

Discussion on the 2024 PS LIT Payroll budget ends at 7 hours, 20 minutes and 01 seconds of the audio recording.

Budget of Cumulative Fire Equipment (Page 133 of the Budget Book):

Discussion on the 2024 Cumulative Fire Equipment budget starts at 7 hours, 20 minutes and 22 seconds of the audio recording.

Councilman Henke said I know it seems simple, but it says, 400,000 dollars decrease for anticipated needs, which that is in professional services. **Jamie Arce** said that is bringing that to zero. All of the professional services that have been required as part of the fire station designs have been appropriated and properly encumbered for the contracts that are in place.

Councilman Henke said then there was 24,700 expended January through June. **Jamie Arce** said that is a timing issue on the Station 6 design that those expenses will be in the future.

Councilman Henke said and would you just educate me on the debt service interest in that

particular department. **Jamie Arce** said so the debt service relates to two (2) capital leases. One for SCBA's and the other for the heavy rescue engine. Both had five (5) year lives on them. **Councilman Henke** said the Kawasaki mule, is that a replacement or a new vehicle. **Chief Edgerton** said it is a vehicle that we feel that we are in desperate need of during the summer months when we have multiple special events. This piece of apparatus will allow us to get into certain areas and parks where we cannot get a fire engine to address fire concerns. **Councilman Henke** said then the center console Zodiac, 16 foot, is that a boat? **Chief Edgerton** said yes that is a boat, to replace the 27 year old John boat that was donated to us. **Councilman Henke** said help me out, the Knox keys secure 22,000. **Chief Edgerton** said for those who are not familiar with the Knox key system, we ask our businesses here in town to install one in order to allow us to be able to gain entry into their premises. Those boxes themselves are secure, we are the only ones that have a key. They do not have a key to even get into their own Knox box. The problem that we run into is that the Knox box keys are hanging freely within engines, so it does not make a whole lot of sense for box to be secure and the keys not to be secure.

Councilman Mishler said I see here we have a Station 2 sprinkler system, I know we have been having some issues regarding Station 4, and kind of the bathroom situation there. Is that something that we can expect an additional need for an appropriation or is that being taken care of? **Chief Edgerton** said the bathroom at Station 4 has been rectified. **Councilman Mishler** said in a permanent solution as I know there was a temporary one for a while. **Chief Edgerton** said permanent. **Councilman Mishler** said the ambulance that is noted on here, is that part of the new rotation or would that be an additional needed unit. **Chief Edgerton** said no, as stated by Mr. Arce, we have a replacement plan in place at the fire department and this will be a replacement for an existing unit that we have right now that needs to be rotated out. Because of supply chain issues and strikes, we have gone from a 700 day delivery time to now we are at 1,000 days. So, we have to order replacement vehicles literally w to 3 years ahead of in order to make sure that we are going to get it when that unit needs to be replaced.

Councilwoman Deputy said I see security cameras for the stations, do we have security cameras currently? **Chief Edgerton** replied no. **Councilwoman Deputy** said would we be putting security cameras at Stations 5 and 6 if we are going to be moving them. **Chief Edgerton** said any system we put in place, will be able to be moved from one facility to the next.

Councilman Fish said I would just like to quickly revisit the 400,000 under professional services. As we expand into new buildings and see if this is going to zero out. Where do you anticipate going back to fund this again? **Jamie Arce** said under a new appropriation. **Councilman Fish** said would it come out of cum fire or do you have an idea where it might come from when we do get to that point. **Bradley Tracy** said we will put the answer in writing and make sure that all of the council members get that answer.

Motion for **tentative approval** made by Councilman Mishler. Second by Councilwoman Baughman.

The unanimous voice vote, the 2024 Cumulative Fire Equipment budget was tentatively approved.

Discussion on the 2024 Cumulative Fire Equipment ends at 7 hours, 30 minute and 12 seconds of the audio recording.

Budget of Police Department (Page 55 of the Budget Book):

Discussion on the 2024 Police Department budget start 7 hours, 30 minutes and 30 seconds of the audio recording.

Councilman Henke said I am concerned about the overtime projected 951,000 and then double time is 408,000. When is that double time used? **Dan Milanese, Chief of Police** said so the double time would be reflective of the collective bargaining agreement. This is a new piece that was in the newly pass collective bargaining agreement going in, I believe, in 2023. That was not in the budget for this year, because the fact that the contract would not have been ratified prior to the budget being sent. So that is a piece that was added in just to reflect the requirement from the collective bargaining agreement. **Councilman Henke** so when does one qualify for double time as comparison to overtime since you are on two different line items. **Chief Milanese** said again, that is reflective in the CBA so not to quote it but just as a loose qualification; special events things like that. I believe there is language in the contract that is similar to any city sponsored or approved event. Something where we have to post overtime and the city approved and/or sponsored event. We were having difficulty with staffing that with manpower. So it was agreed upon that double time rate would be offered for that. **Councilman Henke** said I am noticing that the part-time expenditure year-to-date through June was 65,000 so we can say 130,000 and the budget is 222. What is the likelihood that we could expand part-time people to reduce that double time number? **Jamie Arce** said the part-time is completely the school crossing guards, which were reimbursed by the Elkhart Community Schools. **Councilman Henke** said specialty hazard pay...is there a limit to how many people you have as technicians, SWAT, is there a limit to those? **Chief Milanese** said so right now under the CBA we have 180 slots. It is not broken down per category. It is not specific as to the number per category, it is depending on our need. But as far as an individual, per the CBA they max out at four (4). **Councilman Henke** said I am just looking at this number for contract agreements that are outside of what you do and manage. Just two (2) years ago, it was 13,403 to 170,309 and it is getting to be a huge number. How many officers are you down? **Chief Milanese** said we are down 23 officers. **Councilman Henke** said professional services year-to-date for six (6) months of the year was 111,000, the ask is 77,600 is that appropriated somewhere else Jamie? **Jamie Arce** said I believe that is the case. We transitioned that into contract services. **Councilman Henke** said and then the advertising, which was 10,332 in the first six (6) months, then I believe you did some TV advertising and so it was above the budget because the budget was 6,000. So, there has to be a transfer of somewhere. Are you finding that TV advertising was beneficial, that it hit the mark? We are still 23 short. How would you say that? **Chief Milanese** said when we dealt with Gray Media, that is the organization where we did the marketing campaign that was a little different, but it was not necessarily focused on television and things like that. We actually tried that first and then I think they came back and this new contract actually that we entered into has actually gone more towards social media and kind of paper clicks and things like that. There has been a lot where we have been able to kind of dive into those metrics as well. **Councilman Henke** said

repairs and maintenance it has been a pretty significant expenditure in 2022 128,020 and the first six (6) months was 157,000 but we are only budgeting 40,000. Is it coming from somewhere else? Was this a fluke of a couple of years? **Jamie Arce** asked Councilman Henke to repeat his question. **Councilman Henke** said repairs and maintenance building 4360100 it looks like it has ramped up pretty significantly. **Jamie Arce** said that was the roof repair that was included in the prior budget.

Councilman Mishler asked if the 30 Benelli M4 shotguns were new or replacing existing firearms. **Chief Milanese** said those are actually going to be replacements. We currently have Remington's which are pump action and our most recent version of those was in 2002. So they are 22 years old and they are starting to reach their service life. I believe we have bought 25ish in previous year and in around two years we will be asking for 30 until we can get our full replacement. **Councilman Mishler** asked what is happening to the existing platforms as they are being phased out, where do they go. **Chief Milanese** said we trade them in. These older platforms offer very little trade in value but we try and get everything out of them that we can.

Councilman Henke asked can the old equipment go to public bid. **Chief Milanese** said with it actually being with the NFFL it actually gets trade in, but when it goes to private sale, you can actually buy one.

Bradley Tracy said he wanted to go on record that the mayor made mention that we had placeholders in the budget. We are going to be asking the council to remove all 450,000 for the five (5) Expeditions and upfitting. After consideration and working through our budgets, we were able to realize we did not need that.

Councilwoman Deputy said I know that you have run into you being short vehicles because of supply chain issues, are you going to be caught up. I know an appropriation came before the council earlier in the year so, are you guys going to be caught up. **Chief Milanese** said that is kind of a very fluid question. I would love to say yes. It is kind of like I know I am slotted for 143 but if you could make it 200 that would be great. But if I cannot fill the 143 it is irrelevant. I have 25 cars on order from 2022 and I have not received any of them. So I am still waiting on my 2022 and 2023 cars as of today's date. If we stay on the schedule that Mr. Holt has for us with the 15 cars we are pretty close. You see in our capital that we add is asked for an additional ten (10) what we call CID cars, which are criminal investigations, our detectives. They do not necessarily need to be the full on pursuit rated type of vehicles that are patrol officers drive. We have had to delay those are so long that yes, we need additional. So it looks like a request for 25 this year. We are, but that is because of the delay in the fleet. To give you a little better of an answer, if I would get all of those cars in the past and the ones I am asking for, then year, I believe we would be in a much better spot. **Councilwoman Deputy** said where have we allocated for the public safety building. How are we handling that? **Jamie Arce** said to answer that, we are operating with the funds that have currently been appropriated for design work associated with those as we actively look for a location for the central site. Once we are locked and loaded, we will identify what those next steps are. **Councilwoman Deputy** said and for clarification, we have already allocated for the purchase of the land and design. Does that include the proposed training facility or do we already have the land. **Jamie Arce** said under the current plan, I believe was discussed previously, that is a city owned location if we were to continue to move in that direction.

Councilman Henke said how many Prius' were dumped on your department and still unused. How many are back there in that garage? **Chief Milanese** aid we do not have any Prius'. I do not think we have had those for years at least not to my knowledge. **Jamie Arce** said it is emergency management. Councilman Henke said in regards to the public safety building, have you selected a site, have you worked with the mayor to locate a site, do we know, have we even purchased property for the building. **Chief Milanese** said in about the last five (5) months that really has not been my focus. There have been other operational things that I have been focused on. I know that there have been talks about it, but to be honest with you, if I would speak on that, I would not be speaking on any authority at all. **Jamie Arce** said we have not purchased anything I can assure you of that. If the city council is supposed to be involved in that capacity, we have no intentions of leaving you out of this conversation because of the important role that you play. **Councilman Henke** said so are we saying that in the next year are we actually going to get a building. Where are we at in that cycle? I mean is it next year, is it the following year? **Mayor Roberson** said as soon as we can find the appropriate location and work through the details, we will be back in touch with you when it is permanent and we are actively looking.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Fish.

By a unanimous voice vote, the 2024 Police Department budget was tentatively approved.

Discussion on the 2024 Police Department budget ends at 7 hours, 49 minutes and 18 seconds of the audio recording.

Budget of PS LIT Payroll (Police) (Page 95 of the Budget Book):

Discussion on the 2024 PS LIT budget starts at 7 hours, 49 minutes and 19 seconds of the audio recording.

There were no questions asked on this budget.

Motion for **tentative approval** made by Councilman Henke. Second by Councilman Mishler.

Discussion on the 2024 PS LIT budget ends at 7 hours, 49 minutes and 37 seconds of the audio recording.

Budget of Law Enforcement Education (Page 85 of the Budget Book):

Discussion on the 2024 Law Enforcement Education budget starts at 7 hours, 49 minutes and 38 seconds of the audio recording.

There were no questions asked on this budget.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Law Enforcement Education budget was tentatively approved.

Discussion on the 2024 Law Enforcement Education budget ends at 7 hours, 49 minutes and 44 seconds of the audio recording.

Budget of Animal Ordinance (Page 123 of the Budget Book):

Discussion on the 2024 Animal Ordinance budget starts at 7 hours, 49 minutes and 45 seconds of the audio recording.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Thomas.

Councilman Thomas said I have not seen them out on the road much. Do we still have an animal ordinance officer? **Chief Milanese** said with the officer leaving, we have had to assign this to different officers. We have recently posted for us to have another person fill that role. Councilman Thomas said the other day I went past a motorcycle officer, but I could not tell if it was city or state. Do we have a motorcycle officer? Chief Milanese said we do.

Councilwoman Deputy said will the other services charges be reflected since the Humane Society emailed all of us, I think it was an oversight that they did not email anybody in the administration who was putting in the budget. But I do know it was a different figure. **Jamie Arce** said yes, that will correct and will be addressed in the new year as an additional appropriation.

Motion for **tentative approval** made by Councilman Curry. Second by Councilman Mishler.

By a unanimous voice vote, the 2024 Animal Ordinance budget was tentatively approved.

Discussion on the 2024 Animal Ordinance budget ends at 7 hours, 51 minutes and 47 seconds of the audio recording.

Budget of the Lerner Theatre (Page 111 of the Budget Book):

Discussion on the 2024 Lerner budget starts at 7 hours, 54 minutes and 04 seconds of the audio recording.

Bradley Tracy said quick statement and just as a reminder, administration staff attempted to talk or left messages with every member of the council regarding the first two (2) lines on page 110. Dealing with the personnel and that we are not prepared today to have that conversation in full detail, and we will have that information shortly.

Councilman Mishler said regarding the removal and installation of the four (4) exhaust fans necessary to complete the HVAC replacement.

Previously in the past the email I sent out was October 22nd of 2022 requesting the full financial report from the Friends of the Lerner Revolving Loan that was given out in October 2020 asking for the financial balance of that. I still have never received an update on how much is in there and why exactly those funds cannot be utilized for this.

Michelle Frank, General Manager of the Lerner Theatre said I did not realize that that email had been sent. We will get that information to you. Right now, I can tell you that the only items that have been used out of the Friends of the Lerner, emergency repair maintenance fund was on the hit and run that occurred several years ago, but we can get you a standing of where that is from the Friends of the Lerner.

Councilman Henke said buildings and grounds had a 250,000 dollars line item for HVAC maintenance across the city does that include the Lerner. **Michelle Frank** said it does not.

Councilman Henke said your new HVAC system is being maintained by... **Michelle Frank** said we have a service contract in place with the installers of that from Wagner Meinert that will continue as part of our annual repairs and maintenance fund. **Councilman Henke** said and that is under outside services somewhere. **Michelle Frank** said no, it falls under repairs and maintenance for the building.

Motion for **tentative approval** made by Councilman Fish. Second by Councilman Curry.

By a unanimous voice vote, the 2024 Lerner Theatre budget was tentatively approved.

Discussion on the 2024 Lerner Theatre budget ends at 7 hours, 58 minutes and 54 seconds of the audio recording.

Chairman Dawson said between now and November 1st, if you have any questions or concerns, please contact the department heads, Jamie, Chief of Staff or the mayor's office. We are looking for final adoption either at the first or second meeting in October. Also, as we continue to prepare the budget, if you have an amendments, we would appreciate if you would put them in writing so other council members can study those as opposed to bringing them up the night of the meeting.

Chairman Dawson said with all business being taken care of, we are adjourned.

Arvis Dawson, Chairman of Finance Committee

DRAFT

MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING OF NOVEMBER 27, 2023

Present: Planning & Development Committee Chairman Dwight Fish
Planning & Development Committee Members LaTonya King
Other Council Members present were Lewis Anne Deputy and Megan Baughman
via WebEx

Absent: David Henke

Councilman Fish, Chairman of the Planning & Development Committee called the meeting to order at 5:30 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.

The clerk called the roll.

Councilman Fish asked the clerk to read the proposed ordinance by title only.

Proposed Ordinance 23-O-26

AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 1.3 ACRES OF VACANT LAND ON THE NORTH SIDE OF TOLEDO ROAD BETWEEN MIDDLETON RUN ROAD AND MEADWOOD DRIVE FROM B-2, COMMUNITY BUSINESS DISTRICT TO M-1, LIMITED MANUFACTURING DISTRICT

Mike Huber, Director of Development Services said this was presented to the BZA at their October meeting and at the time the staff recommendation was to deny the rezoning request. The request is to rezone commercial property for industrial uses. The rezoning was also going to have to bring along with it, some developmental variances because they have already bought the building. It is just one of those building kits you buy. Then you put it you build it up and they were just looking for the right property to build it on. So, the character of this part of Toledo road, as you get east of the intersection there, it really does change in character. I know it is fairly industrial to the west and to the north, but as you go east of the intersection, it really becomes much more residential in nature. It is also a lot of county there and there is single family residential directly to the south. So, the industrial use as proposed at this location did not really seem to fit with the character of the uses. There is a couple of converted homes into office uses. There is, I think some kind of insurance office and a couple. I think the spa is out there and a hairdresser. So, it just really did not seem consistent with the uses there. So, that is why staff

made the recommendation that we did. The planning commission also did deny or proposed sending it to the council with the denial do not recommend.

Chairman Fish said and that was 8 to 0 correct? **Mike Huber** said that is correct. **Chairman Fish** said and the property is currently zoned B-2 correct. **Mike Huber** said that is correct. **Chairman Fish** said and they are looking for an M-1, limited manufacturing. **Mike Huber** said that is correct and it is the second least intensive of our business uses. It is more of a neighborhood/commercial and not necessarily a general commercial. It is appropriate for some of the collector streets but not necessarily and this is an arterial and it would not necessarily fit for the industrial uses either.

Councilwoman King said with this location too, if you would put industrial there it would affect the traffic flow and would make it a little bit more congested. **Mike Huber** said we did get a couple of comments back from the public; some letters returned with the rezoning. All of them that we received were against the petition. One of the letters that was returned was the adjacent property, and she did indicate that there would be some Stormwater issues and some transportation access issues she felt with the proposed layout. Obviously, this would have had to go through tech review and had to do all of those things. But this was just purely speaking to the actual use. We did not feel like the intensity of the use fit the area.

Chairman Fish said there has been some activity on the land already, what was that all about? **Mike Huber** said I think there might have been some site work that might have done in preparation of a potential building. But, I am not familiar with the extent of the work that has been done. **Chairman Fish** said it looks like it was cleared. I have gone by it a few times, and it looks like it had been cleared from some of the small wooded area. **Mike Huber** said it could have been very well cleared in preparation of development.

Councilwoman Deputy (via WebEx) said just a point of clarification. I happen to listen to this when it was in front of the planning and zoning for the October meeting. It was actually a do pass recommendation that failed 2 – 7. In addition it was a very speculative as they did not know what type of business would be operating out of there. It was just a spec industrial building. **Mike Huber** said that is correct. It was speculative although they have already purchased the building and they did not have a user for the building yet. **Councilwoman Deputy** said and just for clarification, this is already zoned B-2 correct. **Mike Huber** said that is correct.

Chairman Fish said just for the record, my cover sheet says that it did come back with a do not pass recommendation on October 2, 2023 with an 8-0 vote.

Chairman Fish opened the floor for public discussion. Seeing none, he returned the discussion to the committee.

Councilwoman King made a Do Not Pass Recommendation. Second by Chairman Fish.

By a vote of 2-0, the proposed ordinance received a Do Not Pass Recommendation

Dwight Fish
Planning & Development Committee Chairman

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF DECEMBER 4, 2023

Present: Council President Arvis Dawson
Council Members Lewis Anne Deputy, Brent Curry via WebEx, Brian Thomas,
Aaron Mishler, LaTonya King, Megan Baughman, Dwight Fish

Absent: Councilman David Henke

This meeting was made available to the public electronically through WebEx and live-streamed on Facebook. All Council Members were present in Council Chambers.

President Dawson called the meeting to order at 7:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, in Elkhart.

Andy Carter led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection.

The clerk called the roll.

APPROVAL OF MINUTES

**Minutes of September 19, 2022 – Public Health & Safety Committee
Minutes of October 2, 2023 – City Council**

Motion to approve by Councilman Mishler, second by Councilman Fish.

By a voice vote, the minutes were approved.

PRESENTATIONS AND INTRODUCTIONS

John Espar, Corporation Counsel, said Mr. President, you have on your agenda, and what appeared in your packet, an item that that has not been through the appropriate procedures to properly place the item before the Council. It has not been reviewed by the Department of Law, and nevertheless was placed in the packet. I would ask that the Council consider removing that item from consideration this evening until it can fulfill the prerequisites to being properly placed before you. I'm referring to what appears under new business, proposed ordinance number 23-O-38. **President Dawson** asked alright, so your recommendation is remove it from the agenda? **John Espar** said that is correct.

Motion to remove Proposed Ordinance 23-O-38 from the agenda by Councilman Fish, second by Councilwoman King.

President Dawson opened the council discussion.

Councilwoman Deputy asked just curious, what are the proper procedures? **John Espar** said under the Elkhart City Code of Ordinances, Section 30.15, Subsection 5, every proposed ordinance and resolution shall be examined and approved as to form by the city attorney, or another attorney designated by the city attorney, prior to the time it was presented to the clerk. After such examination and approval, the city attorney, or the attorney designated by the city attorney, shall assign an ordinance or resolution number and shall place the proposed ordinance or resolution in the possession of a clerk, who shall introduce the ordinance or resolution as prescribed herein. It has not fulfilled that obligation under the rules of this body, and for that reason it's frankly out of order.

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

NAYS:

By an 8-0 vote, the motion carried.

UNFINISHED BUSINESS

REPORTS OF COUNCIL COMMITTEES

Councilman Fish, reporting on the Planning and Development Committee, said we met on 11/27 and we discussed Proposed Ordinance 23-O-26, and we came back with a do not pass recommendation to the council.

ORDINANCES ON SECOND-THIRD READING

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

President 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.

Mike Huber, Director of Development Services, City of Elkhart, said one of the precursors to the council taking action on this ordinance was the adoption of the resolution by the Economic Development Commission. The Economic Development Commission was scheduled to meet this morning at 10 o'clock. We had a member who last-minute couldn't make it, so we were not able to meet. And so we are asking that you please table this ordinance to give us time to schedule another EDC meeting, to actually adopt the resolution, so you can take action on this.

Councilman Fish withdrew his motion.

Motion to table Proposed Ordinance 23-O-29 by Thomas, second by Councilwoman Baughman.

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

NAYS:

By an 8-0 vote, the motion carried.

Proposed Ordinance 23-O-30

AN ORDINANCE AMENDING ORDINANCE NO. 5620, ENTITLED “AN ORDINANCE AMENDING ORDINANCE NO. 4978... ESTABLISHING RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WATER UTILITY OF THE CITY OF ELKHART, INDIANA” AND ORDINANCE 4978, BY REPLACING APPENDIX A AND APPENDIX B

President 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.

PRESENTATION ON PROPOSED ORDINANCE 23-O-30

Tory Irwin, Director of Public Works we are here tonight to discuss the first water rate increase for the water utility in 15 years. I apologize, I'm trying to run this slideshow from WebEx and I think there's a delay of a couple seconds, so what I'm talking about may not appear on the screen right away. Clean water and sewer is the single greatest public health achievement in human history. It has prevented more disease and death and extended lifespans more than any other human endeavor. To give you a little bit of background tonight, the water utility is regulated by the Indiana Utility Regulatory Commission (IURC). Rates and fees must ultimately be adopted and approved by the IURC, so tonight the action we're asking you to take on the water rate is the first of 3 steps. If the council passes the proposed ordinance, the next step is submitting the new rates, the proposed rates to the IURC. The IURC does an evaluation process that takes one year. During that year, they hold many public comment meetings, many public participation meetings, and require a whole lot of work from the utility, in terms of responding to document requests in order to justify the proposed rates. This process is expensive and time-intensive, and at the end of the process, ultimately, the IURC adopts and proposes a rate. If the IURC makes changes to the rates that we've proposed tonight, then one year from now we will come back to the council and ask the council to adopt whatever rates the IURC has said that we can adopt. So that's the process. The city of has a history of not changing water rates. The last increases were in 1993 and 2008. Water rates went down in 2022, slightly, when the state of Indiana removed the Utility Receipt Tax, which was just a pass-through tax that were tacked on to the rates. The city of Elkhart, therefore, has the lowest water rates in the state of Indiana and is under half the state average. A comparison of some of the water rates in the state – Elkhart's current average monthly water bill is \$12.81. The Indiana average is \$29.72. And on the higher end, Evansville is at \$45.12 a month. Locally, South Bend is at \$13.53, Goshen is at \$28.82,

Mishawaka is at \$34.22, and Warsaw is at \$41.77. So, why are we here tonight to talk about water rates? Over the last 17 years, the water utility has had many unfunded mandates put on it. Some of those mandates include lead, our asset management program, and then we've had to adjust for inflation and many future investments that we need to make. Lead service lines were not an issue prior to Flint in 2014. The last water increase in 2008 could have never foreseen what happened in Flint. Since 2016, the water utility has been working diligently to identify and remove lead service lines. The EPA has since proposed new 2024 rules that require visual identification of all 20,000 service lines in our system and a replacement plan for all the lead or galvanized services. Based on the information we've gathered so far, we believe there are 4,000 water service lines - the pipe that is between the main in the road and the meter and the building, house or structure - that will have to be replaced. This new mandate requires us to replace about 3% of the lead and galvanized services each year at a rough cost of about \$5,000 apiece. To make things even more complicated, on Friday the EPA released even newer rules limiting our window to replace all lead service lines to 10 years. Now, that is going through the EPA evaluation process. It is not technically a new rule yet. But, should that rule pass, these rates will not be sufficient to meet that demand. The state of Indiana passed an asset management program requirement in, like, 2019. This new law requires the utility to maintain and implement an asset management plan. This plan is an evaluation of our water infrastructure, rating every segment with a useful life based on its age, material, and criticality to the system. Water system is reaching 130 years old in areas. The 2008 rates were not designed to fund all capital projects' needs for the next 17 to 19 years. We have much to maintain on the water side. We have 364 miles of water main, 3,135 hydrants, 5,451, valves, three well fields, 27 wells, five water towers, four storage tanks, one pressure booster station, and 18,588 customers, each with their own individual meter. And, we provide 6.62 millions of gallons on average per day. This is a map of the city of Elkhart water system. I know it's kind of hard to read, but basically you can see that the inside of the system is where all the red and yellow is. The red are pipes that are 90 to 120 years old. The yellow are pipes that are 60 to 90 years old. The lighter green, 30 to 60, and the darkest green are our youngest pipes at 30 years old. Inflation – obviously, what happened after COVID, inflation has store. Based on inflation nationally, based on the Producer Price Index from the US Bureau of Labor Statistics, \$1MM in construction in 2008 would cost \$1.7MM today, in 2023. More locally in Elkhart, our inflation, we've seen big price increases. The price-per-foot for an 8-inch water main has increased 191%, fire hydrants 153%, a square yard of asphalt 185%, a square foot of sidewalk 133%, a foot of curb 107%. And for comparisons sake, a 20-ounce bottle of Dasani water has gone up 121%. Our AEP electric rate, which is very important for all the water that we move around the system, has gone up 46%, and chlorine has gone up a whopping 325%. And that average Elkhart water bill has gone up 0%. So, what would this rate increase provide? It would provide \$4MM for lead service line replacements, \$4.9MM for replacement of aged water mains in the system, including on South Main Street, Indiana, Lexington, Jackson, State Street, Fremont, Waterfall and West Boulevard, \$7.1MM for replacement of water mains along our CSO projects, \$6.8MM for the replacement of valves pumps, filters and painting of water towers, and \$1.8MM for main extensions to unserved city residents and businesses, specifically along Stark Street, Richmond, Cassopolis, 9th and Ana Drive. The water utility must provide safe, reliable drinking water. We must maintain our water infrastructure to minimize disruption and prevent catastrophic breaks. Breaks are disruptive and inconvenient and can be life-threatening. Breaks lead to boil orders and close businesses. Aside from the danger to vehicles, breaks near hospitals or dialysis centers can be life-threatening. Breaks are also much more expensive to repair than to properly plan ahead for replacement.

