

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

**AGENDA FOR REGULAR ELKHART CITY COUNCIL MEETING**

LOCATION: CITY HALL, 2<sup>ND</sup> FLOOR, COUNCIL CHAMBERS

**June 5, 2023**

**7:00 P.M.**

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

**2. Minutes for Approval**

Minutes of June 13, 2022 – City Council

Minutes of July 11, 2022 – City Council

Minutes of May 1, 2023 – City Council

Minutes of May 10, 2023 – Public Health & Safety Committee

**Presentations and Introductions**

**3. Unfinished Business**

**a) Reports of Council Committees**

**b) Ordinances on Second-Third Reading**

**PROPOSED ORDINANCE 23-O-11**, an ordinance appropriating Eight Hundred Thousand Dollars (\$800,000.00) for land acquisition, and professional services for the new public safety facilities for the Elkhart Fire Department

**c) Ordinances and Resolutions Referred to Committees**

There are no ordinances or resolutions referred to committees

**d) Tabled Ordinances and Resolutions**

There are no tabled ordinances or resolutions

**4. New Business**

**a) Ordinances on First Reading**

**PROPOSED ORDINANCE 23-O-12**, an ordinance appropriating Three Hundred Fifty-Five Thousand Dollars (\$350,000.00) for purchase of five new police units and law enforcement kits, for the Elkhart Police Department.

b) **Resolutions**

**PROPOSED RESOLUTION 23-R-09**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV, LLC\Creek, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-8-19, R-9-19 and R-10-19

**PROPOSED RESOLUTION 23-R-10**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alliance RV, LLC\Creek, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-08-21, R-13-21 and R-14-21

**PROPOSED RESOLUTION 23-R-11**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC\DVS, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-06-17, R-08-17 and R-09-17

**PROPOSED RESOLUTION 23-R-12**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Alpha Systems, LLC\DVS, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-43-20, R-44-20 and R-45-20

**PROPOSED RESOLUTION 23-R-13**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether American Millwork, LLC\Nickell Properties I, LLC are in substantial compliance with its statement of benefits-Personal Property (Form CF-1/PP) and the memorandum of agreement approved under Resolution Nos. R-07-21, R-11-21 and R-12-21

**PROPOSED RESOLUTION 23-R-15**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Champion Manufacturing Inc.\C.R. 17 Land Development, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-41-19, R-42-19 and R-43-10

**PROPOSED RESOLUTION 23-R-16**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether EOZ Business, LLC are in substantial compliance with its statement of benefits (CF-1 Forms) and the memorandum of agreement approved under Resolution Nos. R-37-20, R-39-20 and R-40-20

**PROPOSED RESOLUTION 23-R-17**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Flexible Concepts, Inc. are in substantial compliance with its statement of benefits – personal property (Form CF-1/PP) and the memorandum of agreement approved under Resolution Nos. R-37-19, R-38-19 and R-39-19

**PROPOSED RESOLUTION 23-R-18**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Flexible Concepts, Inc. are in substantial compliance with its statement of benefits – personal property (Form CF-1/PP) and the memorandum of agreement approved under Resolution Nos. R-51-21, R-57-21 and R-58-21

**PROPOSED RESOLUTION 23-R-19**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Kem Krest, LLC\La Isla Bonita Properties, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-47-16, R-49-16 and R-50-16

**PROPOSED RESOLUTION 23-R-20**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Marson International, LLC are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-04-22, R-06-22 and R-07-22

**PROPOSED RESOLUTION 23-R-21**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Placon Corporation are in substantial compliance with its statement of benefits forms and memoranda of agreement approved under Resolution Nos. R-14-20, R-27-20 and R-28-20

**PROPOSED RESOLUTION 23-R-22**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether R. Concepts Industries, Inc. are in substantial compliance with its statement of benefits (Form CF-1\PP) and memorandum of agreement approved under Resolution Nos. R-37-19, R-49-19 and R-50-10

**PROPOSED RESOLUTION 23-R-23**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Tredit Tire & Wheel Company, Inc. are in substantial compliance with its statement of benefits (Form CF-1\PP) and memorandum of agreement approved under Resolution Nos. R-38-18, R-42-18 and R-43-18

**PROPOSED RESOLUTION 23-R-24**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Truma Corp.\42K Real Estate, LLC are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-04-18, R-09-18 and R-10-18

**PROPOSED RESOLUTION 23-R-25**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether FF US Acquisition Corporation, DBA Tuscany Motor Company\TLMTG Properties, LLC are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-50-18, R-53-18 and R-54-18

**Resolutions Continued**

**PROPOSED RESOLUTION 23-R-26**, a resolution of the Common Council of the City of Elkhart, Indiana determining whether Americana Development; DBA: Dexstar Wheel are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-51-20, R-52-20 and R-53-20

**PROPOSED RESOLUTION 23-R-27**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether CTS Corporation are in substantial compliance with its statement of benefits (CF-1 Forms) and memoranda of agreement approved under Resolution Nos. R-03-19, R-04-19 and R-05-19

**PROPOSED RESOLUTION 23-R-28**, a resolution of the Common Council of the City of Elkhart, Indiana, determining whether Tepe Sanitary Supply, Inc. T5, LLC are in substantial compliance with its statement of benefits (Form CF-1\RP) and memorandum of agreement approved under Resolution Nos. R-50-20, R-54-20 and R-55-20

c) **Vacation Hearings**

There are no vacation hearings

d) **Other New Business**

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

f) **Neighborhood Association Reports**

g) **Privilege of the Floor**

h) **Scheduling of Committee Meetings**

5. **Acceptance of Communications**

Minutes of April 11, 2023 – Aurora Capital Development Corporation

Minutes of May 9, 2023 – Board of Public Safety

Minutes of May 3, 2023 – Board of Public Works

Minutes of April 27, 2023 – Human Relations Commission

Minutes of April 18, 2023 – Parks & Recreation Board

Minutes of April 11, 2023 – Redevelopment Commission

Report – April 2023 Month End – Elkhart Communications Center

6. **Adjournment**

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF  
JUNE 13, 2022**

Present: Council President Arvis Dawson  
Council Members Kevin Bullard, Brent Curry, Brian Thomas, Aaron Mishler, Tonda Hines, Megan Baughman, Dwight Fish 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

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.

Councilman Bullard led the assembly in the Pledge of Allegiance and President Dawson asked for a moment of silent reflection.

The clerk called the roll.

**Minutes for Approval**

There were no minutes for approval.

**Presentations or Introductions**

Councilman Mishler introduced Andrew Ellison and stated he has worked before in the State of Illinois regarding their redistricting and he is well regarded in that field. President Dawson stated I would like to add that the Ad-Hoc committee for redistricting included Councilman Mishler, Councilman Fish and Councilman Thomas, who authorized us to move forward with this.

Andrew Ellison, Kokomo, Indiana, stated it is a pleasure to be here this evening to talk to you all about this redistricting. Mr. Ellison gave a presentation to the council on the 2022-2023 Elkhart Municipal Redistricting. Mr. Ellison stated thank you for giving me the opportunity to speak with you about this issue tonight. It's a once in a decade opportunity to shape and direct how the redistricting process is going to play out at the municipal level and I'm here to talk to you today about it. For some of you who may not be familiar with this process and for other members of the audience, I just wanted to kind of detail what the redistricting process kind of looks like and what redistricting actually is. It is the process of drawing electoral district boundaries and places where they exist. This is true for district forms of government, whether it's our house of representatives, state legislatures and most municipal governments and that includes the City of Elkhart. It occurs every ten years after the census to account for any population shifts that have been occurring with those districts and the council is going to be responsible for drawing the municipal district boundaries this summer. The general criteria that you want to account for when engaging in the redistricting process, for one you have single-member districts. As it is now, there are three at-large members of the council, six members who are from districts and that's going to continue as set by state law, just as a bit of clarity there. There are first class, second class and third-class cities in Indiana. Indianapolis is the one first-class, Elkhart would classify as a second-class city based on population and we will talk about statute and the effect that has on how Elkhart will approach that process. You want to focus on compactness and just make sure the district is sensible and not stretched out throughout the municipality, you want to make sure all districts are contiguous and that all parts of the district are held together and don't have random parts of the city that have been drawn

together and mismatched. You want to have a relatively equal population and in this case you want to have a population of plus or minus the districts as a whole that are within 10% of each other. You don't want the biggest being 10% bigger than the smallest district, just to make sure that one community in the district does not have more voters in the city than another. In a larger city you are going to have a lot of different communities that have a lot of different interests going on, so you want to make sure that those communities are well represented and that they will be able to elect a candidate who might reflect their community and what that community might need and, especially at the federal level, is racial fairness. It's not too much of a concern here in Elkhart, but it will be something that you might want to take into account when drawing some of these districts.

Mr. Ellison continued and stated going over the Indiana Constitutional requirements, just going over Indiana Constitution Section 36-4-6-3 kind of details the process for second-class cities and how to handle their redistricting process. I have highlighted the relevant sections on how to approach this going forward and subsection (b) notes that the legislative body shall adopt an ordinance to divide the city into six districts as they are now and that they are composed of a contiguous territory, are reasonably compact, do not cross precinct boundary lines and containing as nearly as possibly an equal population.

Following the presentation, Councilman Fish stated do you have a chart of how each of the districts are populated now, with the new numbers to get it to the 10%? Mr. Ellison stated yes, on the old map it notes in the first set of data, the district, the population and the raw population deviation, each District should have just a hair under 9,000 people. The first and the sixth are well below that the third is above, so ideally you would want to even that out so it is under a 10% deviation. The graphic for the new proposal brings that deviation below the 10% threshold so it would bring it into population compliance.

Councilman Dawson stated so at this point, we need to put together an ordinance that we want to approve. The committee needs to decide whether they want to convene again, but we need to put an ordinance together for our July meeting, so you have a few weeks, but we would like to have this for our meeting in July. We meet back to back in July and I am not sure what the publication requirements are for this, but we will need to have some public hearings as well, but we need to get an ordinance before us.

Councilman Curry stated I would like to take some time to look at the changes, the 5<sup>th</sup> district is moving from 8<sup>th</sup> Street all the way over to 6<sup>th</sup> Street and some of my best voters are in that area. So I would like to take a look at that because these people vote. President Dawson stated once we get a hard copy I think that will help us all.

President Dawson stated we have another presentation from Kristin Smole. Kristin Smole, Assistant Director to Economic Development, stated we have a new team member that has joined us, his name is Drew Wynes and he is going to be the new Economic Development Specialist in our department and he will be helping with some of our incentives and phase-ins, so he will be a face that you will see for probably years to come. Drew Wynes, stated thank you all for having me. I just graduated with a Masters in Economic Development from Western Illinois University, and I am totally new to Indiana and Elkhart and I have really enjoyed my first month here and it has been wonderful. You guys have a wonderful city and I am glad to be a part of improving quality of life in Elkhart and working on tons of Economic Development projects.

## **UNFINISHED BUSINESS**

### **Reports of Council Committees**

There were no reports from Council Committees.

**Ordinances on Second-Third Reading**

There were no ordinances on second-third reading.

**Ordinances and Resolutions Referred to Committees**

*Proposed Ordinance 21-O-46-R*

**AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00\100 DOLLARS (\$500,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE HOMEOWNER-OCCUPIED PROPERTY REHABILITATION PROGRAM**

President Dawson stated proposed ordinance, 21-O-46-R, remains in committee.

*Proposed Ordinance 21-O-49*

**AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$322,350.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART THRIVE NEIGHBORHOOD OPPORTUNITY HUB INITIATIVE**

President Dawson stated proposed ordinance, 21-O-49, remains in committee.

**Tabled Ordinances and Resolutions**

*Proposed Ordinance 22-O-09*

**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 309 STAINLESS DRIVE, ELKHART, INDIANA BY REMOVING THE EXISTING ZONING RESTRICTION, WHICH PROHIBITS ACCESS TO THE PROPERTY FROM COUNTY ROAD 19**

President Dawson stated proposed ordinance 22-O-09 remains tabled.

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NEW BUSINESS

Ordinances on First Reading

*Proposed Ordinance 22-O-28*

**AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$500,000) FROM THE GENERAL FUND TO THE REPAIRS AND MAINTENANCE-OTHER ACCOUNT FOR THE DOWNTOWN MAIN STREET IMPROVEMENTS**

The clerk read the proposed ordinance 22-O-28, by title only. President Dawson **passed the ordinance on to second reading.**

Resolutions

*Resolution # R-18-22*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ELKHART AND THE INDIANA FRATERNAL ORDER OF POLICE LABOR COUNCIL, INC.**

The clerk read the proposed resolution 22-R-18, by title only. Councilman Mishler, seconded by Councilman Fish, **moved to adopt the proposed resolution.** President Dawson opened the floor for council discussion and Councilman Fish stated are there any state statutes that cover this activity for citizens basically taking responsibility for prisoners? Chris Seymore, Chief of Elkhart Police Department, stated not that I am aware of, we have flushed this through with Legal and nothing has come up in terms of that. These are already existing employees, they will just have a little further training.

Councilman Henke stated how many transfers occur per day? Chief Seymore stated I would have to ballpark it but I would have to say 20 to 25 a day, it may be more on the weekends. Councilman Henke stated does that include the court that is upstairs? Chief Seymore stated that is different, this would be when an officer makes an arrest, they would be responsible for taking that person to the county jail, which takes them off the street, so if you think about having three officers that have arrests at the same time, you have three less officers on the street patrolling and being able to answer calls. So what this does is free up an officer of having to take care of the transport piece, so they can stay in City limits and still be able to take calls. Councilman Henke stated to follow with that, I worry about the duplicity being one of those things, knowing the limitation of these particular officers, I would like this to also address, moving forward, officers being used as crossing guards, resource officers in schools, as opposed to public servants that would be represented here, because those also take officers off the street on a routine basis. So, if we would look at pairing down all other uses of officers, because if they are used as fill-ins on a regular basis. Then, I had to question, with regard to the people who would be in these positions, help me connect why they are not pursuing becoming commissioned officers? Chief Seymore stated that would be something you would have to ask the individual, some of them are beyond the age limit, some of them just choose not to go that route, they would rather be civil safety officers. Councilman Henke stated then overall, do you have a business plan that somewhat depicts the amount of time it would take for these folks to take people to the jail and process and then the time it would free up, so they would be doing their report and not transporting, so do we have an idea of the new cost of this program and what you would expect as a



savings on the other side, probably more likely in the time of police officers and direct contact on the street? Chief Seymore stated I don't have exact numbers for you but I can tell you this expense is detailed in the memorandum where the officers would be paid an additional \$2.00 for having more duties, so there is a cost there, but the savings, I don't know that we measure it in terms of dollars as opposed to having coverage on the streets, so our officers are safe and the citizens are safe because we keep them on the street and not have them tied up. The report piece of it, I would be glad if we didn't have as much paperwork as we currently have, but that is the nature of the beast. We have looked at ways to streamline that and one of those ways would be an upgraded records management system. That will significantly cut down our paperwork time, once that is rolled out here, hopefully at the end of the year.

Councilwoman Baughman stated this appears to be a bigger question and appears to come from perspective of lack of number of officers. Chief Seymore stated that is part of the equation, yes. Councilwoman Baughman stated okay so that appears to be the bigger question, how do we recruit and retain more officers? Under this current one, I think we are going to open ourselves up for an incredible amount of liability if you take a civilian safety officer from a location and transfer them, are they allowed to carry a weapon? Chief Seymore stated no, these will be unarmed. That is one of the things we considered, but a lot of them did not want to take on that extra training, maybe for fears of not being able to do it and not completing it, the extra liability on themselves. Councilwoman Baughman stated I think a better perspective would have been to come from a vantage point of how do we make the Elkhart Police Department and give them an advantage to be able to recruit and retain officers versus transferring the responsibility of a police officer to a civilian safety officer. As you said they didn't have any interest of carrying a firearm of some sort. I think also this is leading into the fact that our Police Department is planning on two new police stations and it is my understanding that the main police station will not have a jail? Chief Seymore stated that is still in the design phase and as it stands there is still one factored in there and we are testing this transport phase to see if it is something down the road, if we could cut a jail facility out, that would save us on budget concerns for actually building the building. This was the result of us being forced to do it, we are short of the civilian safety officers and we have a compliment of about half of what we used to have, so our traditional means of booking prisoners in our jail, we don't have the staffing for, so we were forced to make this shift to direct transports. We upgraded some of our technology to be able to do that and in our current system we take the paperwork to the county jail. Now let me back up and address your concerns about recruiting, it is a challenge, it has been a challenge for a few years now, part of that we are addressing with our internal culture, the second part of this is what kind of police department and what kind of people do we want to draw? We have to pay them, we have to have incentives for people to want to come here and for people to want to stay in this profession and whether that's for lateral transfers, we have a \$7,500 bonus of lateral transfers and that is pretty significant for this area, but as it stands right now, our starting pay is on par with other local agencies. We have taken steps necessary to try to get people in the door, we have seen a bit of an increase in applicants with those things in place and I am optimistic we will get there and I hope to cut our openings in half. Councilwoman Baughman stated honestly I don't think we have thought of everything, we have to think differently, we have to find ways to recruit people to come here. I think we as a council and a community need to think differently and find other ways to be able to recruit and retain.

President Dawson stated Chief, in your cover letter you mentioned training and I think that was what Councilwoman Hines wanted to speak to. Chief Seymore stated as you can see, a lot of these things are already things that they do in their training, so that would be a review, there would be an updated version of that. Essentially the only thing that is being added in here is we are adding them driving a vehicle from the City to the County Jail. So in the case they would have an emergency vehicle operation, they would be training in that, map training so they know where they are going in the City, so that is the only thing that is being added as essential in their training. They are already well versed in booking prisoners, searching prisoners, they do have less lethal weapons that they are already carry, so this would be an update on their existing training with the addition of driving.

Councilwoman Hines stated to piggyback on the conversation of them not wanting to become a police officer, has that conversation or is there other incentives in terms of recruiting them since they do have other duties? Chief Seymore stated so the 18-21 age range you talk about, we use to have civil safety officers that were in that age range that become officers, now we have seen that morphed into an older more mature person that is putting in for this job because it doesn't have the rigors of the street. It used to be a pipeline for officers, they would start out in the jail, we could see their work ethic and how they did things and then they would come onto the police department. We have several officers that were safety officers, so that 18-21 age range, we are encouraging them to apply at the county jail because they are 35 jail officers short and we get officers from the county jail all the time that apply, so if we can help them fill their roles, that serves as a training ground for officers to come into our department from there. It's a give and take.

Councilman Mishler stated in my past experience as a registered nurse, I worked at the St. Joe County Jail and during that intake period, in the vestibule, when you are bringing people in, that is one of the most dangerous times to bring someone in, because you don't necessarily know if they are on drugs, if they are drinking or violent, so I always encourage additional training for our officers in that regard. Working in the jail I kind of witnessed that pipeline from the County Jail to the South Bend P.D. or Mishawaka, and I am kind of happy we are doing the same thing here in Elkhart County, seeing those folks get trained how to deal with people, work with people and defend themselves and transferring those same skills and discipline, most importantly, to the police department. Chief Seymore stated in the end they are going to be asked if they feel comfortable. We don't put anyone on the street, whether it's a police officer or a safety officer, have they received the training that is necessary, have the instructors signed off on their training, do they feel comfortable and lastly do they feel comfortable doing the job and if they don't we will continue on with the training until they do feel comfortable.

Councilman Henke stated I am again looking for a level of a business plan. It does seem a little reactionary, and I can understand the concept of this. The question is why would they choose Elkhart when everyone is advertising? What do we do differently above and beyond for comfort? I think that is the biggest issue. Temporarily, this is going to be the band aid but it's not the fix. The fix is to have real officers, commissioned officers, doing what they do best. I have a big issue and concern with regard to liability. I can understand that these particular folks don't want to carry a firearm but I would rather not have that be their decision. What does the job call for based on history across the region or national and what has been the level of problems. We should automatically know that and base that on the types of arrests that we have locally, I would hope we would go that way. Training at all levels is a good thing, anytime we can train, but I would like to pull that \$80,000.00 away and push that towards the training side because I don't think you'll get what you are looking for. I would like to see the energy brought into the recruitment side. You are now stating we are using an officer for recruiting and background and again, it's a dilution of yet another officer. When a transport would happen and something happens on the street, is there not a sergeant or lieutenant or both that would fill when there is someone missing from their zone because of a duty, is there not a backup system already? Chief Seymore stated that is a potential, but they could be in another scene directing that. We have multiple times in the City of 54,000 people and 28 square miles that we could have 3 or 4 scenes going on at the same time or we have called in other shifts from home to come in and help cover that. There is no way to predict how that happens, we have a minimum staffing requirement from the FOP contract, but you have to remember that the less officers we have, they still have time off. They still have vacation and we have to honor those and then we also have to cover the street and it becomes a rob Peter to pay Paul situation and you are exactly right, this is a band aid.

Councilman Henke stated I am asking for a few things to be measurable. Could you validate, over the last six months, how many actual transports are happening per month in real numbers? Do we still

have the reserve officer program? Chief Seymore stated no. Councilman Henke stated why did that fall away? Chief Seymore stated because that, in actuality, is a huge liability, more so than what this is. You have officers that have not been to the police academy that only work say a special event or one weekend a month. You are really setting them up for failure. A lot of departments and a lot of smaller departments are going away from that. The larger departments can handle that volume of training and getting them out on the street. They are what I would call a force multiplier for some of those larger departments. We were at the point where we had one and it didn't do anything for us. In lieu of not having that liability out there, we got rid of that program. Councilman Henke stated, we used to have what was called self-defense, now it is emergency management I believe and they do carry or they do drive City vehicles. They do step into traffic, they go to scenes and do those things. Is there a relationship that those folks could be utilized in any for transport? Chief Seymore stated no, they are all volunteers, so if we have a major storm or something where we can predict that, we would call them in for a temporary basis to help until the power is restored or a street's cleared. They are not a long term solution, being volunteers.

Councilman Bullard stated some of us might be receiving some phone calls, and I don't know if you saw the news, but there was a little blip and I talked to the Chief about this, but ABC 57 news is going to bring up something on TV tonight, 20 years from the past and it seems like this happened before with them and it was kind of a hit piece on the City of Elkhart police department. As far as I am concerned, we are asking all the questions to you, Chris, because we do have confidence in you and the job you're doing and the direction that you want to take the police department. As far as the media, you have the full support of the council. In the last two years under your leadership, we have seen some police policy changes, the new Axon contract, the \$85,000.00 campaign promotion to try to get new positions and the community involvement and strategic training and I think you are doing a lot of right things, but you also realize there is more to do.

Councilwoman Baughman asked how many positions are you still trying to fill of the civilian safety officers, and do you think this decision will attract more? Chief Seymore stated possibly, it's added responsibility to get outside of the building or working at the front desk, answering phone calls, and just booking prisoners in our jail, so they get to know the city, they are engaged with the officers, they are going to be engaged with the community at times, more often, so it's possible. Councilwoman Baughman stated okay, now walk me through this. You make an arrest, north in David's district, you wait, correct? How do you want it work? Chief Seymore stated an officer would state I made an arrest at 123 Main Street. I need a transport officer. That officer will be driving around the city or stationery somewhere and they would go to that scene, pick up the prisoner, get the charges, fill out the paperwork, take him to the County Jail. The officer that made the arrest stays on the street. Councilwoman Baughman stated so that officer waits there until that transport officer gets there, correct? Chief Seymore stated yes. Councilwoman Baughman stated so I would just be curious to the amount of time that the officer is going to sit there and wait, five minutes, seven minutes, that's still an opportunity and costs that we are not weighing and I struggle with that. The officer has to sit there, he can't police then. Chief Seymore stated right, but the opposite side of that is he takes the prisoner to the jail himself, that takes half hour to 45 minutes that they are not on the street doing anything, they are responsible for that prisoner so the tradeoff for five to seven minutes in waiting versus 45 minutes to drive down to the county jail, book them in and then drive back to the city, it's way more. Councilwoman Baughman stated well if you're doing it just by that, but you haven't factored in liability, job responsibilities or what happens when there is a problem, and you gave arrested somebody and they say well I transferred him to the civilian safety officer and something happened. I think there is a bigger picture here and I appreciate what you are trying to do, you are trying to stop the hemorrhaging and I get it, but we have to find a contract in something that will recruit and retain top notch people to join the team.

There being no other council discussion, President Dawson opened the floor for public comments. Andy Jones, Airport Director, 2229 East Jackson, stated the Chief and I had a conversation

with Tom Schoff about river patrol and civilian officers helping out with patrolling the river and he made some valid points as to why they need sworn officers for that type of duty. The one thing I would wonder about this duty would be, you arrive at a scene, the person is arrested, they are placed in the back seat of the patrol vehicle by the sworn officer, so they are confined, they are transferred to the county jail, are they then taken out of the back seat by an officer at the county jail or by the civilian? If that were the case, then the civilian the whole time would be perfectly safe, in terms of being harmed by this individual suspect that is under arrest. That would make a big difference I think and for some of your concerns, it's just an observation.

A member of the public, who is a civilian safety officer and whose name was inaudible on the recording, stated listening to some of your concerns about the civil safety officer, I have been with the police department now for about 13 years, I have been a jail officer for 13 years. When I was hired on, I was too old to become a police officer, I was above the age. I have been with the Middlebury police department for two years and I was with the Nappanee police department for five years. I have plenty of training, I know how to handle myself. I have dealt with good people, and I have dealt with the worse. I know how to handle myself at the jail, when I am on scene, I know what to look for and I am not going to put myself in any type of danger over an inmate. When we transport people, the officer would have already searched and handcuffed the individual that was under arrest. I would follow up with that with my own search. I would not put that person in the van unless it was absolutely safe. When we arrive there, we place our firearms in a secured vehicle and the people from the jail are the ones who come out to the van and get the individual. We are then free from them and they take over and do the search. We do fill out the paperwork with the charges and we are told when we can leave.

There being no other comments from the public, President Dawson, returned the discussion to the council. Councilman Mishler stated I mentioned earlier in my time as a corrections nurse and a part of that time was responding to a call in a vestibule to take a look at an inmate as they were brought in and at that time we would determine if they were intoxicated, injured or under the influence of a substance, that we would not accept them into the jail and we would recommend that that officer take them for a medical evaluation and clearance from the hospital. With this idea, would that same security officer be with that newly arrested inmate when they go to the hospital, or would another officer come back and take that person there? Chief Seymore stated the same policy applies at the county jail, they have an intake procedure and sometimes they reject them for medical reasons, and they transport them to the hospital until they are medically cleared, and they would be stuck with them until it is time to take them back to the jail and right now a police officer stays with them for the duration of that time. So that's another thing that takes them off the street for potentially hours, so it is not efficient.

Councilman Henke stated it did bring up a couple of concerns and we need to understand that this is a resolution. It's not asking for additional dollars. We just want to make sure there is a target for overall improvement, and I think we agreed that this is more of another band aid, and we can only put on so many band aids until we address some of the real other outstanding issues. The safety officer that was here stated they would take them to the county jail and the jail officer would come get them and take care of it, but then he went on to say he would fill out the report, can you clarify that? Chief Seymore stated the arrest report, there is an arrest report that is just their personal information that is needed for the booking procedure and the charges that are applicable. Councilman Henke stated so they would be copying what the arresting officer already inputted? Chief Seymore stated just the personal information, the name, date of birth, address and applicable charges and medical conditions, but the officer making the arrest completes the applicable paperwork. Councilman Henke stated so the sworn officer then? Chief Seymore stated yes. Councilman Henke stated we talked about the hospital, and it brought up a point that is concerning as well. From a hospital's point of view, they want someone brought in for medical evaluation and then that person is in the hospital without a guard so to speak, I think someone should speak to the hospital before we make that assumption, that a safety officer is enough, I suppose. I just

want to make sure that everyone is on page with that type of thing. For my support, I just need to see a measurable outcome at the end. Chief Seymore stated I can provide the number of transports we actually do.

There being no further council discussion, President Dawson called for the vote on the proposed resolution and the vote was as follows: Ayes: Bullard, Curry, Thomas, Mishler, Hines, Fish, Henke, and Dawson. Nays: Baughman. **The motion carried, 8-1, and the proposed resolution was adopted.**

***Resolution # R-19-22***

**A RESOLUTION PROVIDING FOR THE ELIMINATION OF HIVELY AVENUE GRADE CROSSING, REPEALING ALL PRIOR ACTIONS IN CONFLICT THEREWITH, AND FOR OTHER PURPOSES**

The clerk read the proposed resolution, 22-R-19, by title only. Councilman Fish, seconded by Councilman Curry, **moved to adopt the proposed resolution.** President Dawson opened the floor for council discussion and Tory Irwin, City Engineer, stated in 2018, the City of Elkhart, applied for a state and local tax grant for the grade separation of Hively Avenue over the Norfolk Southern line. As a part of that application, we were required to eliminate two at grade railroad crossings and those were identified as Lusher Avenue railroad crossing and the Hively at grade crossing. As a part of the incentive to eliminate those at grade crossings, Norfolk Southern will give us \$100,000.00 per eliminated crossing for a total of \$200,000.00. These crossings will not be closed until the Hively grade separation is completed.

Councilman Henke stated is this about a fair amount, have we looked to see what normal is or is this a one time hit for the city specifically? Mr. Irwin stated this is Norfolk Southern's standard payment for crossings and at grade crossings that are eliminated. We received the same payment as part of the Prairie grade separation project. Councilman Henke stated I want to release them from all liability, so what would that entail, what is the disclaimer there that would say they cannot be held accountable for certain things. Mr. Irwin stated I would have imagined that by eliminating the at grade crossings, we have therefore eliminated the danger to the public with passing that at grade crossing. That language comes from the railroad. Councilman Henke stated I would ask that we get a clarifier, I would want to make sure that we know what we are limiting their liability to as opposed to having voting this in as a resolution and then it comes up at a later date, more than we intended it to. I am uncomfortable with that because I am not a lawyer either.

Councilman Curry stated when we closed Lusher, did we have a preferred route for commercial vehicles that would be designated differently than it is now? Mr. Irwin stated the designation would be Hively or Indiana to Sterling, that would be the preferred route. Councilman Curry stated so between the two would Main Street also be a part of that commercial vehicle route? Mr. Irwin stated it depends on how the vehicles would be getting to and from the crossing, Main Street would certainly be an option, I believe that is one of the truck routes in the city.

Councilman Fish stated that is a good point about alternate routes and we should probably start training the truckers that are clogging up our streets now. We should look at new signage to direct them, because we are still having bus crossings at Lusher and Hively that clog up traffic and a lot of trucks go through in the early morning. Maybe we can talk to the Google maps people. Mr. Irwin stated we have tried to talk to Google but it does not talk back to us. They usually don't take our advice on designating routes, but we can certainly post signs, that is no problem at all, but I can't force people to follow signs, but the whole traffic pattern at Hively will change once the project goes through, so there will be a whole

retraining for people once we do that project. Councilman Fish stated we still have so much truck traffic on South Main that we should probably start and just educate people that there is an underpass at Indiana that would alleviate or eliminate their frustrations and a lot of our traffic problems from there all the way down.

Councilman Thomas stated you need to talk to the company's themselves and the dispatchers because google map is not a person. Also, just a housekeeping, or typo, the title of this resolution only mentions Hively and yet it is Hively and Lusher that are equally impacted. Should Hively be in the heading of the resolution?

John Espar, Corporation Counsel, stated it is not legally necessary that it's in the title. The title is for informational purposes, it's not binding, even if it's the title of an ordinance it doesn't bind. It's the sections that follow, it's the statement of resolution that is the official piece of legislation.

Councilman Fish stated will the crossing at Lusher stay open until Hively is completely done? Mr. Irwin stated yes.

There being no other council discussion, President Dawson opened the floor for public comment. There being none, President Dawson returned the discussion to the council. Councilman Henke stated I just want to know the limit of liability being excused by Norfolk Southern, to make sure we are not backing ourselves into a corner. Nonetheless, this was on a larger conversation, so I want to make sure there is a limit.

There being no further discussion from the council, President Dawson asked for the vote on the resolution and the vote was as follows: Ayes: Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, and Dawson. Nays: None. **The motion carried unanimously, 9-0, and the resolution was adopted.**

***Resolution # R-20-22***

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA,  
AUTHORIZING THE TRANSFER OF ONE HUNDRED THOUSAND DOLLARS (\$100,000)  
FROM THE FULL TIME ACCOUNT TO THE EDUCATION AND TRAINING ACCOUNT FOR  
THE ELKHART POLICE DEPARTMENT**

The clerk read the proposed resolution, 22-R-20, by title only. Councilman Fish, seconded by Councilman Curry, **moved to adopt the resolution.** President Dawson opened the floor for council discussion and Councilman Henke stated just a little bit of housekeeping, but normally there is a budget. I think over the last 3-4 years we have gone from \$25,000.00 to \$35,000.00 and \$39,000.00 and \$41,000.00. You make it sound as though we have put off education for a while and so I am not sure how many officers or the average cost of training per officer would be, how many would be affected, would we be caught up to date, what would all be impacted in the \$100,000.00? New training or just training that has been put off? Chief Seymore stated all the above, so outside training courses, which are continuing ed type of courses or specialized courses, such as basic homicide investigations, the SWAT school, crime scene photography and so on. Those are outside continuing ed courses, and in the pandemic years all training was shut down and we didn't have the ability to send anyone to training, so right now, again being short, the officers that we do have we are catching up on potentially two years of missed opportunities at training. We have our internal training that we do, but it does not incorporate a lot of that outside training, we don't have the capability to do that. We would like to get that to that with our training building and we would like to host that training as we talked about previously. This also includes new

hires and sending them to the academy. During COVID, the state academy was shut down or only accepted a certain amount of numbers during the training phase, which gave us a backlog as we were trying to hire new people and we are actually getting a new string of people in, but we have to get them trained within the first year of employment, because that is the opportunity for them to make it.

Councilman Henke stated I are these requirements, example for fingerprinting, do you have to maintain CEU's to maintain a certain qualification? Chief Seymore stated well this is just the initial training to learn how to do it in the first place. Councilman Henke stated I am just curious but for five years we have never gone over \$41,000.00 so why are we jumping \$100,000.00 when we have been comfortable at \$41,000.00? Chief Seymore stated the \$41,000.00 is for civilian staff training and \$80,000.00 is for officers and what has happened is we have gone above that \$80,000 and have had to dip into that civilian training budget, which as we filled with civilians, we also have to train them. We are over the \$80,000.00 for 143 officers and then the \$41 and change is for our civilian staff, so we have been taking from there, but now we have to catch up for the civilians as well.

Councilman Fish stated I support this, I just have a clarification. The new facility that we are planning on building out North, that will be a great training area, could we reduce some of your costs and do trainings at a facility like that where we won't have to do so much travel. Chief Seymore stated it won't eliminate all of it, because we would not be able to host that many trainings in a years' time, but it will offset some of it. It depends on what type of training it is, how many officers spots that we would get.

Councilwoman Baughman stated taking the \$100,000.00 from the full-time account, how many employees does that account for. Chief Seymore stated we have done the math before and it is \$100,000.00 to train an officer in their first year, so one officer. Councilwoman Baughman stated at full capacity you said it was at 143 officers, what are we at today? Chief Seymore stated we are at 123 I believe. Councilwoman Baughman stated for the account number under education and training, it has since 2019, we have spent \$25,800.00, \$39,200.00, \$40,500.00, 40,500.00 and what did that include again? Chief Seymore stated is that the civilian one? Councilwoman Baughman stated it's the police officer one, it's the education and training account. Chief Seymore stated in 2020 and 2021, we had COVID where we just didn't send anybody to training, they weren't available, so we weren't spending it. Councilwoman Baughman stated the account it is going into, you were consistent in 2020 and 2021 and as Councilman Henke stated, now we are going to go up by \$100,000.00 into that same account number?

Jamie Arce, City Controller, stated I think the gap here is that the \$80,000.00 the Chief is referring to is from a different fund. That is from the Law Enforcement Education fund, which is the 233 fund in our original book, versus the \$40,000.00 which is imbedded in the general fund Police Operating Budget and currently to date we are at \$67,000.00 of that \$80,000.00 spent out of the education fund. Councilman Baughman stated and the reason you are doing it is because you are taking general fund money from the full time to put it back into there? Mr. Arce stated right, and because the Law Enforcement Education Fund can't afford the additional costs associated with the training needs that the police department has.

There being no other council discussion, President Dawson opened the floor for public comment. There being no comments from the public, President Dawson returned the discussion back to the council. There being no other discussion from the council, President Dawson called for the vote to adopt the resolution and the vote was as follows: Ayes: Bullard, Curry, Thomas, Mishler, Hines, Baughman, Fish, Henke, and Dawson. Nays: None. The motion carried unanimously, 9-0, and the resolution was adopted.

*Resolution # R-21-22*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART REQUESTING THAT THE INDIANA LEGISLATURE AND GOVERNOR SUSPEND FOR A PERIOD OF SIX MONTHS, THE INDIANA GAS TAX**

The clerk read the proposed resolution, 22-R-21, by title only. Councilman Mishler, seconded by Councilman Fish, **moved to adopt the proposed resolution**. President Dawson opened the floor for council discussion and Councilman Mishler stated I had asked for this resolution after speaking with several residents and constituents of the city, as well as several business owners who are concerned with not only rising inflation, which is directly impacted by the cost of gasoline, but the cost of gas who are on fixed incomes, social security, disabled veterans, and the like. We have very little influence or control on the free market, we can't control where folks put their refineries or how much they drill, that is up to the free market and we have very little influence on the federal government, who currently has a bill to suspend the gas tax of \$0.18 in the U.S. Senate, but what we can do is ask our state legislature to temporarily suspend for a period of six months, the two gas taxes that impact us when we pay for a gallon of gas at the pump and those taxes are \$.032 a gallon, which is fixed and raises \$.01 every year in July until 2024, the other is a 7% sales tax that is the average of the cost of gas in Indiana the month before, so as the price of gas continues to rise due to factors that are not in our control, the gas tax, the 7% portion, increases with it. So, suspending both of those, while not a permanent fix to the rising cost of fuel, which not only impacts our small businesses and our residents, but also the municipal cost and budget here in the City. That is why I am asking for this temporary suspension of the gas tax, to support our residents and small businesses in the community, because folks need some relief.

Councilwoman Baughman stated I appreciate all you said, and I think everyone has been impacted by these gas prices and it happened long before they became \$5.00 a gallon. It might be better when we have this conversation when it is at \$3.00 and let's have a conversation saying let's suspend all gas taxes at a certain dollar amount, therefore... but to wait until its at \$5.00, it becomes propaganda, because our gas prices are going to continue to go up and if we cannot afford them at \$5.00 we won't afford them at \$6.00 regardless if there is a gas tax included. Do I think it should be gone? I'm not in favor of taxes period, I think taking people's money is ridiculous, but interestingly enough, the governor cannot suspend the gas tax. Changes in federal law prevent him from doing so right now. There is a federal gas tax on gas at \$.018 and the state has no control over that. Most of the money goes to INDOT for state projects, but local jurisdictions do benefit as well. I think for the council to have access to how much money is coming from the gas tax to our community here, I would like to know, and the impact it can have on our ability to do the things that we need to do. I would also ask that based on this resolution, that the city provide a budget and impact on how the cost of rising fuel has impacted their budgets, particularly on police and fire, so I think it's important to provide them the necessary resources that they need.

Councilman Henke stated so did the city retain the fuel co-op, that we used to have under Mayor Moore? We were guaranteed a fixed price, we don't have that? I did understand and I think there has been talk on the local news about the government's inability to actually provide this level of authority without that emergency clause that you had mentioned. I am not sure where we are with this, we can't ask the governor to do something that he cannot do. I think we can express that it is harming our constituents, but so is the inflation and all the free money the government put out and we accepted, all the ARP money and all the things, \$40 to \$50 Million Dollars. That has to come from somewhere and it is trickle back effect that we are paying for and unfortunately all of our constituents are paying for it as well and everyone in this country.



Councilman Curry stated this resolution is just that, it is a resolution, it really doesn't have much weight as far as getting to the governor or the state legislature, state representatives and asking them to take some action as the governor did years ago, but things change. Maybe we should be sending this, if it would pass to our state representatives and be proactive and make sure this doesn't happen again, where the governor would have the ability to step in and change things as far as taxes on gasoline. I think we need to make sure that our big oil companies, that if they see states eliminating taxes, they don't raise the price back up where they can make more money. No one is hearing from them, and they are making all kinds of big money and no one is addressing them and I just think, however this vote goes, it's symbolic that we do care about our constituents, but really our hands are tied.

Councilman Bullard stated this is not a long-term solution by any means. This gives us a demonstration of an appearance of responsiveness and that is pretty much all it is. There will be some unintended consequences if this would lower. People will get the feeling and it would incentivize people to travel, which will increase the demand and prices will go up. The tax we need to worry about right now is inflation, right now it is being taxed at 8.6%. Like Councilman Henke said, the free money, the ARP money handed out, we are paying for it now. This cut delivers the same financial benefit across the whole levels of income, so there will be some that are affected greatly and some that this won't affect at all. Not everyone drives. We talk about building a walkable community and here we have people living in apartments, that don't have to buy gas, they won't see any of this tax break, but they are spending state dollars to give people the tax benefit. I would much rather see this \$225.00 they talk about giving to every taxpayer in the state of Indiana, that way everyone that paid in will get something in return. Also, in other studies of states that have passed gas tax, only about 70% actually comes back as a savings through administrative costs. This really does not do anything to curb inflation, it's a feel-good resolution and in my opinion is monopoly money.

Councilman Mishler stated I do also think the \$225.00 stimulus is a good idea, it is always a good idea to put taxpayers' funds back in their hands, however what that stimulus will fail to do is directly support and benefit our local businesses around here that rely heavily on transporting goods, as well as those in our agricultural sectors throughout the state for transporting food and goods. You mentioned inflation, part of inflation is the cost of transporting goods throughout Indiana, directly lowering the price those companies and individuals use to get those goods transported will not stop inflation, but it will help inflation partially, because folks will not be spending as much to get those goods transported, you won't have the reduction in goods and services that you see with inflation. I know this is a complicated issue that has a lot of factors with it, but again, I go back to our most vulnerable constituents who are on a fixed income and it might not seem like much, but filling up their tank at the end of the week when their paycheck is still a few days away, they feel that pain at the pump and the difference between \$70 or \$80.00 to fill up their tank compared to \$40 or \$50.00, may not seem like much, but that's a pizza for their kids, or something they can invest in the future for their retirement. Those little things add up and once again I think if those in our community could have a vote to lower the price of gas or not, I would sure hope they would lower it, even if it is only \$0.50 to \$.060 a gallon.

At this time, President Dawson, opened the floor for public comment and there being no comments from the public, President Dawson returned the discussion to the council floor.

Councilman Fish stated I just got back from London and it's almost \$9.00 a gallon there. They keep driving and they have habits they won't break. I think America's problem is we have habits we won't break and its cars and fuels and all of this and this is chance for us. Any gesture to help our people and our businesses should be noted. This is also a time for us a council and for the Mayor to look at alternative energy sources so we don't have to keep squeezing, are one of these days, are we going to have to ration gas for our police officers? I hope not. We have to do everything we can to stay vocal on

why we need to change the way we are doing business so we can cut the cost of government, and fuel is a big part of our government.

Councilwoman Baughman stated I agree with what you are saying, and I agree with Councilman Curry and Councilman Mishler, however inflation is real and as Councilman Curry mentioned you take away the gas tax and the oil companies will continue to raise the price of gas, it's a moot point. We don't control that. In the past year, gasoline is up 48.7%, so it's not only if you drive a car, it's if you buy food, airfare is up 37.8%, household energy is up 19.1%, food at home up 11.9% and rent is up 5.2%. Inflation is real, the federal government printed trillions of dollars and we are seeing the impact of that.

Councilman Henke stated I appreciate Councilman Mishler bringing the resolution, I think we all agree it is ceremonial, the governor can't manage that. I think that is appropriate as well. I would suggest to all of us that the government does not give out free money. It's taking your future money and paying it back in the form of inflation, even if Indiana got a pass on some tax under some emergent situation, I don't think truckers outside of the region are going to lower prices. I think we agree this this is ceremonial, and I would hope though that the lesson we learn is that free federal money isn't free, there is a cost, and we should be investing it, as opposed to just spending it. We can take that down to the households that took the money and bought something bigger and didn't put money aside for the days that are going to come. We talk about an economic slowdown, we get hit first, we recover last, welcome to Elkhart, Indiana. We are entering that phase again, we are spending, and it's not what you make, it's what you save and it's important we understand that as well.

Councilman Bullard stated I talked with Aaron earlier today and we had a good discussion. I did ask him if we could pull this resolution and re-write it to include some things, we could do to help curb inflation and other things we can do, but he wanted to go ahead with this, and I respect that. To disagree a little bit, as far as trucking cost, inflation and pricing is economics 101. The last part of Councilman Bullard's comment was not audible on the recording.

Councilwoman Baughman stated the great resolution would be to write something that encourages the state to make I-65, I-70 and I-465 a toll road.

There being no further discussion from the council, President Dawson called for the vote to adopt the resolution and the vote was as follows: Ayes: Curry, Thomas, Mishler, Hines, Fish and Dawson. Nays: Bullard, Baughman, and Henke. **The motion carried, 6-3, and the resolution was adopted.**

### Vacation Hearings

There were no vacation hearings.

### Other New Business

Councilman Henke stated it is nice to see the brush pick up truck out. Mr. Kline was the one that came to my neighborhood, very nice young man, very professional and I said what goes wrong with these trucks and he stopped, and he said you see that big cylinder there? I just got this thing back and it is already leaking and the cylinder at the other end was leaking and it's like what are we doing, are we buying the right stuff, are we using it appropriately, it just seems like they are down a lot. I did appreciate the fact that he was professional, hospitable. There have been a few more trucks in the neighborhood lately and I think they are monitoring the cable going in the ground, there are a lot of markings on the

street. I appreciate the fact that we can see these things working and coming together, but especially the brush trucks, they were very welcoming.

Councilman Bullard stated driving through town this Saturday, there was a lot of people walking around downtown and the planters downtown are beautiful. I was stopped because they were picking up cones and stuff and I stopped to talk to Norm Anderson and just a shoutout to the Emergency Management and like Chief said, those members are volunteers and he was out there working and directing traffic on a beautiful day. He was out there making the events such as Rhapsody and the Color Run fantastic and downtown looks great and a shoutout to the great volunteers.

Councilman Mishler stated thank you for mentioning downtown and this past Friday, I was amazed at all the things going on in downtown Elkhart, with Rhapsody in full swing and the library having their rock on the roof thing and it was great to see crowds down there, as well as an independent artist get together on Main Street was really showing how full of life and art Elkhart really is, which is also really exciting leading into the Jazz Fest.

Councilman Curry stated I just want to thank Councilwoman Hines for going with me to check out the situation we had on Garfield, and I want to thank the Chief and Officer Young who came and did a great investigation and it's working when we reach out and work together.

### **Reports of the Mayor, Board of Works, Board of Safety or City Department Heads**

Rod Roberson, Mayor, stated the only thing I want to bring to your attention is that there were 27,100 people at Rhapsody over the two days. We expected 10,000 people and we got 27,000. I just want to emphasize the kind of summer we are going to have, and I keep talking about it, but it is actually happening. It was amazing how well disciplined the crowd was. I think it's very important to note, it's not just the police work, but it is all other volunteers, it's Buildings and Grounds, it's all of you who are out, those out wearing our colors, making sure people know that you are there, and people project themselves in a way that makes sense. 27,000 people for our first event heading into what we think will be very strong weather and it will cooperate with us for Jazz fest. I want to make sure you all come out and we are doing multiple different activities throughout the Jazz Fest.

Councilman Curry stated Mayor, what about the pavilion dedication? Mayor Roberson stated yes, we dedicated the Island Park Pavilion to Ken Cantzler and for those of you that don't know, he was the superintendent for 30 years of our Parks Department. Most of the park system that we currently know today was orchestrated, designed and managed by Ken Cantzler. There were around 50 people at his dedication, and everyone had a story. It was an amazing tribute to a man that dedicated himself to the parks.

Councilman Bullard asked the Mayor about cooling centers and Corrine Straight, Communications Director, stated I have been working on this with Kristi and for now we are encouraging people to go to the library because the library is offering itself as a cooling station and we are looking at our staffing capability to allow our pavilions to be cooling stations as well and if that is a decision we are able to make, we will send out that information tomorrow.

### **Neighborhood Association Reports**

There were no reports from Neighborhood Associations.

**Privilege of the Floor**

There were no comments from the public.

**Scheduling of Committee Meetings**

President Dawson stated I am negotiating a policy team and the team for the negotiations will consist of Councilman Curry and Councilwoman Baughman and we need to make sure when we schedule these policy meetings that Councilman Curry can do early breakfast or after six. Also, Councilman Henke will be getting with Kristin Smole to prepare for tax abatements for the Ad-Hoc Tax Abatement committee.

**Acceptance of Communications**

Minutes of May 17, 2022 Board of Public Works Meeting  
Minutes of May 11, 2022 Lerner Theatre Board Meeting

Councilman Henke, seconded by Councilman Mishler, **moved to accept communications**, which **motion carried**, by voice vote, and **the communications were accepted**.

**Adjournment**

Councilman Mishler, seconded by Councilman Thomas, **moved to adjourn the meeting**, which **motion carried**, by voice vote, and **the meeting was adjourned**.

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Debra D. Barrett, City Clerk

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Arvis Dawson  
President of the Elkhart City Council

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF  
JULY 11, 2022**

Present: Council President Arvis Dawson  
Council Members Kevin Bullard, Brent Curry, Brian Thomas, Aaron Mishler, Tonda Hines (*arrived late*), Dwight Fish and David Henke

Absent: Councilwoman Megan Baughman

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.

Councilman Bullard led the assembly in the Pledge of Allegiance and President Dawson asked for a moment of silent reflection.

The clerk called the roll.

**Minutes for Approval**

There were no minutes for approval.

**Presentations or Introductions**

Mayor, Rod Roberson, introduced Charlie Schultz. Charlie is the former funeral director from Hartzler-Gutermuth. Charlie has accepted the role as Cemetery Director and he will be starting immediately.

Bradley Tracy, Chief of Staff, stated I would like to also introduce Danielle Neal. Danielle is the latest edition to the Mayor's office and she is an administrative assistant and will be assisting both Corrine and I going forward.

Mayor Roberson stated we have a presentation from our 311 Coordinator. LaShawn Brooks, 311 Coordinator stated I am excited about this opportunity for the City of Elkhart. We are starting off with a plan to provide a point person in each department that will handle all 311's that come to that department. Additional training has begun with our new 311 and it comes on three levels, the Executive Team, the Department Heads, and that individual person that will train. We are doing department training and one-on-one training for those persons that will be handling it. Our training development consists of implementing our 311 into our daily workflow. Also, how and when we respond to a 311 that comes into the system, educating the citizens on how municipal government works and breaking the barriers between the citizen and municipal government. We will be sharing our process for citizens knowledge such as scheduled days of services, notices and timeframe for response, and next steps for when a violation has been received. Community training will consist of popups, which we recently held one at the Housing Authority, where we will come out and teach the citizens how 311 works and how to utilize that app. We will continue marketing efforts, which one that you all should have received, is the community meetings that will be held, Let's Talk Tuesday. That is another opportunity for us to go out to the streets and communicate and talk and discuss with the citizens. Our website and mobile application are some of the accessibilities of 311. All departments and staff readily available through desktop to input requests, all field employees that have an electronic telephone device or iPad will be readily available to put any 311's

they see in the community. We will be introducing 311 Landline, for people that still have a landline, they can just call 311 and that will come directly to us. We will also introduce our ability to text and that will come to us in a form of an email what that concern is or request.

At this time, Councilwoman Hines entered council chambers.

**UNFINISHED BUSINESS**

**Reports of Council Committees**

President Dawson stated the Finance Committee-of-the-Whole, met on Monday, June 27<sup>th</sup>, to discuss Proposed Ordinance 21-O-46-R in which \$500,000.00 is being transferred from the ARP Coronavirus Recovery fund to the Negative Economic Impact account for the Homeowner Occupied Rehabilitation program and the committee gave this a do-pass recommendation.

**Ordinances on Second-Third Reading**

***Ordinance # 5918***

**AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00/100 DOLLARS (\$500,000) FROM THE GENERAL FUND TO THE REPAIRS AND MAINTENANCE-OTHER ACCOUNT FOR THE DOWNTOWN MAIN STREET IMPROVEMENTS**

The clerk read the proposed ordinance 22-O-28, by title only. Councilman Fish, seconded by Councilwoman Hines, **moved to pass the proposed ordinance on second reading**. President Dawson opened the floor for council discussion and Tory Irwin, City Engineer, stated this request is for \$500,000.00 to repair various locations on downtown Main Street from Jackson to Middlebury. We have a number of locations where the brick pavers, which look nice, but the minute they start to shift, they throw the sidewalk ramps out of ADA compliance and become a trip hazard to the public. We have several areas where the concrete landscape has fallen off or gotten hit and those areas need to be repaired for the landscape beds. We did an inspection on the sign and the canopy, water has been leaking down the columns for the canopy and they have eroded away the ports and we need to do some welding and repairs on the canopy structural support. We are going to be doing some new lighting on the underside of the parking area beneath Civic Plaza and there are a number of areas where we have some concrete curb to asphalt that needs repaired. In order to keep Main Street looking nice for the public, we are looking for this appropriation to do a bunch of repairs.

Councilman Bullard stated any thoughts on reengineering some of this stuff so cars won't damage some of this? Mr. Irwin stated there is not much I can do about the landscape planter beds. It would be great if the cars wouldn't hop the curb and hit them. The sidewalk ramps we are going to reengineer and not use brick pavers, we will use stamp concrete so they don't have the chance to settle and we won't have this issue with the brick pavers.

Councilman Fish stated what is your timeline? Mr. Irwin stated we would like, assuming the council gets this approved tonight, we intend to get this bid out and hopefully the repairs will be done this year. We are going to work around the big downtown events and we will limit which areas they can work on. We don't want them closing all of the sidewalks down at once. Councilman Fish stated and this will all be done by a third party? Mr. Irwin stated it will be done by a contractor, it will not be done in house.

Councilman Thomas stated are we satisfied with the efforts to safeguard the corner where the Lerner is, from people running into that planter or in front of the Lerner. Mr. Irwin stated we could do some more to harden that area, but anything we do is aesthetically, not going to look very good. The only way to keep people from driving where they are not supposed to is to put in bollards and we could make them black, but that is really the only way I can keep people from driving sidewalks, hitting buildings and planter beds. Councilman Thomas stated any adjustments to that? Mr. Irwin stated that was not included in this. Councilman Thomas stated according to this map, you've got two yellow circles and a cross on the northside of Jackson, is that a mistake? Mr. Irwin stated no, those are the ramps that are at the Jackson intersection.

Councilman Henke stated our downtown has been transplanted a few times, from angled parking to straight parking, from planters to no planters, we have been around awhile. Even the emblem in front of this building has come and gone and needed extra repairs. It may be a good idea but the labor involved and repairs, just make it very costly and I would just hope that we would look at downtown for the longevity and safety and not so much maintenance. That is more of a comment but for example in 2001, when the medians were put in by Hacienda, there was no irrigation attached and I see our three workers per truck going out and watering and it's just a misuse of tax dollars in my mind. We should have done the right thing the first time, so I just hope we would look at managing the operational overhead of these improvements and to make sure for the long run they still make financial sense.

Councilman Bullard stated this will be bid out and this \$500,000.00 will it be up to \$500,000.00? Mr. Irwin stated my hope is that this \$500,000.00 is enough to hit all of the spots on the map and the other repairs I have noted. Our estimate is enough to cover all of this, but until we put the bid out, I won't know for sure, but it will be an up to amount, yes.

President Dawson stated that was my concern Tory, will this money be enough based on where we are right now, with inflation and all the projects listed, so I know it should be, but I don't want anyone to be surprised if its not when it comes back. Mr. Irwin stated it should get us close and then if we don't have enough, we will see what we can do with ADA money and there are some other funds available. President Dawson stated I think we all agree it needs to be done, it's just the cost.

Councilman Henke stated and none of this would be more cost effective by having staff, Buildings and Grounds, someone doing it from inside? Mr. Irwin stated so our staff does not have the capability of doing stamped concrete and forming landscape beds. We certainly could look into that, but it could take away from some of the other projects we do, such as sidewalk repair.

President Dawson opened the floor for public discussion and there being no comments from the public, President Dawson returned the discussion to the council. There being no further discussion from the council, President Dawson called for the vote to pass the proposed ordinance on second reading. The vote was as follows: Ayes: Bullard, Curry, Thomas, Mishler, Hines, Fish, Henke and Dawson. Nays: None. **The motion carried, 8-0, and the ordinance was passed on second reading.**

Councilman Henke, seconded by Councilwoman Hines, **moved to adopt the ordinance on third reading.** The clerk read the proposed ordinance 22-O-28, by title only and the vote was as follows: Ayes: Bullard, Curry, Thomas, Mishler, Hines, Fish, Henke and Dawson. Nays: None. **The motion carried, 8-0, the ordinance was adopted.**

Ordinances and Resolutions Referred to Committees

*Ordinance # 5917*

**AN ORDINANCE APPROPRIATING FIVE HUNDRED THOUSAND AND 00\100 DOLLARS (\$500,000) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE HOMEOWNER-OCCUPIED PROPERTY REHABILITATION PROGRAM**

The clerk read proposed ordinance, 21-O-46-R, by title only. Councilman Mishler, seconded by Councilman Fish, **moved to pass the proposed ordinance on second reading**. President Dawson opened the floor for council discussion and Mary Kaczka, Director of Community Development, stated the one change we made was the 10% to projects for people between 100% and 120% AMI, so those folks would have to put their dollars in first for the project before these dollars would come in.

Councilman Henke stated we were sold on impact and this could impact as little as 12.8 homes and it could impact 16 or even 20 homes, but with regard to real impact, its not there. I don't know how we justify fairness to the rest of the community, how do we measure the negative impact of COVID, every household and every business had a negative impact. I need you to address how do we appropriate funds to certain homes and we don't obligate them to bring those same homes up to current code, that should be a concern of liability for the City, since there will be some inspections and it obligates us in some way to be in part, having overseen those projects, since we are reimbursing it. I have an issue with all of those pieces. The fairness, the subjective measure and then they don't have to insure the home, they only have had to live there for three months or greater and the liability moving forward. They could actually take the increase and sell the property. I'm not sure what we are doing here, this is just not well thought out at all and how can you help me? Ms. Kaczka stated you have mentioned a lot of aspects about the program, some are accurate, and some are not. First, the program is targeted to individual homeowners who live in the qualified census tracts, they will have a priority and folks that are at the lower AMI, have priority and folks that are in QCT's and are disproportionately impacted and therefore do not need to prove any more COVID impact, but other individuals that are higher up the AMI, must document they were impacted by COVID, they lost their jobs, or had to stay home with children who couldn't be in school or kids who couldn't go into daycare. To some extent I think some people are still struggling with those impacts today. As far as insurance, we are only waiving insurance as it relates to funds that would be used for emergency improvements up to \$5,000.00, those individuals would be waived for property insurance, and everyone else would need to prove property insurance. Councilman Henke stated income is not a true indicator of cash flow to a household, it's a matter of debt load, so to say that Franklin Street and South Main Street are more than impacted, and that's not a true measure whatsoever. These target areas, are they not already in the CDBG district? The answer is obviously yes, so they have access to nearly \$780,000.00 a year through CDBG and we have been running that program for nearly 30 years, and by the way, those areas that do CDBG are still the least desirable, are still the least recovery of property taxes, still draw down the average assessed value of the whole city and what do we do? We are going to put \$500,000.00 into an area that already says and speaks to that we don't code enforce that area. We didn't bring up the neighborhood at all and we are not obligating anyone to do anything.

President Dawson stated those of us that are around that district have seen great improvements from CDBG, they are not always visual. People think you have to see everything, but if I can go inside and give you a new furnace, or move your washer or dryer from downstairs to upstairs that helps your quality of life, which helps you do other things. I would think that CDBG has made a great effort at updating those neighborhoods.



Councilman Curry stated is this program city wide? Ms. Kaczka stated yes. Councilman Curry stated for CDBG, I think people need to realize where those boundaries are because a lot of those boundaries are north of the river. This is an opportunity for people that really need help to get help, so I will be supporting this and I think its fair and it is open to everyone in our city that needs help. It will help stabilize a lot of neighborhoods when people need a roof or a furnace and I am glad we are doing this program.

President Dawson closed the council floor and opened the floor for public discussion. There being no comments from the public, President Dawson returned the discussion to the council floor.

Councilman Bullard stated like I said in the Finance Committee meeting, I listen to a Sunday morning show and they had a panel and they asked the panel how these different communities were using their ARP money and they went through infrastructure, water replacements, fiber optic... all these cities listed these investment type spending and none of them at all, listed targeted spending to individual homes and yes we have done some ARP spending, investing in sewers and that type of stuff, but like David said, I think this is targeted. I would like to see if we spend this money, what will it look like in five years? When I am talking to planning and development, they are always talking about improving these houses and getting people to move in, but this is not an improvement that will convince people to move in.

Councilman Henke stated I go by measurable data and if we have put over \$20 Million Dollars in the past 28 years into the CDBG to the area where people feel as though and then count on that government money to manage their household. I would also suggest, it's a matter of philosophy that the bulk, by a large measure of CDBG area has to be a democrat, long-standing, controlled area. That's a fact.

Councilman Fish stated my district is benefiting from both CDBG grant money and potentially this ordinance and I was talking to the lady who has called you many times about fireworks and everything else and she wants to move out of the district and I said what do we need to do to help you stay in your house, besides the fireworks, besides the loud noises and the speeders on Indiana, but through the long conversation I had, I talked about a program that would help her improve her house because she complained about her roof, about a garage. Long story short, I have her and her neighbor that are very interested in program, this particular program, to replace furnaces, where they otherwise could not afford to do it. Their quality of life will go up, their safety in their homes will go up, their resale value of their home will go up, and you can talk about democratic this and the favoritism here but I look at this as purely another way to directly help all the citizens across the city and if we don't jump on it, it will go away. It is a good way to get in touch with the people that vote us into office, democrat or republican and it's a very good cost saving to the government because we are doing something to improve quality of life and homes.

Councilman Mishler stated I will just remind all of us on council that we voted for the \$2.3 Million in workforce housing to attract new homes and homeowners into our community. Many of us voted for a small business grant that has helped around 20 small businesses with more applying every day. We have already worked together to attract new residents to our community, we have rezoned for nearly 80 new housing units, both market rate and based on AMI, so we are doing everything we can to bring people into our city, but what are we actually doing to help those that actually live here? Helping our seniors, helping our disabled veterans, those that are on fixed income? I will also remind folks that those in this area generally produce the most tax revenue for the city due to the density in that community, so we are helping the tax base in the city as well, we are improving their lives and helping them with the necessities that they might not be otherwise able to afford and are caused by losing a job, or being impacted by COVID. This is what government is about, we are helping people and improving our tax

base and supporting our community. It was mentioned what are the long-term benefits in our community? Well if we improve the property values in those neighborhoods that means more income for schools, that means better schools in our community, that means more reasons for folks to move to our community. We are doing this not as a handout, but as a way to help those in our community and help the very heart of our community and as such I will be voting in support of this.

Councilman Thomas stated I keep coming back from one number and its twelve, 12.6. You all keep adding s's to the end, it's seniors, its veterans, its people in subsidized housing, 12.6 houses is not enough bang for my bucks. If you want to help them refer them to Church Community Services, refer them to Council on Aging, refer them to a service group. I would be glad to help someone build a roof on their porch. It's not enough effect for me to be in support of it.