Our rates have no profits. The utility operates as a business that must fund its operations and maintenance with user rates, at cost. The water utility currently has no debts, but continued low rates will require us to bond all these capital projects. Rates are also currently too low for us to qualify for competitive grants. Well, we have received some noncompetitive lead grants. We have missed numerous water grants for Lexington and lead service lines because the rates were deemed too low by the agencies that were funding the grants. So, for some background, percentages are misleading and misrepresentative when numbers are very small, but as a matter of mathematics, in 1993 there was a 42% increase in water rates, in 2008 there was a 43% increase in water rates. We are proposing a 34% increase in water rates in 2025, a 4% increase in 2026, and a 3% increase in 2027. Because the water utility has been forced to wait such long periods between rate adjustments, the increases are therefore larger. Laura and I intend today to bring a water rate increase in 2027 that is much more reasonable and reflective of a 2, 3 or 4% increase, instead of waiting 15 years and having a double-digit, 30 or 40% increase. The proposed increases will change the current average residential water bill of \$12.81 a month by \$4.37 in 2025, another \$0.69 in 2026, and another \$0.53 in 2027. At the end of 2027, the average water bill would be \$18.40 a month. So, in the total span of 19 years, we are proposing that the average residential water bill go up \$5.59 a month. Even after the proposed rate increases, a Elkhart's rates will still be significantly below the state average and the lowest in the region. The average residential water bill, based on confirmed future increases, 2025 Elkhart will be at \$17.18, South Bend will be at \$18.20, Goshen \$29.87, and Mishawaka \$34.22. With that, that's the end of the presentation, obviously. If you have questions, my staff, my team and I are more than happy to answer anything. And, this just so everyone knows, this was not publicly noticed as a hearing because of the way the IURC process works. The IURC has all the official public hearings and public comment periods, obviously still open for public comment, but that would be the process. The official hearings take place through the IURC.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-30

President Dawson opened the council discussion.

Councilman Thomas asked the average water rate is \$12.81, do you have handy what the average sewer rate is? **Tory Irwin** said I do, on the next presentation. Councilman Thomas said ah, remember I asked that question.

Councilwoman Deputy said number one, to you and your entire staff, I enjoyed when I got to come out and do the tour. It is amazing what you guys do, and I know that you don't want to be up here doing this. And I understand that rates have not been raised since 2008, and the city has been able to say we have the lowest rates in the state. As I sort of did a glance back over the water utilities, I understand that it is not the purpose to be making profits at all. It's really to cover the operating expenses and plan for future expenditures. When I looked over that, I was given an 8-year period. There was one year that we really operated in a surplus. Not significantly, but all the other ones were a loss. And this covers more than Mayor Roberson, your first four years, right? This goes across many administrations that we know that we've needed to do this, and find ourselves in this position where he's been put in this position, and the council. I would say it is a disservice to the citizens that we find ourselves in this position where we don't really have a choice. I did have a couple of questions. And this is just for me, as I look through the appendix that you gave us, I like to be able to walk through line item by line item where you're getting the \$12.81, or what the change would be. So, based on your Appendix A, could

you just walk me through? I know that you said it was based on an average of 4,000 gallons and a 5/8 meter. As I did this appendix, I could not figure out where you were getting those numbers. **Tory Irwin** said I'm not going to lie, it is confusing. So, it's based on 4,000 gallons. The rates are per 1000 gallons. So, when you actually look at your meter, the way it reads and the way everything gets calculated is not something that any person probably really understands easily. We are going to have an online calculator for people so they can punch in their meter usage get a readout of what their next bills will be in the future. But, basically, it's the consumption of 4,000 gallons, a 5/8 inch meter, has a meter charge, the service fee, and then the fire hydrant fee as well. **Councilwoman Deputy** asked so okay, so if I looked on your Appendix A, right, where would I be finding that with the proposed monthly metered rates? Because we have the 1st 29,900 gallons, or you have cubic feet. Then I see B as the minimum service charge, I believe for the 5/8, C is just a minimum service charge for the 5/8. Once again, it's either cubic feet or gallons, and then you have your municipal and public fire hydrants. Would that apply to just an individual citizen? **Tory Irwin** said yes, that's correct. Okay, so you would have the \$3.70. 1125 would be \$3.70 for the public fire hydrant. **Councilwoman Deputy** asked hold on, is that on the 2nd page? **Tory Irwin** said yes, that would be on the on the last page. Nope. Well, the 2nd page of Appendix A. **Councilwoman Deputy** asked so is it under B? And what did you say it was? **Tory Irwin** said \$3.70. **Councilwoman Deputy** said okay, hold on. Let me find that. **Tory Irwin** said 5/8 inch meter size, first line. **Councilwoman Deputy** said okay, hold on. Okay. \$3.70 cents. That's under D. **Tory Irwin** said yes. Then, if you go back under B, you have a monthly charge, effective 1/1/25, 5/8 inch, \$3.02 cents. And then the balance comes from the usage of 4,000 gallons, the calculation based on the consumption. **Councilwoman Deputy** asked and so I won't find that though, in the chart under A? **Tory Irwin** said you could if you did the math correctly. It would be the consumption of 4,000 gallons, times the rate, and depending on whether it was in gallons or cubic feet reading on the meter, 8,000 feet or 4,000 gallons would be how you would calculate that difference. **Councilwoman Deputy** said okay, clear as mud. **Tory Irwin** said I can send you a breakdown. **Councilwoman Deputy** asked how did they come up with the 4,000 as the average. What was that based on? **Tory Irwin** said that's based on your typical household, with a typical water demand. So, average of like 2.8, 2.9 people per household, with your average consumption for water. That does not account for any sprinkling or higher demand, it kind of would be average. **Councilwoman Deputy** said okay. Just for the record, so if somebody has a larger family or a smaller family, it may be - Okay. I know this is supposed to cover lead lines. So when we were here for the October 16th meeting, there was a question asked in regard to what do we anticipate the cost being to replace lead lines. And we were told at that time, we have no idea how to anticipate that. The Baker Tilly report, you guys received two days later. And in there, it had a total of \$4MM to replace the lead lines. Could you just give me a clarification on maybe why that wasn't shared on October 16th? **Tory Irwin** said October 16th, I don't recall exactly what I said at that meeting. But, based on the bids we got back for Oakland where we are replacing lead service lines, it's averaging about \$5,000 a service line. It's hard to really project what that cost is, because the distance from the main to where the meter resides in each structure is different for every building in the system. Right? Some people have their meters towards the front of their building. Some people's buildings are really long, and they're in the backyard. And so it's hard to estimate a cost, but we just we have to estimate something, so we used \$5,000. It will depend a lot on how disruptive we have to be when we replace the service line to the private property. We're hoping that there's trenchless technology that we can use to replace these service lines, where basically we pull through the new copper, explode the old lead, and leave everything kind of buried. Because if we have to start digging up

people's yards and landscaping and fences, it could get really expensive really quick.

Councilwoman Deputy said so, just for point of clarification, if that ends up being significantly more than you guys' project, we probably are going to be seeing... I know when you're the plan, they now have the asset management plan. I was happy to see that that money is now being set aside for things like this, so we don't face what we're facing right now in the future. I'm glad the state passed that law. Just curious, I see here on the projections, you also say that the city of Elkhart may be receiving \$1.5MM from the bipartisan infrastructure law. When will we know if we will be receiving that? **Tory Irwin** said so, we have received some money for the lead program. What I brought to the council earlier this year, or two times, I think that was the infrastructure law money that was routed through the state SRF programs, and we were able to receive a portion of that for both the investigation on identifying the lead service line materials, and then on Oakland, it's actually for the actual physical replacement of the service lines on that. **Councilwoman Deputy** asked do we anticipate receiving more in regards to replacing lead lines. **Tory Irwin** said we are certainly going to try. I've been very hopeful that we'll receive more money to replace lead lines. But again, none of it's guaranteed, and it certainly is not going to be enough to cover all 4,000 service lines that we think we're going to have to replace. **Councilwoman Deputy** said okay, that's all I have for right now.

Councilwoman Baughman said Tory, I appreciate you and your team. As Councilman Deputy said, too, it's an enormous task. And you're taking care of our greatest asset, is our water. Why the trepidation on any - and this is not a party question, this is a human question - 15 years from '93 to 2008, 15 years now... It's our greatest asset. Why are we making it so uncomfortable for the citizens to have to absorb such kind of tax rate hikes without saying this is a great asset and it's something we have to take care of in a consistent manner? **Tony Irwin** said I can promise you, it has not been for lack of effort on the utilities part of it. **Councilwoman Baughman** said I agree. I think it's an awakening, and it's something that anybody who serves on the council or an elected office has to remember that this cannot be used as a political tool. It's really uncomfortable to sit up here today and to think to ourselves in one of an incredibly challenging economy where people are losing jobs, where their way to pay isn't keeping up with inflation. And yet we've kicked the can down the road for 15 years. And now we say, we got to do it. And then we're going to put bury the taxpayers with it. That is like, embarrassing to the people who are elected to serve the community. And I think we have to do better as elected officials. We have to have this transparency. Maybe that it should be, you know, having meetings consistently, every year, to show appreciation and understanding for the investment and the resources necessary to receive such quality water. You know, this is a tough one to... I get it, but there's no celebrating 15 years when you're saying well, great, we're the cheapest in the state, but just wait. We're going to sock it to the people who are left standing to pay the price. That's just challenging. And do water and sewer rates, traditionally are they raised at the same time? **Tory Irwin** said there is no tradition on the water side, other than waiting 15 years. So, they certainly do not have to be raised at the same time. In this situation, obviously, they are being proposed at the same time, and I don't... **Councilwoman Baughman** said listen, you're stuck. I got to clean up basically from the mess that people put you in, so it's just very frustrating. I feel like we have to do better. We have to do better in maintaining these assets and providing these services to the community in a responsible way. Because what we're talking about tonight is a lot of money for taxpayers to have to absorb. So, but I very much appreciate it. And yeah, I mean, this was like getting a PhD and understanding how the pricing goes. But I appreciate your time and going over that, so thank you.

Councilman Mishler said thank you, and thanks again, Tory, for coming up here and answering all the questions that we've had in person, online. It's been very helpful. What would be the consequences for our community should this not pass? **Tory Irwin** said so, the lead rules that are coming, those are mandates. Those are not going to be optional things for us to do. The other consequence is continued breaks, and more frequent breaks, and more disruption to people's water service. And, you know, it's inconvenient if the water main breaks and you have a boil order for three days at your residence. It's devastating for a business, especially a restaurant, if a water main breaks and they're under a boil order for three days. They aren't doing business for 3 days. So that's really the consequence. We pride ourselves in the level of service we're able to provide the water customers, the reliability of the water system. I'm sure many of you probably have never experienced a water main break in the last 15 or 17 years, and just look at the number of times that, like, your power goes out. So, that's important for us. And that's something we take pride on. And it's something we want to keep at a minimum, which means replacing these 130-year-old pipes. **Councilman Mishler** said absolutely, and having worked overseas where there isn't clean and fresh drinking water available, it's something that we take for granted sometimes. With that being said, I share Meghan's frustrations. The last time a hike happened, I was in high school. Date myself a little bit there, I guess, but, it would be better, I think, for the taxpayers to not see such giant hikes moving forward. I understand the way that this is structured that they won't even see a water rate hike for at least a year, where we will vote on it again, what the actual number will be. And following that, it won't be an overnight switch. They won't open their bill up and the entire change will be there. It will be a gradual change, to hopefully allow our constituents some time to budget for this.

President Dawson said Tory, I want to commend you and your staff what you're doing. As you said, it's not because you haven't tried to push this forward. And we appreciate your efforts in doing that. The last rate hike being 2008, right before the big recession that held off the next administration, kind of kicked it down the road. And here we are right now, doing something we have to do. I realize we have a mandate with regards to our CSOs. How does this affect that? **Tory Irwin** said we have some water-only customers. There are probably 800 to 1000 customers that are water only, so the water rates only affect them. On the combined customers, the next presentation will discuss what happens with the sewer. And yes, the water and sewer bills are added together on the majority of the customers that we have.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-30

President Dawson opened the public discussion.

Mike Macklin said it's my fault the rates are up. **President Dawson** said okay, we can all agree to that. Well, I would. **Mike Macklin** said Tory's passed a lot of buck. No, he hasn't. I used to be City Engineer. I'm currently President of Board of Works. Been President of the Board of Works, or on the Board of Works, for 28 years, I think. And I've watched administrations and councils come, and I've watched administrations and councils go. And no one likes to raise rates, because unfortunately they're consistently used as political weapons for the next administration. Just where it goes. I would commend all of the politicians, the elected officials, because these are hard things to do. I don't want my rates to go up. Although, when preparing these comments, I was thinking, I went out to eat last night with my wife. And we paid almost \$100, and we didn't go to Ruth Chris. Eight years ago, I would've only paid half that much, at best. When I retired in 2020, gas was \$2 a gallon. It's pushing \$4 a gallon, dependent on

the week. So, prices go up. And, obviously the water rates have to go up, too. Tory covered almost everything I was going to say. Except the benefits. I think Tory didn't hit all the benefits that the water utility gives to the city of Elkhart. There's PILOT, that's payment in lieu of taxes. I haven't seen this years' yet, but it's probably going to be about \$400,000 that the utility is going to pay the civil city, because they don't have to pay taxes. So that's money that the utility rate payers are having to pay. There's huge savings, I feel, to the other city departments in the coordination. When Mike Whitener or Mike Zeus has to do a project and AEP's involved, it could delay them two, maybe three weeks, trying to get coordination. When they worked with sewer water utility people, they get overnight turnaround on their needs. Likewise, the utility provides a lot of services to the other city departments at no cost. But, I think what I learned from the Dick Moore administration, was that the utilities have provided huge income for civil city by annexation. The annexations 8 - 10 years ago, I think they brought in, increased the city's tax revenue by, I don't know, somewhere around \$5MM a year. Those annexations would not have occurred without the water utility and the sewer utility there to extend. Yeah, I guess that's it. I just would encourage you to do this. Nobody likes to pay rate increases, me included. I don't want to you know, I'm on a fixed income now, too. But, oh, I remember the last thing. Sorry, not well-organized. One of the things that we miss, I think Arvis alluded to it, is since 2008, there's been two major recessions, there's been a pandemic when this mayor came into office. The whole city had to shut down for a given amount of time. Unemployment. Did it go up to 25% for a while? In 2010, unemployment was up to 25%. We are the poster child for unemployment across the nation, and your predecessors had to work around that. When you looked at raising rates or not raising rates in a given year, that's a big deal. No one, I mean, unemployment's going up again, but in the past it's been really high. And it's not easy to, at any time, but certainly when unemployment's reliable. So that's what I encourage you, to pass this and don't pick on the old guys.

Bob Barnes, Commissioner for Elkhart County, said I've just got a couple of things to say about the water rate increase. If we're going to have meters, and have classes on meters, we might want to put meters that back in the house that you can read. Because they came in and swapped our meters out in our neighborhood, and gave us meters that are digital. I have a solar panel on it. So, if you want to know how many cubic feet, or how many gallons of water you've pumped, or you're using, you have to shine a light or find some way of powering this thing up to where you can read it. And the other meter was mechanical. Lead pipes, I'm kind of curious on if we have lead pipes, or do we have lead sauder pipes? I'm all in favor of replacing the lead water lines. But I'm also in favor of doing the underground boring of installation. That's all I got to say on the water rates.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-30

President Dawson returned the discussion to the council.

Councilwoman Deputy said I do have a quick question for Jamie. Are we currently receiving the payment in lieu of taxes for our city budget? I know that they have that, in regard to going forward, which I was really happy to see. And I knew that your plan was to try and get it into the outlay fund. **Jamie Arce, City Controller**, said yeah, that's correct. Currently, PILOT is included in the 2024 budget in a pro-rated fashion for the utility. For next year, which the board will look at tomorrow. And I believe for 2023, we've suspended it. But, historically, it is it has been on the one side of the utility and not the other. Since I've been here. And it's a common tool

that local communities are using as well. **Councilwoman Deputy** said thank you. I would like to make a motion to table this this evening. And once again, I understand it's necessary. That we're going to need to be able to do this. That being said, from a citizen standpoint, everything has arisen. I think we are each experiencing, at home, having to make decisions on needs versus wants. So, I understand with the water and the wastewater, it's a need. But I do think that it is important that we look at, and say, okay, what are some of the wants? What are some of the other projects, so we can look at a high level. I know that there are projects planned. We're going to be talking about it later. **President Dawson** said Councilwoman, when you make a motion to table, there is no discussion. So, you need a 2nd. There's no discussion on a motion to table.

Motion to table by Councilwoman Deputy, second by Councilwoman Baughman.

AYES: Deputy, Thomas, Baughman

NAYS: Curry, Mishler, King, Fish, Dawson

Motion failed, 5-3.

Councilwoman Deputy said I do feel like we need to have an overall picture of the plans for the next four years, in regard to what projects we have planned, the cost of them, how we will pay for them, or what we need to cut out. So, for instance, not only do we have this, but we have a Hively overpass that's \$30MM. We have the long talked about and needed fire stations. Let's say there's \$16MM. We have the public safety building, that's \$50MM. And then, quite frankly, we have the amphitheater that we have not gotten any kind of discussion on, even though we have it in the October 2nd minutes that we just passed tonight. We've been asking for an update. So, I do feel like we owe it to the citizens to have an overall picture to say this is what we have planned, this is how we're going to pay for it, and how they may be paying for it, or this is what we're going to need to take off the table. No different than what our citizens are having to do.

Councilman Mishler said I appreciate your sentiment. I think having more information on some items, moving forward, but we have to remember specifically for this on the agenda. I think Tori did quite a fair job on what this specific ordinance will go towards: maintenance, lead line replacement. And, respectfully, I think we shouldn't get this mixed in with other potential capital projects that we are looking forward to in the future, which may or may not happen, depending on how things go. That, however, I just don't feel that that's necessarily germane to the ordinance in front of us, which is specifically for our water rates and what that will pay for directly.

Councilwoman Deputy said with all due respect, it is the overall picture, and one of the reasons that we find ourselves having to face this with the citizens, is that we take things piece by piece without a big overall picture. Thank you.

President Dawson asked the clerk to take a Roll Call vote on second reading.

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

NAYS: Deputy, Baughman

By a 6-2 vote, the motion carried.

Motion to adopt on third reading by Councilman Fish, second by Councilman Mishler.

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

NAYS: Deputy, Baughman

By a 6-2 vote, the motion carried.

Proposed Ordinance 23-O-31

AN ORDINANCE AMENDING ORDINANCE NO. 5286, “AN ORDINANCE ESTABLISHING A SEPARATE ORDINANCE FOR RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WASTEWATER UTILITY OF THE CITY OF ELKHART, INDIANA” AND ORDINANCE NO. 5827, “AN ORDINANCE FURTHER AMENDING ORDINANCE 5286...” AND ESTABLISHING AMENDED RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WASTEWATER UTILITY OF THE CITY OF ELKHART, INDIANA”

President 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.

PRESENTATION ON PROPOSED ORDINANCE 23-O-31

Tory Irwin said our sewer rate increase, for those of you who aren't familiar with what a CSO is, it is a combined sewer overflow. This is a picture of one on the Elkhart River, right by Central High School. It is a discharge point for the sewer system to overflow raw sewage in a rain event where the Stormwater and the normal sanitary sewer combine in the same pipe, but because the pipes, the way they were designed, they cannot carry capacity when storm events occur, the excess capacity makes its way out, untreated, into the waterways of Elkhart. In 2011, the city of Elkhart entered into a consent decree with the U. S. Department of Justice, Environmental Protection Agency, and the Indiana Department of Environmental Management to reduce our combined sewer overflows. This court order to reduce Elkhart's CSOs is an unfunded mandate. In 2007 dollars, when the agreement was being negotiated, the cost estimate to implement the consent decree was \$155,000,600. Every sewer increase since 2011 has been driven by compliance with the consent decree. The consent decree, you also hear, and some of you may be familiar with, the long-term control plan, and court order, they're all kind of interchangeable here. They all mean the same thing. The same document, the same projects. Our consent decree progress. We have 11 CSO locations that have been completely eliminated. We still have 29 outfalls that remain on the rivers. We have, since 2011, separated 22,770 feet of storm sewer and sanitary sewer. We've completed 13 of 38 projects. We have 5 of 38 currently under construction or design, and we have spent or are currently under contract almost \$94MM on the consent decree. Currently under construction is our wastewater treatment plant, which will take our wet weather flow from 44Million gallons per day to 60Million gallons per day. To give you an idea of what that looks like, when it's dry weather our average flow at the plant is about 15Million gallons per day. So, we will nearly quadruple our flow that's being treated during wet weather events. The Oakland tank, phase 1 of 4 is currently under construction, as is a sewer separation project in the area of High, Vistula, and Franklin that was recently awarded to a

contractor. Those projects in total are \$49MM combined. So, what's left? We have another 1Million down storage tank to build in the area of Oakland and Indiana, a 500,000 gallon storage tank on Riverside. We have three major areas of sewer separation projects that have to occur near Willowdale and Edwardsburg, Harrison Street and Lawndale, Beardsley, Greenleaf area. We have a Third Street and Jackson sewer that will connect two of our tanks, and we have many smaller sub-projects. In all, there's a remaining 20 projects for the city's utility to do at an approximate cost of \$122MM. All construction, per the consent decree, must be completed by November 15th, 2029. So, here's what that looks like on a map. The orange areas are the areas where we have to separate the sewer system. They're hard to see, but we've got two kind of purple squares near Oakland, and on Riverside, where the tanks are going to be constructed. And then this bold black line is the main that we have to build, connecting two of the tanks. Again, inflation has struck us hard on this consent decree. Based on National Highway Construction Cost Index data, in 2007 a project which costs \$1.561MM, today would cost nearly \$2.86MM. That's an 83.3% increase. So, adjusted for inflation, the original consent decree of \$155.6MM would today be about \$285MM spent. Today, we have about \$94MM. We're estimating the remaining projects are going to cost \$122MM. So, in total, that's \$215MM, which puts us right in the middle, kind of between where we would expect things to be with inflation and what the original estimate was, which makes sense since we've been working on these projects all along. This proposed increase over five years is designed to allow the sewer utility to complete all its obligations of the consent decree. With historical and typical inflation of about 5%, we will have the funds necessary to get through 2030. Failure to complete the consent decree by November of 2029 will result in penalties against the utility of \$120,000 a month. In addition to all of the work we have to do with the consent decree, we still have a sewer system that we have to maintain. We have 464 miles of sewer main, 16,483 catch basins and manholes, 68 lift stations, and one wastewater treatment plant. This proposed rate increase also gives us funds of about \$16.5MM to maintain the wastewater treatment plant and all 68 of our lift stations, along with another \$1.5MM for sewer main replacements in rehab and \$1.2MM to extend the city's sewer service to residents in businesses don't that don't already have it. So, what's this look like historically? Prior to the consent decree, the last rate increases in 2010 and '11 we're at 4%. In 2013, in the midst of the recession, the city had the opportunity to more than double its sewer rates and pay for the entire long-term control plan at the time. Obviously, the city did not take that option. Hindsight is always 20/20. So, that increase was adjusted to 27%. In 2014, it was 7%, and '15, '21, and '22 it was 12, 13 and 12%. Between 2024 and 2028, we are proposing increases annually of 13 or 12%. The good news is, I guess if there is such a thing, it's been worse. On May 16, 1982, there was an article published in The Truth. The sewer rates went up 87% at that time. So, what's this proposed increase look like? The current average sewer bill is \$42.46. That will increase in 2024, in July, by \$6.51, \$5.73 more in 2025, \$6.33 more in 2026, \$7.74 more in 2027, and \$8.03 cents more in 2028. At the end of 2028, the average typical sewer bill, sewer only, will be \$76.80.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-31

President Dawson opened the council discussion.

Councilman Fish said you did a very good job. Both you and Laura answered my questions last week when I came in, and it's always reassuring when you know your subject matter. Next week I'm going to go down to a newly-elected official training and I'll have conversations with some of those same people that I had four years ago that will

say this, "How do you keep your sewer and your water rate so low?" And I'll say, "We're good at it." So, I get to brag on Elkhart and our delivery service, and our system here, so I'm going to vote yes for this when it comes up. But, I want to justify why I'm going to do that. Because I grew up in DeKalb County, which has some pretty bad water. I moved to Allen County, and we fought, and I fought, for water quality down there. And we should be the envy of the state because we deliver water and sewer better than anybody, at rates that nobody can compete with. And we have the highest quality of water in the state of Indiana, in St Joe and Elkhart counties. I know we're talking about sewer, but it's a combined thing. We have 1,200 gallons per minute free-flowing aquifers underneath our feet in this city, and nobody can compete with that. That's why our industry's so prosperous. That's why we have a good quality of life. And that's why, when we use our water and we discharge it back, we do a good job. So, the rivers cleaned up and South Bend and Saint Joe, Michigan, don't have to mess with our crap. Excuse the pun, but that's the important thing. I grew up in lake country in 1968, when the EPA demanded that we all go on sewer systems around our lakes. I had ear infections from that poor quality of water. You couldn't drink the water. And every time you flush the toilet, you know what was going to come up in the lake. I don't want that to happen to our area. I value living in Elkhart, because of what we're doing in a real basic way of delivering services. So, once again, thank you for answering all the questions. I don't have a lot of questions at this point because I've read through this and I've put my calculator to it, and it's not a political decision here. It's a life and death, quality of life issue that we're voting on. And I'll be glad to vote yes on this. Thank you.

Councilwoman Deputy said nice presentation. The annual ones that you do, I hope you guys get back to doing those. Those were informative. Just a point of clarification, you said as far as estimating this, you guys were estimating 5% inflation. Can you clarify? Because throughout the packet, it references to 2.5% inflation, and it'll make me feel better if you guys really did. But, I do need some clarification on, was it 2.5% annual inflation? Because when I ran that, the 3-year rate was 5.5%. The 5-year historical average was 4%. So that was a concern if we did a 2.5% inflation. If that wasn't realistic, then we're going to be coming and raising rates even more. **Tory Irwin** said Alex from Baker and Tilly is here. I know he looked at the inflation numbers, as it relates to things outside of the long-term control plan. So, I took the remaining 20 projects in the long-term control plan, and the estimates that we had from 2007, readjusted them into today's dollars, scheduled them out for the next 5 years, and added in inflation factor of 5% to those costs. **Councilwoman Deputy** asked so when they did this, that was incorporating your 5% that you had provided? Tony Irwin said they used the numbers that I provided, yes. Councilwoman Deputy said wonderful, thank you very, very much for that clarification. And I will be voting no on this, not because it isn't a need. I understand it's a need. But, I do feel like we owe it to our citizens to look at an overall picture. That's not a reflection of you. It is not a reflection of your amazing staff. Thank you for what you do, Tory.