Councilman Henke stated I want to go by measures and Dick Moore said it really well, in order for government to give something away it has to take from someone else and that is where my district comes in. You are incorrect Mr. Mishler, when we go about property values, it takes on average, six assessed values in the fifth district to measure the property tax at my house alone. With that said, you can't say because of density. That density, according to the Ball State Study that we had here, that density actually takes the value down of every property in our city, it devalues those up here, because those down here are bringing everything down and what do we do? We put another expensive band aid on and through CDBG, we know that system doesn't work, so we will just add more money with no greater accountability, and we are going to get what? We are putting \$20 Million Dollars, in a particular area, including Tolson, and we are expecting change. I will tell you according to today's standards, it is not working. I'm looking at everybody's money and we are taking it away from some people to give it to a select group of people and that's the reality.

Councilman Curry stated for the record, the 5<sup>th</sup> district, a majority of it, is not in the CDBG area. It stops at Lusher, so we are not eligible for those funds. When you talk about it takes six households to equal one, we have Bent Oak in our district, so I don't think so. We have the only golf course in the City and we have invested millions and millions of dollars on County Road 6 and the Cassopolis Corridor and when we want to reach out and help some that are not fortunate to be big time investors on County Road 6, and we cut them a sweet deal, you voted for it. Here we want to help some of the little people in our City. We are not talking about maximizing every applicant that applies for this. It would be 12 or 13 people we would be helping, but we don't know what their needs are, we don't know what that application will look like. We have helped many people over the years when it comes to the whole city and when it comes to a project like this, it's good we can get federal money to come back because we pay federal taxes from Elkhart, Indiana. I am in favor of this, it's a good program and it's something we should do.

Councilman Bullard stated I just want to remind everyone that this hit the council back in September and I kind of agree with Brian. It is just not enough reach for this type of money. I would rather see improving and bringing houses up to Code. Yes, these houses will be receiving money but there will be an area of that house not brought up to Code. I do appreciate all the work Planning and Development has put in this, but I think them knowing some of us are critical of this ordinance, that they will do a good job to keep us informed. I would just like to see a little more bang for the buck.

Councilwoman Hines stated I think it is clear we have differences, however this is going to benefit the City and if I am not mistaken, this is not limited to one targeted area.

At this time, President Dawson closed council discussion and asked for the vote to pass the proposed ordinance on second reading and the vote was as follows: Ayes: Curry, Mishler, Hines, Fish and

Dawson. Nays: Bullard, Thomas, and Henke. **The motion carried, 5-3, and the ordinance was passed on second reading.**

Councilman Mishler, seconded by Councilwoman Hines, **moved to adopt the proposed ordinance on third reading.** The clerk read the proposed ordinance, 21-O-46-R, by title only, and the vote was as follows: Ayes: Curry, Mishler, Hines, Fish and Dawson. Nays: Bullard, Thomas, and Henke. **The motion carried, 5-3, and the ordinance was adopted.**

*Proposed Ordinance 21-O-49*

**AN ORDINANCE APPROPRIATING THREE HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED AND FIFTY DOLLARS (\$322,350.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO THE NEGATIVE ECONOMIC IMPACT ACCOUNT FOR THE ELKHART THRIVE NEIGHBORHOOD OPPORTUNITY HUB INITIATIVE**

President Dawson **stated proposed ordinance, 21-O-49, remains in committee.**

**Tabled Ordinances and Resolutions**

*Proposed Ordinance 22-O-09*

**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 309 STAINLESS DRIVE, ELKHART, INDIANA BY REMOVING THE EXISTING ZONING RESTRICTION, WHICH PROHIBITS ACCESS TO THE PROPERTY FROM COUNTY ROAD 19**

President Dawson **stated proposed ordinance 22-O-09 remains tabled.**

**NEW BUSINESS**

**Ordinances on First Reading**

*Proposed Ordinance 22-O-19-R*

**AN ORDINANCE READOPTING ORDINANCE NO. 5907 TO APPROPRIATE SIX HUNDRED THOUSAND DOLLARS (\$600,000) FROM THE CUMULATIVE CAPITAL FIRE EQUIPMENT FUND TO THE MOTOR EQUIPMENT ACCOUNT FOR THE PURCHASE OF A FIRE APPARATUS FOR THE ELKHART FIRE DEPARTMENT**

The clerk read the proposed ordinance, 22-O-19-R, by title only. President Dawson stated this ordinance was passed on May 16<sup>th</sup>, but due to a publication error it is back on the agenda, and we will be passing it on second reading.

President Dawson then **passed the ordinance onto second reading.**

*Proposed Ordinance 22-O-20-R*

**AN ORDINANCE READOPTING ORDINANCE NO. 5908 TO TRANSFER NINETY-TWO THOUSAND DOLLARS (\$92,000) FROM THE COVID-19 AVIATION GRANT FUND AND FIFTY-NINE THOUSAND DOLLARS (\$59,000) FROM THE AVIATION FEDERAL GRANT FUND TO THE AVIATION GENERAL FUND AND APPROPRIATING THE SAME FOR THE OPERATIONAL AND SAFETY NEEDS OF THE ELKHART MUNICIPAL AIRPORT**

The clerk read the proposed ordinance, 22-O-20-R, by title only. President Dawson stated this ordinance was passed on May 16<sup>th</sup>, but due to a publication error it is back on the agenda, and we will be passing it on second reading.

President Dawson then **passed the ordinance onto second reading.**

Councilman Henke stated I should have said something on 22-O-19-R, but on the fire apparatus, is there an urgency on this one? President Dawson stated when Angie and I talked to Jamie there wasn't, but is Jamie around? Is there a timing issue or are we okay with this?

Jamie Arce, City Controller, stated we are okay with it running the standard course.

**Resolutions**

*Proposed Resolution 22-R-22*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN THE SOUTHEAST CORNER OF CR 106 AND WOODLAND ESTATES DRIVE**

The clerk read the proposed resolution 22-R-22, by title only. Councilwoman Hines, seconded by Councilman Fish, moved to adopt the proposed resolution. President Dawson opened the floor for council discussion.

Councilman Henke stated I tried to locate this and I would like some clarification. The way this reads, and I was looking for the acreage involved and if I knew that, then I would know how close this is to the Osolo Fire Department. Kristi Sommer, Division Chief, Elkhart Fire Department, stated if you go down County Road 11 to 106, you have Woodland Estates right there, that subdivision. Councilman Henke stated I need to know how close we are to Osolo. My concern is we are very close to Osolo Fire Department and there was discussion about us taking action in that area to include that department in the City limits. I would like to have that fully vested before we add more money. I am concerned about fire trucks getting out back and forth in a two-lane residential area, that concerns me greatly and then the noise in the residential area, when we actually have vacant areas on County Road 6, we have vacant property more towards County Road 13 and a little bit east. I am trying so fire trucks don't routinely come down Jeanwood Drive and County Road 13, because that is the only way back. I think a real traffic study has to happen or we will devalue that area. There is plenty of land and buildings that we could look at. The big question in front of us is, what's Osolo Fire Department going to do, what are we going to do with them, but to duplicate two different stations in that area when we are not concluded on future combination, unless you can speak to that. Chief Sommer stated I cannot speak to the Osolo Fire talks at this time. I can speak about that property; we are doing different studies with the traffic pattern. It's not that far from the intersection of Osolo Road and County Road 106 or Henke Drive. Councilman Henke stated the neighborhood is going to grieve that. Chief Sommer stated we have looked at a lot of

properties. Councilman Henke stated do you realize how close this is to Osolo Fire Department, you could throw a stone.

Mayor Roberson stated yes we have met with the Osolo Township Fire Department and this particular station and what we want to do with this station does not impact them and the reason why is because we are taking a look at our annexation plans moving forward and we are positioning our stations in order to ensure they are relevant to them. In addition to that, the land they currently have, it would not be appropriate for us to begin with to build this station that will fit those current annexation plans. We knew the type of station we need, in order to absorb the area and the commercial we are going to have, as we continue to annex, was a space that we thought would fit better than the current land they have, which is nestled in a residential area. There are other conversations we are having with them that should be encouraging, this acquisition would not impact what they are doing as we speak. We have never found a fire station to devalue a community. When you put a station in a community, it normally either upgrades the community and increases the value, but it never devalues or deteriorates it. Councilman Henke stated I will let you know on Jeanwood, specifically, I have requested when there is no traffic, shut the sirens down. It's all residential and when you are going to the nursing home, we have so much land there, that we dare not bring traffic to 13, the highest rent district of our City, 13, and yet we are capped out on traffic. If an ambulance comes down there you are fighting traffic to get through. Now County Road 11 has a stop sign in the middle and it is narrow and a lot of workers go down to 6 and 4 as well. The traffic is horrendous. How many yards away from your proposed land, is that department?

Shaun Edgerton, Fire Chief, stated I think you are confused with where we are talking back in relation to County Road 106. We are talking about just east of Osolo Road on Henke Drive and it is the wooded area on the southside of the road, east of Woodlawn Estates. Through our conversations with architects and engineers, the proposed structure would be buffered from the residential area by the natural coverage of the woods. In relation to Osolo Fire, Osolo Fire is in proximity to that location, but their current facility would not support the Elkhart Fire Department in any way shape or form and to be perfectly honest, our plans with relation to our annexations are separate from any plans that would involve Osolo Township. That is an ongoing negotiation and it will either come to fruition or it won't, but from the standpoint of the Elkhart Fire Department, we are moving forward in order to protect the citizens of Elkhart.

Councilman Henke stated when you turn east on 106, is it before the creek or after the creek? Chief Edgerton stated it is before the creek. Councilman Henke stated we had a proposal to expand apartments at that very same location and the Woodlawn neighbors brought in their own legal team and we were able to shut that down due to traffic alone and now we are trying to put a fire department there. I can tell you that when I make a call through to them tonight, this will be significant issue and my concern is as well that it is that much closer to the Elkhart Airport fire department and we have to ask ourselves, aren't we boxing ourselves in, when the reality is we are going east, we are going out to County Road 17. Chief Sommer stated we did a station study with a fire study company and out east going north, that is going to be whole separate station, that doesn't even over what 6 is. Councilman Henke stated so we will have four fire stations, three city and one Osolo County Road 6. Chief Sommer stated if you look at the studies we have done on response time, on ambulance coverage and fire truck coverage, you need this, you need this coverage.

Councilman Thomas stated are the studies in this resolution? Chief Sommer state I'm not sure if they put them in there. Councilman Thomas stated I can tell you they are not and it would be nice to see those studies. Secondly, have you talked specifically to the Woodland Estates association? Anybody? Chief Sommer stated I don't believe so, not yet. Councilman Thomas stated then you got a problem.

Councilman Mishler stated how much will this improve response time, compared to where the station currently is? Chief Sommer stated the response time, I don't know a couple of minutes, but we are more centrally located so we will be able to go out to the west, to the east, and down to the south faster and the station at Station 6, we need an ambulance in that territory and right now we don't have one out there, we have one responding from downtown. That station at Osolo and Bristol Street has one bay and no room to expand and we need room to expand. Councilman Mishler stated two minutes might not seem like a lot, but that is quite a bit of time considering if it's a life or death situation. Second, the Osolo Township Board does not typically respond to anything within the City limits, unless the Elkhart Fire Department asks through an interlocal agreement and I assume it is the same with them. For me, the idea of Osolo Fire being involved in this doesn't make any sense since we don't normally work with them and they don't normally work with us, unless it is a larger issue. This seems like it will help reduce response time and I understand there are concerns from the neighborhood, but Station 5 is in a residential area in my district and I have never received any complaints from my area about fire trucks and ambulances going in and out of there to save lives.

Councilman Curry stated I was looking at the report about the number of calls the Fire Department and Police Department addressed in the month of May, it was over 800, could we break those down by which area was responded to in the future and that way we would know how many calls are out east or down south. In my district we have Station 2, and it is a gem in our neighborhood. We appreciate having that there and we would never want it moved. It sits right at Benham and Lusher. It adds value to our residential neighborhood because we feel safer. People are happy they are close by, I have never heard any negatives about it being right there in our neighborhood and we appreciate it being there.

Councilman Bullard stated I wonder if it might be appropriate if we tabled this, so we can look at the study and get some input from Woodland Estates and look at this a little closer. Once we pass this resolution, it will probably be out of our hands. I would like to have a more in-depth look at this.

Councilman Thomas stated I just sent out message, has anyone from the administration talked to you out there about putting a fire station at 106 on the corner of your subdivision and one simple answer. No. That is from a member of Woodland Estates. President Dawson stated how many members are out there? Councilman Thomas stated there is probably 60 houses and they all belong to the association.

Councilman Henke stated it would be one thing if we were landlocked and this is the only place we can go and it's not. We are going East and it would be nice to know in the next ten years, how far east are we going and what is our plan for annexation and that should tell us how far east a station should go. To me that is critical. A study has to happen. Second, if you don't bring the neighbors into it, I can tell you what is going to happen and there will be an injunction. That's what they do, they have proven it already and we haven't even included them in conversation and I will contribute to the cause.

Chief Edgerton stated there has been a study done, we have spent an inordinate amount of money and an inordinate amount of time, doing the study in order to project exactly where station locations should be and this location is the location that was outlined in this study, along with a location farther east, in order to rectify those issues with annexation farther east in the future. I will be more happy to provide that study so everyone can have a chance to look at it.

Councilman Henke stated we got this in the last week. Woodland has never been talked to yet, let alone Eastlake Estates, Eastlake Manor, all impacted by this, all residential, all high tax paying people and we haven't talked to any of them. This is a mistake and it shouldn't happen in my district and I hope it doesn't happen in anyone else's district. I am asking if we could table this to which point we can actually bring these people in and look at the alternatives. I am not interested in what the study says where we are geographically today, I am after where we will be in the next ten years.

Councilwoman Hines, seconded by Councilman Mishler, **moved to table the proposed resolution.** President Dawson called for a roll call vote on the motion to table and the vote was as follows: Ayes: Bullard, Mishler, Hines, Fish, Henke, and Dawson. Nays: Curry and Thomas. **The motion carried, 6-2, and the resolution was tabled.**

### **Vacation Hearings**

There were no vacation hearings.

### **Other New Business**

Councilman Henke stated I have called into 311, but on my way in tonight, on Benham Avenue, there are six cars in front yards, and two motor homes on the side of garages, on Benham, between Mishawaka and Hively. Thank you for entering those, but I think you said Cleveland and its Benham. There are eight houses with weeds overgrown, grass, trash between Benham, Hively and Lusher. There were gunshots, that people sent to me on a recording at 922 Taylor and could not get a police response even though her video clearly defines the shots and she sent them to me. Whether it is true or not, we can't have it. Shots fired in our city, have to be responded to. She has the video so we should address it. I also question, the mustang squad car, a new black and white mustang, I thought for safety we were going to, and this council has been approving, the SUV's for safety of officers. As you all know, mustangs don't meet the winter well and wet surfaces they don't do well. I would like responses back on that as well. I also want to say that I made a mistake and I want to own it. We voted on the apprenticeship program through the Union and it was outlined here, I voted for it and it was a mistake. I have been called from other businesses, we just drove prices up, taxpayer's money, we drove prices up, there is no competition, it's union price and now they have cornered that market. Shame on you guys for bringing it, we should have had a deeper discussion and I blame myself for not asking the right questions.

Councilman Fish stated we got a notice of public hearing and I just want to make sure that people will show up for the Hively Avenue Local Tracks Project. It's important at Hively and I just want to make sure we get a lot of opinions and people there to talk about it and fully process the information that the State and the City are going to present on Thursday, July 14<sup>th</sup>. The public hearing is at 6:00 and the open house starts at 5:00. It's at Zion Missionary Church, 1135 East Hively Avenue, here in Elkhart.

Councilman Mishler stated I would like to commend the City for wonderful Fourth of July festivities downtown, Central Green was packed, the fireworks were wonderful, the food was delicious and it was great to see everyone in our diverse community come out and have a great time. Secondly, I have received a few questions from folks concerning wanting to have a garden on the side or in the front of their home. Currently they are not allowed by ordinance and I actually posted it on social media and it has more responses and views than just about anything I have posted before. Maybe it is something we can consider in the future, folks are concerned about rising food prices as well as wanting to grow their own food on their own property.

Councilman Thomas stated I would like to also commend the Fourth of July celebration, that was an amazing turnout. There was not a square inch of grass left on that park, I don't think. Secondly, by a small percentage, the fireworks were not as bad this year. I think people were more concerned with the \$5.00 a gallon gas than blowing up \$5.00 worth of fireworks.

Councilman Bullard stated to follow through with David's comment about police vehicles, we got that police car that sits out at Nappanee Street at the McDonald's and then they moved it down to the restaurant and they are moving it back and forth and it's an empty squad car. It's all over Facebook that

this thing sits empty, it's almost comical. I would suggest to put something in that, open up the radar and fool them again, but it's quite comical to watch Facebook and everyone commenting on this empty squad car on Nappanee Street.

President Dawson stated Mr. Henke I can speak to that mustang. That mustang was the old Noise Ordinance Mustang, that Bogart use to drive. They wrapped it in black and white, but I thought the same thing and I went outside and Chief Snyder opened the door. They just wrapped it, it's kind of like a community car.

President Dawson also stated that living downtown and the last Fourth of July weekend, Bike Night, everything is going on, but when I get up the next day, Sunday Morning, you wouldn't even know there is an event downtown. If I get up and walk I will see some stuff but visually, you wouldn't know there was an event downtown. I want to commend police, fire, street, everybody who does that because you do a great job and Kristi, I know, I watched you run around all weekend and it's a stressful job, but we appreciate it.

Councilman Henke stated for communications and police, we have an ordinance that discusses street corner solicitation and we upgraded that. We have 17 calls for street corner solicitation, on Cassopolis Street, which we know, has been a traffic issue, the County has put a bunch of money in it, the State has put a bunch of money in sidewalks, that really didn't do much. People are still walking across, but the bigger problem is, next to Arby's, there is always someone there and a dog is tied to a tree, in the heat. In front of Menard's there are two people in that spot, all the time. One is selling flowers and there is a guy behind Culver's. I call that in routinely and I don't think we take it seriously enough. It says you have to have a city permit and no one knows anything about them, because if they are hit on our streets, you know we will get a tort claim. I am just asking that we reiterate the ordinance back to the Police Department and these people need to follow those rules. We have done all we can do, to make Cassopolis safe, but street corner solicitation is something we cannot do. We do have a known prostitute in front of McDonald's, don't get them confused. Police know her and we would like her to move on.

### **Reports of the Mayor, Board of Works, Board of Safety or City Department Heads**

Mayor Roberson stated I want to thank, not only Buildings and Grounds for the work they do, but this was one of the most attended weekends downtown that we have ever had and most people may not have noticed but there were over 600 kids and then you want to add all the families that were at the Aquatic Center for a swimming and diving championship that was held Saturday and Sunday. Bike Night was Saturday evening from about 4:00 to 10:00, and we had about two-thirds of the Lerner full with a concert. There was also a small event at the Hotel. This particular weekend was one of those times in which we were full and our police department and fire department were on duty, ensuring people arrived, stayed, had a good time, and left safely. I want to make sure that outside of the cleanup that occurred, and President Dawson is absolutely right, the City returns back to normal on Monday and Monday morning the people that are coming here to work, expect the City to look how it does and it is a tribute to Streets, Building and Grounds, and the Parks Department as well. Our police and fire were there and obviously since the event that happened in Highland, everyone was on high alert during that time as well. Any time there are public gatherings it has changed the context of how we make sure people are safe, so I want to thank them as well. Now we have the Auto Show this weekend and following the Auto Show, we will be headed towards the Go-Kart race, so we are still in the midst of events happening downtown and openings that are occurring with the river bend and the restaurant there has gone pretty well. We continue to do the things necessary to make Elkhart and the downtown a safe place to live, work and play.



**Neighborhood Association Reports**

President Curry stated the Pierre Moran Neighborhood Association met yesterday and this time of the year we have our outdoor meetings to free up the pavilion because we know a lot of people use the pavilion for various graduations and weddings this time of the year. It was a very good meeting, and we are planning for our August 13<sup>th</sup> picnic that we will be inviting all of you to and just like Mr. Henke and his list at Benham, we have a list at Benham as well. The main issue we were addressing just last week was the Benham Corridor. We got with Code Enforcement because we were very concerned with people putting large ticket items out over the weekend and especially over holiday weekends. Also, we have been addressing some other issues and Officer Windmiller has been doing a great job along the Benham corridor to address those people who are blocking alleys and putting stuff out. One guy put out a no parking sign and put a stake in front of his house and was very concerned with people parking in front of his house. We appreciate everything Mr. Windmiller has done in the neighborhood. We want our neighborhood kept clean and for everyone to keep their property clean, especially on the main drags.

**Privilege of the Floor**

Andy Jones, 2922 E. Jackson, stated Saturday I spent some time down here too at the Farmer's Market and it is an outstanding event. This time I took a detour and ventured to Goshen to the Airshow at the Freedom Fest and it was a phenomenal show. It just reaffirmed to me the pent-up demand for airshows and people coming to airports. I know the Mayor and I have been talking about an event we would like to do at the airport next year. We may talk about it a little bit more at budget time. I just wanted to know that we would love to have some aviation themed events at the airport and we will be doing some. I bet they had 30,000 people there at that event, it was phenomenal. Hats off to Goshen for their airshow.

Steve Robinson, member of the public, stated this mask is what we see in my neighborhood. This is what young men and women are wearing in my neighborhood and they are shooting guns and this is what we are faced with. I went to a couple of council members and told them about my concerns and it seemed like it was a joke to them, so I figured I needed to come down here. I speak about the gun violence happening in my neighborhood in South Central. Young people walking around in ski masks with bookbags, carrying loaded guns. The loss of life and property damage and the outright fear and terror for the innocent and the helpless of South Central. There has been a call to arms among these young terrorists and when I went to those that are officers, I don't think you took it serious, I didn't get a call back. I made sure there was a videotape given to you all, I made several calls, no response to me. Mr. Henke, you are right to ask for the investigation.

Ralph Spelbring, member of the public, stated last month it was announced that the toll to travel the length of the Indiana Toll Road would increase by almost \$1.00. The toll now for car or pick up now \$13.50, from the west point to Portage it is \$3.50. I have prepared a resolution and Indiana should eliminate the high 7% state sales tax on motor fuels effective September 1<sup>st</sup>, 2020. This is quicker, simpler and fairer than issuing income tax refund checks. Currently, Indiana has the highest gasoline tax in the nation, when the 7% sales tax rate is added, it's \$0.33 per gallon.

Councilman Henke stated I received a text about parking over the weekend when it was busy and their car was towed and it's a \$600.00 fee. President Dawson stated I can tell you it was probably not towed by the City and I can talk to you afterwards about who towed it.

President Dawson stated I want to thank Kristi. I got several calls about how to get in and how to get out and Kristi and the Fire Department, everyone jumped right on it and took care of it.

**Scheduling of Committee Meetings**

Councilman Henke stated the Ad-Hoc Committee, Kristen just gave me the information and she did a good job on tracking this because it was convoluted, and it was a lot of papers and were able to go through that. We had a new administration, a new planning director and it was a learning curve through all of this and it was good for all of us, quite honestly and we got through it. There were several not in compliance and to become compliant, they needed a week and we gave them a day. Part of it was the allottable time to get the project done, some were given 12 months to complete their project and I think some of us know with contractor delays and shipping and all of that, we gave them too narrow of a margin and it was just inexperience, that is all that was. We do need to extend for 11 companies to get information to Kristen, by 12 P.M. on Friday to rationalize their compliance and then I am hopeful we can have a special call on the 18<sup>th</sup> and have at least five members to make quorum, available for that night and it shouldn't be very long.

**Acceptance of Communications**

**Minutes** of May 25, 2022 Board of Aviation Commissioners Meeting

**Minutes** of May 24, 2022 Board of Public Safety Meeting

**Minutes** of May 24, 2022 Board of Public Safety Special Meeting

**Minutes** of June 7, 2022 Board of Public Works Meeting

**Minutes** of June 21, 2022 Board of Public Works Meeting

**Report** of May 2022 Month End of Elkhart Communications Center

Councilman Curry, seconded by Councilman Mishler, **moved to accept communications**, which **motion carried**, by voice vote, and **the communications were accepted**.

**Adjournment**

Councilman Hines, seconded by Councilman Fish **moved to adjourn the meeting**, which **motion carried**, by voice vote, and **the meeting was adjourned**.

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Debra D. Barrett, City Clerk

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Arvis Dawson  
President of the Elkhart City Council

**MINUTES OF THE REGULAR COMMON COUNCIL MEETING**  
**OF MAY 1, 2023**

Present: Council President Arvis Dawson  
Council Members Kevin Bullard, Brent Curry, Brian Thomas, Aaron Mishler,  
LaTonya King, Megan Baughman, Dwight Fish, David Henke

Absent:

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.

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

The clerk called the roll.

**AMENDMENTS TO THE AGENDA**

Councilman Mishler stated we have been presented with a couple of amendments for the agenda tonight. It looks like 23-R-06 and 23-O-07. He made a motion to substitute these in the entirety. Second by Councilman Fish.

President Dawson asked if there was any council discussion. Seeing none, he did a voice vote on the motion.

**By a unanimous voice vote, the motion passed.**

**APPROVAL OF MINUTES**

Minutes of June 6, 2022 – City Council  
Minutes of April 17, 2023 – City Council

**President Dawson** stated I need a motion for minutes of approval. Motion by Councilman Mishler, seconded by Councilman Fish.

**By a unanimous voice vote, the minutes were approved.**

## **PRESENTATIONS AND INTRODUCTIONS**

Mayor Roberson asked former Chief Kris Seymore to join him up front at the podium. He said that this was the day after his retirement but he asked him to come back because he wanted to acknowledge his service. He wanted to put it into the record and acknowledge it in the appropriate manner. He said Kris was hired in January of 1998 and had many positions. The positions that were held and he was promoted out of were anti-crime unit, honor guard, juvenile crimes detective, arson investigator, homicide detective for 10 years, four of those as the lieutenant in charge of the unit, 7 years on SWAT, detective captain, assistant chief and chief. In his tenure as chief, there have been some notable accomplishments and those should be read into the record as well. He said he helped create the Elkhart County Homicide Unit in 2017, which has a 93% case clearance rate, was the American Legion Officer of the Year, in 2017 implemented a civilian community liaison position, created a civilian media relations and public information position, downtown special officers for quality of life and partnerships with businesses. Also created a mental health, social work program to provide mental health and social services to the public. Began an update to the 20-year-old records management system, which should be completed this summer. Dedicated parking lot spaces for safer online transactions. Deployed Narcan to every officer, which has saved numerous lives. Department complains and use of force went down as calls for service and arrests went up. The mayor said when Kris came in we knew that we needed a change of culture in the police department and he provided the impetus for that to happen. This change of culture created a culture of accountability, governance and transparency that not just the administration was looking for but the community as a whole. For that reason, for the last 2 ½ years, Kris has been very dutiful in ensuring that his officers reached a higher standard and that was so important to our city. He said that he believes we have turned a corner and I should not call it his replacement as he has some big feet and Dan Milanese has little smaller feet, so I do not think that Dan can fill his shoes yet and I do not think that Dan wants too. He said what is important is that we are moving in the right direction and now we have to continue. With that said, he wanted to make sure that he honored Kris and his family tonight. The City of Elkhart thanks you for your 25 years of service with the Elkhart Police Department from January 27, 1998 to April 28, 2023. (He presents Kris with a key to the city) The mayor said to Kris and his family, I appreciate your service was well Elizabeth because we are all in this together to a large degree and I see the kids back there as well. Thank you

## **UNFINISHED BUSINESS**

### **REPORTS OF COUNCIL COMMITTEES**

There were no reports of council committees

**ORDINANCES ON SECOND-THIRD READING**

*Proposed Ordinance 23-O-07-R*

**CITY OF ELKHART ORDINANCE REGARDING UNIFORM REQUIREMENTS FOR  
CONSTRUCTION AND POST-CONSTRUCTION STORMWATER MANAGEMENT  
TO REPEAL AND REPLACE ORDINANCES 5034 AND 5158**

President Dawson asked the clerk to read the proposed ordinance by title only. Motion to adopt on second reading by Councilman Mishler. Second by Councilman Bullard

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-07-R**

President Dawson opened the council discussion. **Joe Foy, Stormwater manager for the City of Elkhart** stated the ordinance before you pertains to erosion control on construction sites and post construction requirements for these same sites. New state rules went into effect in 2022, and these rules require us to update our existing ordinances to meet the revised requirements of the state's construction Stormwater general permit and the MS4 general permit. This ordinance will repeal our existing ordinance for construction side and add some necessary requirements for post construction. Again, the changes that are included here are required by the new state general permits that went into effect in 2022 and need to be implemented by July of this year. He said I will go over some of the necessary changes included in the proposed ordinance and then answer any questions you might have. He said to begin, the new ordinance will require existing natural vegetative buffers along waterways be protected for the first 50 feet during construction. It defines when in active disturbed area must be temporarily stabilized. This is basically the same as the old rule with a new requirement to apply grass seed just a little bit sooner. Rain event inspections are now any inspections 24 hours before the event, and those completed 24 hours after at a construction site during that construction process. The ordinance identifies proposed uses that are more likely to have Stormwater pollutants and less potential Pretreatment options for those projects. Post construction Stormwater operation and maintenance plans are now required by the new general permit for all new projects. The ordinance provides guidelines for these plans, and also requires that the plans are recorded, so all subsequent owners know what those responsibilities are. The city will collect the recording fees and insure the documents are recorded. Last, it identifies suggested guidelines for determining fines for construction sites that failed to comply with the erosion control rules as set by the state and defined in this ordinance. Those are the major updates that we are looking at for this ordinance.

**Councilman Mishler** asked will contractors be notified of the changes moving forward. I would hate to have someone who works with the city for quite some time and then suddenly not know about it and then get hit with this. Will there be notification sent out to contractors that work with the city. **Joe Foy** stated absolutely, we will be sending out notifications and we will be working with their partners at SWCD who help with the construction plan review process because they have an extensive database of all of the plan preparers who submit and we will utilize that to get the word out on the updates that will be coming. **Councilman Mishler** stated okay and similar ordinances; I assume are probably happening in Nappanee, Goshen and other municipalities due to the rule change. **Joe Foy** stated yes.

**Councilman Henke** stated so let me make sure I understand this; was it HUD that actually put these changes in the place, and then we are adopting them now or are you adopting them as the city, whose mission is it to make these changes. **Joe Foy** stated the state requires us to update our ordinances to include the new requirements, IDEM. **Councilman Henke** stated so IDEM put the new, when did those come to the city. When did IDEM give us that information that must be included? **Joe Foy** stated the new general permits came out in 2022 actually the very end of 2021, but because of some snafu at the state, the start date did not start until July of 2022 that started the clock as to when we needed to have everything updated. **Councilman Henke** stated okay, because it sounded as though, even though this is above my head and all the stuff that you are doing with you know a very short time to get this approved and meet your July deadlines I was as interested in that. He said other than that I have no other questions whatsoever you guys do a phenomenal job.

**Councilman Bullard** stated will this change in requirements increase workload for you guys at all. **Joe Foy** stated the only increase in workload will be the recording of the documents with the county, so that they stay in perpetuity with that project. **Councilman Bullard** stated okay great.

**Councilman Henke** stated with that said the recording fees and any other fees associated with the new accommodations right, no matter I see a listing of non-profits in your document, but everyone is going to get the same charges they are not overlooked, they will be collected regardless of their status. **Joe Foy** stated yes, the plan review fee is collected on all projects that there is not a status associated with that, like there is property taxes. **Councilman Henke** stated okay, thank you.

**Councilman Thomas** stated on existing development or site that changes its run off system by expansion or reconfiguration of their lot, would they be required then to apply for either a new permit or an amended permit. **Joe Foy** stated so the permits if it is a larger construction project over an acre in size, they have to the construction permit and then if it is an existing campus, we always have them update their existing plan. A lot of the projects over the last year have had these plans; they just have not been recorded. Now, we are going to go with that extra step because we want to ensure and the state is asking us to ensure that what is the mechanism all subsequent site owners are aware of their responsibilities that is how we are doing it through the recordings. So, in answer to that question if there is an existing plan on site, we will just have them update the plan as they typically have in the past, but then that entire plan will be recorded with the site.

#### **PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-07-R**

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

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-07-R**

President Dawson returned the discussion to the council. Seeing that there was no further discussion, he asked the clerk to do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson  
**NAYS:**

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

Motion by Councilman Henke for third and final. Second by Councilman Fish.

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

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson  
**NAYS:**

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

**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 resolution

**ORDINANCES ON FIRST READING**

*Proposed Ordinance 23-O-08*

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “K-2, DETAILED PLANNED UNIT DEVELOPMENT DISTRICT” BY ADDING “COMPONENT ASSEMBLY” AND “WAREHOUSING DISTRIBUTION” AS PERMITTED USES**

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

*Proposed Ordinance 23-O-09*

**AN ORDINANCE APPROVING A MAJOR AMENDMENT TO THE “WINDSOR CROSSING PLANNED UNIT DEVELOPMENT DISTRICT” (ELKHART CITY ORDINANCE NO. 3701 AND 5169) BY ADDING HOTEL AS PERMITTED USE**

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

*Proposed Ordinance 23-O-10*

**AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS AND IMPROVEMENTS TO THE WATERWORKS OF THE CITY OF ELKHART, INDIANA, THE ISSUANCE OF ADDITIONAL REVENUE BONDS TO FINANCE THE COST THEREOF, COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH WATERWORKS, THE SAFEGUARDING OF THE INTEREST OF THE OWNERS OF SUCH REVENUE BONDS AND OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF SUCH BONDS, AND ALL MATTERS RELATED THERETO**

President Dawson asked for a motion to adopt this ordinance on all three (3) readings tonight. Motion by Councilman Curry, second by Councilman Fish.

President Dawson asked for a motion to suspend the rules to allow us to pass this on all three (3) readings tonight. Motion by Councilman Curry, second by Councilman Fish.

Councilman Henke stated if you do not mind before we say we are suspending the rules, which takes 100%, we should at least know some of the discussion before we get into the final vote.

President Dawson asked the clerk to do a Roll Call vote. Councilman Henke stated that he would not be a yes vote until he knows what we are changing, and then he would consider the yes vote for 100% passage.

**PRESENTATION ON PROPOSED ORDINANCE 23-O-10**

**Tory Irwin, Director of Public Works** stated I apologize for having to bring this to you and ask for a suspension of the rules. If you will recall back in February of this year, the council passed a sewer works bond ordinance for our Oakland Phase A, long term control plan project. During this process to apply for the bond through the Indiana Finance Authorities State Revolving Fund loan program. We were told at the time that money within that bond could be used for the replacement of led water service lines, which is now required by the EPA’s proposed rule, and IDEM’s proposed rules. They were going to take the money that we were going to use to replace those led service lines, do some fancy financing, and reduce our interest rate so that we would not incur the cost to replace those lines. He said since that time and at the



99 ½-yard line, the IFA's lawyers decided that was not an acceptable route and that a separate waterworks bond would need to be issued for that portion of the project. He said so they have taken \$825,000 dollars out of the sewer bond and they are requesting that the council passed this water bond in order to fund the replacement of the led service lines. The water bond is coming in the form of a forgivable loan, which means the utility rate payers of the City of Elkhart will not have to pay this money back. This money is coming through grant money from the feds through the IFA to the City of Elkhart. The reason we are requesting the waiving and the suspension of the rules is we opened bids in February with the plan that all of these bonds would be in place so that we could proceed with the project. We had the contractor during the bid lock in the prices for 90 days, which is above and beyond what the State of Indiana law requires. That 90 days is up. We have been told by our finance group that we can get a bond as soon as tomorrow should the council pass this tonight. **President Dawson** stated I appreciate that email you sent all of us this weekend to outline.

### **COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-10**

President Dawson opened the council discussion after the presentation. **Councilman Fish** stated I want to thank you for taking the time to explain this, because I have always been frustrated by suspension of the rules, but I understand and I accept the explanation. He asked if anything had changed since their conversation last week. **Tory Irwin** replied no, nothing has changed.

**Councilman Henke** stated so with that said, there is a change of \$818,915 dollars and I just wanted to go back over, because I had notes in regards to taking it from here and crediting knowing then that this is a forgivable, so how do we make this work now at both ends. We are adding \$818,915 and a forgivable bond issuance, forgivable loan as it were and it should come off the other side that was already passed. **Tory Irwin** stated it did come off the other side, the bond for that closed Friday. **Councilman Henke** asked how he can see the paperwork of that reduction from the other side. **Tory Irwin** stated we can provide that to you. He said the good news is that the bids came back much less than the council had authorized. He said so our bond for the sewer works project is less than what the maximum that the council authorized. **Councilman Henke** stated and then the bond is yet to bid. He said so this is forgivable, is it still going to be sold like a bond. **Tory Irwin** stated that Jim McGoff from the Indiana Finance Authority is online and that he is not sure of all of the details. He said I do engineering not financing. **Councilman Henke** stated it is just a matter of questions of the cost of that bond issuance. **President Dawson** asked David did you want Jim to answer your question. **Jim McGoff, Director of Environmental Programs from Indiana Finance Authority** stated Mr. Irwin is correct in his explanation of what brings us here tonight. It was somewhat of a unique financing that we put together for your city, and that we were doing both a wastewater project, a drinking water project and a led service line replacement project. He said staff on our end did clearly as the process move forward. The anticipation was that it was going to be one issue through your wastewater utility and when we got close to closing and that issue was raised, we did determine that we needed to close a separate issue with your drinking water utility to take care of the led service line portion of this. In an agreement with Mr. Irwin, the bonds are not being publicly sold; they are being privately placed with the Indiana Finance Authority. Mr. Irwin was correct the first issue with the waste water utility has closed for the least amount upon approval by the council we will close the second issue with the drinking water utility for this

forgivable loan of 818,915. He said to directly answer your question, it is a private placement, and not a public sale and that will take place as soon as the council approves it.

President Dawson asked the clerk to do a Roll Call vote on whether we should suspend the rules and pass this on all three (3) readings tonight.

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote, the suspension of council rules for this proposed ordinance passed.**

President Dawson stated that this passed and he will move this on to the second reading. Motion to adopt Councilman Henke, second by Councilman Fish.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 23-O-10**

President Dawson asked if there was any further discussion from the council. There was no further discussion.

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 23-O-10**

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

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

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

**NAYS:**

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

Motion for third and final, Councilman Thomas, second by Councilman Henke. President Dawson asked the clerk to read the proposed ordinance by title only and do a Roll Call vote.

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

**NAYS:**

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

*Proposed Ordinance 23-O-11*

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) FOR LAND ACQUISITION, AND PROFESSIONAL SERVICES FOR THE NEW PUBLIC SAFETY FACILITIES FOR THE ELKHART FIRE DEPARTMENT**

President Dawson asked the clerk to read the proposed ordinance by title only. He stated if there were no objections, he would move this into the Public Health and Safety Committee.

**RESOLUTIONS**

***Proposed Resolution 23-R-06-R***

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, TO RECOGNIZE PAUL D. THOMAS, JR. FOR HIS ACHIEVEMENTS AND  
HIS CONTRIBUTIONS TO THE ELKHART COMMUNITY**

President Dawson asked the clerk to read the proposed resolution in its entirety.

*WHEREAS, Paul D. Thomas, Jr., a longtime resident of the City of Elkhart, has been an active member of the Elkhart Community for a number of years; and*

*WHEREAS, Paul graduated from Elkhart High School in 1941 and went on to study at Indiana University; and*

*WHEREAS, in 1946 Paul began his retail career in Florida before returning to work in Elkhart in 1948 as the manager of Drakes Department Store until he opened his own business, Paul Thomas Shoes, in Downtown Elkhart in 1955; and*

*WHEREAS, the contributions of Paul to his community are numerous; he was a lifelong champion for Elkhart and following his retirement from Paul Thomas Shoes in 1988, he founded the Time Was Museum which gave him the opportunity to share the history of Elkhart, often giving programs to service clubs, libraries, etc., and he shared the stories of this city with everyone he talked with for the remainder of his life; and*

*WHEREAS, Paul as a passionate supporter of Downtown Elkhart and was one of the founders of the Elkhart Jazz Festival; and*

*WHEREAS, Paul was affectionately called the “Mayor of Main Street”; served two terms as a City Councilor; was a president and Citizen of the Year of the Elkhart Lions Club; and was awarded the Sagamore of the Wabash, the most prestigious award in the State of Indiana by Governor O’Bannon in 1996; and*

*WHEREAS, Paul D. Thomas, Jr. passed away on April 15, 2023, leaving behind a legacy of public service and commitment to the Elkhart Community; and*

*WHEREAS, the Common Council of the City of Elkhart desires to recognize Paul D. Thomas, Jr. for his many contributions to the City of Elkhart and to thank him for his service to Elkhart.*

***NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that the members of the Common Council wish to recognize and show gratitude for the contributions of Paul D. Thomas, Jr. to the Elkhart community and express their sincerest condolences to his family.***

*The foregoing is passed and adopted by the Common Council this 1<sup>st</sup> day of May 2023.*

Motion to adopt by Councilman Thomas, seconded by Councilman Curry.

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 23-R-06-R**

President Dawson opened the public discussion. **Bruce Thomas** who is Brian's brother, stated mayor, council, I appreciate the resolution and all the condolences and well wishes. He said he was another great man and he will be missed. Thank you!

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-06-R**

President Dawson returned the discussion to the council. **Councilman Thomas** stated very simply all those of who knew him if he could be here, he would say this is only what he deserved. **Councilman Henke** stated I did not know him as those of you who were before us, but you heard the stories not only from the shoe store, but also realistically from the interaction with then Mayor Kesim. The rolling of the chair down the ramp, and some of the laughter he would bring to a lot of rooms and the jokes, most of the acceptable, but what an energized person and every day down at the jazz fest, he was the brightest person down there. So, thank you family for sharing him with the City of Elkhart. **Councilman Curry** stated I would like to thank the family for sharing Paul with us. He said I knew Paul very well and we always talk politics, we talk about Elkhart and of course we talked Elkhart history because I found a picture one time in a wall of an old house, and I did not know anything about this picture that is when we used to have the fish fries downtown, I said Paul will be at the fish fry and I will take this picture and Paul knew exactly who that picture was. He said that is the football team from many years ago and they won everything and I had no idea who and Paul said, I will put it in the museum, you know, he was a great guy. You could see him serve Elkhart, even at the jazz festival. In his later years, he was still taking people where they need to go in golf carts. He said I got to go out with him and Brian of what about a year or 2 ago, we all went out to eat and that was a great experience for me because he always told me how great councilman when I was. **Councilman Bullard** stated for people that may not know Paul is 99 years old. **Councilman Thomas** stated and a half. **Councilman Bullard** said I bet we all wish we could be that healthy and that old. **Councilwoman Baughman** stated I just would like to add that typically people leave a legacy the longer they live, but I had the privilege of going to the store with the little door, and as a young child that had left such a profound impact and shared it with our kids and now we long to have a place like that to take them. Kind of joke that when you would go into the store, you would walk through the inventory, I mean, that was the back the backroom, which obviously is not the way things are set up today, but I am 1 of 5 and so when we show up there, he had the rocking chair that you got to play on. Then when it was your turn to go up and walk up the steps, he actually stood there, measured your foot, and made sure you got the right size. He was amazing. She said I will share a personal story with 5 kids, taking them to the shoe store or anything can be rather expensive and those of you who know my parents or know my dad, he is pretty frugal and sends my mom to Paul Thomas to get 5 kids in 6 years shoes, and she comes home and he is like, oh, my gosh, you know how much did you spend? And she is like, hey, I mean, it is Paul Thomas he has great shoes and the kids only get one pair of shoes. She is like you know if you are not happy, you do it. So, six (6) months later my dad marches us down there to see Paul to get shows and needless to say he spent more than she did. She said one more

thing, my son who is graduating from college had the privilege of interviewing him a couple of years ago and he was an intern through Infocus and through his work with Jack Smith and cataloging all of his Time Was Museum information and stuff. He got to sit down with them and what a treat that was to hear stories about his great grandmother and the time in Elkhart. So thank you for sharing your dad with us, and the many memories he has given to a generation of people, many generations. **President Dawson** stated well, I actually had the privilege of talking to Paul that Saturday. We were planning a 100<sup>th</sup> celebration. Brian and I had talked that his birthday is in October so let us just do it in this 100<sup>th</sup> year. Brian had said to me now if I suggest it he is not going to do it, he said he is not going to want to do it if I suggest it. He said you have to come over and you have got to tell him what he is doing. He said I went over on Saturday with my city council badge on and had my card in my hand; I was official from the City of Elkhart. I sat down with him and I told him that city council was requesting your presence at a program on May the 7<sup>th</sup> and you need to be there. He stated you know, he was so vibrant at the time. He asked about my kids he knew what was going on. So for Brian to call Monday or Tuesday and say, hey, we are not doing it was somewhat of a shock, but I want the council to know that this summer during jazz festival, we are going to do something, and so I want the family know that Paul will be well remembered in our community, like everyone said, he was the mayor of Main Street, you know, and if he would summon you him and his old guys down to the Old Style Deli, he would summon you, you got a summons. It is like, you know, the king has called you and you need to come down and answer these questions. His experience and his time in the City of Elkhart has made us a more vibrant place we are truly love him and thank you for sharing him with us.

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

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote, the proposed resolution passed.**

*Proposed Resolution 23-R-07*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, APPROVING THE APPLICATION FOR COMMUNITY DEVELOPMENT  
BLOCK GRANT FUNDS AND RECOMMENDING SUBMISSION OF THE  
APPLICATION BY THE MAYOR FOR APPROVAL**

President Dawson asked the clerk to read the proposed resolution by title only. Motion to adopt Councilman Fish, second Councilman Mishler.

## **PRESENTATION ON PROPOSED RESOLUTION 23-R-07**

**Mike Huber, Director of Development Services** for the City of Elkhart, he said Paul Thomas was one of the first people I met when I started with the City of Elkhart 30 years ago with the planning department. I will never forget the first time he came in the office when I was in everything about him he was in the office all the time basically telling all of us planners, why we were not very good at our job and how he could do our job better. I feel so blessed and honored to have gotten to know Paul over the 30 years and my kids tell stories about the classes is what they went through the museum and to have somebody who cares that much about our community, we are all really, really lucky. I appreciate the opportunity to just spend a little bit of time. You should have all gotten the actual action plan in the packet. I just want to provide a little bit of context for the plan this evening briefly along with Mary Kaczka who will be up in a few minutes, who is our Assistant Director of Community Development. The City of Elkhart is an entitlement community for the CDBG funds from HUD that basically means we do not have to submit competitively for those. We get an annual allocation every year. We do have restrictions on how we can use those funds. There are three (3) national federal objectives that we have to meet when we spend the dollars from the CDBG program. The first one being benefiting low and modern income residents of the community. We are required to spend a minimum of 70% of those resources on meeting that objective. We are also allowed to those on preventing or eliminating slum and blithe in our community, or for meeting urgent needs, those are things typically that happen after a natural disaster; those are eligible uses for those funds. As part of the process we are required to complete a five (5) year consolidate plan and through that consolidated planning process, we have to engage the community, define the needs and developed strategies related to improving housing, improving neighborhoods and improving employment conditions within the city. More specifics we use those funds and have to outline in that five (5) year strategy, how we are going to improve the lives of Elkhart's low and moderate-income residents. Program year 2023, you have the action plan in your packet represents year four (4) of the five (5) year plan. We will be starting the development of a new five (5) year action plan next year. However, the activities in this year's plan are still kind of falling under the guidelines of the five (5) year plan that preceded both Mary and I, at the city. We are trying to do our best making adjustments within the framework we can; that was what we inherited. In the development of the five (5) year plan, there was a fairly robust and extensive public engagement process that was used in order to not just determine but also prioritize the housing and community development needs and strategies and actions that are included in the five (5) year plan. Those are focused around housing needs homeless, non-homeless, special needs actions, economic development needs and neighborhood development needs. Within housing specifically, we are looking at ways that we can increase the capacity of our neighborhood not for profit partners in expanding opportunities for home ownership and rental housing opportunities for low-income residents. That can be through us acquiring vacant lots that can be used for infill development for new construction, how we can help facilitate the development of new rental units, how we can help low and moderate income residents achieve home ownership through purchasing home. How we can help homeowners that are low and moderate-income stay in their homes, as they need needed repairs structurally, or mechanically with the property and maintain that through our homeowner rehabilitation program. As well as demolishing blithed residential structures, that are negatively impacting the property values in our neighborhoods. In terms of our homeless and our non-homeless special needs goals, we work primarily in those areas through our partners, mostly in the homeless coalition providing them resources to leverage the resources that they get from other places to provide the needed services to help residents in

that area. Those are specifically addressed through a grant program that are part of the public service activities you saw noted in your plans. From an economic development standpoint, we are looking at ways to continue to provide job training to low and moderate income residents and also find ways through our economic development efforts to create new jobs and new living wages within our neighborhood revitalization strategy areas. Finally, within our neighborhood development, we are looking at ways we can improve parks, we need to make sure the infrastructure is up to date and strong in our neighborhoods, and try to find ways to improve commercial facades and the appearance of the business districts within the NSRA. That includes the downtown and some of the kind of neighborhood commercial areas we see in areas on the South Side of town, and in in the West Side of town as well. Every year as part of us determining our housing program needs, we are required to prepare and develop an annual analysis of impediments to affordable housing. For this year as we were looking at that, the primary significant barrier to affordable housing in Elkhart right now is the funding gap that is necessary to cover the high cost of housing construction and or high housing renovation versus what is affordable for folks who earn low and moderate income. When we define low and moderate income, we are talking about folks who earn 80% or less of the area median income. More specifically, we think the biggest challenge is finding opportunities for folks who earn below 60% of the area median income and getting them into affordable housing options. To quantify what that looks like, if you are a family of 3 or 4 then you will earn somewhere between 40 to 45,000 dollars a year to qualify as under 60% of the area median income, that is \$21.50 an hour. If you have a family of three (3) or four (4) you are 60% AMI and we know that is a significant gap for housing in our community right now. He said he is going to let Mary come up and talk about specifically how much of a gap that is in our community as well as give an overview of some of the strategies that are included in this year's plan.

**Mary Kaczka, Assistant Director of Community Development** said there has recently been completed a study by Zimmerman/Volk Associates of the Elkhart housing market and what this study is telling us, and this is kind of piggy backing on what Mike was talking about, the affordable housing gap. What we know about the gap is that of rental units at the \$1,250 dollars a month rate of rent, there is a need for over the next five (5) years, anywhere between 765 to 1,045 units, just within that AMI affordable rental range. For the for sale market, what we look at affordable is homes that are \$250,000 dollars or less and in today's construction that is about what it cost to build an average home. So, in that price range, as far as being affordable there is a potential for anywhere from 330 to 500 units that could be absorbed over five (5) years. If you do the math and just spread that out annually, there could be about 200 affordable rental units that could be absorbed in this market or 100 for sale units in this market. Those figures are about half of the overall potential of all of the market here at all price ranges and income levels to give you an idea of what the real needs is here in the Elkhart market. She stated moving on to the annual action plan for this 4<sup>th</sup> year that we are going into starting July 1, there are about five (5) or six (6) areas that Mike touched on, that the funds would be allocated towards. The most significant area will be housing and that amount about \$403,000 dollars of the total allocation would be earmarked for housing, whether it would be owner occupied rehab or working with partners, not for profit development partners to assist them with providing some block grant money to leverage other funds like other HUD funds, home funds or shop funds to build new affordable housing. Another \$30,000 dollars would be allocated for homebuyer assistance. We would like to be able to offer some support for homebuyers who are income qualified to purchase affordable housing, so, we have some funds allocated for that. Another area is fair housing, education and outreach, which is very important to educate people, tenants, landlords,

lenders and realtors about fair housing so we have allocated \$22,490 dollars for that. The last area in housing needs would be blithe and disaster remediation and prevention. Again, some of these funds could be used for demolition or to address some type of environmental remediation issue that might come up in a project. The second category in this area is homeless needs. In this area and most of the rest of the allocation of the funds as Mike mentioned we really work with not for profit sub-recipients who really carry out the activities that we have a need to do that we cannot do ourselves. So, in the homeless needs area, we will be working with the YWCA and the safe haven program and they provide services for people who are suffering from domestic abuse that is affecting their housing. The next category of non-homeless special needs is the AIDS ministry, and they work with people who are dealing with AIDS and helping them find permanent housing, so they will be the recipient of some funds. The Council on Aging has been doing an excellent job in providing transportation and again, these are for income-qualified individuals. The Boys and Girls Club Kids Care program. Some of these funds will be given to income-qualified youth for scholarships to be able to participate and to take advantage of the Boys & Girls Clubs programs. St. James AME Church will be using some funds to expand their food pantry activity; the Lords Cupboard Food Pantry and minority Health coalition will be receiving some funds to provide programming for chronic disease self-management program. In the economic development category, we will be working with Goodwill Industries in their beating the odds to self-sufficiency, which is an acronym for Boss. They provide soft and hard skill training to people to help them become employed. The soft skills and the training and the certification skills to gain employment and they are focusing the training in CNA training and welding training. The rest of the funds, there is an earmark for neighborhood facility improvement, which is really part a neighborhood development needs. Again, these funds could be used from anywhere from sidewalks to broadband Internet and water and sewer in the public. Lastly, the way that we administer this program in the Community Development Department, we have two (2) full time people and so we have funds allocated for administrative and planning activities. **Mike Huber** stated as a city department, we do not building housing, we do not do that. We rely on our partnerships with our partners to do these things. When we are talking about the gaps that we have between what it costs and what folks can afford, we would love to partner with a whole variety from not for profits or private sector, but we do not see private for profit operating in our space. Our primary partners are LaCasa and Habitat for Humanity and not for profits like that who can help us. One of the successes we like to really strive for, as an outcome with our program is, how well we can use our funds as a portion of a leveraged program. Our partners are very successful in bringing in; as Mary mentioned other funds like hone funds and others to kind of help cover that gap. With that, hopefully that is a little bit of context for what we are trying to do.



### COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-07

President Dawson opened the council discussion. **Councilman Bullard** stated on your plan priorities as they are listed here on our paper, you are going to start out probably highest priority is going to be the housing needs. The second thing would be the homeless needs and then non-homeless sort of kind of in order here as Mary described. **Mike Huber** stated actually, that is just how they are organized. I mean, we have they are all priorities and we are addressing all of those priorities, but that is how we are allocating the resources. **Councilman Bullard** stated then these funds then are controlled and distributed by redevelopment? **Mike Huber** stated they do go through the redevelopment commission. That is correct. **Councilman Bullard** stated and then one last thing, Mary talked about the housing study for the market in Elkhart, would it be possible to get a copy of that study? **Mike Huber** stated Mary has done an excellent job recently of digesting the studies as they are really long and has a lot of stuff to it. Mary has done an excellent job of digesting that and breaking it out by some of the categories. We will get you a copy of that.

**Councilman Henke** stated just on a couple of because these are tax dollars collected, so we are still responsible for it that is why it is in front of us. He said I am just looking just for a couple of explanations, does not have to be elaborate or deep. For example, Council on Aging transportation program, so we as the city taxpayers give \$20,000, how do we know that it is actually for transportation use? Is it just applied to their budget and we just assume that they are going to have more available transportation. Some of it is going to be paid for, where otherwise they would not have taken the person. **Mike Huber** stated so Mary can talk a little bit more about the specific reporting, but HUD requires us to go through an extensive monitoring and sub-recipient reporting program. **Councilman Henke** stated so that is the example because they use Medicare, Medicaid, private insurance, private pay and other. I just want to know for \$20,000 dollars, how do we monitor the effectiveness of that expenditure? **Mary Kaczka** as Mike said, the sub recipients must comply with reporting requirements and so as they request again these are all reimbursable grants so as all of these entities are putting the cash out and then being reimbursed. They have to have the capacity to be able to fund that upfront so they do request drawdowns against the grant. To do that, they have to provide and this is what is put into the grant agreement, and what they give us in that particular case is actually a list identifying each individual anonymously by several criteria, including the income levels, age and so forth, and the type of transportation that they provided. So every time they are asking us for a draw, we have an itemized list of every individual that received the benefit to ensure that they were income qualified as beneficiaries. **Councilman Henke** stated so to follow up, how do you then qualify that they had no other capability of pay. So for example, if they are a Medicaid recipient, Medicaid should be the payer source. If they put that person, up there and take cash, which is a higher rate. How do we validate. **Mike Huber** stated I would say at this point, we would rely on Council on Aging to provide information that matches the reporting requirements that we are given by HUD. **Councilman Henke** stated and I appreciate that, because I did not know the answer either. They would have to be in your books and you would have to be in their books, but I just want the accountability factor to be upfront. **Mike Huber** stated and then we look at it, as a way to expand those needed services for seniors throughout the city; understanding and recognizing that we have to serve the population that is income qualified or eligible based under our grant. **Councilman Henke** stated and I would just like to add a caveat if you do not mind with a little bit of latitude from the president. He said I know that there are services taxpayers are actually not charging for rent and utilities and things of that nature, so my question is for the space they use, if there are those services, the law requires at the state level for every service

there will be a fee. Would we be better off giving them \$40,000 and taking \$20,000 towards rent and utility to make it more palatable? Is there something we can do in that way so it does come from CDBG money and not just a forgivable...? **Mike Huber** stated so I am not sure I 100% understand your question. If what you are asking is, could we give them a straight grant to cover administrative costs as opposed to applying it towards the actual provision of service? **President Dawson** stated I think what he is saying is they rent from us. **Councilman Henke** stated there is a low fee, I think it used to be a dollar and from a tax perspective we pay the utility so there is a lot more money being sent that direction than what is on our books, and to me, I do not find that acceptable so, my question is not to short change them, but to say, could we have increased their fee, is CDBG capable of doubling that fee and then let them pay correct rent and utility back to the city. **Mike Huber** stated we have a cap on our administrative costs and because that does not count for direct service provision to low and moderate income residents, which we are required to spend 70% of our funds on. He said we would be over our administrative cap and we would not be an allowable expense under the HUD provision. **Councilman Henke** stated I just want to do this for myself, as this has been a thorn in my side for a long time. If we gave them \$40,000 towards transportation in their budget, it frees up \$20,000 that they were not going to get anyhow that they can actually then pay the city rent out of another bucket in their budget. I just want to throw that in your ear. That is fair and finally any cost, I know housing is an issue in Elkhart, you well established that the numbers are what they are. So, it tells me though that anything that ups the price supply and demand is one of those things that is hard to help, the greater the supply the less the real cost going in, but on the other hand things that we do also impact ability to have an achievable mortgage be able to afford housing and this year we are looking at significant \$200 Million dollar bond of municipal buildings. Do we have a projection of what impact that will have on top of property taxes, and then we are trying to help out people in their housing we when are actually adding a pretty substantial burden on top of their regular payments, have we thought that through. **Councilman Mishler** called for a point of order stating I am not entirely sure how germane that is to this discussion. **Councilman Henke** stated we are talking about homelessness and we are talking about workforce housing and affordable rent. If the city adds \$200 Million dollars of bonds. **President Dawson** stated we are not talking about the bonds right now. We are just talking about CDBG. **Councilman Henke** stated on our agenda is the first land acquisition for the first rebuild a fire station if there is three (3) that is \$50 million. Just put that on the record.

**Councilman Mishler** stated to be clear for folks in the audience and folks watching online, who might not be familiar with CDBG funds, do those come from the municipal government? Do they come from the state? Do they come from the federal government? Where does that money come from? **Mike Huber** stated those are federal resources we receive as an entitlement community directly from the federal government. **Councilman Mishler** stated okay, so these are federal funds. These are just as much our taxpayer dollars as Dunkirk, Indiana or Greenbow, Alabama. **Mike Huber** stated or Mishawaka, South Bend or any other entitlement community. **Councilman Mishler** stated okay, just a couple of things that I want to highlight on this if that is okay, since most people have not seen this packet, I assume, is what some of the money is going towards in 2023. Some of the goals is to provide financial assistance for five (5) low to moderate income households purchase a home, renovate 10 to 15 housing units, provide fair housing education outreach to 300 people, remove up to five (5) blighted structures. I know that **Councilman Henke** and myself have both been concerned about the amount of blighted structures in our community, so looking forward to seeing those funds put to good use. Public facilities improvements up to 100 households will benefit through public infrastructure

improvements assist 750 individuals through emergency shelter services, street outreach counseling and other public service. Assist up to 850 individuals through counseling and outreach activities, provide job training and soft skill development counseling for up to five (5) individuals. On a more direct measure, this can also be put towards replacing or modernizing elevators at Rosedale high-rise, replace playground equipment at a Bannerker Heights, upgrade parking lots at Rosedale and Riverside high-rise and replace exterior doors and boilers at Waterfall high-rise. These are all good things. These are all good things for Elkhart and good things for our community. It is helping with housing, with mental health and it is helping our city.

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 23-R-07**

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

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-07**

President Dawson returned the discussion to the council. **Councilman Henke** stated I appreciate that because there are a bunch of good things, but at the end of the day, it impacts every taxpayer out there. These are good and equitable things, they are federal tax dollars that derived in part from Elkhart, Indiana and they have a history of expenditures. Elkhart is looking at a pretty large expenditure and we just need to pull it all together to make sure that housing is not pushed out to reach even further by our future spending.

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

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote, the proposed resolution passed.**

*Proposed Resolution 23-R-08*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA ACKNOWLEDGING PEACE OFFICER MEMORIAL DAY – MAY 15, 2023**

President Dawson asked the clerk to read the proposed resolution by title only. Motion to adopt by Councilman Henke, second by Councilman Fish.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-08**

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

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 23-R-08**

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

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 23-R-08**

President Dawson returned the discussion to the council. **Councilman Mishler** stated just noting the piece officers, memorial service as each May we honor all of our police officers who have died in the line of duty. This year it will be on Wednesday May 17<sup>th</sup> at 11:00am at Kardzhali Park, NIBCO Parkway adjacent to the river walk at the police fire memorial. Inclement weather location is the parking garage behind the police station. I encourage everyone to attend.

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

**AYES:** Bullard, Curry, Thomas, Mishler, King, Baughman, Fish, Henke, Dawson

**NAYS:**

**By a unanimous vote, the proposed resolution passed.**

**VACATION HEARINGS**

There were no vacation hearings

**OTHER NEW BUSINESS**

**Councilman Thomas** stated the other night ran into some residents of the Beardsley/Cassopolis Neighborhood where we have our infamous little traffic jog, and somebody ran over that again. Luckily, there was nobody standing or walking this time, but it caused quite a bit of property damage. They are very frustrated, I know people that have looked at the situation and it is a very difficult situation with the utility poles and the sidewalk and the electrical box that is there. They are very frustrated that people come, look, and then disappear and nothing gets done. I am looking for action and promised them that I would bring it up and get it in our record and put it back in people's minds. It is just a strange corner.