Councilman Mishler asked how will the sewer rate compare with neighboring municipalities. **Tory Irwin** said so that that is a difficult thing to answer, Councilman Mishler. On page 5 of the rate study, I can tell you today, in terms of what things look like today. Evansville, Indiana, their 2026 rate for sewer, on average, it will be \$70.15. Mishawaka's currently, right now, today, is \$69.77, Goshen, in 2025, will be at \$53.47. Fort Wayne, in 2024 will be at \$57.26. The reason this is difficult to say, almost all of these communities also have long-term control plans, and their rates are also going to climb substantially over the implementation period of their plans.

Councilman Thomas said as opposed to the water rate, which may string out for over a course of a year before IRC recommends it, when would the sewer rate, 13%, what was it? 13% in 2024? Does that start immediately? **Tory Irwin** said no, so we have we have rows that rates go up in July. So, the first time anyone would see it on their bill would be August of next year. And then annually, every January, the year following, through 2028. **Councilman Thomas** asked so, 2024 to '25 will be on a short 6-month leash, correct? **Tory Irwin** said yep, really it's a 5-month leash.

Councilwoman Baughman asked real quick, Tory, when you are faced with these federal mandates, what kind of community engagement do you consider, when you consider the lifespan of a consent decree that we signed and are a part of? **Tory Irwin** said I can tell you, at the beginning there was a lot of community engagement with the whole long-term control plan and all of the projects therein. Since that time, our community engagement has really been targeted to the areas where the projects are taking place. So, for instance, Phase 1 of Oakland, we had three different meetings with all of the businesses and residents along that project length, because we knew this was going to impact them. So, it's really more targeted to the specific projects when those projects are happening. **Councilwoman Baughman** said I appreciate that. I think it might be the best interest of the city, and the elected officials, to look at it in a bigger scale, and offer of some form of community engagement sessions on the importance and the significance of investing in our infrastructure on a consistent basis, and to understand what that looks like going forward. Again, we are faced in a situation where we kick the can down the road and we don't address the issue, so it's really nothing great to say we have the lowest water and sewer rates when eventually we have to raise them a significant rate. If you look at the combined sewer and water, in 2024 you'll be paying \$61.78. In 2028, you will pay minimum \$95.19 a month. And that will be more, because you had just mentioned you were going to do a water rate increase. I think it's important not to shy away from these increases, but to educate and to let them realize that. I encourage the administration and elected officials to take that approach if it's going to be one of our most important assets. It's just challenging when they make these mandates and then we wait. I mean, it's kind of like, don't you think the suppliers know when the mandate deadline is? We think about it, people, they're probably like we are going to suck it to every community who waits till the last minute, because they know the deadline, too. They're part of the legislation as well. Let's work with your team and allow you guys to get ahead of the game, instead of making it a political thing that we don't want to deal with, when in all reality, if we had dealt with this in 2013 or '14, it would've been a much better interest for the taxpayers. Then maybe the elected officials.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-30

President Dawson opened the public discussion.

Bob Barnes, citizen of Elkhart, said so starting January, if they get the water rate and get the sewer rate where they need it to be, we're going to be paying \$1152 a year, according to the average. We're paying \$648 a year now. This is fair, right? I don't buy this crap with this not being political. I don't believe you guys talked about this in your budget hearings. I don't believe you talked about any of this stuff before this election. And you want to talk about transparency? You want to talk about affordable housing all the time? How are people going to be able to afford this? Utilities, gas company, and AEP are going after rate increases as well. That's all I got. Do better.

Andrew Carter said I spent many years in the financial industry, was reasonably successful, and what this discussion is about tonight is the failure of government, regardless of party, failing to plan. The CSOs in 2008 through 2013, when the consent decree was signed. We had a plan. But things came up, a recession, major recession. When that happened, there was cheap money out there. The city took advantage of it. That's one of the reasons it got ahead of the plan. However, for whatever reason, and by the way you can look back and think about woulda-shoulda-coulda, but it doesn't matter today. Today you have to make a decision. And these are the hard decisions you got elected for. You didn't get elected for the happy goody times. You got elected as a person that has to make these decisions. I'm hearing people say, well, we've got to do this now, but you put it off. You asked for putting it off. You came and didn't have an understanding of what was in this ordinance. You had to ask some very basic questions. So, for you that are coming back next year, and for you that have, sir, thank you very much. And for the new ones that hopefully are out there in the audience, I offer you, make the hard decision when you get asked. These people have done the amazing job, and they've worked really hard, but the hard decisions weren't made. And I can point to people in this room, because I was on the Board of Works with Mike during this period. So, buckle it up, Bucky. Because inflation is happening. And, by the way, when the recession kind of eased off, Notre Dame started doing a half a billion dollars of construction. The cost, I don't know if any of you noticed it in Tory's presentation, the cost of construction doubled. It was a 187%, not the 97% that we all experienced, this consumer price, but construction, double. So, I don't care how good a guesser you are, how good your crystal ball is, you'll be wrong. Sometimes you're lucky and you maybe make a good decision. But shoulda-coulda-woulda don't solve your problems. They can only help you going forward, by learning. And that learning exercise is tough. And I wish you the best of luck. And I don't want to see the increase either, but our rivers are one of the reasons people want to live here. And not with CSOs. Thank you.

Karen Carter, citizen of Elkhart, said I want to speak to the community. As mentioned earlier, of early community discussions, I was the mother of Boy Scouts. And I was told in the 1990s, when they're out on the river canoeing, don't let them eat anything. Don't have them get their hands wet. It's hard to do when you're in a canoe, and the Boy Scouts always overturn a canoe. But, it was hazardous to be in a canoe on the rivers. That concerned me. And as a member of the Legal Women Voters, who, by the way, I'm not speaking for tonight, I advocated programs, and I still have a program from 2009 that was presented about the rivers. That's before the consent decree. And we had numerous programs where the agreement was we need to handle these CSOs. South Bend and Elkhart were among the worst in the state. It was a big price tag, but we need clean water and it's something that we have to do. We signed a consent decree, we are by law required to do it. So, I'm saying we should pass it. Like everyone, it's a hard thing to do those increases, but it's required by the law, the consent decree that we signed. The penalties are enormous if we don't meet that. So we need to actually we do that. We've had multiple programs on water quality with the Legal Women Voters, and I think it's time to do another one, but I'm recommending that you do pass this. Thank you.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-31

President Dawson returned the discussion to the council and noted that Councilman Thomas had to leave the meeting for a previous appointment.

Councilwoman Deputy said before we do the vote, I appreciate Mr. Carter, what you say about having to make hard decisions. Once again, this is a necessity. I do think there are some very hard decisions that need to be made in regard to future projects, thank you.

Councilman Mishler said thank you for everyone who came up and spoke. This is a hard decision. No one enjoys raising rates. One of the things we hear, the economic benefits to Elkhart, how when factories and companies that are in the county need those utilities, that they request annexation into our community. And one of the reasons they want to leave the county and join the city is because of those utilities. But that's, it sounds up here when we're talking about rate increases for you and me and everyone on the street. And I understand that this is a hard choice, and a very hard vote, but I refuse to kick the can down the road again. We have to address this. Yeah.

President Dawson asked the clerk to do a Roll Call vote on second reading.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Baughman

By a 5-2 vote, the motion carried.

Motion to adopt on third reading by Councilman Mishler, second by Councilman Fish.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Baughman

By a 5-2 vote, the motion carried.

Proposed Ordinance 23-O-32

AN ORDINANCE APPROPRIATING ONE HUNDRED THOUSAND (\$100,000.00) FROM THE EDIT ACCOUNT TO THE UNSAFE BUILDING FUND

President 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 Councilwoman King.

PRESENTATION ON PROPOSED ORDINANCE 23-O-32

Jamie Arce, City Controller, said the purpose of this request is to fund the next action that will be before the board for the demolition of two buildings. The \$100,000 that we're requesting is necessary to subsidize the Unsafe Building Fund to be able to complete this work while also being able to fund the 2024 budget that the council had approved earlier this year.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-30

President Dawson opened the council discussion.

Councilwoman Deputy said I just wanted to, if you could, just for some comparison, if you go to page 46 of 51 of the latest treasurer's report. I believe that's... different one, hold on. If you go to the Unsafe Building... let me see if I can find that real quick. It shows so far our expenses in the Unsafe Building are \$226,000.83. Does any of that include either of these proposed structures? **Jamie Arce** said no, not within that within that statement. **Councilwoman Deputy** said okay, thank you. So, if I look, we budgeted \$256,000. Right? So if I go to the budget report for the Unsafe Building Fund that would be page 24 of the latest treasurer's report. I see that we had \$204,000, essentially for revenue we've had in. We had a transfer in of \$100,000, so we have revenue total so far through September of \$304,000. You just said that the \$230,800, none of that was for either of these buildings? **Jamie Arce** said correct.

Councilwoman Deputy said okay, so I show that we have about \$73,900.90 left in the budget. If I go to the fund report, which would be 2234, I see that we have about \$515,625 as of September. Is any of that encumbered? **Jamie Arce** said only to the fact of that remaining \$75,000. Not specifically encumbered, but that remaining \$75,000 available to the budget, we would presume for this purpose that they would spend all of that, which would leave them I believe it's like \$440,000 available, and the request for the demolition of the next two buildings would be insufficient. **Councilwoman Deputy** said okay, so I show we have about \$515,000. None of it's encumbered since the end of September. So we have \$523,000 for Main Street and Jefferson. Is that correct? That's the cost? **Jamie Arce** said that's my understanding. Correct.

Councilwoman Deputy said and we budgeted \$256,000 for 2024. Right, okay. So I see we would have a shortfall of \$263,400. We're going to transfer in \$100,000 to shore up the shortfall we were going to be experiencing. So then if I take away, that still gives us a negative balance of \$163,400. If I add back the \$73,900, I still see a shortfall of \$89,500. So, my question is, are we planning on demolishing any structures in 2024? **Jamie Arce** said to answer your question, we'll demolish or we'll move forward with what we're able to move forward. And if we have revenue that exceeds the amount that we will be transferring in, we will have sufficient cash flow. We will not overspend what's been appropriated. **Councilwoman Deputy** said but I'm looking, and still, even with transferring that in, with the shortfall we're going to have, and assuming we have \$256,000 that we budgeted for 2024 and the \$73,000 we have, I still show a shortfall of \$89,500. So, I guess my question being for 2024, I see that shortfall... trying to think citizens, I want them to understand. Are we going to be coming back and asking for another transfer in for this, because we're going to be a negative balance? **Jamie Arce** said I think that would be to be determined, but that would not be the expected next steps. **Councilwoman Deputy** asked so you would just reduce what you would have budgeted from the 256 to make that 0? **Jamie Arce** said that would be the first course of action, on the presumption that we would have spent 100% of the remaining budget. **Councilwoman Deputy** asked and then may be at a point where we don't, demolish any more buildings in 2024? Is that what I'm hearing? **Jamie Arce** said whether we demolish or not is dependent on the Building Commissioner and what would be required. Just as we could not have foreseen the need to demolish 119 South Main or 220 and 222 Jefferson, those emergency-type situations we hope don't come around. And if they are, and we have a shortfall, and then we may have to come back, but the intent is not to. **Councilwoman Deputy** said and I appreciate you and I just ask because at home, you know, I have to look at this from a citizen standpoint to say, do we take it out somewhere else in the budget? Like, where do we balance that? **Tim Vistine, Building Commissioner**, said hi, maybe I can shed a little light on that. These were two unforeseen buildings that we're invoicing the owners for and we'll seek reimbursement for what happened. The one at 119 South Main Street, per an engineer's report that the owner's engineering company supplied us, we noticed the building was in distress. The

engineers report confirmed that, but even magnified it more saying it needs to come down immediately. So, we did not budget for that. Nobody could budget for something like that. But now that we've experienced this, I'm putting into action a downtown project to start looking at these buildings a lot closer. **Councilwoman Deputy** said so I'm hearing you are anticipating being compensated for the 119 South Main. That would help with the shortfall I'm seeing. **Tim Vistine** said correct, and then the same thing with the 220, 222 Jefferson. **Councilwoman Deputy** said okay. And that's my hope. I remember watching some meeting in regard to that, and they said they have not had a lot of luck. **Tim Vistine** said we've had two fires there now. The third one, from after my conversations with fire department, would be catastrophic if there was a third, because it would then damage both sides of the properties on a side of it. And I'm not going to have that. Plus, it's a public nuisance, an eye sore. And with weather being as it is coming right now, getting to start getting colder, people are going to start seeking shelter. **Councilwoman Deputy** said I understand. Yeah, and with that one, probably because in listening to the planning committee, or one of the meetings, it sounded like you guys have not had a lot of success in dealing with the owner of the Jefferson Street property. So that may be totally the citizens are picking it up. **Tim Vistine** said we had a good relationship with them early on. And we actually had a potential receivership for the building that would have helped him out, bailed them out basically. And then the fire took place and we, the structural engineers said no, we're not dealing with this no more. It needs to come down. So, we halted that that conversation with him and we'll deal with him on another basis. **Councilwoman Deputy** said okay, thank you. **Tim Vistine** said just trying to help you fill that void of unforeseen demolitions. In the past, we haven't taken down anything that large. But this one was unforeseen. **Councilwoman Deputy** said okay, thank you. So, Jamie, I saw you shake your head. You're hoping you'll be even then? For the 2024, you won't be in a deficit because you're going to be hopefully receiving money for the one structure. Okay, thank you very much.

Councilman Mishler said Jamie, just you and I spoke about this briefly, but why was the EDIT fund chosen for this? **Jamie Arce** said so I guess when we look at our two general options to subsidize this fund, general fund or EDIT, the choice to use EDIT was to be consistent with past practice. That's what we're using currently, to use EDIT, and when I look at the opening of these spaces it provides for the future for economic development. Hopefully, once the buildings have been removed. So, when I was making the determination between do we subsidize with EDIT, do we use the general fund, I don't believe it's the worst case scenario to look at using the rainy day. EDIT for consistency across our historical approach and the appropriateness of it as an allowable source was the reason for it.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-32

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-32

President Dawson returned the discussion to the council. Seeing none, he asked the clerk to do a Roll Call vote.

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

NAYS:

By a 7-0 vote, the motion carried.

Motion to adopt on third reading by Councilman Mishler, second by Councilman Fish.

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

NAYS:

By a 7-0 vote, the motion carried.

Proposed Ordinance 23-O-33

AN ORDINANCE APPROPRIATING FIVE HUNDRED TWENTY-THREE THOUSAND DOLLARS (\$523,000.00) FOR THE EMERGENCY DEMOLITIONS OF UNSAFE STRUCTURES AT 119 SOUTH MAIN STREET AND 220-222 JEFFERSON STREET

President 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 Councilwoman Baughman.

PRESENTATION ON PROPOSED ORDINANCE 23-O-33

There was no presentation.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-33

President Dawson opened the council discussion. There was no discussion.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-33

President Dawson opened the public discussion.

Bob Barnes said this \$523,000, this is to take the buildings down on South Main? Where Louie and Kelly's? Where at? **President Dawson** said the two buildings we talked about previously, one at 119 South Main and 221, 222... the one that caught on fire. **Bob Barnes** said okay, never mind.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-33

President Dawson returned the discussion to the council.

Councilman Fish asked is the building commissioner still available for a question? The question is, as you make your way up: It was a beautiful structure, with a lot of beautiful stone work, which is a rare thing anymore. What's going to happen to all that cut stone and the material that went into the structure on Jefferson? Is there any way to save that? Is anyone collecting that? **Tim Vistine** said it's all asbestos. The entire building came back as a positive asbestos, so it has asbestos impregnated into the stone, into the fire, into the wood actually that caused the fire. So, yeah, nothing can be saved. **Councilman Fish** asked even on the front? All of that? **Tim Vistine** said trust me, I had contractors from all over the states calling me saying we heard about this fire, this is a certain type of stone, we'd love to get it. Unfortunately, it has to all get sealed, put it into a sealed dumpster, and taken to a special landfill for the asbestos. **Councilman Fish** said I bring that up because I was on the Historic Commission for four years, and those are the types of

things that Landmark Incorporated likes to get their hands on for reconstruction of old buildings. Yeah, well, thank you for the information.

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

NAYS:

By a 7-0 vote, the motion carried.

Motion to adopt on third reading by Councilman Mishler, second by Councilwoman Baughman.

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

NAYS:

By a 7-0 vote, the motion carried.

Proposed Ordinance 23-O-34

AN ORDINANCE APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE HIVELY AVENUE GRADE SEPARATION PROJECT

President 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.

PRESENTATION ON PROPOSED ORDINANCE 23-O-34

Jeff Schaffer, Assistant City Engineer, said I just have a couple points to highlight from Mr. Irwin's memo that's in your packet. This additional funding will take us basically to the bidding point of this project. Project is scheduled to bid next November, so we'll take us through the right of way acquisition. Under the process that we're following, we have to have the right of way clear months prior to the building, and prior to the actual bidding. And in this case, about seven months prior to the bidding. What INDOT defines as right of way clear is the properties have been purchased, any relocations have been done, the deeds are filed, and the property is in the city's name. And so that's why we're doing this process now and finishing up all of the right of way acquisition now, even though we're bidding this a year from now. The other thing we're going to do with these funds is, it talks about in the memo, is those families that we've relocated, those houses, we are going to go ahead and take those houses down so that they do not become a nuisance. So that is part of this funding as well. There are 27 different properties that we'll be doing demolitions on, and I can answer any questions you have.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-34

President Dawson opened the council discussion.

Councilman Fish said thank you, Jeff, for being here. A constituent, well, former constituent since we redistricted... a former constituent called who is very close to the edge of that construction project. Is it too late for them to be considered in a buy out? **Jeff Schaffer** said

first of all, we could only acquire properties that we have to acquire. And so, at this point, all of those have been identified. In fact, we've closed on all but about 3 or 4 different properties, so we're nearing completion of that. **Councilman Fish** asked where would I direct them for... **Jeff Schaffer** said they are welcome to reach out to me at Public Works at any time. I've talked to, during the entire duration of this process, going back to 2019, I've talked to many different residents. And they're welcome to give us a call. And they want to meet with us in person, we can go through the plans and try and show how the project will impact them. **Councilman Fish** asked you'd be at Public Works? **Jeff Schaffer** said yes, sir. **Councilman Fish** said okay, thank you. **Jeff Schaffer** said you're welcome.

Councilman Mishler said I know it's a long way out, but is there any completion date or idea or anything like that yet? **Jeff Schaffer** said sure, like I said, right now we are on schedule to bid next November, with a construction schedule then of two years. So if things progress as we're hoping, we'll be under construction in 2025 and 2026.

Councilwoman Baughman said real quick question. On the cover letter of the memorandum, it states that as current things currently stand, the total project cost is \$47,350,000. Do you anticipate when that goes out to bid to increase significantly? **Jeff Schaffer** said in this particular case we do not. That includes a pretty specific contingency that's been put in place by the engineer. **Councilwoman Baughman** asked what percentage? **Jeff Schaffer** said they've added 10% contingency to everything, so we feel pretty confident. I think they've already used some inflated numbers based on recent constructions. This particular cost estimate we actually just received about six weeks ago. So, this is very current. Plus the 10% contingency on top of that. So we feel pretty good with where we are with this cost estimate. **Councilwoman Baughman** asked and we're still comfortable with the fact that we believe that the city's portion will be closer to the 25% when it's all said and done? **Jeff Schaffer** said that's our effort. We have a grant application in to USDOT right now for what's called their RCN grants, Reconnecting Neighborhoods grants. So, that application was submitted in September of this year, and we expect to hear back in the spring on that. We will have another opportunity, we think, with the Railroad Crossing Elimination grant program, which is also USDOT but specifically through FRA. Part of these funds, we're going to work with the consultant. We'd applied for that previously, we did not get it. We're gonna work with a consultant to improve our application, and when that application opens, which we expect to be probably right after the first of the year, we'll be making that application as well. We are working as hard as we can to get federal funds. INDOT continues to suggest they're going to work with us as well. And so that's our goal. **Councilwoman Baughman** said okay, help me understand because I'm new at this investing in the grade separation. How do you do an ROI when addressing whether to invest in a grade separation? **Jeff Schaffer** said that's a good question. And what I will draw you to, a little bit, is the investment that was made on Prairie Street. As you know, the Prairie Street overpass opened in 2016. I'm a traffic guy. I look at traffic numbers when I'm bored, because I'm a geek, but one of the things I see as I look at traffic patterns in the city is how much that single project changed traffic patterns in the city, in a good way. I know this sounds a little bit backwards, but because we don't have so much through traffic going through downtown, now we can have much more investment. We can have events. I think vendors like it better that people coming to downtown are there to go to downtown. We took a lot of that traffic from downtown and put it on Prairie Street. When we submitted the grant application for Hively, we had to address a lot of that. One of the things we talked about, for example, is just the number of buses that both Elkhart

Schools and Concord Schools are blocked, either at Hively or at the Sunnyside crossing or County Road 13. Just looking at some of that last time, that lost fuel, that sort of thing, you can start to calculate some of those things. And then there's a lot of more intangible benefits, I would say. One of the things we have done with this entire project, and the project I talk about is doing all the grade separations in Elkhart. The first grade separation was done in we think about 1920, was when Oakland opened up. We've been working on grade separations from Benham Avenue, going east, since 2000. So, when Hively is done, we will have completely separated the grade in the city, other than Main Street, from the Norfolk Southern railway. It's been a 20-year process, and I think all of the projects, whether it was Indiana Avenue or Prairie Street. You know, Indiana Avenue, I think, has connected the south side much better to the industrial parks on the east side, to those jobs that are available. Prairie, we talked about how it's helped downtown. So, I can't necessarily put a lot of numbers on it, but I think there's a lot of intangible benefits and, you know, going back in time I think it's one of the best things this city has pursued over the last 20, 25 years. **Councilwoman Baughman** said no, I appreciate that. And I particularly enjoy the Prairie Street one. I daily go to St. Vincent, so it definitely allows me to get to mass and not to be stuck by the train. So, it's very nice. I do recognize though, the high initial costs associated in the burden that is placed on taxpayers to make that happen. So, I'm just trying to find a way to capture that in a way that they can see that return. So, I think going forward, it would be nice to be able to have some kind of data, whether it's economic, the impact on industry, retail, whatever it is, that to show that. From the city standpoint, that would be a nice thing to offer as we continue to invest these kinds of dollars and to enter those kinds of projects. Thank you.

Councilwoman Deputy said just for the record, and correct me if I'm wrong, I know this project was originally spoken about in 2018. And at that time, based on the notes I was able to pull up, it was \$16MM. INDOT was going to be supplying \$12.5MM of that, and then Norfolk Southern statutorily is supposed to provide 5%, and the city would provide the remaining \$2.7MM. Then, in August of 2022, we appropriated an additional \$1MM for land acquisition, in addition to these 750 we originally appropriated for land acquisition. I have something here that was presented by INDOT in November 30, 2020, that showed a total project cost of \$14,895. Is that just their portion of it? **Jeff Schaffer** said so, the INDOT portion, it's kind of twofold. Unique to this project, versus their standard LPA projects, they are paying for the engineering and construction inspection. Right now, that's about \$5MM. So, they're paying for the upfront engineering and the construction inspection. That's our current numbers. And then they have committed at the moment about \$12.8MM to the project. That was the original Local Tracks award. So, we're still at that same point. The other costs, right of way construction, all of that, have definitely increased over time. And again, these numbers that you're presented with this evening were given to us by INDOT about six weeks ago. And so, yes, they have definitely increased over time. **Councilwoman Deputy** said okay, and then from my understanding, we're responsible for \$30MM of this project. **Jeff Schaffer** said at the moment, that's correct. However, like I said earlier, we put together one federal grant application, which we're waiting to hear back on. We expect to do another federal grant application, and we have also received some feedback from INDOT that there might be some additional state funds available. **Councilwoman Deputy** asked so, the two grant applications that you're waiting to hear back from, do you remember how much those were? **Jeff Schaffer** said for the Reconnecting Neighborhoods grant application, we applied for \$14.9MM. We have not yet made application for the Railroad Crossing Elimination grant. That notice of funding availability hasn't come out yet. We expect it to come out early next year. **Councilwoman Deputy** said okay, so not sure

how much it... So, if for some reason we were able to get the one grant application that would take us down to \$15 MM, is that correct? **Jeff Schaffer** said yeah. **Councilwoman Deputy** said okay. If we get that. And I'm assuming, I think in August '22, is that one of the things the lobbyist is helping us with? They had referenced that, in 2022 that we had lobbyists we were paying. **Jeff Schaffer** said that was the previous Railroad Crossing Elimination, and I apologize, we have the two different grants going on. That was the previous with that. And again, we will take that application that was lobbied in 2022. We're going to also bring in a second consultant to help us with writing it for what we expect we'll apply in early 2024. **Councilwoman Deputy** said Jamie, this may be one for you because... Mr. Schaffer, thank you very much. So, just coming here, trying to wrap my mind around here. Based on the rainy day fund, capital outlay fund, and Riverboat fund, I show we have about \$35.3MM. Is that correct? **Jamie Arce** said sounds about right. **Councilwoman Deputy** asked so would this \$30MM come out of that? I mean, how are we planning on funding this? **Jamie Arce** said currently, taking into account this \$2.5MM before you, the outlay would have roughly \$16.5MM of unencumbered, unappropriated funds available for future projects. That's not withstanding the \$6MM that has been approved as part of the 2024 budget for us to transfer, and I believe any gap funding, it will be our continued position to appropriately request a transfer from the general fund and the budget surplus that we may have or additional revenue that we might receive to help fund, if needed, the overpass or future projects that we would have. **Councilwoman Deputy** asked and the south consolidated TIF, would any of that be able to be used toward that? **Jamie Arce** said it could be an allowable use based on the location, but the South Consolidated TIF has taken on some projects of its own, with Concord Mall, with Woodland Crossing, etc, so the availability of funding it will be dependent on timing and the resources available. **Councilwoman Deputy** said okay, thank you.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-34

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

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-33

President Dawson returned the discussion to the council.

Councilwoman Baughman asked just for clarification, in 2018, this was approved at \$16MM? **Jeff Schaffer** said I apologize, I did not bring the original Local Tracks with me. When the project first started, I believe we were closer to \$19MM all-in. That was based on an estimate that had been given to us. So that was \$19MM all-in was our grant application that went to INDOT. Now, that did include engineering and inspection, and like I said, those numbers get a little bit fuzzy because of the way INDOT's paying for those 100%. **Councilwoman Baughman** said no, I appreciate that. This becomes really uncomfortable, because when people vote on an ordinance of that amount, and then it goes up so astronomically, it has an even greater impact on our budgeting decisions. So that's when we have to, as a council, our number one job is fiduciary. It's number one, watch the books. And so, at what point does a project become too expensive? **Jeff Schaffer** said I'm probably the wrong person to ask that question to, but I think we are working best with the constraints we have at the moment. **Councilwoman Baughman** said right, I appreciate what you guys are doing. Honestly. It's just that we have a lot of projects in the works, as was identified earlier. Whether it's the fire station, or the police stations, and several other ones, and so add in this at the huge cost increase, that I would guess to say, some people, if this was coming to their attention and today on a vote initially at these prices, they might think differently. So, I think that's a challenge the council is going to have to make, is

prioritizing as Councilman Deputy has tried to articulate. What are our priorities? And no doubt, infrastructure is a big deal. So, I appreciate what you're trying to do. But trying to realize we only have so much money. It's rather alarming when we only have \$35.3MM and we're talking about projects that far exceed that amount of money. And so when is enough enough for the taxpayers and the burden that are required to handle? So, I appreciate all you guys are doing and it's definitely not on you. It's just unfortunate circumstances that make it very uncomfortable.

Councilman Fish asked so, Jeff, who are the financial partners in this project? **Jeff Schaffer** said at the moment, it's obviously INDOT. When Local Tracks first came out, Local Tracks was funded by the increase in the gas tax. Then, when INDOT received their federal money, they decided to inject some of that into Local Tracks as well. So, at this point our partner is INDOT, along with local. INDOT is working with Norfolk Southern to inject additional cash into all of the Local Tracks projects. So, that's in negotiating. They're handling that on their level, not here at the local level. And obviously, as I mentioned earlier, we're asking for federal funds directly from USDOT. So, we're trying to cobble together all three levels for this project.

Councilman Fish said sure. Is it safe to say that the county backed out of this project because they're putting their money into Sunnyside? **Jeff Schaffer** said the county was actually never a partner in this per se. Actually, our two Local Tracks applications went in at the same time and are still on a parallel track. So the county was never necessarily partnered to begin with.

And we always knew, going back to the start of Local Tracks, that we had two projects. One that was, I'm going to use the word sponsored, by the county, and one that was sponsored by the city.

Councilman Fish said and we'll flush out some more funding, obviously, because some of this is at the beginning stages. I mean, there are there are opportunities and budgeting cycles change. And I'm not going to assume anything, but when you do projects like this and the federal dollars and railroad is involved, I would say that on a project like this we're pretty fortunate to have good partners. MACOG, and, you know, to give us the insight on where we can get those grants or low cost loans. So, thank you for that.

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

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Baughman

By a 5-2 vote, the motion carried.

Motion to adopt on third reading by Councilman Mishler, second by Councilman Fish.

AYES: Curry, Mishler, King, Fish, Dawson

NAYS: Deputy, Baughman

By a 5-2 vote, the motion carried.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

Proposed Ordinance 23-O-26

AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE A 1.3 ACRE OF VACANT LAND ON THE NORTH SIDE OF TOLEDO ROAD BETWEEN MIDDLETON RUN ROAD AND MEADOWOOD DRIVE FROM B-2, COMMUNITY BUSINESS DISTRICT TO M-1, LIMITED MANUFACTURING DISTRICT

President Dawson said we heard a committee report on that. Is that the one, Dwight, we met on? **Councilman Fish** said I’d like to make a motion that we remove this from the table. **President Dawson** said well, it’s not on the table. It’s referred to committee, and you actually did a committee report. What we need to do is, Dwight, if you would make a motion to adopt this, and it didn’t get a second, it would not pass. **Councilman Fish** said I will make that motion.

President Dawson called for a second to the motion. Seeing none, the ordinance died.

TABLED ORDINANCES AND RESOLUTIONS

Proposed Resolution 23-R-40

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DECLARING A CERTAIN TAX 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.

President Dawson said Proposed Resolution 23-R-40 stays tabled.

NEW BUSINESS

ORDINANCES ON FIRST 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

President Dawson asked the clerk to read the proposed ordinance by title only. He said if there were no objections, he would pass this on to second reading.

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**

President Dawson asked the clerk to read the proposed ordinance by title only. He said if there were no objections, he would pass this on to second reading.

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**

President Dawson asked the clerk to read the proposed ordinance by title only. He said if there were no objections, he would pass this on to second reading.

RESOLUTIONS

There are no resolutions

VACATION HEARINGS

There were no vacation hearings

OTHER NEW BUSINESS

COUNCIL COMMENTS

Councilwoman Deputy said I think Mr. Arce has left, but I had a question in regard to last meeting, to the \$35,000 that went to the Hispanic Heritage festival. He walked me through, we give them \$10,000, but in the setit, there's also another \$75,000 that we've set aside for festivals, this being one of them. So, I just wanted to thank him for explaining that. Because that was a nice festival, I would be curious what other festivals we celebrate. I wanted to say that is one of the things I really appreciate about your administration is that you've really made an effort to make sure we have activities going on downtown, enjoying our downtown, that are open to everybody. I appreciate that. Thank you very, very much. I did want to do a follow up, and this ties into some of what we've discussed tonight, is projects. Back at the Public Works October 3rd meeting, there was a Central Park demolition bid. And we asked, it was noted in one of the committee meetings earlier this evening, that back at our October 2nd, we had asked for an update in regard to the future development of the amphitheater. And, would like to know when

we will be seeing something like that. Because, as we talked about, we do have many, many projects. We don't have just the cash sitting there, so we need to figure out how we're going to fund them. If we're going to be issuing bonds, how would that impact our bond rating? So, I do feel like, from a citizen's standpoint, as they're having to make those decisions at home as well, needs versus wants, we owe it to those people that we represent. Thank you very much.

Councilwoman Baughman said I have something from the Board of Public Works, November 8th. Under public participation, Tory Irwin's comments, when he talks about "engineering has a number of items to the board regarding the amphitheater project, whether it was approving plans and specs to get the demolition completed, or transferring of the land, the items we have brought are so that when the council takes action, the engineering team and the city staff are not the ones who delay or have delays in the project. It is all in preparation for the council to take action. Should they approve the project, at which point all of the other dominoes will fall in quick succession. Should the council decide not to proceed with the project, none of the things we have brought to you or have done on the previous agenda will move forward. Items like the demolition contract was a path, and we are looking at multiple paths. Upon further review and negotiations, we are going down a different path. The city will not be demoing the facility. It will be demoed in another manner that will not be a contract with the city." Can somebody get us information as to what that means?

Councilman Mishler said I just want to take a moment to thank our Parks Department, as well as our partners in the Parks Foundation, and everyone who attended Winter Fest downtown. It was a great event. The streets were packed, the parade was wonderful, as was the tree lighting and the caroling. It was just an amazing event. And thanks to the Parks Department putting on a great show, as well as reaching out to folks to encourage them to look at the city's municipal Facebook page, or the 311 app, for recent updates regarding leaf pickup. They're doing another round, and I encourage folks to check there to see when they'll be coming to your street if you still have leaves to be picked up.

Councilman Fish said first of all, I'd like to thank the city departments, both Buildings and Grounds and Street departments especially, for doing an excellent job in leaf collection. I've gotten a lot of constituent contact from that, and they really do appreciate it. So, thank you, and thank you, Mayor, for keeping them efficient. Last weekend was an amazing weekend in Elkhart. There just wasn't enough to do, right? Wow, the list was long! The crowds were huge. And I'm going to speak for the Friends of the Railroad Museum. We had a very big day, as you know. Our Nibco Express train, our Kitty train, is complete through a good grant program and cooperation with the city departments. Thank you for that. It's 1,600 feet and, boy, was it busy! It's a great attraction. But we had 100 more people this year than last year, so we're just over 750 people going through the museum. And the Friends raised \$3000 that will go toward the matching grants that will continue to improve the exhibits in the museum. Yay, Elkhart, yay, Elkhart.

Councilman Curry said I'd just like to thank the sponsor of this year's Winter Fest, AEP.

President Dawson said the event was sponsored by AEP, who Brent just happens to know very well. Thank you, AEP. I'd also kind of like to make an announcement. Brian Thomas's last council meeting will be - I wish we weren't on WebEx, 'cause it won't be a surprise, but it will be our next council meeting. And so those of you who'd like to attend and come and reach out to him and give him well wishes, he spent well over 30 years in downtown Elkhart. Business owner, Elkhart Urban Enterprise Association, city councilman who actually set aside his partisan politics and did what was best for Elkhart. And we're going to miss him, and we're going to appreciate him, so if you want to come back two weeks from tonight, we'd appreciate it. To kind of give him his honor for having served the city of Elkhart. Thank you.

REPORTS OF THE MAYOR, BOARD OF WORKS, BOARD OF SAFETY OR CITY DEPARTMENT HEADS

Dan Milanese, Chief of Police, said I just wanted to do a quick update. This is not all encompassing, but I just want to give you a few things that have happened in 2023, and I'll be as brief as possible. We've had 13 lifesaving awards from officers that were given. Very quickly, we've had officers do CPR. Corporal Brandon Stevens did CPR. It was actually in 2022, it was the Turkey Run. We had an individual have a cardiac issue, but we honored him in 2023, so we actually put that on the list. Without him there, and without his quick action, that individual wouldn't be with us today. And matter of fact, we were told this Thanksgiving he did another run, all because of the quick actions of what Corporal Stevens did. Corporal Eddy, Corporal Headley and Moore, you guys just approved some money for a demolition on the 200 block of Jefferson. That fire actually involved our officers going into the structure that was on fire to remove people and bring 9 occupants out without any severe injury. So, pretty amazing. Corporal Macumber, two lifesaving awards within five days. He initially ended up putting a tourniquet on a severe cut that medics said would have been life-threatening if it wasn't for his quick actions. He was the first one on scene to perform that life-saving action. And then five days later, he administered Narcan and CPR for an unconscious individual that was not breathing because of what his actions did. Again, showing up and actually taking over CPR for the family that was conducting it. Pretty traumatic, as you can imagine. Corporal Eddie Jackson and Office Koepfel received meritorious service awards from the fire department because of what happened in the 2600 block of Troon Court on a 4-alarm fire in an apartment complex. Actually going into the apartment complex while it was on fire, rescuing the individuals, bringing them out, and their pets, before the fire could actually get to their apartments where they were at and actually helping people that had some disabilities and stuff. Pretty amazing, Corporal Morgenthaler, Toth, Headley, and also one of our chaplains - there was an individual that had made a choice to potentially end his life, to jump off a bridge. Not only through the reported quick action of what they built and was able to do with that subject, actually pulled him off the bridge, endangering themselves. Chaplain Serta was actually involved in that because she happened to be riding along. One of our chaplains who volunteers her time, and luckily was able to build a rapport by speaking Spanish to the individual and being able to make a connection there. So, pretty profound. Detective Uhles has actually been awarded, is going to be receiving the Homes for Heroes award, Officer of the Year. That was actually nominated and voted on by his peers, just because of his dedication, hard work, and what he has shown over the years. So, pretty amazing that Detective Uhles' going to be getting that. Just other letter of commendations, Sergeant Jason Ray, Detective Casey Claeys, Cody Skipper, Lieutenant Dan Mayer, Patrolman Adam Jackson, Sergeant Seth Watkins, Corporal Bryce Moore, Captain Denise Houser, Patrolman Seth

Youngblood, Retired Corporal James Anderson - this year they all received different commendations for a multitude of things, from exceptional leadership, dedication to duty, testimony in court or exceptional testimony, along with many other things. Just a bunch of informal, this doesn't even include the informal gratitude and appreciation that we receive from your constituents, the community here. We get letters constantly, we get emails, and we get calls. Pretty amazing. Elkhart PD's also had a global impact. So, Chaplain Jim Bontrager, who was our senior chaplain for many years actually stepped down, to not pursue that. He's still one of our chaplains, but he's not the senior chaplain anymore. So, for the term of 2023-2025, he is now the President of the International Conference of Police Chaplains, or ICPC. And, basically, what he is, he is over 2,300 chaplains in 14 nations, divided up into 24 global regions. Pretty amazing thing. So, this is your Elkhart police department. This is a volunteer. Pretty amazing. Just a few of the events that we helped cover that you guys talked about – Councilman Fish talked about just how busy we were. I'll skip about every 3rd one. Grand Prix, Labor Day, Memorial Day, Night Out, Rio's Rainbow, St Vincent bike ride, Bike Night, drug tracking, color runs, gateway, Auto Fest, Jazz Fest, Rhapsody in Green, air shows, Black Expo, 4th of July, Frosty 5K, Turkey Runs, kids color runs, Girls on the Run. Those are just some of the things which constantly, every time we have these events, which is wonderful, which makes Elkhart a wonderful place to come and visit and be, that takes an element of security and service. And our department has not failed to show up to one. And to do that all while just continuing to serve, over and over again. So, pretty amazing. We actually had our first social worker completion year this year. It started in October 2022. We implemented, with the support of this council, we implemented the social worker program at the Elkhart Police Department. So far they've had 165 referrals with a 77% contact rate. So, out of 165 that have contacted, and again, those can be very difficult situations, they've actually been able to have a 77% contact rate, which is extremely high. The top three areas that our social workers have been able to work with our community on is domestic violence, mental illness, and juvenile behavior issues. Those are our top three things. And a lot of times, what our social workers do is they go out and they work with our officers. Sometimes in the field, but a lot of it is in the back end, following up or helping to direct to services and get some of these services to be able to connect with our residents that need help, and be able to have that connection with them. So, they provide that. They've assisted in safety plans, counseling referrals, basic need referrals for all those things like food, shelter, clothing, mental health, educational, along with many other types of assistance. This has all been done while still pursuing professional development. They're still out training. They're getting educations. They're getting their master's degree. I mean, these people are incredible. What they've done, and the team they put in place, our head, Dana Baxter, who's actually going to be moving on to move to a different part of the county, she helped start this and facilitated getting it going. So, pretty amazing thing that we've been able to work through. They've just assisted in training, being involved in all kinds of different things. And lastly, some of the challenges. We certainly had our share of challenges. Officer shortage, low application numbers. However, with the help of the Elkhart Police Department staff, city administration, and this council, we have been innovative and proactive, and done everything we can to work on overcoming these challenges and continue to move forward towards that unparalleled service. The officers and professional members of the Elkhart Police Department continue to provide uninterrupted service to our community despite these challenges. It is a testament to their unwavering dedication and professionalism. It's no secret that we've had our shortages. It's no secret that, across the country, trying to recruit for this profession has been challenging. But, the amount of dedication and work that the people that stay and continue to do this job in the face of those challenges, and to provide all the things that I just

showed - and this is just a snapshot, just a glimpse of some of the things that we've had go just incredibly well and successful in 2023. And continue to do that. So, I'm humbled to be a part of it. I am beyond proud to say that I serve this community with the men and women of the Elkhart Police Department, sworn and professional staff. And I just appreciate your guys' support through that time and I look forward to continuing to serve. Thank you.

Mayor Rod Roberson said thank you, Chief. Two things, or two comments. One, for those of you who attended the Tolson ribbon cutting, I want to thank you for coming and being there. That was just a wonderful opportunity for us to partner with the Chamber, with the Foundation, and multiple other donors that have stepped up to the plate and reopened a reimagined Tolson Center. One of the largest ribbon cuttings that I've participated in since becoming mayor, and before. And it was a constant stream of people from all over the community, coming to that event throughout the day. It was a wonderful show of strength for our community. And I want to say thank you to the council, and I want to say thank you to everyone who attended. Also, I think this was Friday, just seemed like Councilman Fish indicated, there's not a shortage of things to do. On Friday, the Salvation Army acknowledged the city of Elkhart for its support over the last 120 years of relationship that the Salvation Army has had with the city of Elkhart. And I attended their celebration at the Lerner on Friday, in which they granted the city with a very small token of their appreciation, which was a small award. But, that particular event, as you well know for those of you who have been around for a while, our deceased probably major philanthropic contributor over the course of decades, Art Decio, was just one of the most wonderful supporters of the Salvation Army. And they acknowledged him as well during that event. And I just want to say that it was a wonderful kind of tribute to who we are and what we do when we partner in order to make our community a better one for non-profits as well. Also, Wednesday, before you come back to the next meeting, we'll have the mayor's open house Christmas celebration. It's Wednesday the 13th. So, before the next meeting, Wednesday, the 13th. All of the canned goods and donations that we receive will go to the Salvation Army, and it's always a wonderful way for our staff and all of our employees to come in and at least be able to gain a little bit of holiday cheer as we head to our family Christmas gatherings. So, obviously, all of you are invited. Hope to see you there. Thanks.

Jamison Czarnecki, Superintendent, Parks and Recreation, said I want to say thank you for those who showed up. We had a wonderful event this Saturday, Winter Fest. Largest parade in years, we had over 35 entries. We had ice sculptures downtown, people throughout the community, thousands of people downtown. I would say every event went off without a hitch, and Nibco is finally open. So, as long as the weather stays cold, we will be okay. But I just want to say thanks for the support, and thank you to Indiana Michigan Power, as they like to be called. So, thank you.

Mayor Roberson said I have to echo what Jamison just said. I think that was the largest crowd that we've ever had for the parade. I mean, it was more than any other parade that I've been to downtown. And I just want to say how large that event has become, and how festive everyone was during the event. I just want to make sure to let you know that if you didn't have anything to do on Saturday next year, please plan to be at the holiday gathering. **President Dawson** said it was very well attended. I had to drive up to Beardsley to get home to Main Street. **Mayor Roberson** said it took me a while to even get there. So, believe me that was one of the most well-attended events that I've seen downtown. Thank you.

NEIGHBORHOOD ASSOCIATION REPORTS

There were no neighborhood association reports.

PRIVILEGE OF THE FLOOR

Kevin Foy said it's been 30 days plus since I was in here last. My tenants next door were moving out. Very next day, after that meeting, a young woman was going in to clean out her desk and she was jumped by two men, trying to steal her purse. 8:45 in the morning. Said people were going in City Hall, and there were a lot of people standing down at the library. I asked her if she yelled rape, and she said no, you never yell rape, you yell fire because everybody comes running with their cameras. I don't know if they caught the men or not. Mentioned to the upstairs tenant what had happened around the building. She informed me that the week before, her car was broken into in the back parking lot, right over here. Is there a plan for the whole downtown area that tenants and business owners can remain safe? 8:45 in the morning, somebody gets jumped for their purse. I know it's a little too soon to see if anything's being done about the weeds and grass. I hope city attorneys passing are assessing fines for that. I know you can't assess the city. I'm still asking for an investigation and yes, Mr. Mishler's resignation. Comments made on social media. **President Dawson** said alright, I'm gonna stop you right there. We don't do social media unless it's WebEx. That's our social media. So, Facebook, X, all that other stuff, we don't do. So, if it's not WebEx, we don't give it any credibility, because you can be anybody or any who on Facebook. **Kevin Foy** said you can read for yourself.

Bob Barnes said I'd like to congratulate Aaron Mishler on the recount. I felt privileged to be a part of the recount. We've been a big part of this election. My family is a big part of this city, and we want to be a part of this city. And I just think the way things can get are the way things really are in this town. This is a good place to live. It's got good people. And we got a lot of work to do, to learn to work with each other, I guess. And I felt honored when I got asked, and then I spent more time with you today than I ever have. It was a good process. Yes, the parade was nice. This was a nice parade. This is the best parade I've ever been into.

Jay Little said since mention was made of the water bills, and Mr. Tory can probably attest to this, I got something a few days ago from Indiana Michigan Electric that said that I could monitor my bill on a weekly basis. Or on a daily basis if I wanted to, as far as my electric bill goes. And so I'm thinking that, well, we have these water meters. And I know that mine was changed at my house earlier this year. And I'm wondering when is the city going to have something like that, that we can like, look at our meters. And look at them online. I don't quite know what the whole thing is for that, but I found it kind of amusing that we live in this age of technology but sometimes we still want to use smoke signals to communicate with each other, if you get my point. The other thing is, is that I'd like to know two things with regard to the sewer thing that's been being talked about here. One is, what is the ordinance for the city of Elkhart with regard to putting your leaves on the street versus putting them on the curb side of your property? Because I have a friend, Norm Anderson, some of you know who he is. He works for the city. He has to go and clean out those sewer clean outs every so often. And sometimes when those things get really stopped up, that means the city has to spend a fair amount of money to fix

those. And so I'm wondering, you know, what can we do? We have ordinances, I think, that relate to putting your leaves in the street versus leaving them on the curb. And I'm wondering how often is that enforced? And my reason for questioning this is, we have all these ordinances within our city, but yet our zoning people don't really enforce them. They are very selective about how they enforce them. And I'm bringing this up because, you know, these kind of things add to our tax bill here in our city. When we have to spend money, \$75,000-100,000, whatever, to get a new clean-out installed. And, I don't know how much all the different workers are paid an hour, but, you know, that that costs money after a while. So, my question is, is why does zoning, why do they only choose to enforce certain things? They have discretion, but yet they don't enforce the things that really should be enforced. Or, like trash for apartment complexes, and all we have to do is go along the railroad tracks there, between Prairie Street and Indiana, and we can observe a large amount of trash that's been thrown out. And Republic Trash Services are responsible for the trash that's there in those apartments. And there's a lot of trash back there, and I don't think it all got there because it was thrown there. I think it came from mismanagement. And there's a lot of it there, and it's been there for a long time. I went and took pictures, maybe 5 or 6 years ago, because I wanted to address this situation then. But it didn't get addressed. And I've talked about this some other times on other issues. So I wonder, with regard to that, what we can do. One other thing that I want Kevin, Mr. Foy to know, that there is actually a federal form that if the city does not give you the information you request, you can fill out a federal form. And then the city has to get it to you. And I became aware of this a couple of weeks ago and I'm here because I want to be very clear about some of the stuff that does not get done properly with regard to that. And people drag their feet. And I've been a recipient of some of that, but there are plenty of other people that I've heard stories from. That's one of the reasons I run for city council, because I want that changed. But it doesn't. It's not gotten changed. I've been coming here for 10 years now? 12? That thing has not got changed and we've had both Republican and Democrat majority on council, and in the mayor. When is that going to get changed? I want to know. I mean, I think it's a fair question, Mr. Dawson. I think it's a very fair question.

SCHEDULING OF COMMITTEE MEETINGS

There were no meetings to be scheduled

ACCEPTANCE OF COMMUNICATIONS

Minutes of October 10, 2023 – Aurora Capital Development Corporation
Minutes of November 14, 2023 – Board of Public Safety
Minutes of November 8, 2023 – Board of Public Works
Minutes of October 10, 2023 – Redevelopment Commission
Report – October Month End – Elkhart Communications Center

Motion by Councilman Fish, seconded by Councilwoman Baughman **moved to accept communications.**

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

NAYS:

By a 7-0 vote, the communications were accepted.

ADJOURNMENT

Motion for adjournment by Councilman Mishler, second by Councilman Fish.

By a voice vote, the meeting was adjourned.

Debra D. Barrett, City Clerk

Arvis Dawson
President of the Elkhart City Council

DRAFT

MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF JANUARY 8, 2024

Present: Council President Arvis Dawson
Council Members Alex Holtz, Brent Curry, LaTonya King, Aaron Mishler,
Dwight Fish, Tonda Hines, Chad Crabtree and David Henke

Absent: None

This meeting was made available to the public electronically through WebEx and live-streamed on Facebook. All Council Members were present in Council Chambers.

City Clerk Debra Barrett called the meeting to order at 7:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, in Elkhart.

Former Councilman Brian Thomas led the assembly in the Pledge of Allegiance. City Clerk Debra Barrett asked for a moment of silent reflection and remembrance.

The clerk called the roll.

City Clerk Barrett asked for a motion to amend the agenda to include the election of the 2024 council officers. Motion by Councilman Henke, Second by Councilwoman Hines.

By a unanimous voice vote, the agenda was amended.

NOMINATIONS OF 2024 COUNCIL OFFICERS

City Clerk Barrett opened the nominations for council president.

Councilman Henke nominated Councilman Chad Crabtree. Nomination died for a lack of a second.

Councilman Crabtree nominated Councilman Arvis Dawson for council president. Second by Councilwoman Hines.

Councilman Henke nominated Councilman Alex Holtz. Councilman Holtz declined the nomination.

City Clerk Barrett closed the nominations. She asked the clerk to do a Roll Call vote for Arvis Dawson as the 2024 Council President.

AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Dawson
NAYS: Henke

By a vote of 8-1, Councilman Arvis Dawson is the new 2024 Council President.

City Clerk Barrett turned the gavel over to the new council president and asked him to please take the chair.

President Dawson opened the nominations for Vice President.

Councilman Henke nominated Councilman Crabtree. Nomination died for a lack of a second.

Councilwoman Hines nominated Councilman Dwight Fish for Vice President. Second by Councilman Curry.

Seeing no other nominations, President Dawson closed the nominations. He asked the clerk to do a Roll Call vote for Dwight Fish as the 2024 Council Vice President

AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Dawson
NAYS: Henke

By a vote of 8-1, Councilman Dwight Fish is the 2024 Vice President.

APPROVAL OF MINUTES

President Dawson asked for a motion to approve the minutes of November 6, 2023

Motion by Councilman Mishler, second by Councilwoman Hines.

By a unanimous voice vote, the minutes were approved.

PRESENTATIONS AND INTRODUCTIONS

President Dawson said tonight we have a presentation that we previously made with the invisible Sagamore of the Wabash Award at our last council meeting. Tonight, we actually have the document and we would like to present it to Mr. Bran Thomas a councilman of 20 years in the 2nd District.

Mayor Roberson read the declaration of the Sagamore of the Wabash in its entirety.

Former Councilman Thomas thanked everyone who played a role in making this award happen. He said he received his official email from the governor's office and his official Chieftain name is Running Short Man.

UNFINISHED BUSINESS

REPORTS OF COUNCIL COMMITTEES

There were no reports of Council Committees

ORDINANCES ON SECOND-THIRD READING

Proposed Ordinance 23-O-27

AN ORDINANCE VACATING PACIFIC STREET, A PUBLIC WAY WITHIN THE CITY OF ELKHART, INDIANA

President Dawson asked the clerk to read the proposed ordinance by title only.

Motion to adopt by Councilman Henke. Second by Councilwoman Hines.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-28

President Dawson opens the council discussion starting at 36 minutes and 22 seconds of the audio recording.

Councilman Henke asked for a staff report.

Mike Huber, Director of Development Services said this is a vacation of Pacific Street and it is located in the river district. In the development agreement that we have completed with the developer in the Zone 1 redevelopment proposal and plan, they are going to return it to a private street. There will be, I believe residential units kind of fronting on and it is meant to be much more pedestrian oriented, matching kind of the overall feel of the river district development and the developer will have the responsibilities of all the maintenance required that goes along with it.

Councilman Henke said there is not a significant cost, but can you qualify the cost of just vacating it or not. **Mike Huber** said there is no cost at all.

Councilman Mishler said are there any concerns regarding police or fire access should it be vacated. Is this going to impact services? **Mike Huber** said it will not and that will all be reviewed in the tech review process.

Councilman Henke said and the utility easements. **Mike Huber** said any utilities that would be for public utilities will still remain. Councilman Henke said and we have the right of way at all times. **Mike Huber** said we would have the ability to use and execute the utility easements.

PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-27

President Dawson opened the public discussion at 38 minutes and 11 seconds of the audio recording. Let the record show that no one from the public spoke.

COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-27

President Dawson returned the discussion to the council at 38 minutes and 19 seconds of the audio recording. There was no further discussion from the council.

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

AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson

NAYS:

By a unanimous vote, the proposed ordinance passed on second reading.

Motion for third and final made by Councilman Henke. Second by Councilman Mishler.

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

AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson

NAYS:

By a unanimous vote, the ordinance passed on third and final reading.

Discussion on the proposed ordinance ends at 39 minutes and 15 seconds of the audio recording.

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 CALENDAR 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

President Dawson asked the clerk to read the proposed ordinance by title only.

He asked for a motion to adopt on second reading. No motion or second was made.

The proposed ordinance failed for a lack of a motion and second.

ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES

There are no ordinances or resolutions referred to committees

TABLED ORDINANCES AND RESOLUTIONS

There are no tabled ordinances or resolutions

ORDINANCES ON FIRST READING

Proposed Ordinance 24-O-01

AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 5100 AND 5130 MIDDLEBURY STREET, ELKHART, IN 46516 FROM O, OFFICE DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT

President Dawson asked the clerk to read the proposed ordinance by title only. He said if there were no objections, he would pass it on to second reading.

RESOLUTIONS

Proposed Resolution 24-R-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, APPROVING AN APPLICATION FOR LEAD HAZARD REDUCTION CAPACITY BUILDING GRANT FUNDS AND RECOMMENDING SUBMISSION OF THE APPLICATION

President Dawson asked the clerk to read the proposed resolution by title only.

Motion to adopt made by Councilman Curry. Second by Councilman Fish

PRESENTATION ON PROPOSED RESOLUTION 24-R-01

Presentation on the proposed resolution starts at 41 minutes and 10 seconds of the audio recording.

Mary Kaczka, Assistant Director Community Development said this is a grant application to the Department of Housing and Urban Development for lead hazard reduction capacity building funds. We will be applying for about 1,050,000 dollars to build capacity to raise awareness of the issue of lead in the home, particularly in homes with children under the age of 6. We know

that there are about 2,400 homes in the City of Elkhart with children under the age of 6 that become kind of the universe of potentially having a problem with lead. The current laws in Indiana as far as health test requires every child who was either 1 or 2 years old and there are about 6,000 children between those ages should be offered a blood test to test lead in their blood. Once those tests are taken and there are elevated blood levels, there can be an assessment done inside the home as far as the source of the lead and then abatement of lead. What we are wanting to do with the grant is to build the capacity to raise awareness in the community of this problem. So, marketing and awareness and secondly, the capacity of contractors. They are certified by the EPA to either assess lead or to be contractors to remove the lead in the home. Elkhart County does not have one certified contractor. Now, there may be some outside of this county, but in our county we have none and this grant will help us increase the capacity of these certified lead contractors. The grant will provide for a one full-time employee, a program manager that will be funded by the grant. I will be the project director, and some of my salary will be used as match. There is a 10% match to this 1,050,000 dollar grant and almost half of this will be my salary match over three (3) years which leaves the balance of the cash match to be about 16,000 dollars a year to be able to apply for these funds and bring them here to the City of Elkhart. It also includes building coalitions of other health providers like Beacon, Heart City, the housing authority and the Elkhart County Health Department so, these funds will be used to do that, to build coalition building. If we do well with that, HUD pretty much assumes you will apply then for additional funds to then continue with abatement of lead that has found to be a problem in the home. We do not have to wait to do that, the state has funds we can access in the meantime and some of these funds we are allowed to do abatements with particularly near the end of the three (3) years.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-01

Discussion from the council starts at 46 minutes and 00 seconds of the audio recording.

Councilman Curry said once we identified the problem I was reading through, this is basically highlighted young people, I was wondering is there an effect for seniors for lead? If we identify that there is a problem in a home how do we go in and correct that problem and at what cost to who? **Mary Kaczka** said the abatement funds would be for children and income qualified people. Usually the lead is has a greater effect on youth, very vulnerable developing cases. I am not sure by the time you are an adult and down the road a bit what the impacts might be. These funds would not be able to be used to address that. I think part of the awareness and education is to also let people know what they can do for themselves as far as dealing with lead in the home.

Councilman Mishler said for adults lead poisoning can also impact their health leading to elevated high blood pressure and kidney damage as well. So, lead poisoning can impact all ages in our community. He asked how this information will be reported. Will the reports go to you, will it go to the state. Once this information is gathered where does it go? **Mary Kaczka** said it is probably going to be a process of working with the county that connects with the state because the state does track these cases. We would probably defer back to the county's reporting system, but once there is a case determined and the assessment happens then, and this is really kind of down the road but this is where part of these funds would be to build that coalition to work together. But the reporting does eventually go back to the state.

Councilman Crabtree said I am hoping you will be working with the local school systems, because it is one thing having the government coming into your home, but having the school system, which your child participates in and goes to would be a little bit easier. So, I am hoping that is the case. **Mary Kaczka** said we are targeting kids under the age of 6 so by the time they are just getting into school at 5 or 6... **Councilman Crabtree** said true but I think maybe with partnering with the school systems, they may have younger siblings at home who are not school ready. But getting that information into the home might be a little bit easier through the school. **Mary Kaczka** said it does start with the testing of the blood. Like I said, all health care providers should be offering the test, but the parents can refuse it.

Councilman Henke said I am for the grant, I think that is a given. I am concerned about the 1 Million dollars to inform, educate and build a coalition but not directly remediate or have a measureable impact. Can you help me there? **Mary Kaczka** said the grant allows us in the last six (6) months to do abatement. In our 1 Million dollar budget, we earmarked 300,000 dollars to do abatement. As I said earlier, in the first 2 ½ years if we come across a case where we should be doing an abatement inside the home, the State of Indiana through the Indiana Housing and Community Development Authority they have got a grant for the abatement funds, so we can direct our case there to apply for those funds in lieu of having our own funds.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-01

President Dawson opened the public discussion starting at 53 minutes and 16 seconds of the audio recording. Let the record show that no one from the public spoke.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-01

President Dawson returned the discussion to the council at 53 minutes and 25 seconds of the audio recording. There was no further discussion from the council.

He asked the clerk to do a Roll Call vote

AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson

NAYS:

By a unanimous vote, the resolution passed.

Discussion on the proposed resolution ends at 54 minutes and 03 seconds of the audio recording.

Proposed Resolution 24-R-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ELKHART AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL NUMBER 1484

President Dawson asked the clerk to read the proposed resolution by title only.

Motion to adopt made by Councilman Curry. Second by Councilman Fish.

PRESENTATION ON PROPOSED RESOLUTION 24-R-02

The presentation starts at 54 minutes and 37 seconds of the audio recording.

Laura Kolo, Utility Services Manager said when it comes to union matters, the utilities are unique to the rest of the city that we have two (2) separate unions out of the utilities. Some are doing similar work and in some cases we have got a union member of AFCME sitting right next to a union member from teamsters who is doing the exact same work. With regards to AFSCME Local 1484; AFSCME represents CBO employees for civil city labor positions, such as streets, traffic, buildings and grounds, cemetery, aviation and I may have forgotten one or two. That is maybe 100 to 125 employees. AFSCME Local 1484 also represents the collective bargaining unit employees funded by the wastewater utility which is another approximately 30 full-time employees. Because AFSCME Local 1484 represents the employees of the wastewater utility and the civil city, both the city council and the Board of Works are governing bodies for the agreements. Teamsters Local 364 represents only the collective bargaining unit employees funded by the water utility. We have approximately 30. Because teamster's only funds water utility employees, only the Board of Works is the governing body. When a supervisor when a utilities supervisor position is temporarily vacated due to an extended vacation or other PTO or when a position is actually vacated, there are certain critical duties that must be conducted to ensure compliance with a state and federal regulations. In the current teamster contract Article 25 Section 5, states any bargaining unit an employee who is assigned to fill in for a supervisor who is away from work for an extended period of time will be paid an hourly premium of a dollar an hour. During the most recent union contract negotiations, despite best efforts for the AFSCME and teamsters contracts to be near each other, incorporating this provision into the AFSCME contract got missed. The resolution before you is to amend the current AFSCME contract by adding Section 4 to Article 25, which is in your packet. For lack of reading the whole agreement here that has been approved and signed by the Board of Works. And I believe the copy have may not show that all they AFSCME representatives have also signed off on it. This is to allow the same provision of a dollar an hour pay increase to the base hourly rate for certain AFSCME employees of the wastewater utility who are assigned tasks typically conducted by someone in a supervisory role.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-02

President Dawson opens the council discussion starting at 58 minutes and 45 seconds of the audio recording.

Councilman Henke said was someone from council were we on this negotiation team that looked over this contract that we are being asked to ratify. **Laura Kolo** said I believe there were council representatives. **Councilman Henke** said on this particular Union. **Laura Kolo** said yes. **Maggie Marnocha, Public Works Attorney** said I was on the negotiating team and the council representatives were Councilwoman Megan Baughman and Arvis Dawson. **Councilman Henke** said so this is something that has been through the council and you are just asking for an amendment. **Maggie Marnocha** said yes.

PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-02

President Dawson opened the public discussion starting at 59 minutes and 48 seconds of the audio recording.

Lewis Anne Deputy, Elkhart Citizen said I just wanted to point out before you vote on it on your memorandum of understanding under the preamble number 2, it mentions that the common council approve this on December 6, 2023 and that needs to be corrected. I believe it was December 5, 2022 based on what was sent to me.

COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-02

President Dawson returned the discussion to the council starting at 1 hour, 00 minutes and 50 seconds of the audio recording.

Maggie Marnocha said that after some discussion with Laura Kolo and Tory Irwin, we think it is 2022 and not 2023.

Motion to amend the first paragraph of the resolution, the last line following the word commencing from January 1, 2023 to January 1, 2022 made by Councilman Mishler.

Maggie Marnocha said it was not in the resolution but in the preamble. She said in the preamble Paragraph 2, the CBA was approved by the common council on December 6, 2023 and it should be December 6, 2022.

Councilman Mishler withdrew his amendment.

President Dawson asked for a motion to amend as stated by Maggie. Motion by Councilman Henke. Second by Councilman Fish.

By a unanimous voice vote, the amendment passed.

Motion to approve resolution 24-R-02-R as amended made by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the amendment passed.

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

AYES: Holtz, Curry, King, Mishler, Fish, Hines, Crabtree, Henke, Dawson

NAYS:

By a unanimous voice, the amended resolution passed.

Discussion on the proposed resolution ends at 1 hour, 04 minutes and 43 seconds of the audio recording.

VACATION HEARINGS

There were no vacation hearings

OTHER NEW BUSINESS

COUNCIL COMMENTS

Council comments for new business start at 1 hour, 04 minutes and 47 seconds of the audio recording.

Councilman Mishler thanked the fire department for their heroic and rapid actions yesterday for the house fire in the 900 block of Franklin. Stated that their heroism and dedication to duty does not go unnoticed.

Councilman Henke said as just demonstrated, sometimes we really do need to listen to the public, commonly they are not wrong. Stated that we hear all topics those germane to the council and those germane to themselves. Stated some give us kudos, some come and give us anger, but all of them need to be welcomed. This is a meeting of the public and this is the public's government. Stated that we are here because of these folks and they should be allowed to speak their peace and not be deprived of their first amendment rights. Stated he was asked to say something on behalf of Mark Datema, Angie Davis and Kevin Foy who felt as though they were deprived. He is hopeful that moving forward we would give greater consideration to those who come before us. Said he has called 311 so many times only to drive by those houses months and months later only to see the same things over and over.

Councilman Holtz asked if this was the appropriate time to do appointments. President Dawson stated it was the appropriate time.

President Dawson said Brent Curry is currently appointed to the EDC. This board only meets when needed. If there are no objections, he asked for a motion to reappoint Brent Curry to the Economic Development Commission.

Motion by Councilman Crabtree. Second by Councilwoman Hines.

By a unanimous voice vote, Brent Curry was reappointed to the EDC.

President Dawson said for the Elkhart Urban Enterprise, we have two (2) appointments. One is Therese Geise and the other is Bill Lavery. Both have indicated that they would like to remain on that board.

Motion by Councilman Henke. Second by Councilman Curry.

By a unanimous voice vote, both were reappointed to the Elkhart Urban Enterprise.

President Dawson said for the Redevelopment Commission, both Dina Harris and Wes Steffen have indicated that they would like to remain on the board.

Motion by Councilman Henke. Second by Councilman Holtz.

By a unanimous voice vote, both were reappointed to the Redevelopment Commission.

President Dawson said for Aurora Capital, both Dina Harris and Wes Steffen serve on that board as well and would like to continue on.

Motion by Councilman Crabtree. Second by Councilman Mishler.

By a unanimous voice vote, both were reappointed to Aurora Capital.

Council comments for new business ends at 1 hour, 09 minutes and 26 seconds of the audio recording.

**REPORTS OF THE MAYOR, BOARD OF WORKS, BOARD OF SAFETY OR CITY
DEPARTMENT HEADS**

Reports start at 1 hour, 09 minutes and 50 seconds of the audio recording.

Mayor Roberson also thanked the fire department for their immediate actions in the most recent blaze that occurred on Franklin Street. Also thanked the police and fire departments for their efforts over the holidays. Stated that holidays are always tough on police and fire. Said we were able to get through the holidays for the most part for a city our size in good condition. Said that we when are asleep or celebrating, they are on duty and that is very much appreciated. Thanked the thousands of people who over the course of years who called and used 311 effectively. Said

that calls were noted, examined and resolved to some degree. Stated that those that we are consistently working on from now through the time in which they will get resolved. Said 311 has been a very effective tool for the city. Thanked the council as well for their work in that area. Said each of your districts, you know how many calls have come in and you know how many calls have been resolved.

Reports ends at 1 hour, 11 minutes and 41 seconds of the audio recording.

NEIGHBORHOOD ASSOCIATION REPORTS

Neighborhood Association reports start at 1 hour, 11 minutes and 52 seconds of the audio recording.

Councilman Curry reported on the Pierre Moran Neighborhood Association. Stated that they had their meeting yesterday at the Pierre Moran Park Pavilion. It was another good meeting with neighbors coming together with information about their neighborhood and what they have seen going on good or something challenging. Said they also talked about things they would like to do in 2024. Like starting to create a directory. They are going door to door to try and get information from people that do not attend the meetings so we can contact them on a regular basis. Stated they also talked about doing tours around the city like maybe the airport and a tour of the fire department that is in their area. Stated they were very proud to find out that our own Ryann Haney is in the play in Bristol. Said she is one of the young people that lives in our neighborhood.

Councilman Henke said I know I am out of order, but I would like to thank the council who donated and provided chimes to my brother George's funeral. I should have said something, but it was greatly appreciate it.

Neighborhood Association reports end at 1 hour, 13 minutes and 27 seconds of the audio recording.

PRIVILEGE OF THE FLOOR

President Dawson opened privilege of the floor starting at 1 hour, 13 minutes and 28 seconds of the audio recording. Let the record show that no one from the public spoke during privilege of the floor.

Privilege of the floors ends at 1 hour, 13 minutes and 40 seconds of the audio recording.

SCHEDULING OF COMMITTEE MEETINGS

There were no meetings to be scheduled

ACCEPTANCE OF COMMUNICATIONS

Minutes of December 5, 2023 – Board of Public Works
Minutes of December 19, 2023 – Board of Public Works
Minutes of December 27, 2023 – Board of Public Works
Minutes of October 17, 2023 – Parks & Recreation Board
Minutes of October 31, 2023 – Parks & Recreation Board
Minutes of November 21, 2023 – Parks & Recreation Board
Minutes of March 2, 2023 – Stormwater Board
Minutes of March 28, 2023 – Stormwater Board
Minutes of April 20, 2023 – Stormwater Board
Minutes of June 15, 2023 – Stormwater Board
Minutes of August 17, 2023 – Stormwater Board
Report – November Month End – Parks Department

Motion to accept communications made by Councilman Henke. Second by Councilman Mishler.

By a unanimous voice vote, the communications were accepted.

ADJOURNMENT

President Dawson stated that with all official business being taken care of, we are now officially adjourned.

Debra D. Barrett, City Clerk

Arvis Dawson
President of the Elkhart City Council

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: Common Council
From: Mike Huber *MJA*
Date: January 3, 2024
Re: 23-ANX-03 – 53893 North Park and 53847 North Park

This is a request to annex property located at 53893 North Park and 53847 North Park in order to allow for the business to connect to the municipal services due to septic failure. The septic failure is preventing business expansion.

The Plan Commission passed the request onto Common Council with a “Do Pass” Recommendation on January 2, 2024 with a 5-0 vote in favor of the request.

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE COMMONLY KNOWN AS
53893 NORTH PARK AVENUE AND 53847 NORTH PARK AVENUE, ELKHART,
INDIANA 46514, AND DECLARING THE SAME TO BE A PART OF THE CITY OF
ELKHART, INDIANA**

WHEREAS, all of the owners of the real property commonly known as 53893 North Park Avenue and 53847 North Park Avenue, Elkhart, Indiana 46514, have petitioned the City of Elkhart to annex said property into the corporate limits of the City of Elkhart and;

WHEREAS, the Common Council of the City of Elkhart desires to annex said property known into the corporate limits of the City of Elkhart, Indiana (hereinafter referred to as “City”); and

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the real estate, as more fully described herein, are contiguous to the corporate boundaries of the City and thereby satisfy the contiguity requirements of law; and

WHEREAS, the real property currently has an Elkhart County zoning designation of M-1 Limited Manufacturing District.

WHEREAS, the petitioner requests that the Common Council zone the real property M-1 Limited Manufacturing District, upon being annexed into the City of Elkhart which is supported by the Elkhart City Plan Commission and the Elkhart Planning Department.

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

Section 1. The following described real estate in Elkhart County, Indiana is hereby annexed into and declared to be a part of the City of Elkhart, Indiana; to-wit:

LOTS NUMBERED ONE (1), THREE (3), FIVE (5), AND SEVEN (7) AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTH JOHNSON PARK, A SUBDIVISION IN OSOLO TOWNSHIP; AND PLAT BEING RECORDED IN PLAT BOOK 17, PAGE 85 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

LOT NUMBERED (TWO) 2 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTH JOHNSON PARK, A SUBDIVISION IN OSOLO 1 TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 17, PAGE 85 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

Section 2. Once annexed into the City, the Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, (“Zoning Ordinance”) shall show the real estate described in Section 1 as zoned M-1 Limited Manufacturing District. The real estate shall be subject to all applicable requirements of the Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 is assigned to the One (1) Councilmanic District.

Section 3. Pursuant to I.C. 36-4-3-5.1, a public hearing to consider this proposed annexation will be held at the regular Council meeting set for the _____ day of _____, _____, at 7:00 p.m.

Section 4. That this Ordinance shall become effective thirty (30) days after the final publication thereof, in the absence of an appeal, as provided at I.C. 36-4-3-5.1 and I.C 36-4-3-15.5.

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

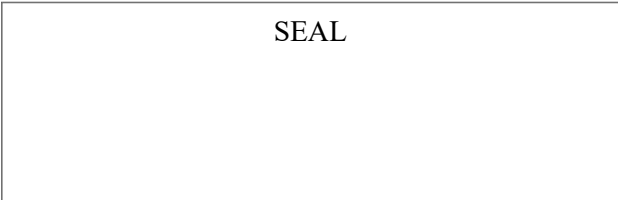
By: _____
Debra D. Barrett, City Clerk

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:

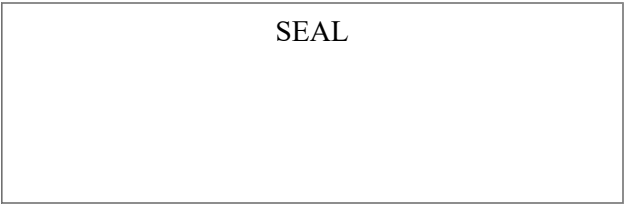
Debra D. Barrett, City Clerk

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:



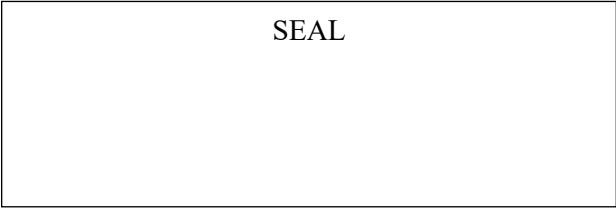
Debra D. Barrett, City Clerk

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

Rod Roberson
Mayor



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

January 4, 2024

The Common Council
City of Elkhart
Elkhart, IN 46516

RE: Petition 23-ANX-03
53893 North Park Avenue and 53847 North Park Avenue

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Tuesday, January 2, 2024**, heard the above petition as prescribed by Section 29.11.B, a request to annex six (6) parcels located at 53893 North Park Avenue and 53847 North Park Avenue, land containing approximately 9.2 acres.

The Plan Commission **voted 6 to 0 in favor** of this annexation petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

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



City of Elkhart

Staff Report

Planning & Zoning

Petition: 23-ANX-03

Petition Type: Annexation Request

Date: January 2, 2024

Petitioner: Landmark Prime Development, LLC and TGS Investments, LLC

Site Location: 53893 North Park Avenue and 53847 North Park Avenue

Request: As prescribed by Section 29.11.B, a request to annex six (6) parcels located at 53893 North Park Avenue and 53847 North Park Avenue, land containing approximately 9.2 acres.

Existing Zoning: M-1, Limited Manufacturing District

Size: +/- 9.2 acres

Thoroughfares: County Road 9

School District: Elkhart Community Schools

Utilities: Available to site

Parcel I.D. Number(s): 20-02-29-476-022.000-026
 20-02-29-476-023.000-026
 20-02-29-476-024.000-026
 20-02-29-476-026.000-026
 20-02-29-476-027.000-026
 20-02-29-476-021.000-026

Plan Commission Action: Recommendation to Common Council

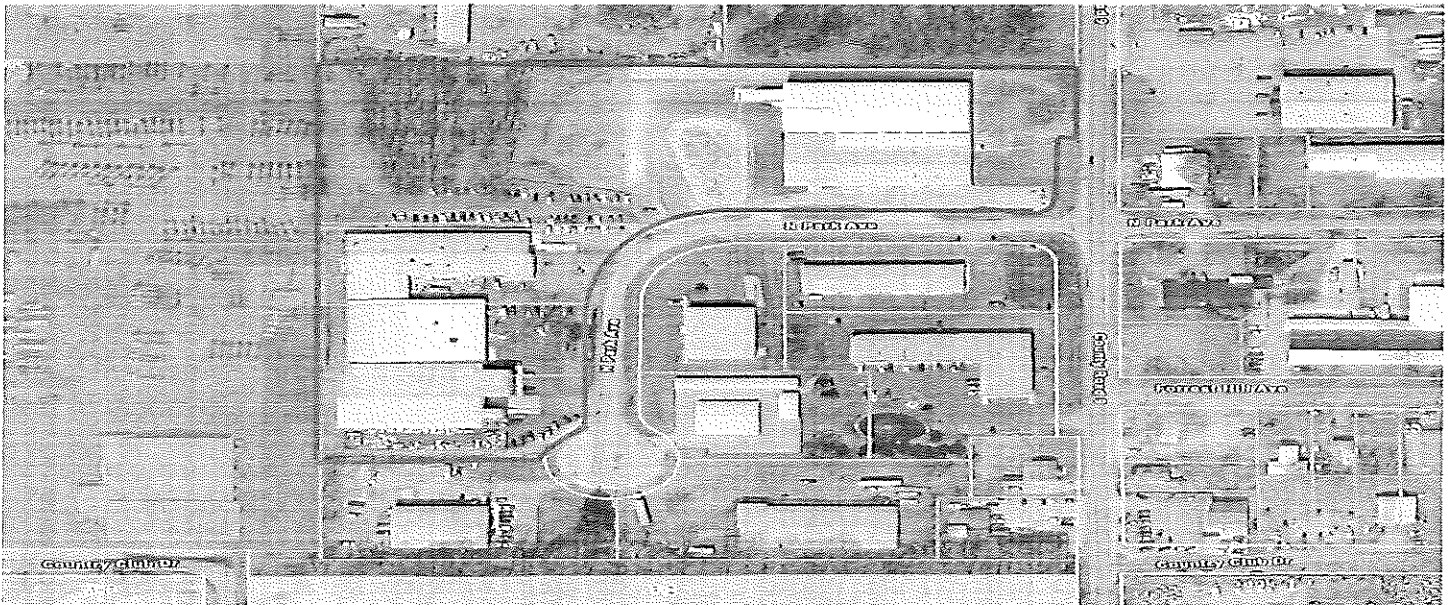
Surrounding Land Use & Zoning:

Property to the west is commercial zoned M-1, Limited Manufacturing and B-3, Service Business District, to the south the Woodlawn Nature Center zoned R-2, One Family Dwelling District, and to the north and east a mixture of commercial and light manufacturing located in Elkhart County.

Applicable Sections of the Zoning Ordinance:

Section 29: Administration and Enforcement, 29.11 Amendments

Comprehensive Plan: The Comprehensive Plan does not take this area into account but is anticipated to call for the land to be developed with commercial uses.



Staff Analysis

This staff report is being prepared for annexation 23-ANX-03 to annex land generally addressed to 53893 North Park Avenue and 53847 North Park Avenue, Elkhart, Indiana 46514, Osolo Township.

The land in the petition is established industrial uses located in the North Johnson Industrial Park west of Johnson Street. The purpose of the annexation is for connection to the sanitary sewer. The septic field system is failing and without connection to public utilities, growth and any future expansion would be compromised. The petitioner is in the process of working with the Public Works Department to determine the most appropriate and cost effective connection options.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 9.2 acres. The territory to be annexed is approximately 24.58% contiguous to the current City limits. The contiguity requirement stated in the Indiana Code is 12.5%.