**Councilman Henke** stated okay, let me get through this list quickly. He said he did call in nine (9) houses on Neff Street, it is not that long, but there were nine (9) houses with vehicles in the yards, one had six. The question I would have is, you know it feels is why am I, the one having to drive by and call them all in? There were 10 plus last week as well. I am just not sure in our all of our public vehicles, which is quite a number, why these things are not being managed on a better communication system. I think the public has said, I think this was on Pinewood School night they turned in a couple of these. And Neff Street, I got to tell you, I was shocked to see what that has become. There was a couple of other things; I did talk to Michelle at the Lerner and she confirmed that the city paid for food but we do not pay rent of space when we use it, so I wanted to make sure that is on record. We should do them justice and get the full charge like everybody else; it is the public's house not ours. Then there was the issue regarding signage, so I went after Mr. Mishler, which was not Mr. Mishler so, my apology to that. But obviously there was a complaint called in to the mayor's office; the mayor's office called Mike

Szucs; Mike Szucs picked up my signs and my signs only. I had someone from the mayor's office say, well; Rod's signs were picked up too. Well, there were no Rod signs out there. And Mike said the only signs we were told to pick up was yours. So, I want to announce the winners of the signs in right of way happened to be Airshow and Alex, and I do not mind at all. We are trying to get people out to vote and I am not going to complain. If you are going to put signs bless your heart, you are trying to get public engaged, but I think having the street department go after signs, they have bigger things to do and they are expensive people to send after signs. So, thank you for that wanted to set the record straight. I will leave the rest go. But I did have after Pinewood, I did have a good and comfortable conversation with the new chief of police so, thank you for that and I look forward to working with you and supporting you.

**Councilman Fish** stated I am going to address this to you Mr. President. The memorandum that everyone should have gotten regarding the residency requirements. I am going to say out loud that we have got a lot of violations of state law and perhaps federal law stemming from Kevin Bullard who is still sitting on a council seat here who, who should probably resign at this point based on state law that has been documented by myself and references from this memorandum. I will be challenging his vote in the upcoming election tomorrow because of his residency requirements. The intent has always been in the law that is all the law says the intention of someone shows his movement toward either resolve and what I am trying to get people to understand is that we as a council are fundamentally not following the rules and we need to ask for Kevin Bullard's immediate resignation from the council based on state and federal law. He said I will be glad to talk to anybody in particular about this but I hope that you will consider doing that immediately to make sure that you show respect and lack of contempt for this council and the taxpayers of Elkhart.

**President Dawson** stated I would like to thank the mayor for your prompt response from the administration after the Pinewood meeting. The recap that was done, the issues that were addressed I drove around after I sent an email and you responded back on them, so I appreciate all the departments that responded back and hopefully we can continue as we have these Let's Talk Tuesday's to make sure that we are engaged with our community.

**Councilman Bullard** stated I was not really going to say too much but since I was targeted out, I think I will. Councilman Henke, Megan and me, we have been criticize quite often by asking questions up here at the council and by asking the mayor to do stuff and we have been criticized for not making the call. He said Arvis you said we could solve some of these problems by making a call to whichever department came up in our ordinance or whatever. Even Councilman Fish has said, you know, some of the time at city council could be eliminated if we just made the call. So, talking about my residency no one up here has made a call to me to talk about this residency. **President Dawson** stated did I not make a call to you. **Councilman Bullard** stated we talked about the residency and the requirements. **President Dawson** stated so I did make a call to you right? **Councilman Bullard** stated you informed me that it was going to be brought up tonight. He said as council rules it is my obligation and privilege to ask for document and the documentation of state and federal laws. From what I have read with this memorandum, issued by John Espar city legal there is no law mentioned. There is nothing in there so I guess I would like to see the documentation that you might have Dwight and have a conversation, because we are talking about intent and part of the intent is the conduct taken to implement the intent. So, you know, I have got documents saying that, you know, I got a place in Florida and I intend to move in there some day. I just do not know when. I got my own documentation, I have done my own research and I have stated that I think I have a legal right to stick around until December, and, as I said in the previous meeting, my intent is to resign in

June. So, if anything changes I will let you know. If you have got documentation of the state and federal law, I would love to have a conversation with you Dwight. **President Dawson** stated I think what the recommendation from legal was is that we send it to the attorney general. So, John, I would ask that you do that on behalf of the council so we can move forward with the situation. **Councilman Bullard** stated if I could add to that, it is probably going to take over 30 days to get an answer from the attorney general and I will be gone.

**Councilman Henke** stated so, I appreciate the letter. I wished it was a little bit more concrete and forthcoming. Intent is a tough word because if I look at the three establishments and I am not a lawyer, I think John Espar would be the guy, if it says all three of these; if you abandon your residence, and I think that has consequence as well. This is something I think that is important but the word in intent is not the word we can use it needs to be very decisive line in the sand, it needs to say all these things this time, by this measure, I would hope that we could get to something of that nature, because I intend in 5 years to live in Portugal, but I am not resigning today. So intent is not the correct word that we need to use. We need to find out what the intent of the word intent was in the usage so we would actually know these things. He said I read through this and quite honestly came away more confused than benefited. I wish the state had a more clear definition going on. **President Dawson** stated what I am hearing in a community, is that Tonda Hines knew her intent, she moved from her resident to another place and what differentiates the two. That is what we are trying to clear up. He said I think it is unfair that Councilwoman Hines left and Kevin has not left because there needs to be not so much ambiguity, but a more concrete ruling on what the situation is. Council rules say once you move out of your district, you immediately evacuated the seat. The election board agrees with that but there is no provision to remove the council person. So, to your point, there is a lot of ambiguity but what I am hearing is what is good for the goose is good for the gander. **Councilman Bullard** stated if I could clarify, I am still in the process of moving. **President Dawson** stated that is fine as we said before you need to sign an affidavit saying that is true. That is what I was told by Chris Anderson, the Clerk of Elkhart County. **Councilman Bullard** stated who has no authority. **President Dawson** stated no, he is just the chairman of the election board.

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

**Corinne Straight, Director of Communications** stated that our 311 department led by LaShawn Brooks with Patti Gorostieta-Moreno had a very busy start to 2023. We have done seven (7) community clean up so far this year, we have 12 active neighborhood associations, and through conversation and engagement we are really listening to what neighbors want in their association and how the city can support them. We are not really driving the ship there; we are letting the residents tell us what they need. Walk arounds began last month, they began in April. The goal is to knock on 500 between April and September. They did 75 homes last week at the end of April in district 3. They handout educational materials, ordinance information, they answer questions, they pass out information on fair housing, 311, leaf pickup schedule that sort of thing. We also have done a lot of community outreach, so far this year we participated in seven (7) pop ups and what the pop ups are is that we just kind of keep an eye on the community calendar and see what is going on see if there is an opportunity for us to go put a table up somewhere. We participated at the Excel School, Goodwill, Church Community Services, a 21st Century scholar's event over at the high school. Those are just a few, but any opportunity we

have to put out a table meet people meet parents, meet students, meet community members, and let them know what types of services the city has to offer. 311 as a key collaborator, it is really showing to be this kind of this pin that kind of pulls a whole bunch of different departments together that do different things, but kind of all have a common goal. In March, we 311 partnered with code enforcement and the police department to launch an initiative to address the abandoned vehicles issue. We started really small, because this is a very intricate, detailed process that is driven by ordinance. In March, we tagged nine (9) vehicles that means we go out and put a sticker on them to let them know it is subject to towing, it needs to be moved it is in violation. In March, four (4) of those vehicles were removed by the resident, three (3) were towed and two (2) were granted an extension. In April, we went and did 13 vehicles; 11 were removed by the residents within 72 hours of them receiving that first sticker and two (2) of those residents got an extension. In addition, I talked with Tim a little bit down in code about what, what does an extension mean? And they are pretty strict on who gets an extension. It is not just “can I have an extension”, sure. The people that they have given extension to have actually come in and showed them receipts from Auto Zone or O’Reilly Auto Parts or something here is the things I bought. I have to fix X and then this car is going to be moved. She said we are following up on that they have a real hard 30-day extension; they prove to us the car that they are working on it is a work in progress, we will give them a little bit of time to get that finished. We are looking at continuing that program as so far it has been successful. The number of people who have called us after they received a sticker are like oh my gosh I had no idea, I will get it taken care of really shows the power of that education and engagement with our residents to let them know this is a problem. All of these efforts with 311 and with our residents are paying off. So far year to date we have had 3,130 311 request and compared to this same time period last year, we had only received 653, so that is quite the increase and engagement with the app. So far, we have closed 2,458 of these and the other ones are in progress. While these requests are spread out through all of our department’s, code enforcement alone has resolved almost 1,300 of these issues, and that is in addition to the issues that they find on their own and put into their own tracking system. She said and when I say closed, I think this is a good opportunity to talk about what is closed mean. We get questions from people sometimes that say, hey, I saw my 311 was closed, but I still see the pothole, or I still see the car or whatever. We encourage people when they call to look in the notes section of their 311 app, because sometimes closed means yeah, we filled the pothole, closed that is really easy for us to see. Sometimes closed mean we have referred it to another department. Maybe you sent it to the street department but it is actually buildings and grounds, so the street department closed it but now buildings and grounds is now working on it so it is open with them and that is always going to be in the notes. Sometimes we get people that send us issues that are in the county, or even in other cities, we get stuff for Goshen sometimes and we close it and let the resident know this is actually for Goshen we provide them with a phone number that they can call. Other times closed means that we have sent it to an outside agency like a traffic light or a street light that would be AEP issue we refer it out to them. We are getting a lot better and staff is getting a lot better at putting the notes in the 311 app so people actually know what is happening. You just see closed at the top, and you got to scroll down a little bit to read the notes and then you actually see what the next steps are in your issue. Of course, if anybody has further questions, just give 311 a call here in the office. She said I wanted to close with one of the praises that we received from 311. We do have people that write into us and thank us for solving their issue. This woman said I called the city to see if there was an. This woman said I called the city about a street I was concerned about with potholes, but I was not sure it was within city limits. She went on to say that, I first called the street

department and they were very helpful and confirmed that the area I was concerned about was in the city boundaries. So I entered my request in 311, an even though I do think I did it correctly, it was assigned to the street department and by the next day, the crew had patched potholes. Many thanks to staff at the street department and specifically Martin Noffsinger from public works and Cierra Clairday from the street department who handled 311. That is just one of the pieces of thanks that we get from people they really like this system and how easy it is to use.

### **NEIGHBORHOOD ASSOCIATION REPORTS**

**Councilman Curry** reported on the Pierre Moran Neighborhood Association. He said they will be meeting this Sunday at 5p.m. at the Pierre Moran Park Pavilion. One of the main things on our agenda will be discussing our neighborhood clean-up along with the city on May 13<sup>th</sup>. He said as far as 311, we have asked people to reach out. We are glad to see that the paving list is already out for some of the paving projects. He said I had the opportunity to go down Arcade by the hospital, our crews already did a fine job on that street this year, they are going to be paving Corelle and some of the streets in Bent Oak, and we are glad to see that in the 5<sup>th</sup> district.

**Councilwoman King** stated our next meeting will be May 18<sup>th</sup> and she is excited that she has one of her 6<sup>th</sup> district neighbors, Ms. Robinson and she is looking forward to you joining us. The meeting is going to be at 803 Wolf Avenue at the SOS building with Sister Regina. We are looking forward to having more people out there. In addition, I want to thank 311, Patti and LaShawn have been very helpful with me about getting the word out about 311. The last meeting that we had everybody at the last meeting we had, we did download that. Jamison has been helpful. Code enforcement gave me brochures and let me know about the code violations and everything to share with everyone. As we get more information, we go out in the community and I can make friends and be aware of what is expected.

### **PRIVILEGE OF THE FLOOR**

**Ralph Spelbring, resident of Elkhart**, stated that he would like to propose that Leland and Prospect Streets be made one-way. He then proceeded to read a letter that he wrote.

*Here is a copy of the United States Constitution. Elkhart City Judge Grodnik believes the United States Constitution does not apply to Elkhart. He belongs in Fantasyland in Disney World. Somebody who would claim that code enforcement officers do not make mistakes is either a crook, a fool or both.*

*This property owner has about twenty pictures of properties with the public health hazard of abandoned tires in the old Roosevelt School area. These can be breeding areas for disease bearing mosquitoes. Several people died across the state line in southern Michigan from these diseases in 2019. City Judge Grodnik only allowed evidence from the city employee who ignored these public health hazards but excluded all evidence submitted by this property owner at a trial for an alleged cosmetic code violation; small door does not look good. That was alleged violation. However, almost twenty (20) properties had the public health hazards of abandoned tires.*



*Elkhart City Judge should be removed and replaced unless he agrees to follow the United States Constitution and allow defendants to defend themselves.*

*Elected officials take an oath to follow the United States Constitution and if Grodrik does not want to follow the United States Constitution, then he should be removed and replaced.*

He went on to say that, he also has a response to the Elkhart AMP Group, it is a foolish fantasy. Parking will be a problem. The city currently has an older venue in McNaughton. That is a much better location for an outdoor venue. He said US Mail is the best way to reach him. Ralph Spelbring 236 Bank Street, Elkhart, Indiana 46576.

### **SCHEDULING OF COMMITTEE MEETINGS**

Councilman Mishler stated he would be getting in touch with the public health and safety committee to schedule a meeting.

### **ACCEPTANCE OF COMMUNICATIONS**

Minutes of March 30, 2023 – Board of Public Works

Minutes of April 4, 2023 – Board of Public Works

Minutes of March 21, 2023 – Park Board

Minutes of March 6, 2023 – Plan Commission

Memorandum – Residency Requirements for the Legislative Body & Mechanisms for Review Upon Challenge

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

**Councilman Mishler** stated that he wanted to commend the Board of Public Works in looking through their communications; it looks like Frontier was hit with a pretty good size fine of about \$15,000 dollars for tearing up people's yards. He said I know that was a concern that numerous folks came to this council and voiced as well as they reached out to various other members of council with their concerns. I just wanted to thank the Board of Public Works and all its members for taking care of that.

**By a unanimous voice vote, the communications were accepted.**

### **ADJOURNMENT**

Motion by Councilman Mishler seconded by Councilman Fish, **moved for adjournment, which motion carried unanimously**, by voice vote, and **the meeting was adjourned.**

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Debra D. Barrett, City Clerk

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Arvis Dawson  
President of the Elkhart City Council

**MINUTES OF THE PUBLIC HEALTH & SAFETY COMMITTEE MEETING OF  
MAY 10, 2023**

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

Absent:

Councilman Mishler, Chairman of the Public Health & Safety Committee called the meeting to order at 7:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, Elkhart, Indiana. This meeting was made available to the public via WebEx.

The clerk called the roll.

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

***Proposed Ordinance 23-O-11***

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) FOR LAND ACQUISITION AND PROFESSIONAL SERVICES FOR THE NEW PUBLIC SAFETY FACILITIES FOR THE ELKHART FIRE DEPARTMENT**

The clerk read the proposed ordinance 21-O-37, by title only. **Councilman Mishler** opened the floor for discussion. He asked if there was a presentation from the administration. **Chief Shaun Edgerton, Elkhart Fire Department** stated that he believes the proposal you have in front of you is for design and professional services to address the need that we have for a new Fire Station 6. He said if there is any questions, comments, concerns that you have, I will be more than happy to answer those for you at this point.

**Councilman Bullard** stated so the decision to choose this location based on what. **Chief Edgerton** stated the decision for this location was generated by a study that was done by Shive-Hattery/Core Consultants that we had done early 2020. He said the results of that study mirrored DLZ 2001 that was before my time as an administrator of the Elkhart Fire Department and it outlined a general area that we should be looking for as the city grew in that direction. **Councilman Bullard** stated a lot has changed since that study with the new Amazon building. The growth of all the building are going to the northeast very rapidly even probably since that study has been done. **Chief Edgerton** stated you are absolutely correct. As the city moved that direction, we still have a population base that we still have to serve in the fire sector 6 area which is primarily a bedroom community. He said so not only to serve the bedroom community but also the industrial base that is growing that direction, there is a plan in place for us to not only replace Station 6 but to move farther out also. **Councilman Bullard** stated then at this location you would exit to the south and to the west. That is going to Jeanwood Drive, are you going to

be taking fire trucks that direction or are you going to come out on 6 and go around. He asked with this particular location how is your response route going to be? **Chief Edgerton** stated our response route is going to be dictated by where they are dispatched to. Whatever is the most effective route for us to get to where we are being dispatched is going to be the route we take. He said they will exit out onto Ada and of course the major thoroughfares are probably quicker ways. But, if we are going back into say the Greenleaf area or back into East Lake area that will necessitate us using Jeanwood. Those things will be dictated by dispatch. **Councilman Bullard** stated if you exit out to the north you are going to be coming out on County Road 6 and that is one of the highest traveled roads in Elkhart County. Do you fore see any signalization that might be needed that is tied in with the fire department, you know you are going to have problems slowing traffic down. **Chief Edgerton** stated we use County Road 6 on a regular basis and as it is right now if we determine that there is a need for us to do some sort of alteration of the signal patterns, there are methods by which we can do that. There are methods that we can preempt signals, they can work with traffic if they need a yellow light there, need a caution light or some sort of light, those are all issues that have to be worked out no matter where you build the station. **Councilman Bullard** stated I know that the appraised value is \$300,000 plus dollars. This property has been sitting idle with Ludwig Investments for over 10 years. He said I am pretty sure that they do not have that much money in it. In the acquisition of the property is there negotiations where we offer them \$100,000 or do we just throw out the money of the appraised value and run from there. He said I bet that Ludwig Investments has less than ¼ of that in there especially if they have been hanging onto it for 10 years and they are trying to get rid of their properties. **Chief Edgerton** said those are questions that I cannot answer for you. I am not involved in that portion of the acquisition. I would suggest that you speak with the development director and or controller for those sort of issues. **Councilman Bullard** stated for the \$300,000 for land acquisition and \$500,000 for professional services would be an up to those limits. **Chief Edgerton** stated again that is above my pay grade. **Councilman Bullard** asked if we could get those answers by the time we get it to city council. **Corinne Straight, Director of Communications** stated I am definitely not an expert in the real estate transaction but I can get you that information. Mike Huber has been working with the real estate agent to figure out that best price. She said that \$300,000 does include surveying cost and closing costs etc...so that is on top of the actual price of the property and yes it is not to exceed \$300,000 dollars is what they are planning for. For the \$500,000 we did actually get our quote back from DLZ and they are here tonight. Professional services and design for Station 6 will be around \$520,000. We have \$500,000 from this appropriation and then we have additional money that has already been budgeted in the 2023 budget for the fire station for design that we will use out of that fund as well. **Councilman Bullard** stated I know that you have had another location. Has there been any sort of outreach to the community for this location as far as noise, traffic, blaring sirens in the middle of the night have you done an outreach? **Chief Edgerton** stated we have done an outreach to the community. Originally one of the locations that was proposed garnered some push back from the community to which we decided that we would not use that piece of property and subsequently we move to this piece of property. After that, we had another hearing and the public seemed to be very welcoming of the piece of property that we have decided to go with. **Councilman Bullard** asked what equipment, vehicles, engines are going to be housed at this location? **Chief Edgerton** stated right now I would say Engine 6, and also Medic 25 which services that area right now but it runs out of downtown. The plans are in the future to move a truck company there. As you said before, we have issues moving to the northeast with the industrial base that we have out there, the size of the buildings and the amount of square footage

and since we have moved to a quote unquote to battalion system we in the future would like to place a truck company and also a command vehicle in this new facility.

**Councilman Curry** stated he was at the earlier presentation at Station 6, so I heard a lot of your information at that meeting. But I see that we have two (2) appraisals on this land and I did take a ride out there and took a look at it. It is in an industrial park so you probably will not have much concern about residential. Once we leave the station we will be okay but when we get into residential there might be some concern there about the noise at night. Being in an industrial park is kind of a first for us. **Chief Edgerton** stated for the City of Elkhart yes it is. It would be a unique situation for us but as you look industry wide, you will see that this is not an unusual practice to place facilities in more industrial areas just to cut down on the noise pollution generated by a fire station. **Councilman Curry** asked what is your timeline for hoping to have a station in place. **Chief Edgerton** stated I cannot give you a specific timeline because as I have said before, nothing moves as fast as I would like it to. **Stephen Kromkowski, AIA, principal architect with DLZ** stated from a construction standpoint, we would anticipate 10 to 12 months for a station about this size; a three (3) bay station somewhere around 10,000 square feet. Design work would be less than that. If we began our program confirmation concept moving all the way through design and getting it ready to go out to bid, we would be able to have that ready in the spring of 2024. **Councilman Curry** stated that he is okay with that. But he has noticed that we are moving a little bit northeast of the old location so we are going to be able to cover some of that new growth out east? **Chief Edgerton** stated the moving of the station will facilitate us moving out farther. It does not fulfill every need that we fore see for that area of the city. But, as I said this is step 1 and we move in baby steps. After we facility the first step, we move to the next phase and hopefully at that point in time, we will have full and continuous coverage of not just that part of the city but the city in and of itself.

**Councilman Bullard** stated you were talking about the 10,000 square foot for this structure and this is a 4 plus acre parcel, is there plans to expand, have training facilities. That is a lot of land for a 10,000 square foot facility. I know you have to have turn trucks around. **Stephen Kromkowski** stated there is quite a bit of truck movement but it would be a drive through which means you are doubling your lanes. It is not typical to backup unless you are in a tight urban setting. So, there is a bit more land development. We also have to have onsite storm requirements for Stormwater management and then you have parking for basically dual shifts. He said about 4 to 5 acres is pretty typical for a 10 to 12,000 square foot facility. In terms of potential expansion, it is a 3 bay station right now and what is the potential for adding on another bay in the future. It maybe is not designed but you anticipate that with the land development from the very beginning.

**Councilman Mishler** stated considering the location on County Road 6, have you heard of any issues from our partners at Osolo Township in regards to runs out there or anything like that? **Chief Edgerton** stated no, we have no issues with our firefighting partners at this point. **Councilman Mishler** said so they have never brought up any traffic issues or any concerns regarding County Road 6. **Chief Edgerton** said as I said we run 6 and I live in that space I live off of County Road 4 so I travel that area on a daily basis. Osolo Township, Cleveland Township use 6 and from time to time you will have Bristol run through that corridor also, so it gets used. He said in fact, I saw Engine 7 run through there twice today and Cleveland once, so at least three (3) times today that corridor was used. Councilman Mishler asked how will this improve response time and what it is now. **Chief Edgerton** stated our goal is to keep ourselves within the NFPA standard which is a 6 minute response time from the time of the dispatch to the time of the first arriving engine company. This will allow us to stay within that NFPA guideline.

**Councilman Mishler** asked do you know where we are at right now. **Chief Edgerton** stated we are at approximately 3 minutes and 47 seconds. He said the City of Elkhart Fire Department does a really good job of getting out the door and getting where we need to get but as the city grows will we see a slight change? We will see a slight change but those are growing pains. **Councilman Mishler** stated with this station moving east, is there any concern about response time to the west of where there was previously coverage or will this be able to cover both without impacting? **Chief Edgerton** stated as we move that station a little bit east, the central fire station, their response area, which is the smallest in the city would expand out. They would go from approximately Independence and they would bring Engine 6 back to Independence and that will allow us to negotiation those kind of issues.

Councilman Mishler stated at this time he would entertain a motion for recommendation to the full council.

Councilman Curry **moved to pass the proposed ordinance to the full council with a do pass recommendation.** Seconded by Councilman Bullard. The clerk was asked to do a Roll Call vote.

**AYES:** Bullard, Curry, Mishler

**NAYS:**

**By a vote of 3-0, the proposed ordinance went back to the full council with a do pass recommendation.**

At 7:35 p.m. Councilman Bullard, seconded by Councilman Curry, **moved for adjournment, which motion carried** by voice vote and the **meeting was adjourned.**

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Aaron Mishler  
Public Health & Safety Committee Chairman



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DATE: April 27, 2023  
TO: Elkhart Common Council, Arvis Dawson President  
FROM: Corinne Straight, Director of Quality of Place  
RE: Fire Station 6 Land Acquisition and Design of Stations 5 & 6

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The administration asks for your consideration of Proposed Ordinance No. 23-O-11, which would appropriate \$800,000 for the purchase of the land situated on Ada Drive at the fair market value of and for the design and other professional services for a new Elkhart Fire Station 6.

This site was selected after an extensive search of parcels in the area necessary to maintain response times. An adequately sized piece of land has been selected on the east side of Ada Dr., in between County Road 6 and Cooper Dr. This site will provide plenty of space to build an updated, modern station that will allow our staff to continue to provide high-quality service to the people of Elkhart. The appraisal for the purchase of the property are included with this memorandum.

This ordinance will also allow for the design work of this new station work to be completed.

Staff will be available for your questions.

Thank you for your consideration.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROPRIATING EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) FOR LAND ACQUISITION, AND PROFESSIONAL SERVICES FOR THE NEW PUBLIC SAFETY FACILITIES FOR THE ELKHART FIRE DEPARTMENT**

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WHEREAS, the City of Elkhart has been engaged in a multi-year process to locate, design and build new public safety facilities for the Elkhart Fire Department; and

WHEREAS, the Administration has located suitable property for Station 6, consisting of 4.62 acres located on the east side of Ada Drive, between CR 6 East and Cooper Drive in Elkhart, Indiana which is available for purchase by the City of Elkhart for an amount less than the fair market value of the property; and

WHEREAS, the Administration now seeks to engage appropriate professional services for the design, construction management, inspection and other services for the new Station 5 and Station 6 for the Elkhart Fire Department; and

WHEREAS, the Administration is requesting an appropriation in the amount of Eight Hundred Thousand Dollars (\$800,000.00) for the acquisition of land estimated and foreseeable professional services to design, inspect and manage construction of a new Station 5 and Station 6 for the Elkhart Fire Department; and

WHEREAS, there exist among the unappropriated funds of the Cumulative Fire Special Fund of the City of Elkhart, sufficient and appropriate sums for the purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:



Section 1. The total sum of Eight Hundred Thousand Dollars (\$800,000.00) is appropriated from the Cumulative Fire Special Fund and allocated to the following account category in the amount:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
4425-5-680-4310400	Professional Services	\$500,000.00
4425-5-680-4410000	Land	\$300,000.00

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 the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 3. This Ordinance shall be in effect from and after its passage and approval, according to law.

ORDAINED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

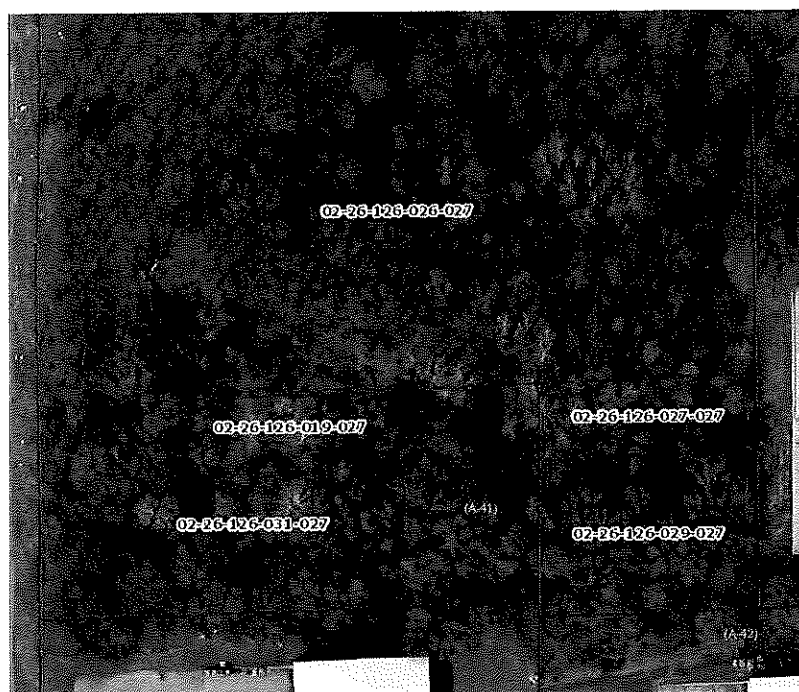
APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk

## APPRAISAL REPORT



A Wooded Industrial Site

**At:**  
Ada Drive  
Elkhart, IN 46514

**As Of:**  
March 27, 2023

**Written:**  
March 27, 2023

**Prepared For:**  
City of Elkhart

**Prepared By:**  
Steven W. Sante, MAI, SRA  
PO Box 555  
Granger, IN 46530

**APPRAISAL SERVICES, INC.  
PO Box 555  
Granger, IN 46530**

March 27, 2023

Mr. Adam Fann  
Assistant Director of Redevelopment  
City of Elkhart  
201 South Second Street  
Elkhart, IN 46516-3112

RE: Ada Drive Parcels  
Elkhart, IN 46516

In accordance with your request, a real estate appraisal has been made on the above captioned property. My opinion of the market value of the fee simple interest of the real estate; subject to the assumptions, limitations, and comments appearing herein, as of, March 27, 2023, the effective date of this appraisal is as follows:

**THREE HUNDRED THIRTY SEVEN THOUSAND DOLALRS  
\$337,000**

This appraisal is performed in accordance with the reporting requirements of the Appraisal Institute, and the Uniform Standards of Professional Practice. (USPAP)

Respectfully Submitted By,

*SW. ST*

Steven W. Sante, MAI, SRA  
Indiana Certified General Appraiser #CG40901229  
Michigan Certified General Appraiser #1205005623

## TABLE OF CONTENTS

Title Page	i
Letter of Transmittal	ii
Table of Contents	iii
Purpose of Appraisal	1
Scope of Work	3
Identification	4
Market Area Analysis	6
Site Description	7
Highest And Best Use	9
Appraisal Process	11
Sales Comparison Approach	12
Reconciliation	19
Certification of Appraisal	20
Assumptions and Limiting Conditions	21
Qualifications of Appraisers	24

APPRAISAL SERVICES, INC.  
574 277 7777

## USPAP SR1-2

**In developing a real property appraisal an appraiser must:**

- A) **identify the client and other intended users.**  
The client is identified as the City of Elkhart.
  
- b) **identify the intended use of the appraiser's opinions and conclusions:** This appraisal is to be used by the client to assist with purchasing the subject parcels.
  
- c) **identify the purpose of the assignment, including the type and definition of the value to be developed and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:**
  - (i) **in terms of cash; or**
  - (ii) **in terms of financial arrangements equivalent to cash; or**
  - (iii) **in other precisely defined terms**
  - (iv) **if the opinion of value is based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contribution to or negative influence on the value must be developed by analysis of relevant market data.**

The purpose is to estimate market value.

### **DEFINITION OF MARKET VALUE:**

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

**Source:** Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 7th ed. (Chicago: Appraisal Institute, 2022).

- d) **identify the effective date of the appraiser's opinions and conclusions:** The effective date is March 27, 2023, which is the date the report was written.
- e) **identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal including:**
  - i) **it's location and physical, legal, and economic attributes:** The subject of this appraisal contains five industrial parcels that has a size of 4.62 acres. The site is located in an urban location that is industrial in nature. Municipal water and sewer are available to the subject site.
  - ii) **Property interest being valued:** Fee Simple
  - iii) **Any personal property, trade fixtures, or intangible items that are not real property but are in the appraisal.** None Noted.
  - iv) **Any known easements, restrictions, encumbrances, lease reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature:** None Noted.
  - v) **Whether the subject property is a fractional interest, physical segment or partial holding:** The value is a whole interest.
- f) **Identify any extraordinary assumptions necessary in the assignment:** The appraisal assumes soil conditions are adequate for industrial construction. Use of this assumption may have affected assignment results.
- g) **Identify any hypothetical conditions necessary in the assignment:** None Noted

**h) Determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK:**

I viewed the site from the public right-of-way on March 27, 2023. Aerial images found on-line were viewed for this report.

I used information from county records to identify the characteristics of the subject property that are relevant to the valuation problem.

I have researched sales of similar properties that have occurred over the past five years throughout the county. Sources include MLS, tax records and my own files.

The appraisal problem did not warrant an intensive highest and best use study. Given the nature of the subject real estate, my conclusion of highest and best use was based on logic and observed evidence.

I did not apply the income approach or cost approach, as they were not considered applicable to arrive at credible results. I applied the sales comparison approach, which was necessary for credible results given the intended use, property characteristics, and type of value sought.

Appraiser has not previously provided services at the subject property as an appraiser in the past three years.