Recommendation

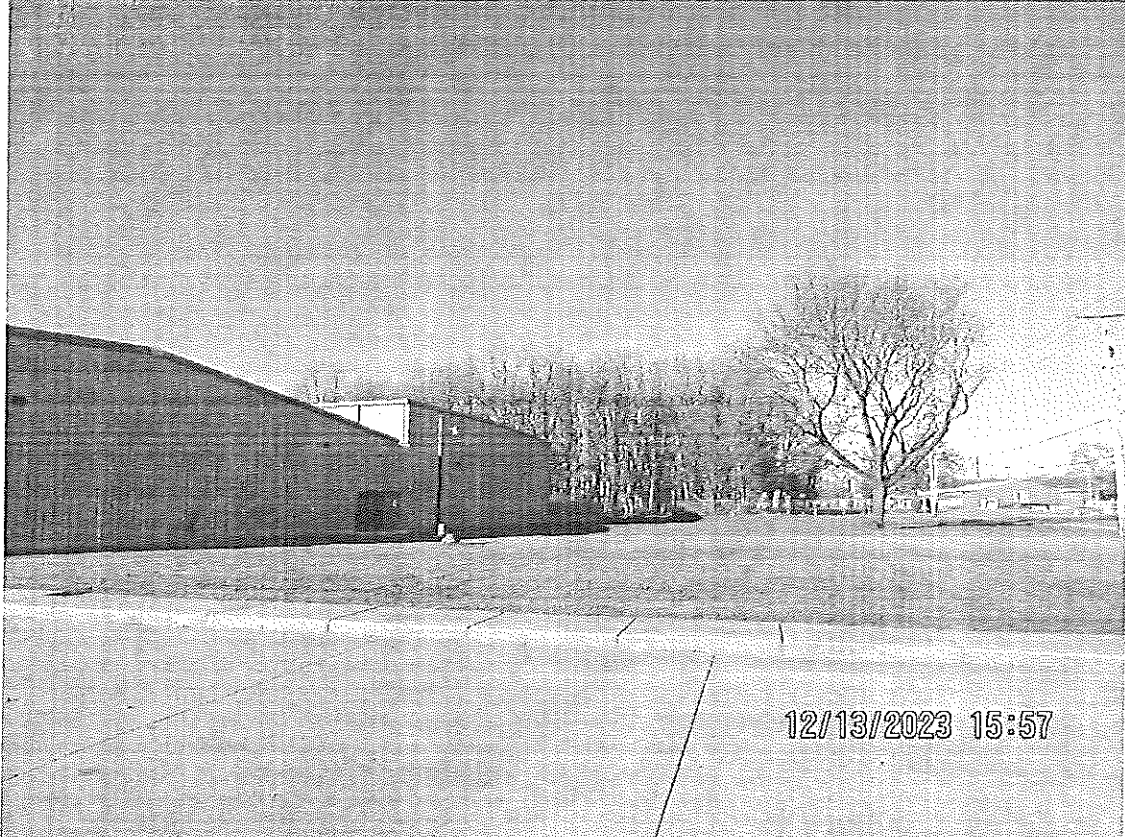
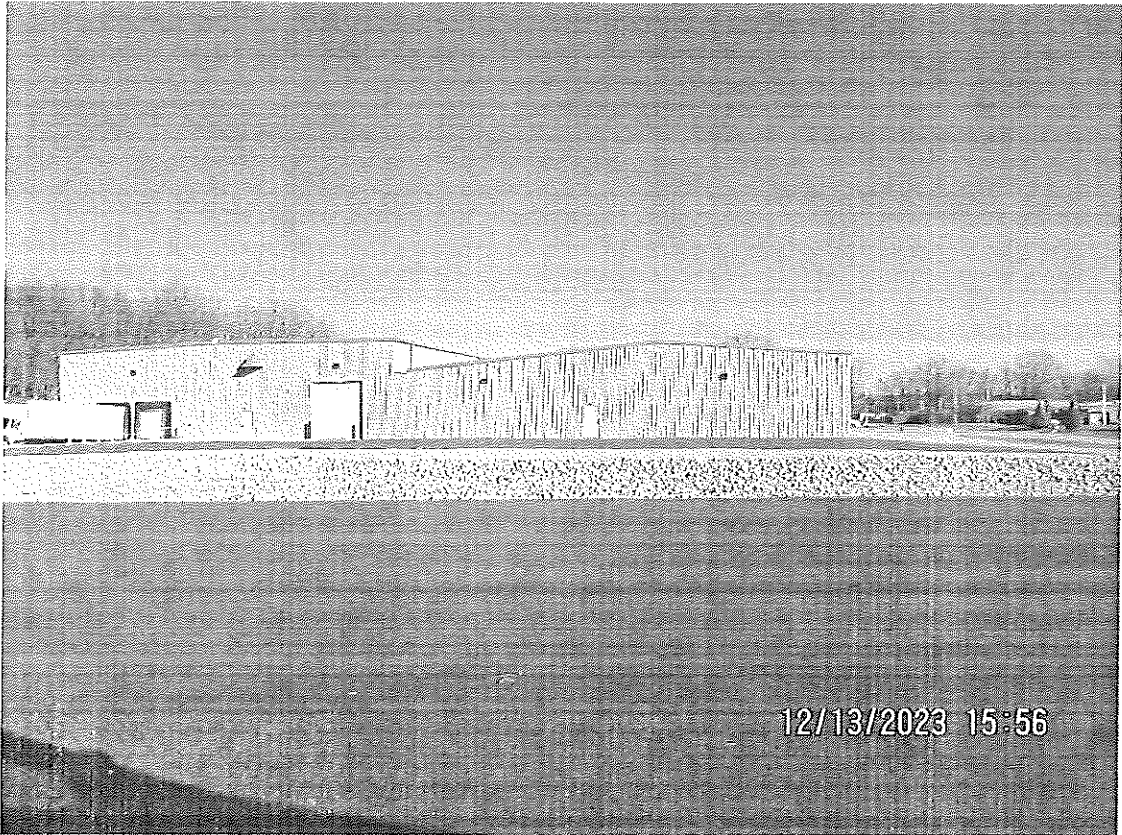
Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as industrial.
3. The current conditions and the character of current structures under construction and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

Attachments

Petition, Legal Description, narrative, affidavit, and Fiscal Plan.

Photos





12/13/2023 15:58



12/13/2023 15:58



12/13/2023 15:59



Imagination Is The Only Limitation.

November 1, 2023

Honorable Members of the Plan Commission
Honorable Members of the City Council
City of Elkhart, Indiana

Re: Application for Annexation of Certain Real Estate Owned by Landmark Prime Development, LLC and TGS Investments, LLC

Dear Members of the City of Elkhart Plan Commission and City Council:

The undersigned, as the representative for Landmark Prime Development, LLC and TGS Investments, LLC, submits the attached application for annexation into the corporate boundaries of the City of Elkhart, Indiana (the "City"). This application has been prepared in accordance with the City's Instructions and Filing Procedures for Annexations published online on the City's website and in consultation with City staff. If the City would like any additional materials, we'd be more than happy to provide those as requested.

If you have any questions, please do not hesitate to reach out to me by phone at (574) 264-3613 or by e-mail at TSullivan@jettechinc.com. Thank you for your consideration of our application for annexation into the corporate boundaries of the City of Elkhart, Indiana.

Sincerely,

A handwritten signature in black ink that reads 'Todd Sullivan'. The signature is written in a cursive style with a large 'T' and 'S'.

Todd Sullivan
President and Sole Member of Landmark
Prime Development, LLC
Sole Member of TGS Investments, LLC

PETITION #: 23-Annex-03 FILING FEE: \$ 500.00

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): Landmark Prime Development, LLC

Mailing Address: P.O. Box 2848, Elkhart, Indiana 46515

Phone #: (574) 264-3613 Email: TSullivan@jettechinc.com

Contact Person: Todd Sullivan

Mailing Address: P.O. Box 2848, Elkhart, Indiana 46515

Phone #: (574) 264-3613 Email: TSullivan@jettechinc.com

Subject Property Address: 53893 North Park Avenue, Elkhart, Indiana 46514

Zoning: M-1 (Limited Manufacturing)

Present Use: Manufacturing Proposed Use: Manufacturing

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) OR REPRESENTATIVE (PRINT): Todd Sullivan, President and Member

SIGNATURE(S): Todd Sullivan DATE: 11-1-23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- 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.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

I, Todd Sullivan, 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 annexation petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been the owner of record of the property located at 53893 North Park Avenue, Elkhart, Indiana 46514.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1 day of NOV, 2023.

Signed: Todd Sullivan
 Printed: Todd Sullivan

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Signed: Todd Sullivan
 Printed: Todd Sullivan

STATE OF INDIANA)
) SS:
 COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Todd Sullivan, and acknowledges his execution of the foregoing. Subscribed and sworn to before me this 1 day of NOV, 2023.

Signed: Suzanne R Slavinskis
 Printed: Suzanne R Slavinskis

My Commission Expires:
01/06/2024

Notary Public in and for the State of Indiana
 Resident of St Joseph County, Indiana





November 1, 2023

Honorable Members of the Plan Commission
Honorable Members of the City Council
City of Elkhart, Indiana

Re: Proposed Annexation for Certain Real Estate Owned by Landmark Prime Development, LLC

The undersigned petitioner respectfully shows the Plan Commission:

1. Attached to this letter is the most recent corporate filing of Landmark Prime Development, LLC, made with the Office of the Secretary of State of the State of Indiana showing that I am an authorized representative of Landmark Prime Development, LLC

2. I, Todd Sullivan, as the president and sole member of Landmark Prime Development, LLC, am the owner of the following described real estate located within Osolo Township, Elkhart County, State of Indiana, to-wit:

Parcel 1: 20-02-29-476-022.000-026

Parcel 2: 20-02-29-476-023.000-026

Parcel 3: 20-02-29-476-024.000-026

Parcel 4: 20-02-29-476-026.000-026

Parcel 5: 20-02-29-476-027.000-026

Common Address for Parcels 1-5: 53893 North Park Avenue, Elkhart, Indiana 46514

Legal Description for Parcels 1-5: Lots Numbered One (1), Three (3), Five (5) and Seven (7) as the said Lots are known and designated on the recorded Plat of NORTH JOHNSON PARK, a Subdivision in Osolo Township; and Plat being recorded in Plat Book 17, page 85 in the Office of the Recorder of Elkhart County, Indiana.

3. The above-described real estate presently has a zoning classification of M-1 District (Limited Manufacturing) under the Elkhart County Zoning Ordinance.

4. Petitioner's business, Jet Technologies, Inc., presently occupies the above-described property for commercial business and manufacturing purposes, specifically, thermoforming, three- and five-axis machining of plastic flat stock materials, and value-added assembling of the components produced into final product for sale to a variety of industries.

5. Petitioner desires for the City of Elkhart, Indiana, to annex and rezone the above-described real estate to M-1 (Limited Manufacturing District) under the City of Elkhart Zoning Ordinance for that purpose.

Honorable Members of the Plan Commission
Honorable Members of the City Council
November 1, 2023
Page 3

WHEREFORE, Petitioner prays and respectfully requests (1) a hearing of the Plan Commission on this annexation request and that, after such hearing, the Plan Commission make a "Do Pass" recommendation, and (2) that the Council adopt the appropriate ordinance annexing the above-described parcel(s) of land to the City of Elkhart, Indiana.

Respectfully submitted this 1st day of November, 2023.

LANDMARK PRIME DEVELOPMENT, LLC

Signed: Todd Sullivan

Printed: Todd Sullivan

Title: RESIDENT

All correspondence regarding this annexation may be directed to:

Todd Sullivan
P.O. Box 2848
Elkhart, Indiana 46515
Email: TSullivan@jettechinc.com
Phone: (574) 264-3613

With copy to:

Barnes & Thornburg LLP
Attn: Michael Fenech
52700 Independence Court, Suite 150
Elkhart, Indiana 46514
Email: Michael.Fenech@btlaw.com
Phone: (574) 296-2521

Enclosure

APPROVED AND FILED
HOLLI SULLIVAN
INDIANA SECRETARY OF STATE
07/06/2022 10:05 AM

BUSINESS ENTITY REPORT

NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 2004092200139
BUSINESS TYPE Domestic Limited Liability Company
BUSINESS NAME LANDMARK PRIME DEVBLOPMENT, LLC
ENTITY CREATION DATE 09/20/2004
JURISDICTION OF FORMATION Indiana
PRINCIPAL OFFICE ADDRESS PO BOX 2848, ELKHART, IN, 46515, USA

YEARS FILED

YEARS 2022/2023

EFFECTIVE DATE

EFFECTIVE DATE 07/06/2022
EFFECTIVE TIME 10:05 AM

REGISTERED OFFICE AND ADDRESS

REGISTERED AGENT TYPE Individual
NAME TODD SULLIVAN
ADDRESS 53893 North Park Avenue, Elkhart, IN, 46514, USA

APPROVED AND FILED
HOLLI SULLIVAN
INDIANA SECRETARY OF STATE
07/06/2022 10:05 AM

GOVERNING PERSON INFORMATION

TITLE President
NAME Todd G Sullivan
ADDRESS 71324 Indiana Lake Drive, Union, MI, 49130, USA

TITLE President
NAME Todd G Sullivan
ADDRESS 71324 Indiana Lake Drive, Union, MI, 49130, USA

TITLE Member
NAME Todd Sullivan
ADDRESS 53893 N Park Ave, Elkhart, IN, 46515, USA

SIGNATURE

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY July 6, 2022.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

SIGNATURE Todd Sullivan
TITLE Member

Business ID : 2004092200139
Filing No. : 9470754

PETITION #: 23-ANX-03 FILING FEE: \$ ~~500.00~~

PETITION to the PLAN COMMISSION

PETITION TYPE: ANNEXATION

This action requires final approval from the Common Council

Property Owner(s): TGS Investments, LLC

Mailing Address: P.O. Box 2848, Elkhart, Indiana 46515

Phone #: (574) 264-3613 Email: TSullivan@jettechinc.com

Contact Person: Todd Sullivan

Mailing Address: P.O. Box 2848, Elkhart, Indiana 46515

Phone #: (574) 264-3613 Email: TSullivan@jettechinc.com

Subject Property Address: 53847 North Park Avenue, Elkhart, Indiana 46514

Zoning: M-1 (Limited Manufacturing)

Present Use: Manufacturing Proposed Use: Manufacturing

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) OR REPRESENTATIVE (PRINT): Todd Sullivan, Member

SIGNATURE(S): *T Sullivan* DATE: 11-1-23

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- 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.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF ANNEXATION PETITION

I, Todd Sullivan, 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 annexation petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been the owner of record of the property located at 53847 North Park Avenue, Elkhart, Indiana 46514.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 1 day of NOV, 2023.

Signed: Todd Sullivan

Printed: Todd Sullivan

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

Signed: Todd Sullivan

Printed: Todd Sullivan

STATE OF INDIANA)
) SS:
 COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Todd Sullivan, and acknowledges his execution of the foregoing. Subscribed and sworn to before me this 1 day of NOV, 2023.

Signed: Suzanne R Slavinskas

Printed: Suzanne R Slavinskas

My Commission Expires:
01/06/2024

Notary Public in and for the State of Indiana
Resident of St Joseph County, Indiana





November 1, 2023

Honorable Members of the Plan Commission
Honorable Members of the City Council
City of Elkhart, Indiana

Re: Proposed Annexation for Certain Real Estate Owned by TGS Investments, LLC

The undersigned petitioner respectfully shows the Plan Commission:

1. Attached to this letter is the most recent corporate filing of TGS Investments, LLC, made with the Department of Licensing and Regulatory Affairs of the State of Michigan showing that I am an authorized representative of TGS Investments, LLC.

2. I, Todd Sullivan, as the sole member of TGS Investments, LLC, am the owner of the following described real estate located within Osolo Township, Elkhart County, State of Indiana, to-wit:

Parcel 1: 20-02-29-476-021.000-026

Common Address: 53847 North Park Avenue, Elkhart, Indiana 46514

Legal Description: LOT NUMBERED 2 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTH JOHNSON PARK, A SUBDIVISION IN OSOLO TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 17, PAGE 85 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

3. The above-described real estate presently has a zoning classification of M-1 District (Limited Manufacturing) under the Elkhart County Zoning Ordinance.

4. Petitioner's business, Jet Technologies, Inc., presently occupies the above-described property for the warehousing of raw materials to support Jet Technologies primary manufacturing operations.

5. Petitioner desires for the City of Elkhart, Indiana, to annex and rezone the above-described real estate to M-1 (Limited Manufacturing District) under the City of Elkhart Zoning Ordinance for that purpose.

6. Petitioner has presented evidence to the City Engineer that the property to be annexed is twenty-four and 58/100 percent (24.58%) contiguous to the City limits and therefore is eligible for annexation.

7. Petitioner believes that the annexation will be mutually beneficial because the above-described real estate will benefit from being connected to the City's wastewater utilities,

Honorable Members of the Plan Commission
Honorable Members of the City Council
November 1, 2023
Page 2

while the City will benefit from having a new industrial user paying for City utility services as well as City property taxes.

WHEREFORE, Petitioner prays and respectfully requests (1) a hearing of the Plan Commission on this annexation request and that, after such hearing, the Plan Commission make a "Do Pass" recommendation, and (2) that the Council adopt the appropriate ordinance annexing the above-described parcel(s) of land to the City of Elkhart, Indiana.

Respectfully submitted this 1st day of November, 2023.

TGS INVESTMENTS, LLC

Signed: Todd Sullivan

Printed: Todd Sullivan

Title: Sole Member

All correspondence regarding this annexation may be directed to:

Todd Sullivan
P.O. Box 2848
Elkhart, Indiana 46515
Email: TSullivan@jettechinc.com
Phone: (574) 264-3613

With copy to:

Barnes & Thornburg LLP
Attn: Michael Fenech
52700 Independence Court, Suite 150
Elkhart, Indiana 46514
Email: Michael.Fenech@btlaw.com
Phone: (574) 296-2521

Enclosure

Legal Description of Proposed Annexation Territory

Owner of Parcels 1-5: Landmark Prime Development, LLC

Parcel 1: 20-02-29-476-022.000-026

Parcel 2: 20-02-29-476-023.000-026

Parcel 3: 20-02-29-476-024.000-026

Parcel 4: 20-02-29-476-026.000-026

Parcel 5: 20-02-29-476-027.000-026

Common Address for Parcels 1-5: 53893 North Park Avenue, Elkhart, Indiana 46514

Legal Description for Parcels 1-5: Lots Numbered One (1), Three (3), Five (5) and Seven (7) as the said Lots are known and designated on the recorded Plat of NORTH JOHNSON PARK, a Subdivision in Osolo Township; and Plat being recorded in Plat Book 17, page 85 in the Office of the Recorder of Elkhart County, Indiana.

Owner of Parcel 6: TGS Investments, LLC

Parcel 6: 20-02-29-476-021.000-026

Common Address for Parcel 6: 53847 North Park Avenue, Elkhart, Indiana 46514

Legal Description for Parcel 6: LOT NUMBERED 2 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF NORTH JOHNSON PARK, A SUBDIVISION IN OSOLO TOWNSHIP; SAID PLAT BEING RECORDED IN PLAT BOOK 17, PAGE 85 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

LARA Corporations
Online Filing System
Department of Licensing and Regulatory Affairs

Form Revision Date 07/2016

ANNUAL STATEMENT
For use by DOMESTIC LIMITED LIABILITY COMPANY
(Required by Section 207, Act 23, Public Act of 1993)

Identification Number: 802087302

Annual Statement Filing Year: 2023

1. Limited Liability Company Name:

TGS INVESTMENTS, LLC

2. The street address of the limited liability company's registered office and name of the resident agent at that office:

1. Resident Agent Name: TODD SULLIVAN

2. Street Address: 71324 INDIANA LAKE DR

Apt/Suite/Other:

City: UNION

State: MI

Zip Code: 49130

3. Mailing address of the registered office:

P.O. Box or Street Address: 71324 INDIANA LAKE DRIVE

Apt/Suite/Other:

City: UNION

State: MI

Zip Code: 49130

This annual statement must be signed by a member, manager, or an authorized agent.

Signed this 18th Day of November, 2022 by:

Signature	Title	Title If "Other" was selected
Todd Sullivan	Member	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

Decline Accept

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
FILING ENDORSEMENT

This is to Certify that the 2023 ANNUAL STATEMENT

for

TGS INVESTMENTS, LLC

ID Number: 802087302

received by electronic transmission on November 18, 2022 , *is hereby endorsed.*

Filed on November 18, 2022, *by the Administrator.*

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 18th day of November, 2022.

Linda Clegg

*Linda Clegg, Director
Corporations, Securities & Commercial Licensing Bureau*

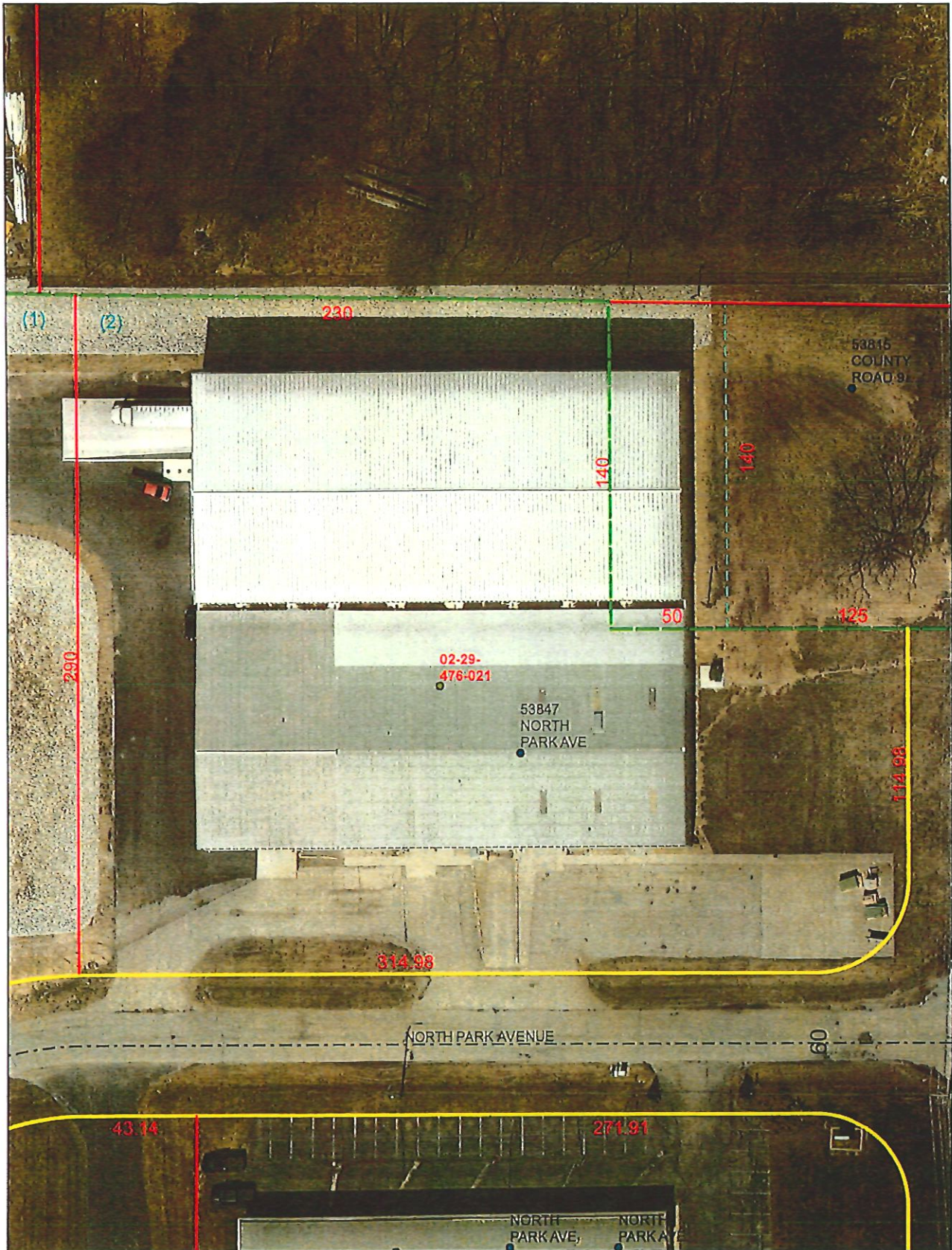


City of Elkhart
Public Works and Utilities

Memo

To: Eric Trotter; Assistant Director of Planning
From: Timothy D. Reecer; Executive Services Manager *TR*
Date: October 30, 2023
Re: Annexation Contiguity; 53847 North Park Dr. and 53893 North Park Dr.

The parcels identified as 02-29-476-021, 02-29-476-022, 02-29-476-023, 02-29-476-024, 02-29-476-026, and 02-29-476-027 more commonly known as, 53847 North Park Dr and 53893 North Park Dr have an approximate perimeter of 3,177 feet and a contiguous edge of approximately 781 feet. Based on these measurements the parcel(s) in question is approximately 24.58% contiguous to the current City limits. This percentage exceeds the minimum requirement of 12.5% and is eligible for annexation.



This map does not constitute a survey nor an engineering drawing. The map and any information shown on it is not warranted for accuracy, merchantability, or fitness for a particular purpose. Reliance is at the user's risk. Copying or other reproduction of this map and any information shown on it is prohibited without the prior written permission of the County of Elkhart, Indiana.



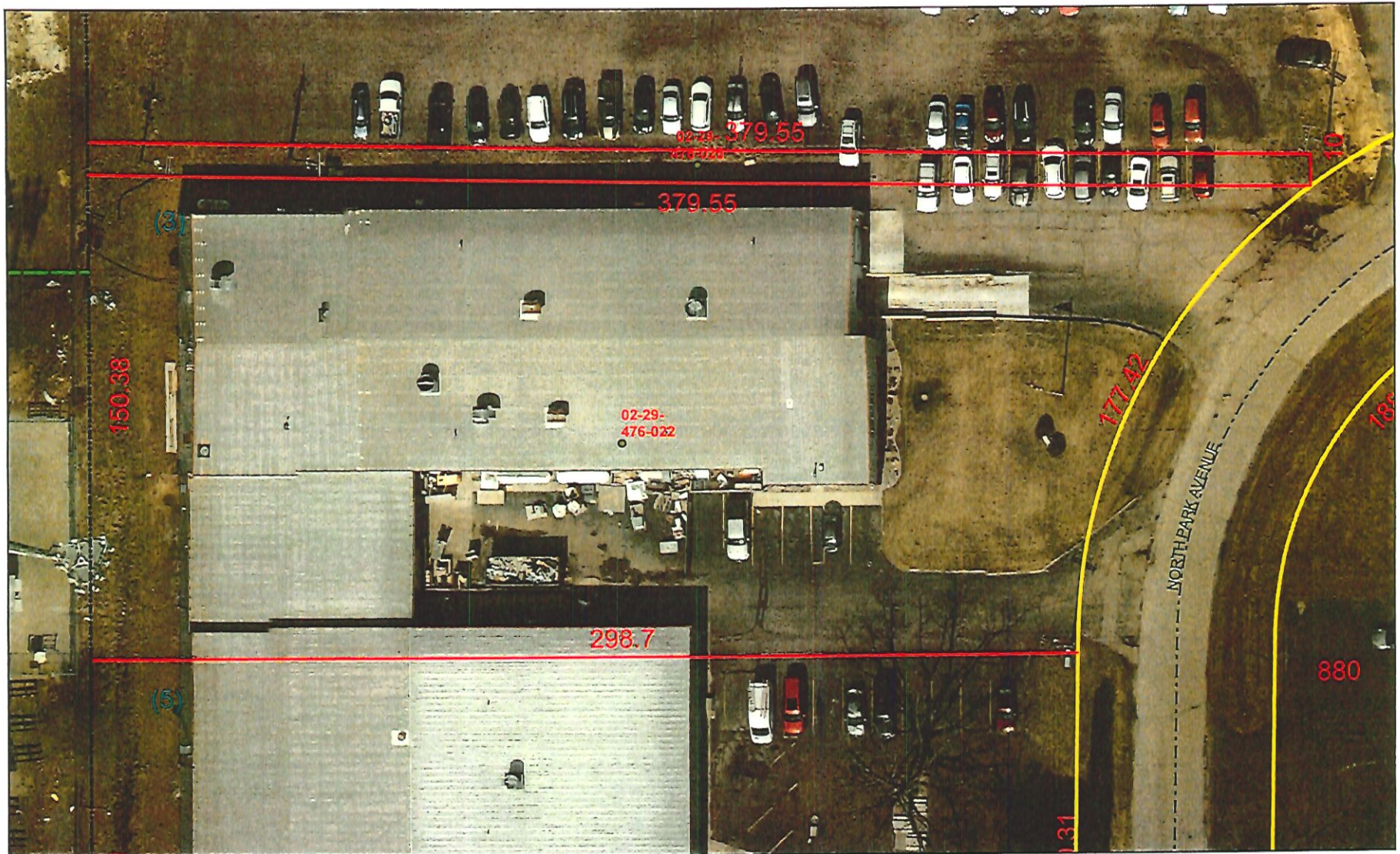
0 12.5 25 Feet

1 inch = 55 feet

Elkhart County Auditor's Office
 117 North 2nd Street, Rm. 203
 Goshen, Indiana 46526
 Printed on: 10/24/2023
 Spring of 2015 Aerial Imagery