## IDENTIFICATION

### LOCATION:

Ada Drive  
Elkhart, IN 46516

### PARCEL NUMBERS:

20-02-26-126-031.000-027  
20-02-26-126-029.000-027  
20-02-26-126-019.000-027  
20-02-26-126-027.000-027  
20-02-26-126-026.000-027

### LEGAL DESCRIPTION:

See Next Pages

### HISTORY OF OWNERSHIP:

Public record indicates the parent tract has been held by International Industrial Centre Inc. for more than ten years

The subject property has been held by Al Ludwig, or related entities, for at least the past ten years. No listings of the properties are noted through on-line sources.



# GIS AERIAL



20-02-26-126-031.000-027

General Information  
 Parcel Number  
 20-02-26-126-031.000-027  
 Local Parcel Number  
 02-26-126-031-027  
 Tax ID:

Property Class 300  
 Vacant Land  
 Year: 2022  
 County  
 Elkhart  
 Township  
 OSOLO TOWNSHIP  
 District 027 (Local 027)  
 EC OSOLO  
 School Corp 2305  
 ELKHART COMMUNITY  
 Neighborhood Z737009-027  
 Z737009-Industrial-Acre-City Public  
 Section/Plat

Location Address (1)  
 ADA DRIVE  
 ELKHART, IN 46514  
 Zoning  
 ZC01 Residential  
 Subdivision

Market Model  
 Industrial Market  
 Topography  
 Flood Hazard  
 Public Utilities  
 All  
 Streets or Roads  
 Faded  
 Neighborhood Life Cycle Stage  
 Static  
 Printed  
 Review Group 2018

ADA DRIVE 300, Vacant Land  
 Owner  
 LUDWIG & MILLER LLC  
 Doc ID Code Book/Page Adj Sale Price VN  
 05/18/2018 LUDWIG & MILLER LL 0285 WD / / \$0  
 03/20/2018 LUDWIG & MILLER LL 0145 WD / / \$0  
 01/01/1900 LUDWIG ALLAN J & D CO / / \$0

Year	Assessment Year	Reason For Change	Date	Owner	Doc ID	Code	Book/Page	Adj Sale Price	VN
2022	2022	AA	01/01/2022	LUDWIG & MILLER LLC	0285	WD	/	/	\$0
2021	2021	AA	01/01/2021	LUDWIG & MILLER LLC	0145	WD	/	/	\$0
2019	2019	AA	01/01/2019	LUDWIG & MILLER LLC	0145	WD	/	/	\$0
2018	2018	AA	01/01/2018	LUDWIG & MILLER LLC	0145	WD	/	/	\$0

Assessment Year	Reason For Change	Date	Owner	Doc ID	Code	Book/Page	Adj Sale Price	VN
2022	WIP	01/01/2022	LUDWIG & MILLER LLC	0285	WD	/	/	\$0
2021	AA	01/01/2021	LUDWIG & MILLER LLC	0145	WD	/	/	\$0
2019	AA	01/01/2019	LUDWIG & MILLER LLC	0145	WD	/	/	\$0
2018	AA	01/01/2018	LUDWIG & MILLER LLC	0145	WD	/	/	\$0

Valuation Method	Equitization Factor	Notice Required	Land Res (1)	Land Res (2)	Land Non Res (3)	Imp Res (1)	Imp Non Res (2)	Imp Non Res (3)	Total	Total Res (1)	Total Non Res (2)	Total Non Res (3)
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500
Indiana Cost Mod	1.0000		\$0	\$0	\$1,500	\$0	\$0	\$0	\$1,500	\$0	\$0	\$1,500

Land Pricing Soil	Act	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Elig %	Res Market Factor	Value
Front	0	0.740000	1.00	\$1,000	\$2,000	0%	0%	1.0000	\$1,480

Notes  
 2737009-Industrial-Acre-Cit 1/2

Actual Frontage  
 Developer Discount  
 Parcel Acrage  
 81 Legal Drain NV  
 82 Public Roads NV  
 83 UT Towers NV  
 9 Homestead  
 91/82 Acres  
 Total Acres Farmland  
 Farmland Value  
 Measured Acreage  
 Avg Farmland Value/Acre  
 Value of Farmland  
 Classified Total  
 Farm / Classified Value  
 Homestead(s) Value  
 91/82 Value  
 Supp. Page Land Value  
 CAP 1 Value  
 CAP 2 Value  
 CAP 3 Value  
 Total Value

20-02-26-126-029 000-027

**General Information**

Parcel Number  
20-02-26-126-029 000-027  
Local Parcel Number  
02-26-126-029-027  
Tax ID  
022618  
Routing Number

Property Class 300  
Vacant Land

Year: 2022

**Location Information**

County  
Elkhart  
Township  
OSOLO TOWNSHIP  
District 027 (Local 027)  
EC OSOLO  
School Corp 2305  
ELKHART COMMUNITY  
Neighborhood 2737009-027  
2737009-Industrial-Acre-City Public  
Section/Plat

Location Address (1)  
COOPER DRIVE  
ELKHART, IN 46514

Zoning  
Z001 Residential  
Subdivision

Lot

Market Model  
Industrial Market

Topography  
Flood Hazard

Public Utilities  
All  ERA   
EPA

Streets or Roads  
Paved  TIF

Neighborhood Life Cycle Stage  
Static

Printed  
Review Group 2018

LUDWIG & MILLER LLC

**Ownership**

LUDWIG & MILLER LLC  
C/O NORTHLAND CORPORATION  
PO BOX 1322  
ELKHART, IN 46515

COOPER DRIVE

**Transfer of Ownership**

Date	Owner	Doc ID	Code	Book/Page	Adj	Sale Price	Vol
05/18/2018	LUDWIG & MILLER LL	02625	WD	/	/	\$0	1
05/19/2018	LUDWIG & MILLER LL	02624	AF	/	/	\$0	1
02/20/2018	LUDWIG & MILLER LL	01446	WD	/	/	\$0	1
01/01/1900	LUDWIG ALLAN J & D		CO	/	/	\$0	1

300, Vacant Land

Industrial

Valuation Information  
Assessment Year: 2022  
Reason For Change: AA  
Age Of Date: 01/01/2022  
Valuation Method: Indiana Cost Mod  
Equalization Factor: 1.0000  
Notice Required:

Assessment Year	Reason For Change	Age Of Date	Valuation Method	Equalization Factor	Notice Required	Land	Land Res (1)	Land Non Res (2)	Land Non Res (3)	Improvement	Imp Res (1)	Imp Non Res (2)	Imp Non Res (3)	Total	Total Res (1)	Total Non Res (2)	Total Non Res (3)
2022	AA	01/01/2022	Indiana Cost Mod	1.0000	<input type="checkbox"/>	\$700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$700	\$0	\$0	\$0
2021	AA	01/01/2021	Indiana Cost Mod	1.0000	<input type="checkbox"/>	\$700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$700	\$0	\$0	\$0
2020	AA	01/01/2020	Indiana Cost Mod	1.0000	<input type="checkbox"/>	\$700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$700	\$0	\$0	\$0
2019	AA	04/09/2019	Indiana Cost Mod	1.0000	<input type="checkbox"/>	\$600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$600	\$0	\$0	\$0
2018	AA	01/01/2018	Indiana Cost Mod	1.0000	<input type="checkbox"/>	\$700	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$700	\$0	\$0	\$0

Land Pricing Soil	Act	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Res Market	Value			
Type Method ID	Front	0	0.364/000	1.00	\$1,000	\$2,000	\$728	0%	0%	1.0000	\$730

Calculated Acreage	Actual Frontage	Developer Discount	Parcel Acreage	81 Legal Drain NV	82 Public Roads NV	83 UT Towers NV	91 Homestead	91/82 Acres	Total Acres Farmland	Farmstead Value	Measured Acreage	Avg Farmland Value/Acre	Value of Farmland	Classified Total	Farm / Classified Value	Homestead Value	91/82 Value	Supp. Page Land Value	CAP 1 Value	CAP 2 Value	CAP 3 Value	Total Value
0.35	0	<input type="checkbox"/>	0.35	0.00	0.00	0.00	0.00	0.00	0.00	\$0	0.00	\$0	\$0	\$0	\$0	\$0	\$700	\$0	\$0	\$0	\$0	\$700

Data Source Aerial  
Collector 03/14/2018  
Appraiser  
Review Group 2018

2737009-Industrial-Acre-Cit 1/2

**Notes**

20-02-26-126-019-000-027

General Information

Parcel Number 20-02-26-126-019-000-027  
Local Parcel Number 02-26-126-019-027  
Tax ID: 02208  
Routing Number

LUDWIG & MILLER LLC  
LUDWIG & MILLER LLC  
PO BOX 1322  
ELKHART, IN 46515

ADA DRIVE  
Date 03/13/2018  
Owner LUDWIG & MILLER LL  
LUDWIG INVESTMEN

300, Vacant Land  
Transfer of Ownership  
Doc ID 91392  
Code WMD  
Book/Page 7 /  
Adj Sale Price \$0  
Sale Price \$0

2737009-Industrial-Acre-Cit 1/2  
Notes

Property Class 300  
Vacant Land  
Year 2022

Section Information

County Elkhart  
Township OSOLO TOWNSHIP  
District 027 (Local 027)  
EC OSOLO  
School Corp 2305  
ELKHART COMMUNITY  
Neighborhood 2737009-027  
2737009-Industrial-Acre-City Public  
Section/Pat

Location Address (1)  
ADA DRIVE  
ELKHART, IN 46514

Zoning Z001 Residential  
Subdivision

Lot

Market Model  
Industrial Market

Characteristics

Topography Flood Hazard  
Public Utilities  
All  
Streets or Roads  
Paved  
Neighborhood Life Cycle Stage  
Static  
Framer: April 8, 2022  
Review/Group 2018



Valuation Records (Year by Parcel Number, Assessment Year, and Assessor's Name) (Year by Assessor's Name and Parcel Number)  
Industrial

Assessment Year	Assessment Year	Assessment Year	Assessment Year	Assessment Year	Assessment Year	Assessment Year	Assessment Year
2022	2022	2021	2020	2019	2018	2018	2018
W/P	AA	AA	AA	AA	AA	AA	AA
Reason For Change	01/01/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018		
As Of Date	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod		
Valuation Method	1,0000	1,0000	1,0000	1,0000	1,0000		
Equalization Factor	Notice Required						
Land	\$800	\$800	\$800	\$500	\$800		
Land Res (1)	\$0	\$0	\$0	\$0	\$0		
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0		
Land Non Res (3)	\$800	\$800	\$900	\$500	\$800		
Improvement	\$0	\$0	\$0	\$0	\$0		
Imp Res (1)	\$0	\$0	\$0	\$0	\$0		
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0		
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0		
Total	\$800	\$800	\$900	\$500	\$800		
Total Res (1)	\$0	\$0	\$0	\$0	\$0		
Total Res (2)	\$0	\$0	\$0	\$0	\$0		
Total Non Res (3)	\$800	\$800	\$900	\$500	\$800		

Land Pricing Soil	Act	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Res Market	Value
Type Method ID	0	0.3900000	1.00	\$2,000	\$780	0%	1,0000	\$780

Calculated Acreage	Actual Frontage	Developer Discount	Parcel Acreage	81 Legal Duan NV	82 Public Roads NV	83 UT Towers NV	9 Homesite	91/92 Acres	Total Acres Farmland	Farmland Value	Measured Acreage	Avg Farmland Value/Acre	Value of Farmland	Classified Total	Farm / Classified Value	Homesite(s) Value	91/92 Value	Supp. Page Land Value	CAP 1 Value	CAP 2 Value	CAP 3 Value	Total Value
0.39	0		0.39	0.00	0.00	0.00	0.00	0.39	0.00	\$0	0.00	0.00	\$0	\$0	\$0	\$900	\$0	\$0	\$0	\$0	\$800	\$900

20-02-26-126-027-000-027

General Information

Parcel Number 20-02-26-126-027-000-027  
Local Parcel Number 02-26-126-027-027  
Tax ID: 02268  
Routing Number  
Property Class 300  
Vacant Land  
Year 2022

LUDWIG & MILLER LLC

Ownership

LUDWIG & MILLER LLC  
PO BOX 1322  
ELKHART, IN 46515  
NORTHLAND PARK 2ND SECN SWFT LOT 42 EX E 200FT

COOPER DRIVE

Terms of Ownership

Date 03/13/2018  
Owner LUDWIG & MILLER LL  
01/01/1900 LUDWIG INVESTMEN

300, Vacant Land

Doc ID Code Book Page Adj Sale Price VI  
01302 WD / / \$0 1

1/2

Industrial



Assessment Year	2022	2021	2020	2019	2018
Reason For Change	W/P	AA	AA	AA	AA
As Of Date	01/01/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required					

Category	2022	2021	2020	2019	2018
Land	\$300	\$300	\$300	\$300	\$300
Land Res (1)	\$0	\$0	\$0	\$0	\$0
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
Land Non Res (3)	\$300	\$300	\$300	\$300	\$300
Improvement	\$0	\$0	\$0	\$0	\$0
Imp Res (1)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
Total	\$300	\$300	\$300	\$300	\$300
Total Res (1)	\$0	\$0	\$0	\$0	\$0
Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
Total Non Res (3)	\$300	\$300	\$300	\$300	\$300

Land Pricing Soil	Act	Size Factor	Rate	Adj. Rate	Ext. Value	Infl. %	Res Market	Value
Type Method ID	0	0.172000	1.00	\$2,000	\$344	0%	1.0000	\$340

Category	Value
Calculated Acreage	0.17
Actual Frontage	0
Developer Discount	0.17
Parcel Acreage	0.00
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homeste	0.00
91/92 Acres	0.17
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	\$0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homestead(s) Value	\$0
91/92 Value	\$300
Supp Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$300
CAP 3 Value	\$0
Total Value	\$300

Market Model Industrial Market  
Topography  
Public Utilities  
All  
Streets or Roads  
Paved  
Neighborhood Life Cycle Stage  
Static  
Review Group 2018

Market Model Industrial Market  
Topography  
Public Utilities  
All  
Streets or Roads  
Paved  
Neighborhood Life Cycle Stage  
Static  
Review Group 2018

Data Source Aerial  
Collector 03/14/2018  
Angle

Appraiser

2018

20-02-26-126-026-000-027

General Information  
 Parcel Number 20-02-26-126-026-000-027  
 Local Parcel Number 02-26-126-026-027  
 Tax ID: 022618  
 Routing Number

Ownership  
 LUDWIG & MILLER LLC  
 PO BOX 1322  
 ELKHART, IN 46515

ADA DRIVE  
 Date 03/13/2018  
 01/01/1900 LUDWIG INVESTMEN

300, Vacant Land  
 Doc ID 01302  
 Code WD  
 Book/Pg / /  
 Adj Sale Price \$0  
 Price V/I \$0

273709-Industrial-Acre-CR 1/2

Property Class 300  
 Vacant Land  
 Year: 2022

County Elkhart  
 Township OSOLO TOWNSHIP  
 District 027 (Local 027)  
 EC OSOLO  
 School Corp 2305  
 ELKHART COMMUNITY  
 Neighborhood 273709-027  
 273709-Industrial-Acre-City Public  
 Section/Plat

Assessment Year 2022  
 Reason For Change W/P  
 As Of Date 01/07/2022  
 Valuation Method Indiana Cost Mod  
 Equalization Factor 1.0000  
 Notice Required

Industrial  
 2022 2021 2020 2019 2018  
 AA AA AA AA AA  
 01/01/2022 01/01/2021 01/01/2020 04/08/2019 01/01/2018  
 Indiana Cost Mod Indiana Cost Mod Indiana Cost Mod Indiana Cost Mod Indiana Cost Mod  
 1.0000 1.0000 1.0000 1.0000 1.0000

Land Computations  
 Calculated Acreage 2.96  
 Actual Frontage 0  
 Developer Discount 0  
 Parcel Acreage 2.96  
 81 Legal Drain NV 0.00  
 82 Public Roads NV 0.00  
 83 UT Towers NV 0.00  
 9 Homestead 0.00  
 97/92 Acres 2.96  
 Total Acres Farmland 0.00  
 Farmland Value \$0  
 Measured Acreage 0.00  
 Avg Farmland Value/Acre 0.0  
 Value of Farmland \$0  
 Classified Total \$0  
 Farm / Classified Value \$0  
 Homestead Value \$0  
 97/92 Value \$5,900  
 Supp. Page Land Value \$0  
 CAP 1 Value \$0  
 CAP 2 Value \$5,900  
 CAP 3 Value \$0  
 Total Value \$5,900

Location Address (1)  
 ADA DRIVE  
 ELKHART, IN 46514

Land Pricing Soil  
 Land Method ID 3  
 Act Front 0  
 Size Factor 2.962000  
 Rate 1.00  
 Rate \$3,000  
 Adj. Rate \$2,000  
 Ext. Value \$5,924  
 Inf. % 0%  
 Efg % 0%  
 Res Market Factor 1.0000  
 Value \$5,920

Market Model  
 Industrial Market  
 Topography  
 Public Utilities  
 All  
 Streets or Roads  
 Paved  
 Neighborhood Life Cycle Stage  
 Static  
 Printed  
 Review Group 2018

Data Source Aerial  
 Collector 03/14/2018  
 Ange  
 Appraiser

Market Model  
 Industrial Market  
 Topography  
 Public Utilities  
 All  
 Streets or Roads  
 Paved  
 Neighborhood Life Cycle Stage  
 Static  
 Printed  
 Review Group 2018

Data Source Aerial  
 Collector 03/14/2018  
 Ange  
 Appraiser

## MARKET AREA ANALYSIS

The market area includes the industrial area on the northeast side of Elkhart.



Note: The defined area contains limited detail, as the client is familiar with the area.

## **SITE DESCRIPTION AND ANALYSIS**

### **PHYSICAL CHARACTERISTICS**

**Dimensions:** Not Identified

**Total Size:** 4.62Acres or 452,153SF

**Shape:** Rectangular

**Topography, etc.:** Based on the topography map, the site appears to be fairly level.

The subject site is heavily wooded which is not ideal for an industrial site.

**Zoning:**

The subject site is zoned for industrial uses. The zoning designation allows for a broad range of industrial uses.

**Site Improvements:** None Noted



## HIGHEST & BEST USE

If an appraisal ultimately answers the question “How Much”, then this section summarizes the preceding chapters answering the questions “Who Is The Typical Buyer” and “To What Use Will the Typical Investor Put This Real Estate” Without knowing the answers to these questions, the “How Much” question can not be answered.

The Appraisal Institute definition of Highest and Best Use is as follows:

**“The reasonably probable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.”**

There are therefore four tests:

- 1) The proposed use must be legal
- 2) The proposed use must be probable, not speculative, or conjecture. Alternatively, it must be possible.
- 3) There must be effective demand for the proposed use.
- 4) The proposed use must be profitable.

These tests are applied two ways. The first is as if the land were vacant and available for highest and best use. (The land is always valued this way) This set of tests will identify the optimum improvements for the site.

The second way is to apply the tests to the site as improved. It can be determined then if the present improvements represent the highest and best use. If they do not, the tests will isolate probably physical, functional, and external losses to value. The marginal dollar theory can be employed to determine if the present improvements should be razed to make way for the sites highest and best use.

The conclusion will answer the questions “Who is the typical investor?” and “What will the typical investor use the property for?” thereby allowing valuation.

## HIGHEST & BEST USE

### AS-IF VACANT

#### **Legally Permissible:**

This parcel is zoned for industrial uses and that use is consistent with surrounding properties.

#### **Physically possible:**

The site is level and it is assumed soil conditions are adequate to erect a building. Typical land to building range in the county are 3 : 1 to 10 : 1. Therefore, the site is adequate to erect a building of approximately 20,000SF to 67,000SF.

#### **Financially Feasible:**

Industrial uses are financially feasible in this area.

#### **Maximally Productive:**

The maximally productive use of the site is industrial uses.

#### **Conclusion:**

The highest and best use is judged to be industrial uses.

The exposure time and marketing time are judged to be less than one year, based on the marketing times of other properties in the market area.

USPAP defines **Exposure Time** as follows:

*The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.*

## THE APPRAISAL PROCESS

The process of estimating the value of a parcel of real estate is essentially a research project. The appraiser gathers as much applicable data as is available from the market place, analyzes the data and draws conclusions, which results in an estimate of value.

The data gathered includes, but is not limited to, factual data about the subject, comparable sales, rental and vacancy surveys, operating expenses, costs, etc. The specific data types collected for this report is outlined in the scope of the assignment chapter of the report.

The data is then analyzed via three approaches to value. They are known as cost, sales, and income approaches. Each approach yields an estimate of value based on the data and rationale pertinent to that approach. The rationale of each approach is explained within each approach's respective chapter.

From the three estimates of value the appraiser derives a final estimate of value of the subject property by correlating the individual estimates. The correlation process entails four steps. The presentation of the individual value estimates; evaluation of each approach's rationale as it relates to the specific problem; analysis of the quantity and quality of the presented data; and the emphatic declaration of final value estimate.

The final value figure may be the result of one of the three approaches or may be a figure which represents a typical value estimate within the range of values determined by the three approaches. In an case, **it is not determined by averaging the results of the three approaches**, but a logical analysis of the results thereof.

All three approaches to value are considered. However, only the sales comparison approach is developed. The parcels consist of vacant land. Properties with the subject's characteristics are not typically purchased for income production. Therefore, the income approach is not developed. Since there are no improvements, the cost approach is not developed.

## **SALES COMPARISON APPROACH**

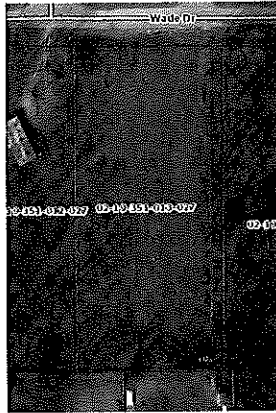
### **RATIONALE**

In this approach, the typical investor/buyer will make an evaluation based on comparisons of properties suitable for their intended use. The operative word is substitution. Properties are compared to each other and an accounting is made of their significant differences. The typical investor/buyer will pay no more for one property than could be paid for another property with similar utility.

Several comparable sales are shown in a grid on page 22 and analysis begins after the grid.

The data sheets and the comparable maps for the comparable sales used in this report are on the following pages.

## Land Sale



### Property Identification

Property Type	Industrial
Address	Wade Drive, Elkhart IN 46514
Tax ID	20-02-19-351-013.000-027

### Sale Data

Grantor	Kash
Grantee	Community Foundation
Sale Date	12/31/19
Verification	Public Record
Sale Price	\$76,500

### Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

### Land Size Information

Gross Land Size	1.7 Acres
-----------------	-----------

### Indicators

Sale Price/Gross Acre	\$45,000
-----------------------	----------

**Remarks.** The subject site is partially wooded.

## Land Sale



### Property Identification

Property Type	Industrial
Address	County Road 6, Elkhart IN 46514
Tax ID	20-02-25-126-014.000-027

### Sale Data

Grantor	Lukas
Grantee	Schwintek, Inc.
Sale Date	7/22/21
Verification	Public Record

Sale Price	\$360,270
------------	-----------

### Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

### Land Size Information

Gross Land Size	7.72 Acres
-----------------	------------

### Indicators

Sale Price/Gross Acre	\$46,667
-----------------------	----------

**Remarks.** The subject site is wooded.

## Land Sale



### Property Identification

Property Type	Industrial
Address	Aeroplex Drive, Elkhart IN 46514
Tax ID	20-02-25-126-014.000-027

### Sale Data

Grantor	
Grantee	Shah Land Development, LLC.
Sale Date	4/1/22
Verification	Public Record
Sale Price	\$888,000

### Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

### Land Size Information

Gross Land Size	12.23 Acres
-----------------	-------------

### Indicators

Sale Price/Gross Acre	\$72,608
-----------------------	----------

**Remarks.** The subject site is wooded.

## Land Sale



### Property Identification

Property Type	Industrial
Address	14 Harman Drive, Elkhart IN 46514
Tax ID	20-02-24-351-007.000-027

### Sale Data

Grantor	Y&L Investment, LLC.
Grantee	42 K Real Estate, LLC
Sale Date	10/6/20
Verification	Public Record

Sale Price	\$285,000
------------	-----------

### Land Data

Zoning	M-1, Industrial District
Topography	Level
Utilities	Full

### Land Size Information

Gross Land Size	3.8 Acres
-----------------	-----------

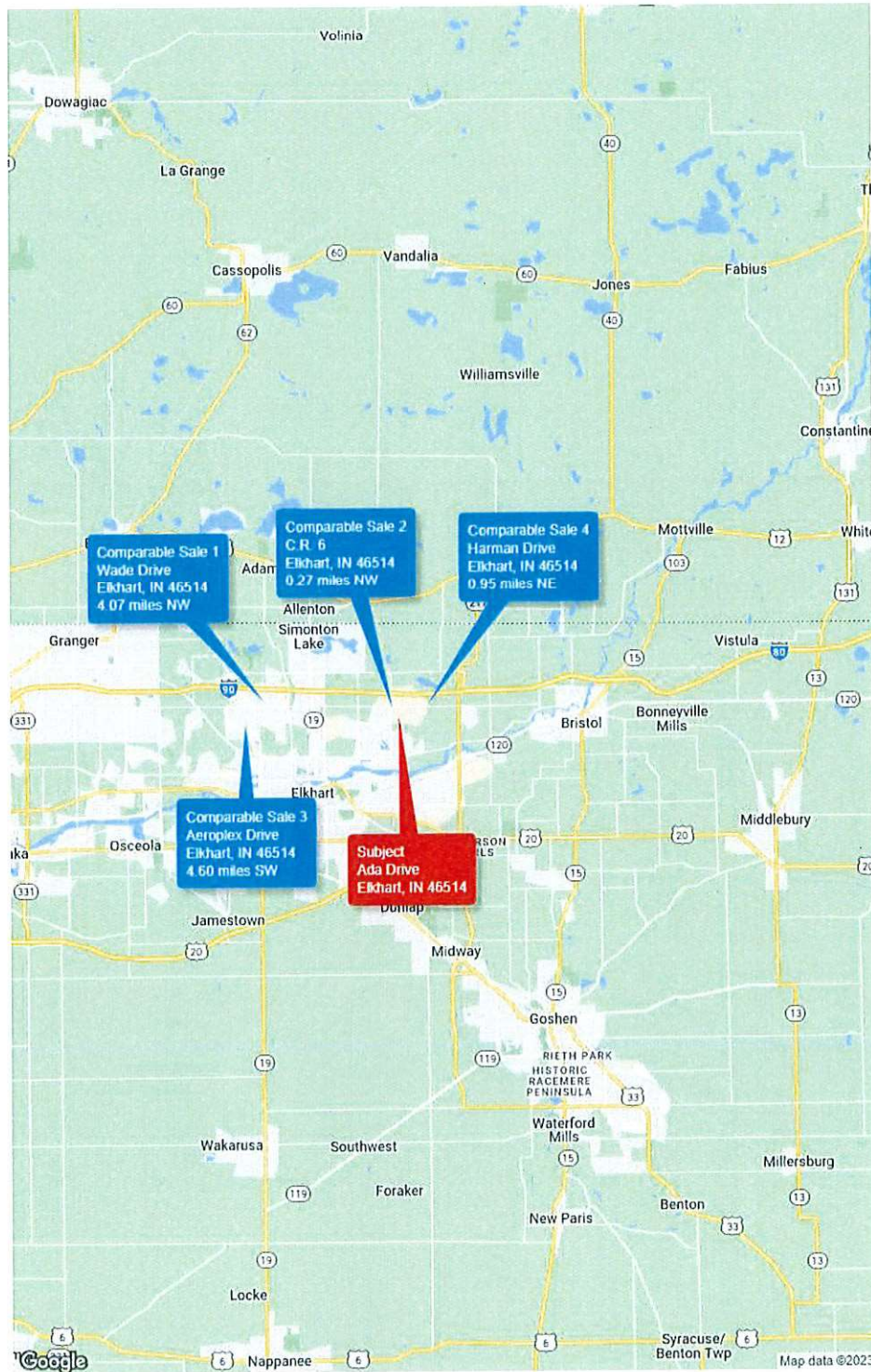
### Indicators

Sale Price/Gross Acre	\$75,000
-----------------------	----------

**Remarks.** The subject site is partially wooded.



# COMPARABLE SALE MAP



### SALES COMPARISON APPROACH

Several land sales are identified in this report. They are summarized in the following grid.

Sale #	Location	Sale Date	Sale Price	Acres	Utilities	Wooded	Price/Acre
1	Wade Drive	12/31/19	\$76,500	1.7	Full	Yes	\$45,000
2	CR 6	7/22/22	\$360,270	7.72	Full	Yes	\$46,667
3	Aeroplex	4/1/22	\$888,000	12.23	Full	Yes	\$72,608
4	14 Harman Dr	10/6/20	\$285,000	3.8	Full	Yes	\$75,000
	<b>Subject</b>			<b>4.62</b>	<b>Full</b>	<b>Yes</b>	

The sales show a range of approximately \$45,000 to \$75,000 per acre. The value of the subject property likely falls within this range. The following observations are made:

All four sales are wooded, like the subject. This factor is adverse to the overall value of industrial land. Using these sales accounts for the subject being wooded.

Sales two and four are located in the subject's node, therefore, they are given the most weight. There is a shortage of available industrial land in the county. Therefore, the value of the subject is estimated to be at the upper end of this range. The subject's value is estimated at \$73,000 per acre. The value of the subject is as follows:

4.62 Acres                      X                      \$73,000                      \$337,260 **RS337,000**

**VALUE BY SALES COMPARISON APPROACH**  
**\$337,000**

## RECONCILIATION

All three approaches to value are considered. However, only the sales comparison approach is developed. The subject is a vacant site. Properties with the subject's characteristics are not typically purchased for income production. Therefore, the income approach is not developed. Since there are no improvements, the cost approach is not developed.

**My opinion of market value of the fee simple interest of the subject property as of March 27, 2023 is \$337,000**

**DATE OF REPORT:** March 27, 2023

*SW. Sante*

**Steven W. Sante, MAI, SRA**  
Indiana Certified General Appraiser #CG40901229  
Michigan Certified General Appraiser #1205005623

## CERTIFICATION

I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased, professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- I have not performed services as an appraiser, or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report, or to the parties involved with the assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the code of Professional ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly representatives.
- as of the date of this report I, Steven W. Sante, have completed the requirements of the continuing education program of the Appraisal Institute.

*S W. Sante*

3/27/23

Date

\_\_\_\_\_  
Steven W. Sante, MAI, SRA  
Indiana Certified General Appraiser #CG40901229  
Michigan Certified General Appraiser #1205005623

## ASSUMPTIONS AND LIMITING CONDITIONS

The certification of the appraiser appearing in the appraisal report is subject to the following conditions and to such specific and limiting conditions as set forth by the Appraiser in the report.

1. The Appraiser assumes no responsibility for matters of legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.
3. The Appraiser is not required to give testimony or appear in court because of having made the appraisal reference to the property in question, unless arrangements have been made previously made therefore.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
6. Information, estimates, and opinions furnished to the Appraiser, and contained in this report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the Appraiser can be assumed by the Appraiser.
7. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the Appraiser is affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or District of Columbia, without previous written consent of the Appraiser; nor shall it be conveyed by anyone to the public through

advertising, public relations, news sales, or other media, without the written consent and approval of the Appraiser.

9. On all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workman like manor.

10. In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. It is urged that the client retain an expert in this field if desired.

11. A legal description was not provided to the appraiser. The legal description in the report is assumed to be correct. We assume no responsibility for matters legal in character nor do we render any opinion as to title, which is assumed to be good and marketable.

12. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws, and that all zoning, building, and use regulations of all types have been complied with unless non-compliance is stated, defined and considered in the appraisal report. It is further assumed that all licenses, consents, permits, or legislative or administrative authority required by any local, state, or federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.

13. Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for other than its intended use by anyone other than the Client without the prior written consent of the Appraiser or the Client, and then only with the proper identification and qualification and only in its entirety. No change of any item in the report shall be made by anyone other than the Appraiser and/or officer in the firm. The Appraiser and firm shall have no responsibility if any such change is made.