GIS website: <http://elkhartin.egis.39dn.com/>



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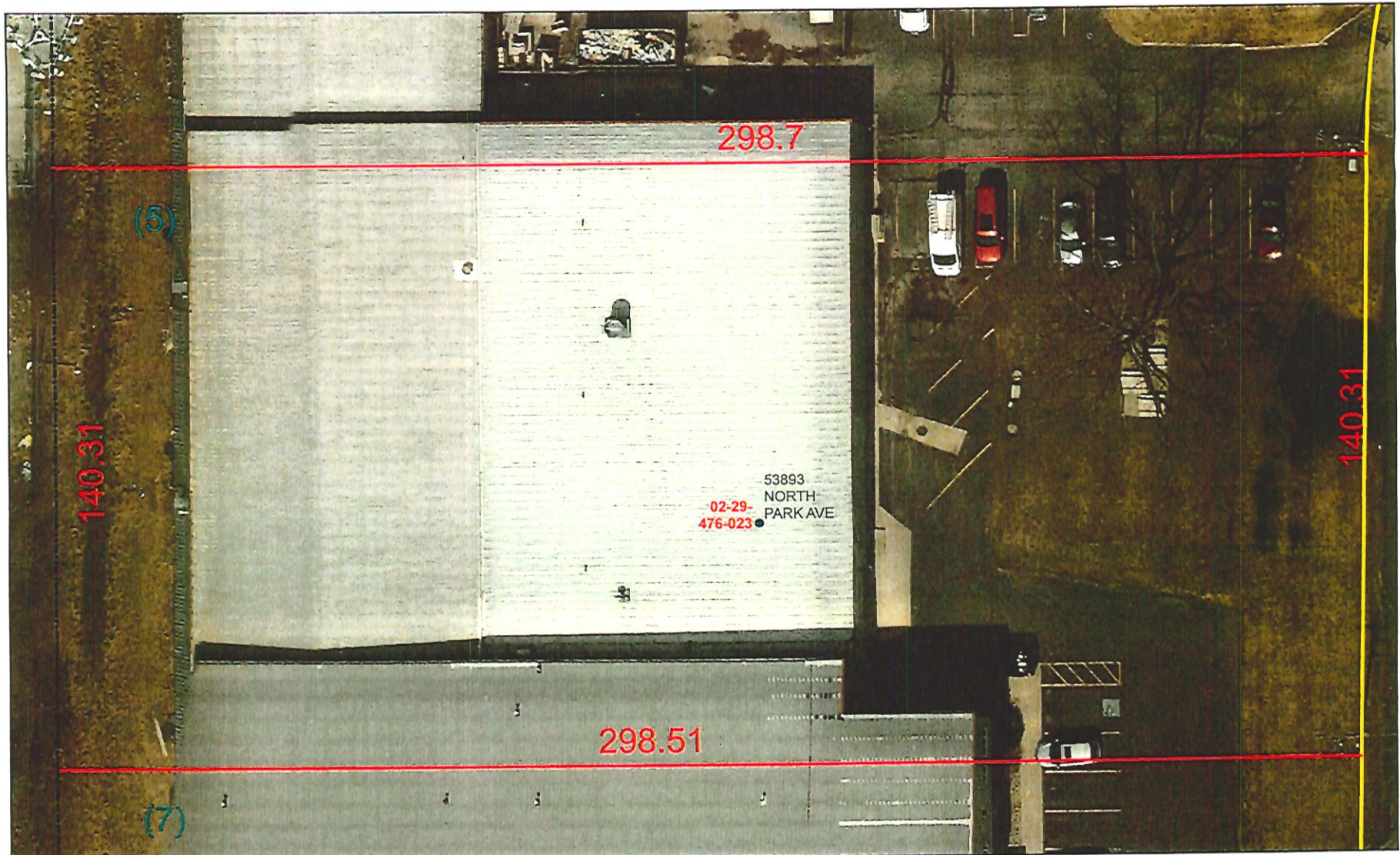
0
1 inch = 40 feet

Elkhart County Auditor's Office
117 North 2nd Street, Rm. 203
Goshen, Indiana 46526
Printed on: 10/24/2023
Spring of 2015 Aerial Imagery



200 |

GIS website: <http://elkhartin.egis.39dn.com/>



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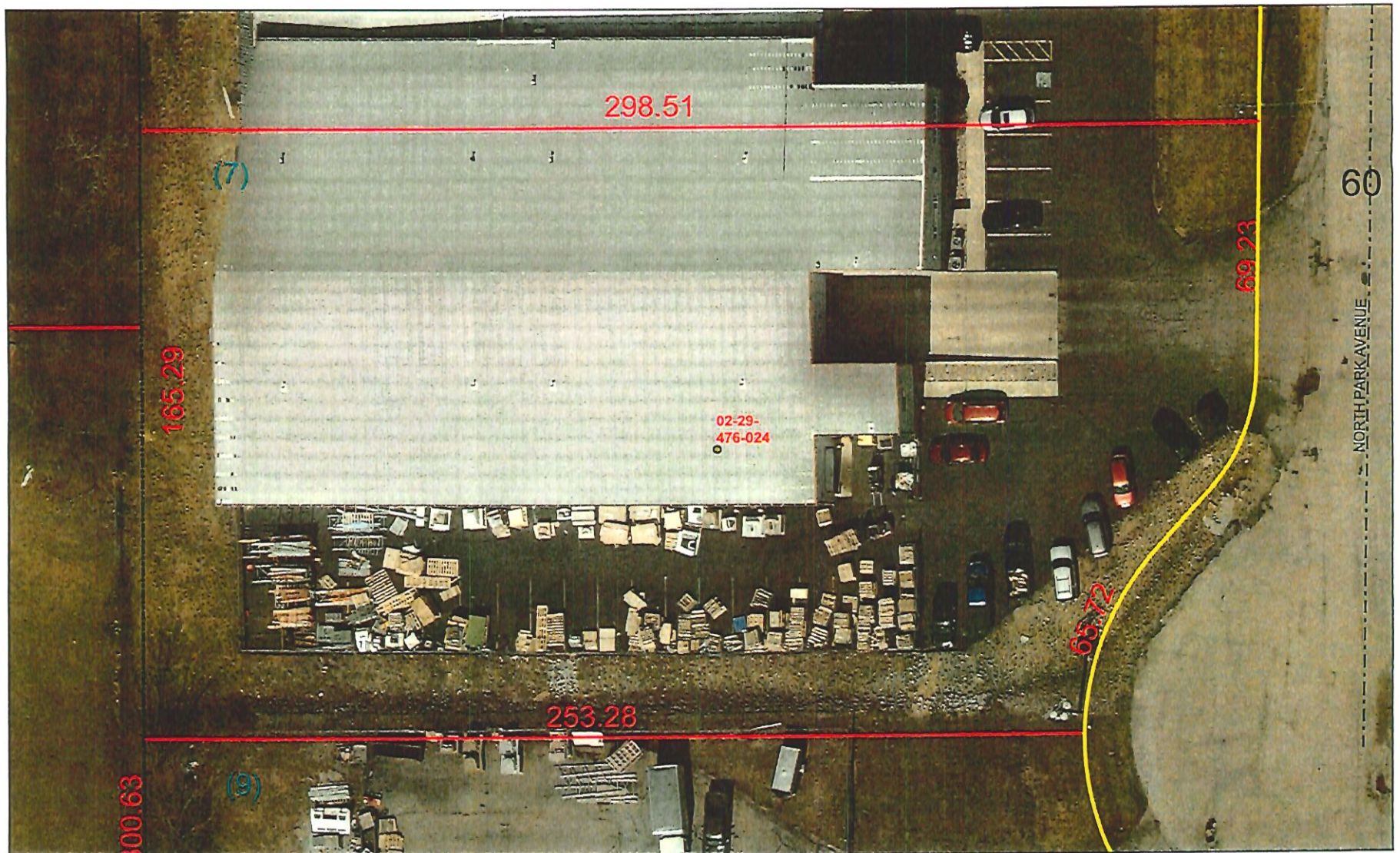


0
1 inch = 30 feet

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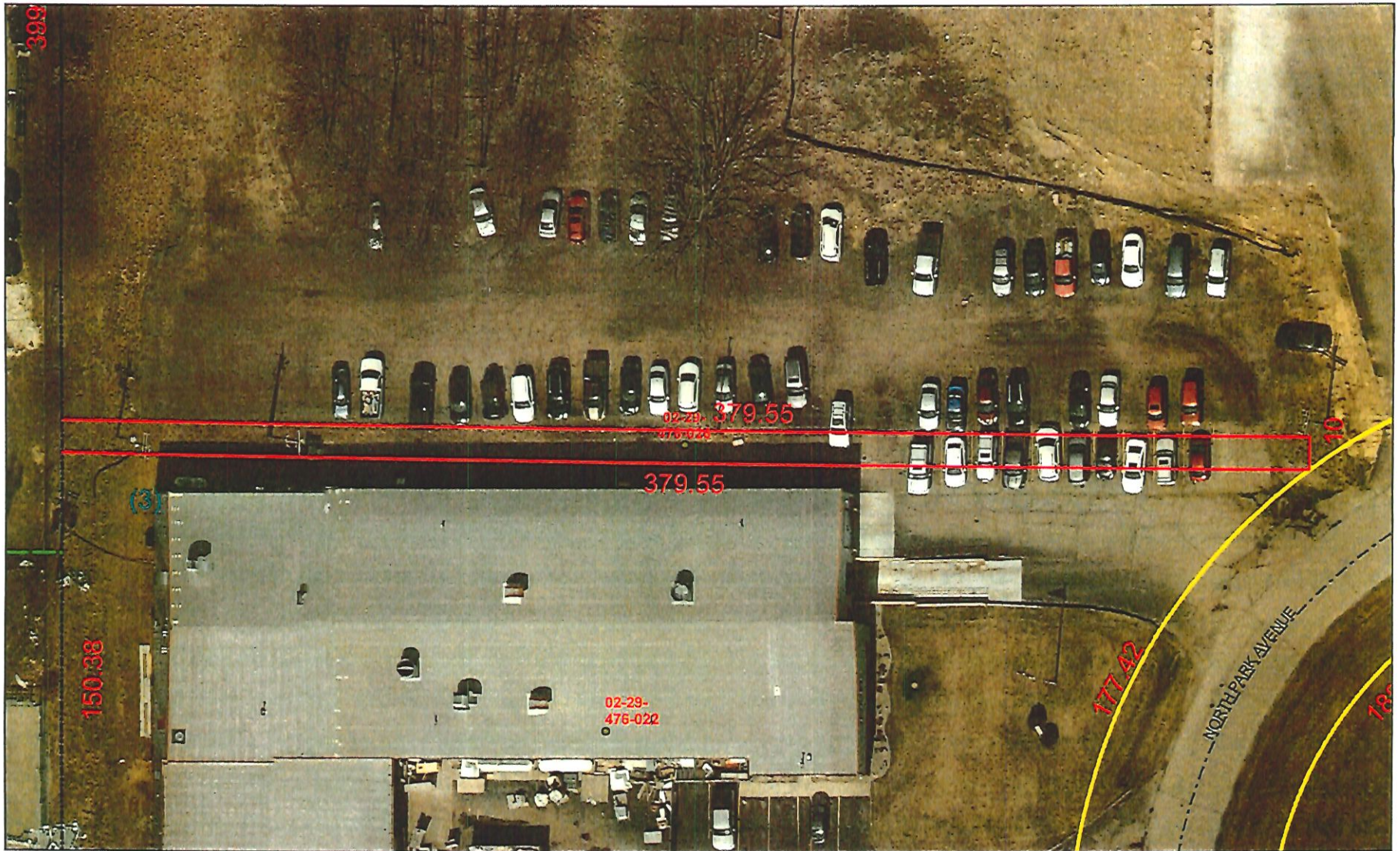


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1 inch = 35 feet

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0
1 inch = 40 feet

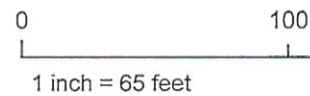
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200



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GIS website: <http://elkhartin.egis.39dn.com/>



November 1, 2023

Honorable Members of the Plan Commission
Honorable Members of the City Council
City of Elkhart, Indiana

Re: Supplemental Letter – Proposed Annexation for Certain Real Estate Owned by
Landmark Prime Development, LLC and TGS Investments, LLC

Dear Members of the City of Elkhart Plan Commission and City Council:

The undersigned, as the representative for Landmark Prime Development, LLC and TGS Investments, LLC, which entities are the owners of the parcels that are the subject of this proposed annexation, submits this letter in order to supplement the information set forth in this application for annexation into the corporate boundaries of the City of Elkhart, Indiana (the “City”).

The primary reason for the proposed annexation is to allow for Jet Technologies, Inc., whose primary manufacturing operations are located on these parcels, to connect to the City’s wastewater utilities. Jet Technologies is a multi-faceted company focusing on custom CNC machining, heavy-gauge thermoforming, fabrication, and the assembly of flat-stock materials and value-added components. Jet Technologies designs and manufactures products for a diverse group of markets, including marine, recreational vehicle, mass transit, industrial, furniture, and electronics industries, and it employs approximately one hundred sixty (160) employees at the facilities located on the parcels that are the subject of this proposed annexation. As part of Jet Technologies’ long-term strategic planning, the company has determined that connecting to the City’s wastewater utility is necessary to support the company’s anticipated growth at these facilities. Remaining in unincorporated Elkhart County and connecting to a septic system as an alternative would only be a short-term solution for Jet Technologies’ operational needs. As the representative of the owners of the parcels where Jet Technologies’ primary manufacturing operations are located, I appreciate the opportunity to submit this annexation application and the City’s continued efforts to support its local business community.


If you have any questions, please do not hesitate to reach out to me by phone at (574) 264-3613 or by e-mail at TSullivan@jettechinc.com. Thank you for your consideration of this proposed annexation into the City of Elkhart, Indiana.

Sincerely,

Todd Sullivan
President and Sole Member of Landmark
Prime Development, LLC
Sole Member of TGS Investments, LLC



M E M O R A N D U M

Date: January 17, 2024
To: Arvis Dawson, Elkhart City Council President
From: Tory Irwin, City Engineer 
RE: Appropriation Request – LaSalle, McKinley & Benham Water & Sewer Project

This appropriation request is for the LaSalle, McKinley & Benham Water & Sewer project. This project will install new water and storm sewer main on various roads in the LaSalle, McKinley, Benham, Benham Ct, Dr. King Dr, Park Ave, St. Joseph St., and Wagner Ave. This complicated network project will extend water service to streets where none exists, eliminate some extensive shared private lines, eliminate lead services, loop the water mains, and remove main where roads have been abandoned.

The project will also extend storm sewer up Benham/3rd/Harrison/4th, and connect it to a new direct outlet to the St. Joseph River being constructed in a separate CSO project. Some storm sewer was installed in the past as part of a phased installation, and currently dead-ends at Benham & Dr. King Dr. This dead end causes extensive flooding on Benham during heavy rainfall events – in an area that was a swamp before being developed a century ago. This project will address the never completed portion of that past project.

The project was also designed to allow for future possible traffic pattern changes to 2nd/3rd Street and its interface with the railroad underpass.

Funding for this project will come from the American Rescue Plan Act and Capital Outlay.

The project has been bid, and with professional services and construction contingency will be under \$14,500,000.

ARP Request - \$9,400,000

Capital Outlay Request - \$5,100,000

Total Request - \$14,500,000

Attachment – LaSalle, McKinley & Benham Project Limits



CSO 39 Project:
\$5.1 MILLION

Benham Project:
\$14.5 Million

S 31st St

S 2nd St

S Main St

Waterfall Dr

Rockford St

Stamp Dr

Franklin Ct

E Marion St

Hug St

East St

Division St

State St

S Shore Dr

9th St

8th St

Mason St

Tyler St

Middlebury St

Benham Project:
\$14.5 Million

Willard St

Bryson Ct

Prairie St

Stocker Ct

St. Joseph St

Dr King Dr

S 3rd St

Pearl St

S 6th St

La Salle St

Park Ave

S 2nd St

Chapman Ave

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING NINE MILLION FOUR HUNDRED THOUSAND (\$9,400,000.00) FROM THE FROM THE AMERICAN RESCUE PLAN (ARP) CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE LASALLE, MCKINLEY AND BENHAM AREA WATER AND SEWER PROJECT

WHEREAS, the United States Congress passed the American Rescue Plan Act (ARPA) and awarded to the City of Elkhart (“City”) funds which may be used for certain authorized uses specified under Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the ARPA; and

WHEREAS, Section 603(c)(1) of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, designates the following authorized uses:

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the LaSalle, McKinley and Benham Area Water and Sewer Project is a multi-year utilizes infrastructure project to extend water service to area streets where none exists,

eliminate some extensive shared private lines, eliminate lead services, loop the water mains, and remove mains where roads have been abandoned and

WHEREAS, the project will also extend storm sewer in the areas of Benham Street, Third Street, Harrison and Fourth Streets and connect the line to a new direct outlet to the St. Joseph River being constructed in a separate CSO project; and

WHEREAS, the total estimated of the LaSalle, McKinley and Benham Area Water and Sewer Project is Fourteen Million Five Hundred Thousand Dollars (\$14,500,000.00); and

WHEREAS, the Administration requests that the project be funded with an appropriation of Nine Million Four Hundred Thousand (\$9,400,000.00), from the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Fund and the balance of Five Million One Hundred Thousand Dollars (\$5,100,000.00) from the Capital Outlay Fund.

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

Section 1. The amount of Nine Million Four Hundred Thousand (\$9,400,000.00), be, and hereby is, appropriated from the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Fund and assigned to the following account line:

Account No. 2474-5-000-4430000 Infrastructure \$9,400,000.00

Section 2. The Common Council has fixed the ____ day of _____, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law, and shall continue into successive years, provided the project is ongoing, and the funds appropriated herein, have not been exhausted.

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



M E M O R A N D U M

Date: January 17, 2024
To: Arvis Dawson, Elkhart City Council President
From: Tory Irwin, City Engineer 
RE: Appropriation Request – LaSalle, McKinley & Benham Water & Sewer Project

This appropriation request is for the LaSalle, McKinley & Benham Water & Sewer project. This project will install new water and storm sewer main on various roads in the LaSalle, McKinley, Benham, Benham Ct, Dr. King Dr, Park Ave, St. Joseph St., and Wagner Ave. This complicated network project will extend water service to streets where none exists, eliminate some extensive shared private lines, eliminate lead services, loop the water mains, and remove main where roads have been abandoned.

The project will also extend storm sewer up Benham/3rd/Harrison/4th, and connect it to a new direct outlet to the St. Joseph River being constructed in a separate CSO project. Some storm sewer was installed in the past as part of a phased installation, and currently dead-ends at Benham & Dr. King Dr. This dead end causes extensive flooding on Benham during heavy rainfall events – in an area that was a swamp before being developed a century ago. This project will address the never completed portion of that past project.

The project was also designed to allow for future possible traffic pattern changes to 2nd/3rd Street and its interface with the railroad underpass.

Funding for this project will come from the American Rescue Plan Act and Capital Outlay.

The project has been bid, and with professional services and construction contingency will be under \$14,500,000.

ARP Request - \$9,400,000

Capital Outlay Request - \$5,100,000

Total Request - \$14,500,000

Attachment – LaSalle, McKinley & Benham Project Limits



CSO 39 Project:
\$5.1 MILLION

Benham Project:
\$14.5 Million

S 3rd St

S 2nd St

S Main St

E High St

Waterfall Dr

E Marion St

Hug St

East St

Division St

State St

Middlebury St

Tyler St

Willard St

Bryson Ct

Prairie St

Stocker Ct

S 3rd St

S 2nd St

St. Joseph St

Dr King Dr

La Salle St

Park Ave

Chapman Ave

S 6th St

8th St

Mason St

9th St

S Shore Dr

Rockford St

Stamp Dr

Franklin Ct

Pearl St

ORDINANCE NO. _____

AN ORDINANCE APPROPRIATING FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000.00) FROM THE ELKHART CAPITAL OUTLAY FUND FOR THE LASALLE, MCKINLEY AND BENHAM AREA WATER AND SEWER PROJECT

WHEREAS, the LaSalle, McKinley and Benham Area Water and Sewer Project is a multi-year utilizes infrastructure project to extend water service to area streets where none exists, eliminate some extensive shared private lines, eliminate lead services, loop the water mains, and remove mains where roads have been abandoned and

WHEREAS, the project will also extend storm sewer in the areas of Benham Street, Third Street, Harrison and Fourth Streets and connect the line to a new direct outlet to the St. Joseph River being constructed in a separate CSO project; and

WHEREAS, the total estimated of the LaSalle, McKinley and Benham Area Water and Sewer Project is Fourteen Million Five Hundred Thousand Dollars (\$14,500,000.00); and

WHEREAS, the Administration requests that the project be funded with an appropriation of Five Million One Hundred Thousand Dollars (\$5,100,000.00) from the Capital Outlay Fund, and the balance of Nine Million Four Hundred Thousand (\$9,400,000.00) from the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Fund.

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

Section 1. The amount of Five Million One Hundred Thousand Dollars (\$5,100,000.00) be, and hereby is, appropriated from the Elkhart Capital Outlay Fund and assigned to the following account line:

Account No. 4650-5-000-4430000 Infrastructure \$5,100,000.00

Section 2. The Common Council has fixed the ____ day of _____, _____, at 7:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law, and shall continue into successive years, provided the project is ongoing, and the funds appropriated herein, have not been exhausted.

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

City of Elkhart
Board of Aviation Commissioners Meeting
December 27, 2023

The Board of Aviation Commissioners meeting was called to order by Commissioner Doug Thorne at 4:00 pm on Wednesday, December 27, 2023 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioners Shari Mellin & Bruce Shreiner were present. Commissioner Tom Shoff was present via Webex. Also present were: Andy Jones, Karen Shaw, Bruce Maclachlan, Kevin Davis, Ryan Sherwood, & Marty King. Councilman Dwight Fish was present via Webex.

Approval of Minutes:

Mrs. Mellin made a MOTION to approve the minutes of the November 29, 2023 meeting. Mr. Shreiner 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 \$79,441.25. Mrs. Mellin SECONDED the motion. Mrs. Mellin asked about the paint purchase. Andy advised this was an encumbrance from last year and was purchased to repaint some T-hangars. There being no further discussion, the motion PASSED unanimously.

Airport Manager's Report:

Andy advised he has some sad news to share in that Chuck Marshall, a fixture at EKM for decades has passed away after a long illness. Chuck was a corporate hangar owner, pilot, and the one credited with hosting the EKM Warbird Fly Ins. Chuck's participation was critical to the return of the Airshow in 2023. Chuck was a wonderful person and will be sorely missed. Andy advised that we've had some emergency repairs in the last couple weeks. The first of these include replacement of the heaters in the administration building hangar, which had stopped working. The second is the lights control regulator for runway 18-36, which is over 20 years old and exhibiting failure warning signs. The third is the replacement of one of three overhead doors in the maintenance building. Several contractors came out and looked at the door. All ruled out repair due to structural safety issues. Andy advised the new rotating beacon has been installed. The beacon turns itself on when visibility is low and at night. Per FAA regulations, the beacon revolves 26 times per minute. Andy advised that two projects for 2024 include the administration building renovations and the installation of an exterior programmable digital sign. Andy advised the new replacement mowers have arrived and are being prepped by the team at Central Garage. The new snow broom is set to arrive in August 2024. Andy further advised the T-Hangar project will be re-bid early in 2024. Andy thanked Mr. Shoff for coming to the air traffic control tower and connecting the new television security monitor.

Old Business:

- 1) Approval of minutes – Mrs. Mellin made a MOTION to approve the minutes of 08.30.23. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.
- 2) Approval of claims in the amount of \$18,623.48 – Mr. Shreiner made a MOTION to approve the claims from 08.30.23. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.
- 3) Approval of fence repair quote from accident along CR 6. Mr. Shreiner approved the quote to be awarded to Patriot Fence, LLC. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.
- 4) Approval of the National Guard to conduct military vehicle driver training on EKM property. Mrs. Mellin approved the MOTION. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

City of Elkhart
Board of Aviation Commissioners Meeting
December 27, 2023

New Business:

Mr. Thorne advised the first item under New Business is the new King Aero operating agreement. Andy advised that DEBY Logistics, Inc would like to terminate their agreement with Marty King at King Aero, and Mr. King would like to operate the business as a single entity. Andy further advised that Kevin Davis with the City legal department drafted a new operating agreement and would ask the board for approval. Mr. Shreiner made a MOTION to approve the King Aero agreement. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is DEBY Logistics, Inc. written request to terminate their agreement with the BOAC. Andy advised that King Aero will continue to provide the same services as did DEBY Logistics. Mrs. Mellin made a MOTION to approve DEBY's agreement termination. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the last item under New Business is the annual Financial Report, SF 425 for the FAA. Andy advised that Paul Shaffer with Butler, Fairman, & Seufert (BF&S) is traveling and unable to attend today's meeting. Andy advised that BF&S provides this report to the FAA annually on EKM's behalf and the BOAC was sent a copy of this report prior to this meeting. Andy further advised this report provides the FAA with all cash & grant information for the year for EKM. Mr. Shreiner made a MOTION to approve the annual financial report. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

Privilege of the Floor:

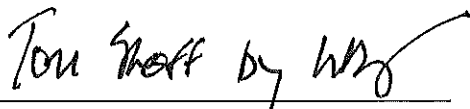
Mr. Thorne opened comments. Marty King thanked the Mayor and Andy for attending the ceremony honoring Marty with the Charles Taylor Master Mechanic Award. Mr. King advised he was honored and humbled, and appreciated the Mayor attending. The BOAC also congratulated Mr. King for earning this prestigious award. Andy also advised that Mr. Shreiner's term ends on December 31, 2023. Mr. Shreiner advised he would like to continue to serve on the BOAC and looks forward to the Mayor reappointing him. Doug asked Andy about having another BOAC member appointed. Andy advised that he is waiting for the Mayor to take action on appointing two BOAC proxies. By having two proxies we can avoid the necessity of canceling a scheduled BOAC meeting when lacking a quorum.

Adjournment:

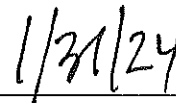
Mrs. Mellin made a MOTION to adjourn. Mr. Shreiner SECONDED. There being no further discussion, the meeting adjourned.

Next regular BOAC meeting is scheduled for Wednesday, January 31, 2024 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 – Aviation Board Secretary



Date



City of Elkhart

Treasurers Report Summary

Date Range: 01/01/2023 - 11/30/2023

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated - Actual Ending
1101 - GENERAL	46,461,013.84	72,314,057.52	67,325,751.39	12,773.52	-5,431.23	51,441,977.68	51,441,977.68	0.00
2201 - MVH	2,488,909.49	5,451,106.39	7,189,718.47	0.00	0.00	750,297.41	750,297.41	0.00
2202 - LOCAL ROAD & STREET	972,226.73	945,153.58	1,500,000.00	0.00	0.00	417,380.31	417,380.31	0.00
2203 - MVH RESTRICTED	864,387.99	1,061,436.35	1,381,048.47	0.00	0.00	544,775.87	544,775.87	0.00
2204 - PARK & RECREATION	3,941,121.07	1,793,659.93	2,884,944.96	0.00	0.00	2,849,836.04	2,849,836.04	0.00
2205 - CEMETERY	540,453.67	608,991.80	784,174.69	0.00	0.00	365,270.78	365,270.78	0.00
2206 - AVIATION	941,869.78	927,072.22	1,217,959.64	-17,187.76	0.00	668,170.12	668,170.12	0.00
2208 - LEVY EXCESS FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2214 - PROBATION USERS FEE	252,844.96	104,166.75	132,344.59	0.00	0.00	224,667.12	224,667.12	0.00
2222 - THEFT PROGRAM	224,048.14	25,515.00	538.81	0.00	0.00	249,024.33	249,024.33	0.00
2226 - COMMUNITY DEVELOPMENT	31,875.88	557,972.49	759,014.93	-330.00	0.00	-168,836.56	-168,836.56	0.00
2228 - LAW ENFORCEMENT EDUCATION	184,088.04	46,758.96	28,324.97	0.00	0.00	202,522.03	202,522.03	0.00
2230 - RECORD PERPETUATION	95,479.19	33,951.67	11,911.00	0.00	0.00	117,519.86	117,519.86	0.00
2234 - UNSAFE BUILDING	624,521.00	628,076.26	512,840.28	503,750.49	0.00	236,006.49	236,006.49	0.00
2235 - RIVERBOAT FUND	1,147,536.11	840,704.81	0.00	0.00	0.00	1,988,240.92	1,988,240.92	0.00
2236 - RAINY DAY FUND	10,804,690.34	804,188.73	0.00	0.00	0.00	11,608,879.07	11,608,879.07	0.00
2240 - LOIT PUBLIC SAFETY	2,183,098.56	7,405,567.87	5,765,150.20	0.00	0.00	3,823,516.23	3,823,516.23	0.00
2248 - LOIT SPEC DISTR - 2016	1,641,058.69	459,763.92	894,540.50	0.00	0.00	1,206,282.11	1,206,282.11	0.00
2250 - WHEEL TAX FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2256 - Opioid Settlement Unrestricted	87,394.24	15,637.53	0.00	0.00	0.00	103,031.77	103,031.77	0.00
2257 - Opioid Settlement Restricted	203,919.89	45,689.33	0.00	0.00	0.00	249,609.22	249,609.22	0.00
2300 - GENERAL DONATION	45,326.75	795.00	16,882.10	0.00	0.00	29,239.65	29,239.65	0.00
2301 - MAYOR'S DONATION	9,464.29	6,000.00	6,131.72	0.00	0.00	9,332.57	9,332.57	0.00
2302 - FOOD DRIVE DONATION	4,452.63	0.00	0.00	0.00	0.00	4,452.63	4,452.63	0.00
2303 - AVIATION DONATION	4,748.28	11,026.18	10,846.48	0.00	0.00	4,927.98	4,927.98	0.00
2304 - FIRE DONATION FUND	16,866.49	0.00	113.00	0.00	0.00	16,753.49	16,753.49	0.00
2305 - FIRE EDUCATIONAL DONATION	1,638.44	0.00	0.00	0.00	0.00	1,638.44	1,638.44	0.00
2306 - AMBULANCE ESCROW DONATION	10,035.00	0.00	0.00	0.00	0.00	10,035.00	10,035.00	0.00
2307 - SURVIVE ALIVE DONATION	4,726.15	979.00	1,406.41	0.00	0.00	4,298.74	4,298.74	0.00
2308 - EMS DONATION	1,782.69	0.00	0.00	0.00	0.00	1,782.69	1,782.69	0.00
2309 - POLICE DONATION	31,046.70	9,617.00	2,837.78	0.00	0.00	37,825.92	37,825.92	0.00
2310 - BEARDSLEY MEM DONATION	4,537.10	0.00	0.00	0.00	0.00	4,537.10	4,537.10	0.00
2311 - COMMUNICATION DONATION	4,911.16	0.00	199.00	0.00	0.00	4,712.16	4,712.16	0.00
2312 - NYC RR MUSEUM DONATION	10,253.39	8,384.71	10,469.34	0.00	0.00	8,168.76	8,168.76	0.00
2313 - CEMETERY DONATION	41,765.80	0.00	0.00	0.00	0.00	41,765.80	41,765.80	0.00
2314 - PARKS DONATION	125,376.85	46,126.85	39,485.02	0.00	0.00	132,018.68	132,018.68	0.00
2315 - LERNER THEATER DONATION	32,491.30	0.00	0.00	0.00	0.00	32,491.30	32,491.30	0.00

Treasurers Report

Date Range: 01/01/2023 - 11/30/2023

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated - Actual Ending
2316 - ELCO THEATRE BLD INDIANA	17,274.41	0.00	0.00	0.00	0.00	17,274.41	17,274.41	0.00
2317 - ENVIRO CTR -EDUCATION	27,032.51	14,703.96	10,574.99	0.00	0.00	31,161.48	31,161.48	0.00
2318 - PUBLIC WORKS DONATION	3,174.12	0.00	1,001.20	0.00	0.00	2,172.92	2,172.92	0.00
2384 - RIVERWALK COMMONS DONATION	2,874.73	0.00	0.00	0.00	0.00	2,874.73	2,874.73	0.00
2385 - COMM VIOLENCE PJT DONATIO	175.97	0.00	0.00	0.00	0.00	175.97	175.97	0.00
2386 - SAFETY CHAMPIONS DONATION	141.74	0.00	0.00	0.00	0.00	141.74	141.74	0.00
2387 - BAYER CORP DONATION	1,126.77	0.00	0.00	0.00	0.00	1,126.77	1,126.77	0.00
2388 - CIVIL RIGHTS DONATION	691.83	0.00	0.00	0.00	0.00	691.83	691.83	0.00
2389 - BUILDING DONATION	251.49	0.00	0.00	0.00	0.00	251.49	251.49	0.00
2390 - GEN DOWNTOWN DONATION	1,253.20	0.00	0.00	0.00	0.00	1,253.20	1,253.20	0.00
2391 - INTERSECTION DONATION	650.00	0.00	0.00	0.00	0.00	650.00	650.00	0.00
2392 - TOLSON YOUTH	7,561.95	0.00	0.00	0.00	0.00	7,561.95	7,561.95	0.00
2393 - HISTORIC PRES DONATION	5,379.64	0.00	0.00	0.00	0.00	5,379.64	5,379.64	0.00
2394 - TREE PLANTING DONATION	679.00	0.00	0.00	0.00	0.00	679.00	679.00	0.00
2395 - CR 17 CORRIDOR/JOHNSON ST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2396 - DESS DONATION FUND	373.97	0.00	0.00	0.00	0.00	373.97	373.97	0.00
2397 - BOTANICAL GARDEN DONATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2398 - TOLSON SCHOLARSHIP	2,221.25	0.00	0.00	0.00	0.00	2,221.25	2,221.25	0.00
2399 - AGENDA 2010	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2400 - CARES PROVIDER RELIEF	0.89	0.00	0.00	0.00	0.00	0.89	0.89	0.00
2401 - HUMAN RELATIONS GRANT	158,336.48	85,900.00	48,782.40	0.00	0.00	195,454.08	195,454.08	0.00
2402 - CD REHAB/REVOLVING LOAN	405,283.43	1,100.00	45,485.02	0.00	0.00	360,898.41	360,898.41	0.00
2403 - CD BUSINESS LOAN GRANT	211,871.58	65,571.35	23,321.16	0.00	0.00	254,121.77	254,121.77	0.00
2404 - State Matching Grants	642,600.00	27,000.00	642,600.00	0.00	0.00	27,000.00	27,000.00	0.00
2410 - FACT (FATAL ACCIDENT CRAS	195.76	0.00	0.00	0.00	0.00	195.76	195.76	0.00
2411 - BCCE / SEAT BELT	0.00	12,555.31	0.00	0.00	0.00	12,555.31	12,555.31	0.00
2412 - DEA ASSET SHARING	9,468.85	62,992.39	25,933.22	0.00	0.00	46,528.02	46,528.02	0.00
2413 - DEPT OF HOMELAND SECU	57.84	0.00	0.00	0.00	0.00	57.84	57.84	0.00
2414 - POLICE GRANT FUND	0.00	19,490.00	18,092.47	0.00	0.00	1,397.53	1,397.53	0.00
2420 - FIRE DEPT FEMA GRANT	0.00	300,000.00	300,000.00	0.00	0.00	0.00	0.00	0.00
2470 - COVID-19 GRANT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2471 - COVID-19 GRANT - AVIATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2472 - COVID-19 GRANT - CDBG	-33,008.92	59,610.11	29,080.69	0.00	0.00	-2,479.50	-2,479.50	0.00
2473 - DOJ COVID-19 GRANT - PD	2,293.82	0.00	0.00	0.00	0.00	2,293.82	2,293.82	0.00
2474 - ARP GRANT	17,016,837.05	0.00	1,801,967.86	0.00	0.00	15,214,869.19	15,214,869.19	0.00
2475 - SHUTTERED VENUE OP GRANT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2476 - DISASTER RELIEF	0.00	24,957.77	0.00	0.00	0.00	24,957.77	24,957.77	0.00
2477 - FLOOD RELIEF - CDBG	15.00	0.00	84.75	0.00	0.00	-69.75	-69.75	0.00
2487 - ST GRT IDEM SMALL MENTOR	61,012.82	0.00	0.00	0.00	0.00	61,012.82	61,012.82	0.00
2488 - HIGH DIVE PARK GRANT	19,644.22	0.00	0.00	0.00	0.00	19,644.22	19,644.22	0.00
2489 - PARK GRANTS	4,424.89	0.00	0.00	0.00	0.00	4,424.89	4,424.89	0.00
2490 - ST GRT ST JOE RIVER	17,292.19	0.00	0.00	0.00	0.00	17,292.19	17,292.19	0.00
2491 - ENERGY EFFICIENCY BLOCK GRANT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Treasurers Report

Date Range: 01/01/2023 - 11/30/2023

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated - Actual Ending
2492 - RIVERWALK COMMONS	1,760.00	0.00	0.00	0.00	0.00	1,760.00	1,760.00	0.00
2493 - CASSOPOLIS INTERLOCAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2494 - RR SAFETY BLD INDIANA	76,830.44	0.00	0.00	0.00	0.00	76,830.44	76,830.44	0.00
2495 - NEIGHBORHOOD STABILIZATIO	816.53	0.00	0.00	0.00	0.00	816.53	816.53	0.00
2496 - NSP 3	308.50	0.00	0.00	0.00	0.00	308.50	308.50	0.00
2497 - IHEDA IN HOUSING COMM DEV	608.20	0.00	0.00	0.00	0.00	608.20	608.20	0.00
2498 - FISH PASSAGE GRANT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2499 - WASHINGTON GARDENS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2500 - CENTRAL GARAGE	1,475,471.68	1,419,805.93	2,572,670.43	0.00	30.16	322,577.02	322,577.02	0.00
2501 - MAUSOLEUM OPERATIONS	65,296.84	16,833.00	10,013.30	0.00	0.00	72,116.54	72,116.54	0.00
2502 - ENVIRONMENTAL CENTER	112,096.17	625,542.80	296,527.45	0.00	8,329.00	432,782.52	432,782.52	0.00
2503 - GREATER ELKHART FUND	729,556.45	99,193.20	0.00	0.00	0.00	828,749.65	828,749.65	0.00
2504 - LICENSE EXAMINATION	36,956.58	3,900.50	0.00	0.00	0.00	40,857.08	40,857.08	0.00
2505 - E 911	118,000.97	66,035.00	76,359.73	0.00	0.00	107,676.24	107,676.24	0.00
2510 - NYC RR MUSEUM	203,466.45	158,755.00	268,198.07	0.00	0.00	94,023.38	94,023.38	0.00
2511 - LERNER THEATRE	1,186,906.53	1,343,578.37	1,598,519.72	0.00	0.00	931,965.18	1,054,309.10	-122,343.92
2520 - PARK PROGRAM	843,615.64	222,875.13	237,235.33	0.00	0.00	829,255.44	829,255.44	0.00
2530 - LERNER CONCESSIONS	1,098.03	0.00	0.00	0.00	0.00	1,098.03	1,098.03	0.00
2531 - NYC RR CONCESSIONS	28,349.82	10,309.34	12,253.42	0.00	0.00	26,405.74	26,405.74	0.00
2540 - STU STATLER CRIME FUND	60,951.40	1,088.80	0.00	0.00	0.00	62,040.20	62,040.20	0.00
2542 - PARKING ENFORCEMENT	235,088.23	25,115.00	0.00	0.00	0.00	260,203.23	260,203.23	0.00
2543 - ANIMAL CONTROL ORDINANCE	36,905.32	108,455.01	140,450.00	0.00	0.00	4,910.33	4,910.33	0.00
2544 - DUI/OPERATING UNDER INFLU	0.00	568.82	0.00	0.00	0.00	568.82	568.82	0.00
2545 - NOISE ORDINANCE	35,268.06	6,655.95	0.00	-40.00	0.00	41,964.01	41,964.01	0.00
2550 - HORIZON FUND	312,546.29	0.00	0.00	0.00	0.00	312,546.29	312,546.29	0.00
2551 - TAX ABATEMENT	665,461.84	74,722.14	0.00	0.00	0.00	740,183.98	740,183.98	0.00
2552 - REDEVELOPMENT	0.00	44,068.50	440.88	0.00	0.00	43,627.62	43,627.62	0.00
2553 - ECON DEV REVOLVING FUND	0.00	2,000,000.00	0.00	0.00	0.00	2,000,000.00	2,000,000.00	0.00
2554 - Foundry Settlement Proceeds	1,340,821.24	155,000.00	519,104.23	0.00	0.00	976,717.01	976,717.01	0.00
2575 - COMMUNITY PROMOTION	0.00	10,000.00	6,288.57	0.00	0.00	3,711.43	3,711.43	0.00
2596 - TOLSON DRUG ELIMINATION	35.32	0.00	0.00	0.00	0.00	35.32	35.32	0.00
2597 - UMPTA	11,166.63	0.00	0.00	0.00	0.00	11,166.63	11,166.63	0.00
2598 - COVID-19 EMERGENCY RESPNS	130,725.95	97,360.63	0.00	0.00	0.00	228,086.58	228,086.58	0.00
2599 - URBAN WOOD PROGRAM	2,730.30	0.00	0.00	0.00	0.00	2,730.30	2,730.30	0.00
3321 - PARK BOND 2009 CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3322 - PARK BOND 2019 RESERVE	283,295.18	0.00	0.00	0.00	0.00	283,295.18	283,295.18	0.00
3323 - PARK BOND 2019 ALLOCATION	407,113.30	412,886.44	362,400.00	0.00	0.00	457,599.74	457,599.74	0.00
3324 - TIF RESERVE DWNTWN FUND	1,043,563.24	0.00	0.00	0.00	0.00	1,043,563.24	1,043,563.24	0.00
3325 - TIF AEROPLEX RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3326 - TIF RESERVE STERLING EAST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3327 - TIF RESERVE CASS ST AREA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3328 - TIF RESERVE PIERRE MORAN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4401 - CUM CAPITAL IMPROVEMENT	225,624.29	49,244.91	164,868.31	0.00	0.00	110,000.89	110,000.89	0.00

Treasurers Report

Date Range: 01/01/2023 - 11/30/2023

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated - Actual Ending
4402 - CUM CAPITAL DEVELOPMENT	547,077.80	772,672.51	938,275.23	0.00	0.00	381,475.08	381,475.08	0.00
4425 - CUM FIRE EQUIP & POLICE	2,809,795.15	1,695,451.77	960,334.96	0.00	0.00	3,544,911.96	3,544,911.96	0.00
4428 - CUMULATIVE SEWER	548,223.53	205,006.39	222,714.75	0.00	0.00	530,515.17	530,515.17	0.00
4436 - CEDIT	4,593,906.63	6,954,246.65	6,044,685.32	84,332.90	0.00	5,419,135.06	5,419,135.06	0.00
4440 - MAJOR MOVES CONSTRUCTION	5,262,158.37	356,213.10	0.00	0.00	0.00	5,618,371.47	5,618,371.47	0.00
4445 - TIF DOWNTOWN ALLOCATION	4,648,085.92	1,756,876.01	2,573,164.12	-90,400.00	0.00	3,922,197.81	3,922,197.81	0.00
4446 - TIF ALLOCATION PIERRE MOR	0.00	178,813.69	178,813.69	0.00	0.00	0.00	0.00	0.00
4447 - TIF SOUTHWEST ALLOCATION	0.00	704,388.95	704,388.95	0.00	0.00	0.00	0.00	0.00
4448 - TIF AEROPLEX ALLOCATION	1,407,076.75	242,634.60	8,179.88	0.00	0.00	1,641,531.47	1,641,531.47	0.00
4449 - TIF ALLOCATION STERLING E	0.00	187,693.81	187,693.81	0.00	0.00	0.00	0.00	0.00
4450 - TIF ALLOCATION CASS ST AR	12,412,196.31	2,789,218.32	1,354,840.19	0.00	0.00	13,846,574.44	13,846,574.44	0.00
4451 - TIF BAYER/TECH PARK ALLOC	996,801.90	143,190.15	12,765.64	0.00	0.00	1,127,226.41	1,127,226.41	0.00
4452 - TIF ALLOCATION S.MAIN GAT	0.00	190,702.06	190,702.06	0.00	0.00	0.00	0.00	0.00
4453 - TIF CONSOLIDATED S ALLOCA	6,790,995.59	1,278,644.21	1,780,600.56	0.00	0.00	6,289,039.24	6,289,039.24	0.00
4500 - AVIATION FEDERAL	79,134.84	415,224.89	448,592.60	0.00	0.00	45,767.13	45,767.13	0.00
4501 - LOCAL RD & BRIDGE MATCH	394,581.41	0.00	43,289.77	0.00	0.00	351,291.64	351,291.64	0.00
4599 - RR OVERPASS	927,924.64	0.00	0.00	0.00	0.00	927,924.64	927,924.64	0.00
4600 - TOLSON CENTER IMPROVEMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4650 - ELKHART CAPITAL OUTLAY	21,071,813.95	1,232,336.04	162,590.54	90,400.00	0.00	22,051,159.45	22,051,159.45	0.00
4651 - LERNER CAPITAL	115,710.59	0.00	0.00	0.00	0.00	115,710.59	115,710.59	0.00
4681 - TIF FOUNDRY CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4682 - TIF CAPITAL S MAIN GATEWA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4683 - TIF CAPITAL CASS ST AREA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4684 - TIF CAPITAL STERLING EAST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4685 - TIF CAPITAL PIERRE MORAN	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4686 - TIF BAYER/TECH PARK CAPIT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4687 - TIF SOUTHWEST CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4688 - PARK BOND ANTICIPATION NO	4,986.37	0.00	0.00	0.00	0.00	4,986.37	4,986.37	0.00
4689 - TIF AEROPLEX CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4690 - GEN OBLIG BOND 06 CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4691 - PARK BOND 06 ALLOCATION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4692 - TIF DOWNTOWN CAPITAL	68,478.32	0.00	0.00	0.00	0.00	68,478.32	68,478.32	0.00
4693 - GEN OBLIG BOND 06 ALLOCAT	0.00	2,679.00	0.00	0.00	0.00	2,679.00	2,679.00	0.00
4694 - PARK CAPITAL	6,524.19	0.00	0.00	0.00	0.00	6,524.19	6,524.19	0.00
4695 - PARK BOND 06 CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4696 - HIGHWAY IMPROVEMENT	94,864.34	0.00	0.00	0.00	0.00	94,864.34	94,864.34	0.00
4697 - DOWNTOWN DEVELOPMENT	8,176.63	0.00	0.00	0.00	0.00	8,176.63	8,176.63	0.00
4698 - E. JACKSON CURB & DRAINAG	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4699 - PARK BOND CAPITAL (2005)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6101 - WTR OPERATING	1,222,481.07	6,048,305.43	5,733,910.44	0.00	2,976.20	1,533,899.86	1,533,899.86	0.00
6102 - WTR BOND & INTEREST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6103 - WTR DEPRECIATION	2,053,830.98	0.00	542,243.50	0.00	0.00	1,511,587.48	1,511,587.48	0.00
6104 - WTR GUARANTEE DEPOSIT	232,675.22	25,507.69	6,000.00	0.00	0.00	252,182.91	252,182.91	0.00

Treasurers Report

Date Range: 01/01/2023 - 11/30/2023

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated - Actual Ending
6105 - WTR MAIN EXTENSION	969,252.61	49,482.18	352,376.02	-22,882.00	0.00	689,240.77	689,240.77	0.00
6106 - WTR REVENUE	673,688.51	7,260,161.58	6,625,242.82	-6,114.53	0.00	1,314,721.80	1,314,721.80	0.00
6107 - WATER RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6108 - WATER TANK MAINTENANCE	1,135,924.57	0.00	0.00	0.00	0.00	1,135,924.57	1,135,924.57	0.00
6109 - WTR ELKHART BAN 23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6201 - WWTP OPERATING	3,345,494.74	6,879,082.05	7,464,069.44	0.00	910.17	2,759,597.18	2,759,597.18	0.00
6202 - WWTP BOND & INTEREST	428,110.70	3,382,968.64	3,545,102.69	0.00	0.00	265,976.65	265,976.65	0.00
6203 - SEWER REPLACEMENT	4,148,650.02	3,172,578.00	1,495,135.44	0.00	0.00	5,826,092.58	5,826,092.58	0.00
6204 - WWTP TRUNK LINE EXT	922,988.40	147,862.00	152,163.90	0.00	0.00	918,686.50	918,686.50	0.00
6205 - SEWER GUARANTEE DEPOSITS	111,563.64	22,385.64	0.00	0.00	0.00	133,949.28	133,949.28	0.00
6206 - WWTP REVENUE FUND	1,427,609.52	13,825,410.99	12,962,446.00	-200.00	0.00	2,290,774.51	2,290,774.51	0.00
6207 - SEWER INS FUND	818.85	394,733.13	379,702.15	0.00	0.00	15,849.83	15,849.83	0.00
6208 - SEWER BOND SINKING FUND	2,559,642.57	469,661.59	0.00	0.00	0.00	3,029,304.16	3,029,304.16	0.00
6209 - CSO-LTCP FUND	975.07	0.00	0.00	0.00	0.00	975.07	975.07	0.00
6210 - SEWER DEPREC & SURPLUS	21,975,729.52	799,793.67	12,067,684.00	0.00	0.00	10,707,839.19	10,707,839.19	0.00
6211 - WW OAKLAND CONSTRUCTION 23	0.00	21,233,373.03	1,545,460.00	0.00	0.00	19,687,913.03	19,687,913.03	0.00
6212 - WW BROWNFIELD CONSTRUCTION 23	0.00	3,077,809.48	0.00	0.00	0.00	3,077,809.48	3,077,809.48	0.00
6501 - STORM WATER	1,211,015.51	596,147.05	809,960.05	0.00	0.00	997,202.51	997,202.51	0.00
6504 - STORMWATER CAPITAL	1,452,581.97	300,000.00	820,097.77	0.00	0.00	932,484.20	932,484.20	0.00
6607 - AQUATIC FISHERIES FUND	176,160.99	140,000.00	104,206.01	0.00	0.00	211,954.98	211,954.98	0.00
6608 - ORGANIC RECYCLING	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6650 - OAK HILLS GOLF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7704 - GROUP INSURANCE	1,832,610.12	9,359,901.69	9,730,592.30	0.00	30,196.44	1,431,723.07	1,431,723.07	0.00
7726 - FLEX SPENDING	67,139.59	228,244.75	226,555.57	0.00	0.00	68,828.77	68,828.77	0.00
7727 - INSURANCE AVIATION	2,952.17	0.00	0.00	0.00	0.00	2,952.17	2,952.17	0.00
7728 - INSURANCE FIRE DEPT	21,832.16	0.00	0.00	0.00	0.00	21,832.16	21,832.16	0.00
7729 - INSURANCE POLICE DEPT	118,289.67	0.00	32,404.00	0.00	0.00	85,885.67	85,885.67	0.00
7730 - INSURANCE PUBLIC WORKS	77,171.12	19,655.77	102,018.89	-400.00	0.00	-4,792.00	-4,792.00	0.00
7731 - INSURANCE MOTOR VEH	17,799.54	2,071.78	1,638.99	0.00	0.00	18,232.33	18,232.33	0.00
7732 - INSURANCE CEMETERY	100.00	0.00	0.00	0.00	0.00	100.00	100.00	0.00
7733 - INSURANCE PARK & REC	54,303.03	0.00	0.00	0.00	0.00	54,303.03	54,303.03	0.00
7734 - INSURANCE BLDG & GRNDS	6,660.91	0.00	0.00	0.00	0.00	6,660.91	6,660.91	0.00
7735 - INSURANCE ESCROW	31,926.66	0.00	0.00	0.00	0.00	31,926.66	31,926.66	0.00
7736 - INSURANCE CENT GARAGE	76,012.20	118,921.25	74,990.22	-100.00	0.00	120,043.23	120,043.23	0.00
7737 - INSURANCE SEWER	14,677.45	0.00	0.00	0.00	0.00	14,677.45	14,677.45	0.00
7738 - HRA GROUP INSURANCE FUND	488,793.48	0.00	0.00	0.00	0.00	488,793.48	488,793.48	0.00
7739 - LIABILITY INSURANCE TRUST	3,824,283.94	1,886,038.09	1,839,717.50	0.00	0.00	3,870,604.53	3,870,604.53	0.00
7740 - SALES TAX	1,870.59	17,807.20	17,267.71	0.00	0.00	2,410.08	2,410.08	0.00
7741 - COUNTY COURT FEES	10,093.12	156,699.06	171,919.06	0.00	0.00	-5,126.88	-5,126.88	0.00
7799 - FUEL HEDGE FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8801 - FIRE PENSION	2,715,810.71	2,485,231.23	2,483,922.67	0.00	0.00	2,717,119.27	2,717,119.27	0.00
8802 - POLICE PENSION	1,466,133.57	2,002,445.81	1,925,496.73	0.00	0.00	1,543,082.65	1,543,082.65	0.00
8806 - PENSION TRUST FUND	2,111,341.69	7,840,657.50	7,859,623.80	0.00	0.00	2,092,375.39	2,092,375.39	0.00

Treasurers Report

Date Range: 01/01/2023 - 11/30/2023

Fund	Beginning Cash Balance	Revenues	Expenses	Net Change Assets	Net Change Liabilities	Calculated Ending Balance	Actual Ending Balance	Calculated - Actual Ending
8811 - CEMETERY PERPETUAL CARE	91,904.43	6,940.00	0.00	0.00	0.00	98,844.43	98,844.43	0.00
8812 - MAUSOLEUM PREP CARE	53,247.96	7,924.01	0.00	0.00	0.00	61,171.97	61,171.97	0.00
8813 - PRAIRIE ST CEMETERY PREP	75,657.26	0.00	0.00	0.00	0.00	75,657.26	75,657.26	0.00
8851 - CONSTRUCTION RETAINAGE	883,560.96	760,952.35	500.00	0.00	0.00	1,644,013.31	1,644,013.31	0.00
8852 - CURB & GUTTER/BOND DEPOSIT	63,361.32	9,500.00	10,800.00	0.00	0.00	62,061.32	62,061.32	0.00
8853 - LERNER THEATRE BOX OFFICE	564,179.02	1,781,505.65	1,675,355.67	0.00	0.00	670,329.00	670,329.00	0.00
Report Total:	223,809,004.89	215,394,025.65	196,259,122.36	553,602.62	37,010.74	242,353,294.82	242,475,638.74	-122,343.92