14. Any after-tax investment analysis and resulting measures of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return investment given a purchase price. Please note that the Appraiser does not claim expertise in tax matters and advises Client to seek competent tax advice.

15. The liability of Appraiser and the firm is limited to the client only and to the fee actually received by Appraiser. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than the client, the Client shall make such party aware of all limiting condition and assumptions of the assignment and related decisions. The Appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication

offerings or stock offerings in the property, Client agrees that in case of lawsuit (brought by lender, partner, or part owner in any form of ownership, tenant, or any other party), any and all awards, settlements of any type in such suit, regardless of outcome, Client will hold appraiser completely harmless in any such action.

16. Any projections, forecasts, etc. regarding future patterns of income and/or expenses, prices/values, etc. represent that analyst's best estimate of investor anticipations with respect to these items, based on information available at the date of appraisal or analysis. Such information includes forecasts /projections published by recognized sources such as economists, financial publications, investor surveys, etc. Economic trends can affect future behavior of income, expenses, values, etc. Change in these items caused by future occurrences could result in values different from those established in this report. We cannot accept responsibility for economic variables in the future which could not have been known or anticipated at the data of analysis (inflation rates, economic upswings or downturns, fiscal policy changes, etc.).

17. The Americans with Disabilities Act (ADA) became law effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

18. Acceptance of, and/or use of, this appraisal report by Client or any third party constitute acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO THE FEE RECEIVED.

19. The estimated values contained within this appraisal report are subject to completion of plans and specifications.

**QUALIFICATIONS OF THE APPRAISER  
STEVEN W. SANTE, MAI, SRA**

**EDUCATION**

1988-1995 B.S. Degree Business Indiana University at South Bend  
Accounting Major

**EMPLOYMENT HISTORY**

9/91-Present Appraisal Services, Inc

**APPRAISAL EDUCATION:**

See Attached

**PROFESSIONAL AFFILIATIONS & LICENSES**

**SRA** (designation conferred 12/15/06)

**MAI** (designation conferred 1/30/13)

Certified General Appraiser IN & MI

Indiana Regional MLS

Northern Indiana/Southwest Michigan Chapter

Positions:

Treasurer 2002-2008

President 2008-2010

Appraisal Institute:

National Experience Reviewer 2007-2008

Milton Township (Cass County Michigan)

Tax Board of Review 2008-2014

Clerk 2014-2020

**PAST & PRESENT CLIENTS:**

University of Notre Dame, Mutual Bank, Teachers Credit Union, 1<sup>st</sup> State Bank, Indiana Community Bank, Lake City Bank, 1<sup>st</sup> Source Bank, Ontwa Township, City of South Haven, City of South Bend, Interra Credit Union, St. Joseph County Assessor, St. Joseph County Economic Development, Elkhart County, City of Elkhart, 1<sup>st</sup> State Bank





**Education Transcript**  
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March 2, 2023

Steven W. Sante, MAI, SRA  
 Appraisal Services, Inc.  
 814 East LaSalle Avenue  
 South Bend, IN 46617

Account # 56862

**This document may not be accepted by all licensing boards as verification of course completion.**  
 Please note that the hours reflected below may differ by state.  
 Refer to the specific state matrix for actual state approved hours.

Program	Date	Location	Type	Status	Attendance	Hours Attend	Hours Exam
Rapid Response: Market Analysis in Volatile Markets	February 28, 2023	South Bend/Mishawaka MLS Office, South Bend, IN					
Business Practices and Ethics	June 1, 2022	3rd Floor Classroom, Indianapolis, IN	Hours		Attended	6.0	
2022-2023 7-Hour National USPAP Update Course	February 25, 2022	Elkhart Country Board of REALTORS (ECBOR), Goshen, IN	Hours		Attended	7.0	
Appraiser's Guide to Expert Witnessing	November 3, 2021 - February 1, 2022	Appraisal Institute	Hours		Completed: November 3, 2021	7.0	
Getting It Right from the Start: A Workout Plan for Your Scope of Work	August 12, 2021		Hours		Attended	7 hours	
Fundamentals of Apartment Appraising	June 13 - September 11, 2020		Hours		Completed: June 14, 2020	7.0	
Small Hotel/Motel Valuation	June 14 - September 12, 2020		Hours		Completed: June 14, 2020	7.0	
2020-2021 7-Hour Equivalent USPAP Update Course	April 24 - July 23, 2020		Hours		Completed: April 24, 2020	7 hours	
Common Questions Asked by Residential Appraisers, Part 2	May 16, 2019	Elkhart Country Board of REALTORS (ECBOR), Goshen, IN	Hours		Attended	7.0	
Small Hotel/Motel Valuation	June 15 - July 15, 2018		Hours		Completed: June 21, 2018	7.0	
Data Verification Methods	June 1 - July 1, 2018	On-Demand Online Education	Hours		Completed: June 20, 2018	5.0	



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Business Practices and Ethics	May 25, 2018	South Bend/Mishawaka MLS Office, South Bend, IN	Hours		Attended	7.0	
Analyzing Operating Expenses	February 1 - March 3, 2018	On-Demand Online Education	Hours		Completed: February 13, 2018	7.0	
Afternoon at the Track	May 22, 2017	Indianapolis Motor Speedway	Hours		Attended		
South Bend Cubs Baseball	June 16, 2016	Four Winds Field	Hours		Attended		
Afternoon At the Track	May 19, 2016	Indianapolis Motor Speedway	Hours		Attended		
MACOG GIS for Appraisers	March 3, 2016	Greater South Bend-Michawaka Association of Realto, South Bend, IN	Hours		Attended	2.0	
Michigan Laws and Rules	March 3, 2016	Greater South Bend-Michawaka Association of Realto, South Bend, IN	Hours		Attended	2.0	
AI Excel Diagnostic Examination		Exam	Hours	Pass	Attended, Exam Date: December 31, 2015		
7-Hour National USPAP Update Course	December 1, 2015	-, South Bend, IN	Hours		Attended	7.0	
Advanced Market Analysis and Highest & Best Use	October 26 - 30, 2015		Hours		Attended	32.0	
Advanced Market Analysis and Highest & Best Use - Online Component	September 28 - October 19, 2015	On-Line Seminar, Chicago, IL	Hours		Attended		
Business Practices and Ethics	October 5, 2015	Greater South Bend-Michawaka Association of Realto, South Bend, IN	Hours		Attended	7.0	
Supervisory Appraiser/Trainee Appraiser Course	March 20, 2015	Office Building - 2nd Floor Classroom, Indianapolis, IN	Hours	Pass	Attended, Exam Date: March 20, 2015	6.0	1.0



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Fundamentals of Separating Real Property, Personal Property, and Intangible Business Assets	May 29 - 30, 2014		Hours	Pass	Attended, Exam Date: May 30, 2014	14.0	1.0
7-Hour National USPAP Update Course	December 9, 2013		Hours		Attended	7.0	
Litigation Appraising: Specialized Topics and Applications	June 13 - 14, 2013	Four Points by Sheraton, Columbus, OH	Hours	Pass	Attended, Exam Date: June 14, 2013	15.0	1.0
Candidate for Designation Advisor Orientation	February 1 - March 3, 2013	On-Demand Online Education	Hours		Completed: February 11, 2013		
Appraising Convenience Stores	June 15 - July 15, 2012		Hours		Completed: July 6, 2012	7.0	
7-Hour National USPAP Update Course	January 13, 2012	South Bend / Mishawaka Board of Realtors, South Bend, IN	Hours		Attended	7.0	
Chapter Business/Dinner Meeting & Installation Banquet	November 9, 2011	South Bend, IN, South Bend, IN	Hours		Attended	2.0	
The Uniform Appraisal Dataset from Fannie Mae and Freddie Mac	May 23, 2011	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours		Attended	7.0	
Michigan Rules	May 10, 2011	South Bend, IN, South Bend, IN	Hours		Attended	2.0	
Rates and Ratios: Making Sense of GIMs, OARs, and DCF	May 10, 2011	South Bend / Mishawaka Board of Realtors, South Bend, IN	Hours		Attended	7.0	
Business Practices and Ethics	November 8, 2010	Quality Inn, South Bend, IN	Hours		Attended	7.0	
Evaluating Commercial Construction	September 23 - 24, 2010	Ramada Angola, Angola, IN	Hours		Attended	15.0	
Lawry's Dinner and Chicago Architecture Boat Cruise	August 20, 2010		Hours		Attended	2.0	
The Discounted Cash Flow Model: Concepts, Issues, and Applications	July 16, 2010	Quality Inn, South Bend, IN	Hours		Attended	5 hours	



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March 2, 2023

General Demonstration Report Writing	April 19, 2010	Education Resource, LLC, Indianapolis, IN	Hours		Attended	7.0	
Appraisal Review - General	March 12, 2010	Quality Inn, South Bend, IN	Hours		Attended	7.0	
7-Hour National USPAP Update Course	March 11, 2010	Quality Inn, South Bend, IN	Hours		Attended	7.0	
Michigan Rules	March 11, 2010	Quality Inn, South Bend, IN	Hours		Attended	2.0	
7-Hour National USPAP Update Course	May 21, 2009	Portofino Grill, La Porte, IN	Hours		Attended	7.0	
Report Writing and Valuation Analysis	May 4 - 9, 2009	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: May 9, 2009	26.0	14.0
Advanced Sales Comparison & Cost Approaches	April 16 - 22, 2009	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: April 22, 2009	36.0	4.0
Advanced Applications	January 21, 2009 - 21, 2010	Exam	Hours	Pass	Exam Date: February 10, 2009		4.0
Advanced Applications	January 15 - 21, 2009	Chicago Chapter Education Center, Chicago, IL	Hours		Attended	36.0	
General Appraiser Report Writing and Case Studies	October 27 - 30, 2008	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: October 30, 2008	28.0	2.0
Partial Interest Valuation - Divided	September 18, 2008	Signature Inn, South Bend, IN	Hours		Attended	7.0	
General Appraiser Site Valuation and Cost Approach	July 21 - 24, 2008	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: July 24, 2008	28.0	2.0
How To Write A Tax Appeal Appraisal	June 12, 2008	Elkhart, IN, elkhart, IN	Hours		Attended	4.0	
Real Estate Finance, Statistics, and Valuation Modeling	June 10 - 11, 2008	OSU - Fawcett Center for Tomorrow, Columbus, OH	Hours	Pass	Attended, Exam Date: June 11, 2008	14.0	1.0
Michigan Rules	May 15, 2008	South Bend, IN, South Bend, IN	Hours		Attended	2.0	



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March 2, 2023

General Appraiser Sales Comparison Approach	February 11 - 14, 2008	Indianapolis, IN, Indianapolis, IN	Hours	Pass	Attended, Exam Date: February 14, 2008	27.0	3.0
General Demonstration Report Writing	January 11, 2008	WCAI Chapter Offices, Milwaukee, WI	Hours		Attended	7.0	
General Appraiser Market Analysis and Highest & Best Use	October 22 - 25, 2007	Lancaster County Association of Realtors, Lancaster, PA	Hours	Pass	Attended, Exam Date: October 25, 2007	28.0	2.0
Experience Training Seminar	September 7, 2007	The Westin Michigan Hotel, Chicago, IL	Hours		Attended		
Advanced Income Capitalization	August 20 - 25, 2007	University of North Carolina at Greensboro, Greensboro, NC	Hours	Pass	Attended, Exam Date: August 25, 2007	36.0	4.0
Basic Income Capitalization	April 30 - May 5, 2007	University of North Carolina at Greensboro, Greensboro, NC	Hours	Pass	Attended, Exam Date: May 5, 2007	36.0	3.0
7-Hour National USPAP Update Course	March 16, 2007	LaSalle Bank, Troy, MI	Hours		Attended	7.0	
Highest & Best Use and Market Analysis	September 18 - 23, 2006	The Cafe at the Marriott Courtyard Hotel, Springfield, MO	Hours		Attended	36.0	
Business Practices and Ethics	March 17, 2006	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours	Pass	Attended, Exam Date: March 17, 2006	7.0	1.0
7-Hour National USPAP Update Course	March 21, 2005	Niles Inn & Conference Center, Niles, MI	Hours		Attended	7.0	
Appraising Manufactured Housing	February 3, 2005	Hilton Grand Rapids Airport, Grand Rapids, MI	Hours		Attended	7.0	
Avoiding Liability as a Residential Appraiser	October 20, 2004	Willowbrook Holiday Inn, Willowbrook, IL	Hours		Attended	7.0	
Advanced Residential Form & Narrative Report Writing	November 17 - 23, 2002	Chicago Chapter Education Center, Chicago, IL	Hours	Pass	Attended, Exam Date: November 23, 2002	20.0	20.0
Fundamentals of Relocation Appraising	October 22, 2001	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours		Attended	7.0	



**Education Transcript**  
**Not an Official College Transcript**  
 Must send actual signed certificate of completion

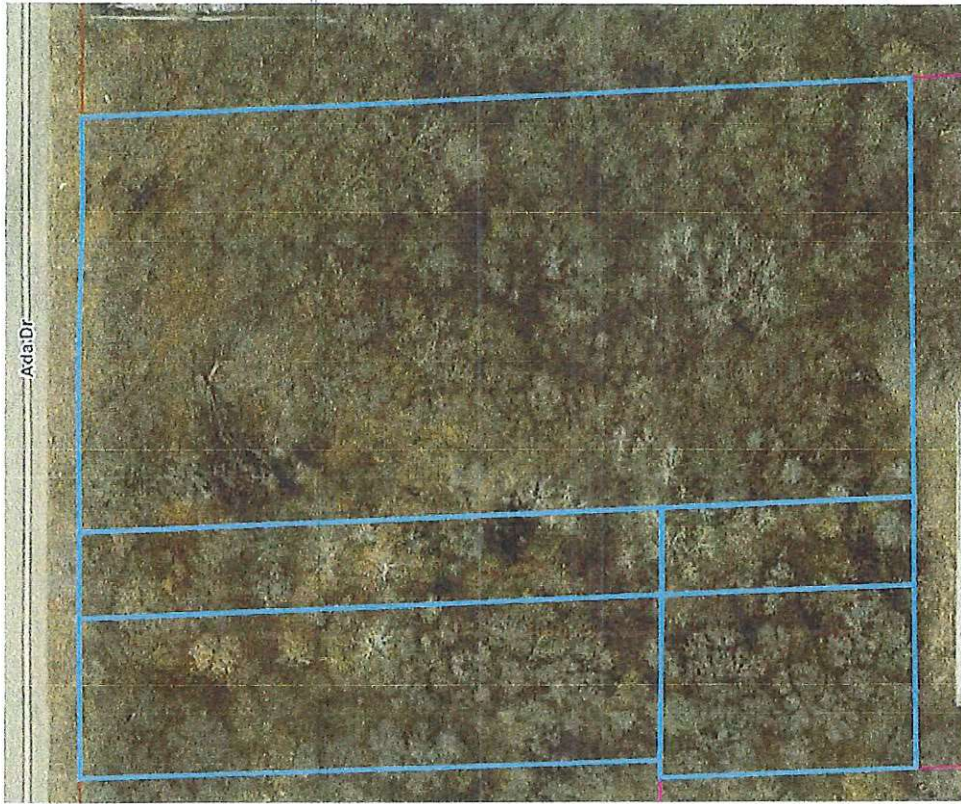
March 2, 2023

Appraising Manufactured Housing	November 17, 2000	Fetzer Center, Kalamazoo, MI	Hours		Attended	7.0	
Standards of Professional Practice, Part B	May 24, 2000	Management Education Center, Troy, MI	Hours	Pass	Attended, Exam Date: May 24, 2000	7.0	1.0
Standards of Professional Practice, Part A (USPAP)	May 22 - 23, 2000	Management Education Center-MSU, Troy, MI	Hours	Pass	Attended, Exam Date: May 23, 2000	15.0	1.0
Residential Demonstration Appraisal Report Writing Seminar	August 21 - 22, 1999	Hampton Inn & Suites, Chicago, IL	Hours		Attended	14.0	
FHA and the Appraisal Process	July 15, 1999	Wyndham NW, Itasca, IL	Hours		Attended	7.0	
Appraisal Review - Residential Properties	October 16, 1998	Ramada Inn, Elkhart, IN	Hours		Attended	7.0	
Sales Comparison Valuation of Small, Mixed-Use Properties	September 22 - 23, 1998	Ramada Inn, South Bend, IN	Hours		Attended	15.0	
Standards of Professional Practice, Part A (USPAP)	July 17 - 18, 1997	Milans Banquet, Valparaiso, IN	Hours	Pass	Attended, Exam Date: July 18, 1997	15.0	1.0
M & S Handbook Cost-Estimating, Residential	April 30, 1997	Ramada Inn, South Bend, IN	Hours		Attended	7.0	
Residential Case Study	November 14 - 20, 1993	Ramada Inn, Elkhart, IN	Hours	Pass	Attended, Exam Date: November 20, 1993	36.0	3.0
Advanced Income Capitalization	April 16 - May 8, 1993	Society Bank Building, South Bend, IN	Hours	Pass	Attended, Exam Date: May 8, 1993	36.0	4.0
Basic Income Capitalization	March 12 - 27, 1993	Ramada Inn, Elkhart, IN	Hours	Pass	Attended, Exam Date: March 27, 1993	36.0	3.0
Standards of Professional Practice, Part B	March 5 - 6, 1993	Ramada Inn, Elkhart, IN	Hours	Pass	Attended, Exam Date: March 6, 1993	10.0	1.0
Standards of Prof. Practice, Part A	October 3 - 4, 1991	Metro Indiana Board of Realtor, Indianapolis, IN	Hours	Pass	Attended, Exam Date: October 4, 1991	15.0	1.0
Introduction to Appraising Real Property	September 8 - 20, 1991	S. Bend-Mishawaka Bd./Realtors, South Bend, IN	Hours	Pass	Attended, Exam Date: September 20, 1991	45.0	6.0

**Appraisal Report**

Ludwig Miller  
Industrial land

On  
ADA Dr.  
Elkhart, In.



**AS OF**  
3/23/2023

**Written**  
3/23/2023

**Prepared**

**For**

City Elkhart

**Prepared by**

**Iverson C. Grove, MAI, SRA**

**803 Bower St.**

**Elkhart, In. 46514**

3/23/2023

Re: Ludwig Miller land  
Ada Dr.  
Elkhart, in.

For: City of Elkhart  
Attn: Adam Fann

Dear Adam

In accordance with your request, a real estate appraisal has been made on the above captioned property. My opinion of the market value of the fee simple interest, the effective date of this appraisal being 3/23/2023

**THREE HUNDRED FOURTY THOUSAND ONE HUNDRED DOLLARS**  
**\$347,100**



Iverson C. Grove, MAI, SRA

Indiana Certified General Appraiser #CG 69100422



**(Uniform Standards of Professional Appraisal Practice) USPAP SR 1-2**

**In developing a real property appraisal, an appraiser must:**

**a) identify the client or other intended users.**

The client is identified as the City of Elkhart.

**b) identify the intended use of the appraiser's opinion and conclusions:**

This appraisal report is prepared in connection with community development

**c) identify the purpose of the assignment, including the type and definition of the value to be developed and, if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:**

**(i) in terms of cash: or**

**(ii) in terms of financial arrangements equivalent to cash; or**

**(iii) in other precisely defined terms**

**(iv) if the opinion of value is based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contribution to or negative influence on the value must be developed by analysis of relevant market data.**

**DEFINITION OF MARKET VALUE**

Market value is defined as the most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus.

Implicit in this definition is the consummation of a sale as of a specific date and the passing of title from seller to buyer under conditions whereby:

a) Buyer and seller are typically motivated

b) Both parties are well informed or well advised and both acting in what they consider their own best interest;

c) A reasonable time is allowed for exposure in the open market:

d) Payment is made in terms of cash in U.S. dollars, or in terms of financial arrangements comparable with the sale thereto, and:

e) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

*OCC reg. 12 CFR 34 & NCUA regulation 722.2 (f), and sec. 225.62(g) of regulation Y of the Federal Reserve Board (12 C.F.R. 225.62 (g), FCA 614.4240 (l))*

**d) identify the effective date of the appraiser's opinions.**

The effective date is 3/23/2023.

**e) identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal including**

**i) it's location and physical, legal and economic attributes:**

These parcels are contiguous land zoned industrial and which are forested. These parcels could be assembled into one parcel. Municipal services are at the street.

**ii) Property Interest being appraised:** Fee simple

**iii) Any personal property, trade fixtures, or intangible items that are not real property but are in the appraisal.** None are identified

**iv) Any known easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances, or other items of a similar nature; and:** None are noted.

**v) Whether the subject property is a fractional interest, physical segment or partial holding:** Whole

**f) identify any extraordinary assumptions necessary in the assignment:**

None are noted

**g) identify any hypothetical condition:**

None are noted.

**i) determine the scope of work necessary to produce credible assignment results in accordance with the SCOPE OF WORK RULE.**

Public record was used. Government and private sources were consulted for comparable and Compliance data. Sales comparison was developed as the most applicable approach.

## IDENTIFICATION

### ADDRESS:

Not established on Ada Dr.  
Elkhart, In.

### TAX PARCEL #:

20-02-26-126-019.000-027  
20-02-26-126-026.000-027  
20-02-26-126-027.000-027  
20-02-26-126-029.000-027  
20-02-26-126-031.000-027



### LEGAL DESCRIPTION

See PRCs

### History of Ownership

This property has been held by Ludwig & Miller for more than ten years.

20-02-26-126-019,000-027  
 General Information  
 Parcel Number  
 20-02-26-126-019,000-027  
 Local Parcel Number  
 02-26-126-019-027

Tax ID:  
 02268  
 Routing Number

LUDWIG & MILLER LLC  
 Ownership  
 LUDWIG & MILLER LLC  
 PO BOX 1322  
 ELKHART, IN 46515

ADA DRIVE  
 Date  
 03/13/2018  
 01/01/1900

300, Vacant Land  
 Doc ID Code Book/Page Adj Sale Price VI  
 01302 WD / / \$0 /  
 CO / / \$0 /

2737009-Industrial-Acre-Cit  
 Notes

Property Class 300  
 Vacant Land

Year: 2022

Location Information

County  
 Elkhart  
 Township  
 OSOLO TOWNSHIP  
 District 027 (Local 027)  
 EC OSOLO  
 School Corp 2305  
 ELKHART COMMUNITY  
 Neighborhood 2737009-027  
 2737009-Industrial-Acre-City Public  
 Section/Plat

Location Address (1)  
 ADA DRIVE  
 ELKHART, IN 46514

Zoning  
 Z001 Residential  
 Subdivision

Lot

Market Model  
 Industrial Market

Topography Flood Hazard  
 ERA  
 TIF

Public Utilities  
 All

Streets or Roads  
 Paved

Neighborhood Life Cycle Stage  
 Static

Printed Friday, April 8, 2022

Review Group 2018

Data Source Aerial

Collector 03/14/2018

Appraiser



Industrial

Valuation Records Worksheet (Subject to Change)

Assessment Year	2022	2021	2020	2019	2018
Reason For Change	WIP	AA	AA	AA	AA
As Of Date	01/07/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land	\$800	\$800	\$800	\$600	\$800
Land Res (1)	\$0	\$0	\$0	\$0	\$0
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
Land Non Res (3)	\$800	\$800	\$800	\$600	\$800
Improvement	\$0	\$0	\$0	\$0	\$0
Imp Res (1)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
Total	\$800	\$800	\$800	\$600	\$800
Total Res (1)	\$0	\$0	\$0	\$0	\$0
Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
Total Non Res (3)	\$800	\$800	\$800	\$600	\$800

Land Pricing Soil Act Front. 0 0.390000 1.00 \$2,000 \$780 0% 0% 1.0000 Value Value Value Value Value Value

Land Type Method ID 3

Adjusted Rate \$2,000

Ext. Value \$780

Res. Elig % 0%

Market Factor 1.0000

Value \$780

Calculated Acreage 0.39

Actual Frontage 0

Developer Discount

Parcel Acreage 0.39

81 Legal Drain NV 0.00

82 Public Roads NV 0.00

83 UT Towers NV 0.00

9 Homesite 0.39

Total Acres Farmland 0.00

Farmland Value \$0

Measured Acreage 0.00

Avg Farmland Value/Acre 0.0

Value of Farmland \$0

Classified Total \$0

Farm / Classified Value \$0

Homesite(s) Value \$0

91/92 Value \$800

Supp. Page Land Value

CAP 1 Value \$0

CAP 2 Value \$0

CAP 3 Value \$800

Total Value \$800

EARL COMPARISONS

Calculated Acreage 0.39

Actual Frontage 0

Developer Discount

Parcel Acreage 0.39

81 Legal Drain NV 0.00

82 Public Roads NV 0.00

83 UT Towers NV 0.00

9 Homesite 0.39

Total Acres Farmland 0.00

Farmland Value \$0

Measured Acreage 0.00

Avg Farmland Value/Acre 0.0

Value of Farmland \$0

Classified Total \$0

Farm / Classified Value \$0

Homesite(s) Value \$0

91/92 Value \$800

Supp. Page Land Value

CAP 1 Value \$0

CAP 2 Value \$0

CAP 3 Value \$800

Total Value \$800

20-02-26-126-026.000-027  
 General Information  
 Parcel Number  
 20-02-26-126-026.000-027  
 Local Parcel Number  
 02-26-126-026-027

Tax ID:  
 0226B  
 Routing Number

LUDWIG & MILLER LLC  
 Owner  
 LUDWIG & MILLER LLC  
 PO BOX 1322  
 ELKHART, IN 46515

ADA DRIVE  
 Date  
 03/13/2018  
 01/01/1900

300, Vacant Land  
 Doc ID Code Book/Page Adj Sale Price VII  
 01302 WD / / \$0 I  
 CO / / \$0 I

2737009-Industrial-Acre-Cit 1/2  
 Notes

Property Class 300  
 Vacant Land

Year: 2022

Location Information  
 County  
 Elkhart  
 Township  
 OSOLO TOWNSHIP  
 District 027 (Local 027)  
 EC OSOLO  
 School Corp 2305  
 ELKHART COMMUNITY

Neighborhood 2737009-027  
 2737009-Industrial-Acre-City Public  
 Section/Plat

Location Address (1)  
 ADA DRIVE  
 ELKHART, IN 46514

Zoning  
 Z001 Residential  
 Subdivision

Lot

Market Model  
 Industrial Market

Topography  
 Flood Hazard   
 Public Utilities  
 All ERA   
 Streets or Roads  
 Paved TIF   
 Neighborhood Life Cycle Stage  
 Static

Printed  
 Friday, April 8, 2022  
 Review Group 2018  
 Collector 03/14/2018  
 Data Source Aerial  
 Angle

Appraiser



Industrial

Valuation Records (Market) Progress Values are Not Final, values are subject to change

2022	2021	2020	2019	2018
WIP	AA	AA	AA	AA
01/07/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required <input type="checkbox"/>	Notice Required <input type="checkbox"/>	Notice Required <input type="checkbox"/>	Notice Required <input type="checkbox"/>	Notice Required <input type="checkbox"/>
Land	Land	Land	Land	Land
\$5,900	\$5,900	\$5,900	\$4,600	\$5,800
\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0
\$5,900	\$5,900	\$5,900	\$4,600	\$5,800
Improvement	Improvement	Improvement	Improvement	Improvement
\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0
\$5,900	\$5,900	\$5,900	\$4,600	\$5,800
Total	Total	Total	Total	Total
\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0
\$5,900	\$5,900	\$5,900	\$4,600	\$5,800

Land Pricing Soil Act  
 Type Method ID Front. Size Factor Rate Adj. Rate Res Market Value Value  
 3 0 2.962000 1.00 \$2,000 \$2,000 0% 0% 1.0000 \$5,924 \$5,920

Land Price (Standard Depth Res. 00 @ 100' Base Lot Res. 100 X 0.0 @ 100' X 0.0)

Calculated Acreage 2.96  
 Actual Frontage 0  
 Developer Discount   
 Parcel Acreage 2.96  
 81 Legal Drain NV 0.00  
 82 Public Roads NV 0.00  
 83 UT Towers NV 0.00  
 9 Homesite 0.00  
 91/92 Acres 2.96  
 Total Acres Farmland 0.00  
 Farmland Value \$0  
 Measured Acreage 0.00  
 Avg Farmland Value/Acre 0.0  
 Value of Farmland \$0  
 Classified Total \$0  
 Farm / Classified Value \$0  
 Homesite(s) Value \$0  
 91/92 Value \$5,900  
 Supp. Page Land Value \$0  
 CAP 1 Value \$0  
 CAP 2 Value \$5,900  
 CAP 3 Value \$5,900  
 Total Value \$5,900

20-02-26-126-027,000-027

Parcel Number  
20-02-26-126-027,000-027  
Local Parcel Number  
02-26-126-027-027

Tax ID:  
0226B  
Routing Number

Property Class 300  
Vacant Land

Year: 2022

County  
Elkhart  
Township  
OSOLO TOWNSHIP  
District 027 (Local 027)  
EC OSOLO  
School Corp 2305  
ELKHART COMMUNITY

Neighborhood 2737009-027  
2737009-Industrial-Acre-City Public  
Section/Plat

Location Address (1)  
COOPER DRIVE  
ELKHART, IN 46514

Zoning  
Z001 Residential  
Subdivision

Lot

Market Model  
Industrial Market

Topography  
Flood Hazard

Public Utilities  
All  
Streets or Roads  
Paved

Neighborhood Life Cycle Stage  
Static  
Printed

Review Group 2018  
Friday, April 8, 2022

LUDWIG & MILLER LLC

Ownership  
LUDWIG & MILLER LLC  
PO BOX 1322  
ELKHART, IN 46515

Parcel  
NORTHLAND PARK 2ND SEC N 50FT LOT 42 EX  
E 200FT

COOPER DRIVE

Ownership  
Date  
03/13/2018  
01/01/1900

Owner  
LUDWIG & MILLER LL  
LUDWIG INVESTMEN

300, Vacant Land

Ownership  
Date  
03/13/2018  
01/01/1900

Owner  
LUDWIG & MILLER LL  
LUDWIG INVESTMEN

2737009-Industrial-Acre-Cit

Ownership  
Date  
03/13/2018  
01/01/1900

Owner  
LUDWIG & MILLER LL  
LUDWIG INVESTMEN



Industrial

Assessment Year	Reason For Change	2021	2020	2019	2018
2022	WIP	AA	AA	AA	AA
01/07/2022	As Of Date	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$300	Land	\$300	\$300	\$300	\$300
\$0	Land Res (1)	\$0	\$0	\$0	\$0
\$0	Land Non Res (2)	\$0	\$0	\$0	\$0
\$300	Land Non Res (3)	\$300	\$300	\$300	\$300
\$0	Improvement	\$0	\$0	\$0	\$0
\$0	Imp Res (1)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0
\$0	Imp Non Res (3)	\$0	\$0	\$0	\$0
\$300	Total	\$300	\$300	\$300	\$300
\$0	Total Res (1)	\$0	\$0	\$0	\$0
\$0	Total Non Res (2)	\$0	\$0	\$0	\$0
\$300	Total Non Res (3)	\$300	\$300	\$300	\$300

Land Pricing Soil Type Method ID	Act Front.	Size Factor	Rate	Adj. Rate	Ext. Value	Infli. %	Res Elig %	Market Factor	Value
3	0	0.172000	1.00	\$2,000	\$344	0%	0%	1.0000	\$340

Land Contributions	Value
Calculated Acreage	0.17
Actual Frontage	0
Developer Discount	<input type="checkbox"/>
Parcel Acreage	0.17
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.17
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$300
Supp. Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$300
Total Value	\$300

Appraiser

Collector 03/14/2018 Angie

Data Source Aerial

20-02-26-126-029.000-027

General Information  
Parcel Number  
20-02-26-126-029.000-027  
Local Parcel Number  
02-26-126-029-027  
Tax ID:  
0226B  
Routing Number

Property Class 300  
Vacant Land

Year: 2022

Location Information  
County  
Elkhart

Township  
OSOLO TOWNSHIP

District 027 (Local 027)  
EC OSOLO

School Corp 2305  
ELKHART COMMUNITY

Neighborhood 2737009-027  
2737009-Industrial-Acre-City Public

Section/Plat

Location Address (1)  
COOPER DRIVE  
ELKHART, IN 46514

Zoning  
Z001 Residential  
Subdivision

Lot

Market Model  
Industrial Market

Topography  
Flood Hazard

Public Utilities  
All

Streets or Roads  
Paved

Neighborhood Life Cycle Stage  
Static

Printed  
Friday, April 6, 2022  
Review Group 2018

Data Source Aerial

Collector 03/14/2018

Appraiser

LUDWIG & MILLER LLLC

General Information  
LUDWIG & MILLER LLLC  
C/O NORTHLAND CORPORATION  
PO BOX 1322  
ELKHART, IN 46515

Legal  
NORTHLAND PARK 2ND SEC LOTA-42 EX N 50 FT  
EX E 200FT OF S 105 FT OF N 155FT EX E 75FT  
OF S 289FT EX W 275FT OF S 289FT

Assessment Year  
2022

Reason For Change  
WIP

As Of Date  
01/07/2022

Valuation Method  
Indiana Cost Mod

Equalization Factor  
1.0000

Notice Required

Land  
\$700

Land Res (1)  
\$0

Land Non Res (2)  
\$0

Land Non Res (3)  
\$700

Improvement  
\$0

Imp Res (1)  
\$0

Imp Non Res (2)  
\$0

Imp Non Res (3)  
\$0

Total  
\$700

Total Res (1)  
\$0

Total Non Res (2)  
\$0

Total Non Res (3)  
\$700

Land Pricing Soil  
Type Method ID  
3

Act Front.  
0

Size Factor  
1.00

Rate  
\$2,000

Adj. Rate  
\$2,000

COOPER DRIVE

300, Vacant Land

Transfer of Ownership  
Date Owner  
05/18/2018 LUDWIG & MILLER LL  
05/18/2018 LUDWIG & MILLER LL  
03/20/2018 LUDWIG & MILLER LL  
01/01/1900 LUDWIG ALLAN J & D

Doc ID Code Book/Page Adj Sale Price V/I  
02625 WD / \$0  
02624 AF / \$0  
01446 WD / \$0  
CO / \$0

Assessment Year  
2020

Reason For Change  
AA

As Of Date  
01/01/2021

Valuation Method  
Indiana Cost Mod

Equalization Factor  
1.0000

Notice Required

Land  
\$700

Land Res (1)  
\$0

Land Non Res (2)  
\$0

Land Non Res (3)  
\$700

Improvement  
\$0

Imp Res (1)  
\$0

Imp Non Res (2)  
\$0

Imp Non Res (3)  
\$0

Total  
\$700

Total Res (1)  
\$0

Total Non Res (2)  
\$0

Total Non Res (3)  
\$700

Land Pricing Soil  
Type Method ID  
3

Act Front.  
0

Size Factor  
1.00

Rate  
\$2,000

Adj. Rate  
\$2,000

2737009-Industrial-Acre-Cit

Notes

Transfer of Ownership  
Date Owner  
05/18/2018 LUDWIG & MILLER LL  
05/18/2018 LUDWIG & MILLER LL  
03/20/2018 LUDWIG & MILLER LL  
01/01/1900 LUDWIG ALLAN J & D

Doc ID Code Book/Page Adj Sale Price V/I  
02625 WD / \$0  
02624 AF / \$0  
01446 WD / \$0  
CO / \$0

Assessment Year  
2020

Reason For Change  
AA

As Of Date  
01/01/2021

Valuation Method  
Indiana Cost Mod

Equalization Factor  
1.0000

Notice Required

Land  
\$700

Land Res (1)  
\$0

Land Non Res (2)  
\$0

Land Non Res (3)  
\$700

Improvement  
\$0

Imp Res (1)  
\$0

Imp Non Res (2)  
\$0

Imp Non Res (3)  
\$0

Total  
\$700

Total Res (1)  
\$0

Total Non Res (2)  
\$0

Total Non Res (3)  
\$700

Land Pricing Soil  
Type Method ID  
3

Act Front.  
0

Size Factor  
1.00

Rate  
\$2,000

Adj. Rate  
\$2,000

Calculated Acreage  
0.36

Actual Frontage  
0

Developer Discount  
0

Parcel Acreage  
0.36

81 Legal Drain NV  
0.00

82 Public Roads NV  
0.00

83 UT Towers NV  
0.00

9 Homesite  
0.00

91/92 Acres  
0.36

Total Acres Farmland  
0.00

Farmland Value  
\$0

Measured Acreage  
0.00

Avg Farmland Value/Acre  
0.0

Value of Farmland  
\$0

Classified Total  
\$0

Farm / Classified Value  
\$0

Homesite(s) Value  
\$0

91/92 Value  
\$700

Supp. Page Land Value  
\$0

CAP 1 Value  
\$0

CAP 2 Value  
\$0

CAP 3 Value  
\$700

Total Value  
\$700

20-02-26-126-031,000-027

General Information

Parcel Number  
20-02-26-126-031,000-027  
Local Parcel Number  
02-26-126-031-027  
Tax ID:

Routing Number

Property Class 300  
Vacant Land

Year: 2022

Location Information

County  
Elkhart  
Township  
OSOLO TOWNSHIP  
District 027 (Local 027)  
EC OSOLO  
School Corp 2305  
ELKHART COMMUNITY  
Neighborhood 2737009-027  
2737009-Industrial-Acre-City Public  
Section/Plat

Location Address (1)  
ADA DRIVE  
ELKHART, IN 46514

Zoning  
Z001 Residential  
Subdivision

Lot

Market Model  
Industrial Market

Characteristics

Topography Flood Hazard  
Public Utilities ERA  
All  
Streets or Roads TIF  
Paved  
Neighborhood Life Cycle Stage  
Static  
Printed Friday, April 8, 2022

Review Group 2018

Data Source Aerial

Collector 03/14/2018

Angle

Appraiser

ADA DRIVE

Ownership

LUDWIG & MILLER LLC  
LUDWIG & MILLER LLC  
C/O NORTHLAND CORPORATION  
PO BOX 1322  
ELKHART, IN 46515

3839FL  
NORTHLAND PARK 2ND SEC EX N 50 FT EX S  
289' LOT A-1

300, Vacant Land

Transfer of Ownership

Owner  
LUDWIG & MILLER LLC  
LUDWIG & MILLER LLC  
LUDWIG ALLAN J & D  
Date  
05/18/2018  
03/20/2018  
01/01/1900  
Doc ID  
02625  
01445  
CO  
Book/Page  
/  
/Adj Sale Price  
\$0  
\$0  
\$0  
VII

2737009-Industrial-Acre-Cit 1/2

Notes



Industrial

Valuation Reason: Work in Progress, Value Sale Not Required, Value Sale Subject to Exchange

2022	2021	2020	2019	2018
WIP	AA	AA	AA	AA
01/07/2022	01/01/2021	01/01/2020	04/09/2019	01/01/2018
Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	1.0000	1.0000	1.0000	1.0000
Notice Required				
Land	\$1,500	\$1,500	\$1,200	\$1,500
Land Res (1)	\$0	\$0	\$0	\$0
Land Non Res (2)	\$0	\$0	\$0	\$0
Land Non Res (3)	\$1,500	\$1,500	\$1,200	\$1,500
Improvement	\$0	\$0	\$0	\$0
Imp Res (1)	\$0	\$0	\$0	\$0
Imp Non Res (2)	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0
Total	\$1,500	\$1,500	\$1,200	\$1,500
Total Res (1)	\$0	\$0	\$0	\$0
Total Non Res (2)	\$0	\$0	\$0	\$0
Total Non Res (3)	\$1,500	\$1,500	\$1,200	\$1,500

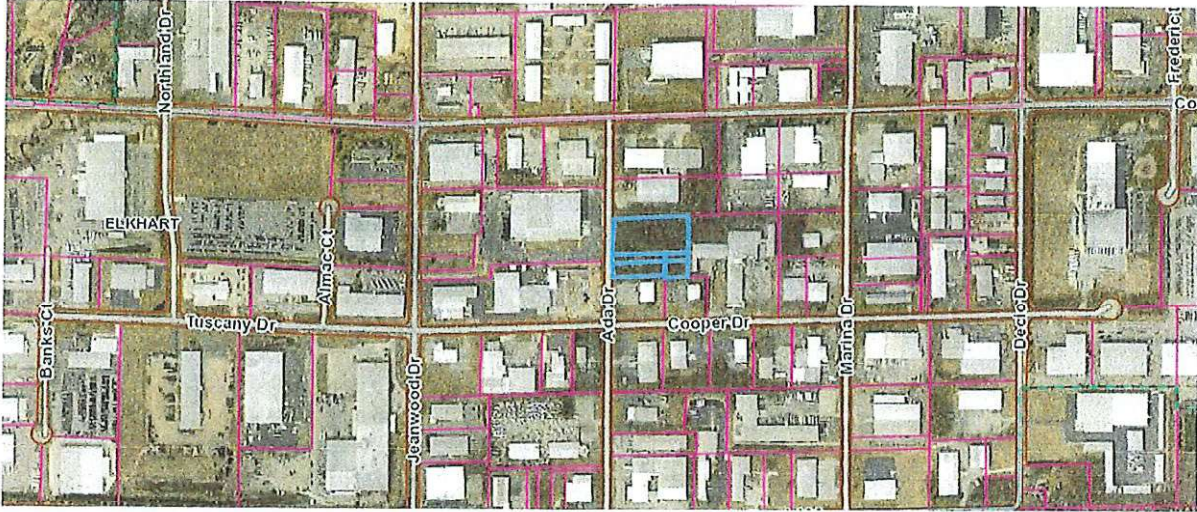
Land Pricing Soil	Act Front.	Size Factor	Rate	Adj. Rate	Ext. Value	Inf. %	Elig %	Res Market Factor	Value
3	0	0.740000	1.00	\$2,000	\$1,480	0%	0%	1.00000	\$1,480

Category	Value
Calculated Acreage	0.74
Actual Frontage	0
Developer Discount	0.74
Parcel Acreage	0.74
81 Legal Drain NV	0.00
82 Public Roads NV	0.00
83 UT Towers NV	0.00
9 Homesite	0.00
91/92 Acres	0.74
Total Acres Farmland	0.00
Farmland Value	\$0
Measured Acreage	0.00
Avg Farmland Value/Acre	0.0
Value of Farmland	\$0
Classified Total	\$0
Farm / Classified Value	\$0
Homesite(s) Value	\$0
91/92 Value	\$1,500
Supp. Page Land Value	\$0
CAP 1 Value	\$0
CAP 2 Value	\$0
CAP 3 Value	\$1,500
Total Value	\$1,500



## NEIGHBORHOOD

This neighborhood is the industrial area north of Elkhart along CR 6. This is the dominant organized industrial area of Elkhart with excellent linkages for product and labor. It is supported by full municipal services. Growth and the highest land values continue in the north east portion of this expanding neighborhood. Vacancies and deferred maintenance is not observed.



## SITE

This site includes five contiguous parcels totaling 4.628 acres. This land is zoned for industrial use and is surrounded by industrial use. The site is supported by municipal services. This parcel is fully wooded accounting for why the parcel has not heretofore been used for industrial expansion.

Page | 1



The highest and best use for this parcel is industrial development with an exposure time of less than one year based on supply demand imbalance.

## SALES COMPARISON

The subject lies in an industrial area supported by municipal services in a market where available industrial land is scarce. Further, it is wooded. Searches for similar sales found four sales of such characteristics and actually, with the subject neighborhood or competing north side neighborhoods. These are summarized below with a location map on the following page.

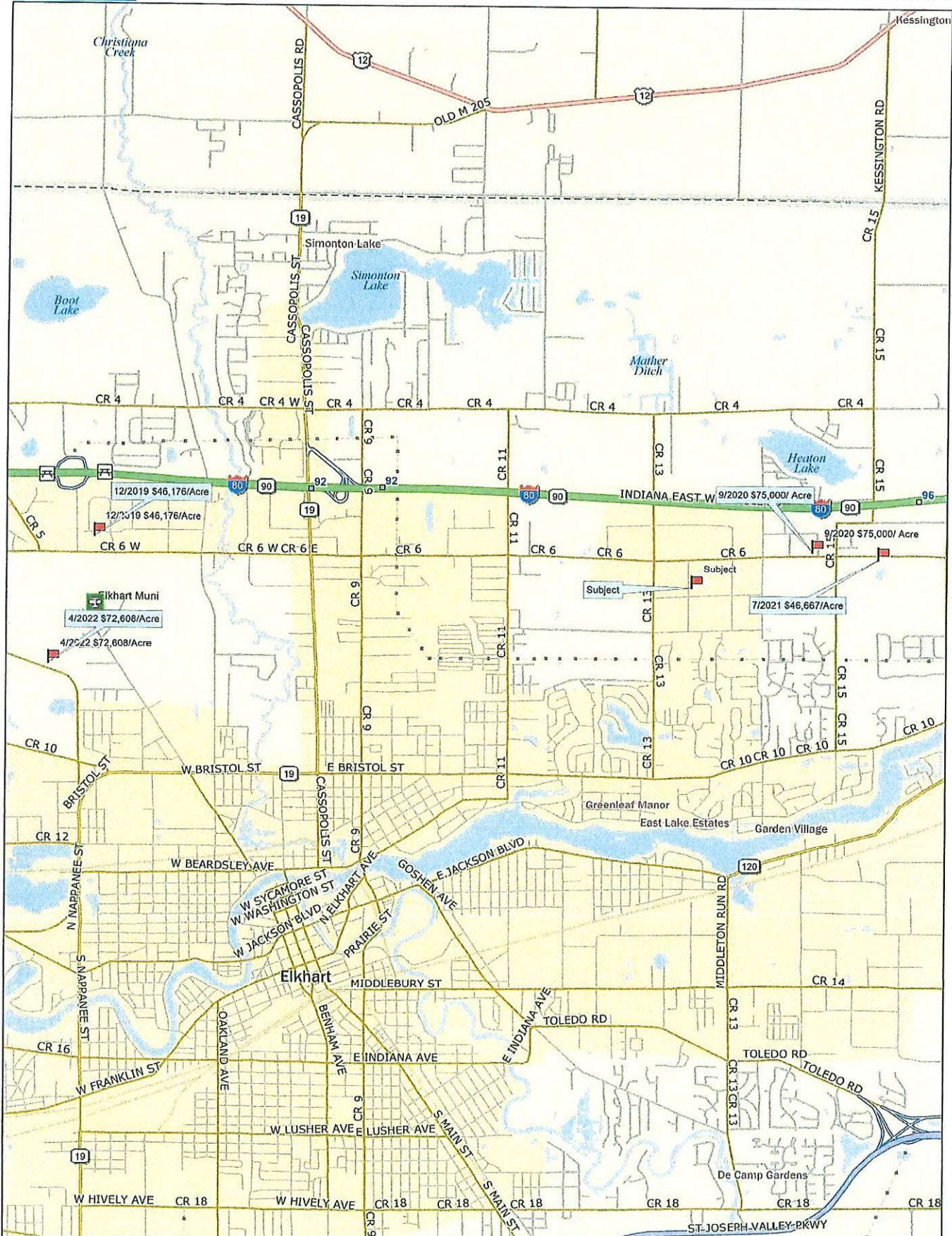
Tax parcel #	Date	Price	Size	\$/Acre
02-19-351-013	Dec-19	\$ 78,500	1.70	\$46,176
02-25-126-014	Jul-21	\$360,270	7.72	\$46,667
01-25-300-012	Apr-22	\$888,000	12.23	\$72,608
02-24-351-007	Sep-20	\$285,000	3.80	\$75,000

My analysis identifies the unit price at \$75,000 per acre.

$\$75,000 \times 4.628 \text{ acres} = \mathbf{\$347,100}$ .

**My opinion of the market value of the fee simple interest of the subject as of 3/23/2023 is \$347,100.**

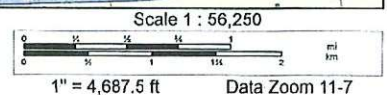
Written: 3/23/2023



Data use subject to license.

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www.delorme.com



## ASSUMPTIONS AND LIMITING CONDITIONS

The certification of the appraiser appearing in the appraisal report is subject to the following conditions and to such specific and limiting conditions as are set forth by the appraiser in the report.

- 1) The appraiser assumes no responsibility for matters of legal nature affecting the property appraisal or the title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
- 2) Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraiser has made no survey of the property.
- 3) The appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made therefor.
- 4) Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations of land and building must not be used in conjunction with any other appraisal and are invalid if so used.
- 5) The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.
- 6) Information, estimates, and opinions furnished to the appraiser, and contained in this report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the appraiser can be assumed by the appraiser.
- 7) Disclosure of the contents of the appraisal report is governed by the Bylaws and regulations of the professional appraisal organization with which the appraiser is affiliated.
- 8) Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to the property value, the identity of the appraiser, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by the same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institutions, any department, agency, or instrumentality of the United States or any State or the District of Columbia, without previous written consent of the appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news sales, or other media, without the written consent and approval of the appraiser.
- 9) Of all appraisals, subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workmanlike manner.
- 10) In this appraisal assignment, the existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea formaldehyde foam insulation, and/or existence of toxic waste, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. It is urged that the client retain an expert in this field if desired.

- 11) A legal description was not provided to the appraiser. The legal description in the report is assumed to be correct. We assume no responsibility for matters legal in character nor do we render any opinion as to the title, which is assumed to be good and marketable.
- 12) It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws, and that all zoning, building, and use regulations of all types have been complied with unless noncompliance is stated, defined and considered in the appraisal report. It is further assumed that all licenses, consents, permits, or legislative or administrative authority required by any local, state or federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
- 13) Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any other than its intended use by anyone other than the client without the prior written consent of the appraiser or the client, and then only in its entirety. No change of any item in this report shall be made by anyone other than the appraiser and/or officer of the firm. The appraiser and firm shall have responsibility if any such change is made.
- 14) Any after-tax investment analysis and resulting measure of return on investment are intended to reflect only possible and general market considerations, whether used to estimate value or return on investment given a purchase price. Please note that the appraiser does not claim expertise in tax matters and advises client to seek competent tax advice.
- 15) The liability of the appraiser and the firm is limited to the client only and to the fee actually received by appraiser. Further, there is no accountability, obligation, or liability to any third party other than the client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. In the case of limited partnerships or syndication offerings or stock offerings in property, client agrees that in case of a lawsuit (brought by lender, partner or part owner in any form of ownership, tenant or any other party), any and all awards, settlements of any type in such suit, regardless of outcome, client will hold appraiser completely harmless in any such action.
- 16) Any projections, forecasts, etc. regarding future patterns of income and/or expenses, prices/values, etc., represent the analyst's best estimates of investor anticipations with respect to these items, based on information available at the date of appraisal or analysis. Such information includes forecasts/projections published by recognized sources such as economists, financial publications, investor surveys, etc. Economic trends can affect future behavior of income, expenses, values, etc. Changes in these items caused by future occurrences could result in values different from those established in this report. We cannot accept responsibility for economic variables in the future which could not have been known or anticipated at the date of the analysis (inflation rates, economic upswings or downturns, fiscal policy changes, etc.).
- 17) The Americans with Disabilities Act (ADA) became effective January 26, 1992. I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct

evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

- 18) Acceptance of, and/or use of, this appraisal report by client of any third party constitutes acceptance of the above conditions. APPRAISER LIABILITY EXTENDS ONLY TO STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND IS LIMITED TO FEE RECEIVED.
- 19) The estimated values contained within this appraisal report are subject to completion of plans and specifications if new construction.

## QUALIFICATIONS OF IVERSON C. GROVE MAI, SRA

### CONTACT

Address: 803 Bower St.  
Elkhart, In. 46514  
Phone: 574-295-9929  
Email: iverson@datacruz.com.

### EMPLOYMENT

1980 – 11/1983 Independent Residential appraiser  
11/1983 – 9/1991 Appraisal Officer for Ameritust National Bank  
FKA First National Bank Elkhart  
Duties: Residential & Commercial Appraisals  
Appraisal Quality Control (In. & Mi.)  
Selection of Independent Appraisers  
Environmental oversight

9/91 to present: Independent fee appraiser Nonresidential focus

### LICENSES

Indiana Certified General Appraiser #CG69100422  
*Expires 6/30/2024*

Indiana Instructor-Appraiser CE INST001401  
Tax Appeal

### EDUCATION

B.A. Goshen College 1972  
Teacher Education Certificate level 5 University of Manitoba  
Marshall Valuation Service (*repeated sections and times*)  
Indiana Building Code 1 & 2 family workshop 1987 & 1989  
Conservation Easements  
Undivided Partial Interests  
IAAO 300 Fundamentals of Mass appraisal  
All classes relevant for SRA & MAI designations  
CE complete for Appraisal Institute, State of Indiana  
American Institute of Banking: RE Finance; Principals of banking



## **AFFILIATIONS**

Appraisal Institute

SRA Conferred 11/1988

MAI Conferred 7/1996

Northern Indiana/ SW Michigan Chapter

Positions held: President: 1989, 1990, 2001, 2005, 2006

Director: 1984, 1985, 1991, 2002, 2007

National:

Residential Guidance Subcommittee:

Region V: 1991 – 1995

Chair: 1996, 1997

Residential Admissions Committee: 1996 – 1997

National Experience Reviewer: 1997 – 2004

National Experience Review panel: 2005- 2006

National General Experience Committee: 1998 – 2000

Indiana Farm Bureau Elkhart Co.

### **Past Affiliations:**

**National Association of Realtors**

**Indiana Association of Realtors**

**Elkhart Association of Realtors**

**Positions held:** President, Vice President, Secretary, Treasurer, Director, Various committee chairs.

### **MEMBER ELKHART COUNTY PROPERTY TAX ASSESSMENT BOARD OF APPEALS**

2001 – 2006

2007 – 2023 President.

Member Elkhart County Plan Policy Committee 2012/2014

### **TEACHING**

Public Schools in Manitoba, Ca.

American Institute of Banking, South Bend Chapter

Underwriters Guide to Real Property Appraisal 1990, 1991

Contents included Title XI of FIRREA and USPAP

How to write an Appraisal for Tax Appeal: Indiana

## REFERENCES

### **Duane Klein**

First State Bank Middlebury  
200 NIBCO Parkway  
Elkhart, In.  
574-295-3949

### **Michael Pianowski**

Attorney  
300 Riverwalk Dr.  
Elkhart, In 46516  
574-294-1499

### **Gavin Fisher**

Assessor  
574-361-2261  
[gfisher@equivaltax.com](mailto:gfisher@equivaltax.com)

### **Mark Noeldner**

Consultant  
574-360-9008  
[mdnoeldner@gmail.com](mailto:mdnoeldner@gmail.com)

### **Gordon Lord**

Attorney  
Yoder Ainlay Ulmer & Buckingham  
Goshen, In. 46526  
574-533-7171  
[GLord@yaub.com](mailto:GLord@yaub.com)

### **Brian Hoffer**

Attorney  
Kindig & Sloat  
574-773-7996  
[BHoffer@KindigandSloat.com](mailto:BHoffer@KindigandSloat.com)

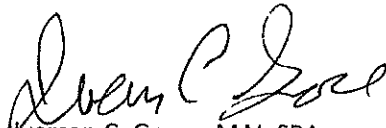
## Certification

I certify that, to the best of my knowledge and belief:

- The statements of fact are true and correct
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analysis, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the last three year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- As of the date of this report, I, have not completed the continuing education program for Designated members of the Appraisal Institute.
- The reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of the Professional Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by it duly authorized representatives.

Date:

3/23/23

  
Iverson C. Grove, MAI, SRA

Indiana Certified General Appraiser CG-69100422

## Iverson Grove

---

**From:** Fann, Adam <Adam.Fann@coei.org>  
**Sent:** Thursday, March 16, 2023 8:12 AM  
**To:** Iverson Grove (iverson@datacruz.com); Steve Sante  
**Subject:** Congrats, more work for you.

Gentlemen,

I need costs on appraisals for the properties below.

20-02-26-126-026.000-027

20-02-26-126-019.000-027

20-02-26-126-027.000-027.

20-02-26-126-031.000-027

20-02-26-126-029.000-027

Thanks

Adam Fann  
Assistant Director of Redevelopment  
City of Elkhart  
201 South Second Street  
Elkhart, IN 46516-3112  
O: (574) 294-5471, ext. 1019  
M: (574) 369-9398



---

**DATE:** June 1, 2023  
**TO:** Elkhart Common Council, Arvis Dawson President  
**FROM:** Josh Holt, Central Garage Fleet Manager  
**RE:** Appropriation Request for Emergency Purchase of Police Vehicles

---

The administration requests your consideration of an appropriation in an amount not to exceed \$250,000 to allow the Central Garage to replenish depleted vehicle stock for the Police Department.

Our ability to secure vehicles in a timely manner has been severely challenged. This is due to major supply chain issues which persist since the pandemic, impacting Ford and other manufacturers and drastically delaying the manufacture and delivery of vehicles.

This appropriation will allow for the purchase of any available vehicles that are already in stock at dealers. The bid process has begun and will be awarded pending Council approval of this appropriation.

For background here are the Police Department's losses & gains of existing stock over the past few years:

- 2020
  - Lost 14 vehicles; gained 11
- 2021
  - Lost 12 vehicles; gained 13
- 2022
  - Lost 11 vehicles, gained 3

As supply chain issues worsened, we lost our ability to replace vehicles that were retired. Additionally, in 2022, our order of 13 patrol cars was canceled by Ford putting us even further behind. We want to be able to take advantage of stock when it's available and not anticipating the continuation of this problem in 2023, we did not budget for this amount. The police department is currently behind by 10 vehicles. Any vehicles we are able to replace in 2023, we will not need to be included in the 2024 budget.

We greatly appreciate your consideration. Staff will be available for your questions.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROPRIATING THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$355,000.00) FOR PURCHASE OF FIVE NEW POLICE UNITS AND LAW ENFORCEMENT KITS, FOR THE ELKHART POLICE DEPARTMENT**

---

WHEREAS, the City of Elkhart has been engaged in a multi-year process to replenish depleted vehicle stock for the Elkhart Police Department; and

WHEREAS, the Administration has identified an opportunity to secure up to five (5) vehicles suitable for law enforcement use in current stock at a dealership; and

WHEREAS, the Administration now seeks to secure the purchase of five (5) vehicles and thereafter equip the vehicles with the requisite law enforcement upgrade kits for use by the Elkhart Police Department; and

WHEREAS, the Administration requests an appropriation of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) for the purchase of five (5) new police units, and the installation of the law enforcement upgrade kits; and

WHEREAS, the purchase of the five (5) vehicles at this time will reduce the number of vehicles that would otherwise be purchased scheduled for purchase in the 2024 budget; and

WHEREAS, there exists within the unappropriated funds of the General Fund, monies sufficient and appropriate for the purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhart, Indiana, that:

Section 1. Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) be, and hereby is, appropriated from the General Fund and allocated to the following account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
1101-5-219-4440200	Motor Equipment	\$355,000.00

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 the taxpayers of the City of Elkhart, Indiana, shall have then and there the right to be heard.

Section 3. This Ordinance shall be in effect from and after its passage and approval, according to law.

ORDAINED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

ATTEST:

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk





**B.O.W. SUMMARY**

**June 6, 2023**

**Sewer Assessment Application:**

Matthew Chupp  
3231 Kelsey Ave  
Elkhart, IN. 46517  
Property: 3231 Kelsey Ave  
Paid \$7500.00

**Water Assessment Applications:**

William Moyer Jr.  
609 Charles St.  
Elkhart, IN. 46516  
Property: 609 Charles St.  
Paid \$282.66, Payment Plan

Matthew Chupp  
3231 Kelsey Ave  
Elkhart, IN. 46517  
Property: 3231 Kelsey Ave  
Paid \$2469.00

Bristol Street Investments  
719 E. Bristol  
Elkhart, IN. 46514  
Property: 719 E. Bristol  
Paid \$1365.00

**Revocable Permits:**

#6557, Owner: Habitat for Humanity, Elkhart County  
Property: Hope Ct. Cul de Sac  
Permit Holder: Habitat for Humanity Elkhart  
Description: Outdoor Tent 30 x 30

6558, Owner: City of Elkhart Public Right of Way  
Property: 2399 Prairie St.  
Permit Holder: Mobilitie, LLC  
Description: Remove all equipment installed on utility pole

**Release of Bond:**

#5077, Contractor: Modway Homes, LLC  
Property: 1308 Magnolia Ave  
\$600.00 Bond




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**MEMORANDUM**

---

**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-09

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER ALLIANCE RV, LLC \ 3 CREEK, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-8-19, R-9-19 AND R-10-19

---

This resolution relates to the property tax phase-in benefits awarded to Alliance RV, LLC \ 3 Creek, LLC.

Proposed Resolution 23-R-09 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Alliance RV is a premier, family-owned company that began production in fall 2019. They're located on Benchmark Drive in Elkhart.

In 2019, the Common Council approved a seven-year real property and five-year personal property tax phase-in. Alliance's SB-1 real property estimated an investment of \$11,300,000 to construct a manufacturing facility, a new road, and headquarters. Their CF-1 showed an investment of \$11,781,653 which resulted in a compliance rate of 104%.

Their SB-1 personal property estimated an investment of \$950,000 in total personal property for new manufacturing, R&D, logistical distribution, and IT equipment. Their CF-1 showed a total investment of \$1,358,259 which resulted in a compliance rate of 143%.

Alliance's SB-1 estimated 175 new jobs from this project. Their CF-1 showed 175 were created which resulted in a compliance rate of 100%. The MOA with Alliance establishes a wage rate of \$67,211 per year for new employees. Their CF-1 showed they are 97% compliant.

Alliance was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found Alliance to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER ALLIANCE RV, LLC \ 3 CREEK, LLC ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-8-19,  
R-9-19 AND R-10-19**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at SE corner of Beck Drive and CR 17, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-8-19 and R-9-19 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-10-19 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Alliance RV, LLC \ 3 Creek, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Alliance RV, LLC \ 3 Creek, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Alliance RV, LLC \ 3 Creek, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Alliance RV, LLC \ 3 Creek, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-8-19, R-9-19 and R-10-19.

1.2 Alliance RV, LLC \ 3 Creek, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-8-19, R-9-19 and R-10-19, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

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B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

### Abatement Worksheet

**Company**

Alliance RV/3 Creek LLC (2019)

	SB-1/MOU	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 11,300,000.00	\$ 11,781,653.00	104.3%
<b>Personal Property</b>			
Manufacturing Equipment	\$ 750,000.00	\$ 1,136,885.00	151.6%
R&D Equipment	N/A	N/A	N/A
Logistic Distribution Equipment	\$ 100,000.00	\$ 184,055.00	184.1%
IT Equipment	\$ 100,000.00	\$ 37,319.00	37.3%
Total Personal Property	\$ 950,000.00	\$ 1,358,259.00	143.0%
<b>Jobs</b>			
Retained Jobs	N/A	N/A	N/A
New Jobs	175	175	100.0%
Current Jobs	N/A	N/A	
<b>Wages</b>			
Retained-Total Wages	N/A	N/A	N/A
Retained-Average Wages	N/A	N/A	N/A
New Jobs-Total Wages	\$ 11,761,925.00	\$ 11,418,750.00	97.1%
New Jobs-Average Wages	\$ 67,211.00	\$ 65,250.00	97.1%
Current Jobs-Total Wages	N/A	N/A	





# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-8 and IC 6-1.1-12.1-5.6.

**FORM GF-1 / PP**

**2023 PAY 2024**

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION								
Name of Taxpayer ALLTANCE RV, LLC						County Elkhart		
Address of Taxpayer (street and number, city, state and ZIP code) 301 BENCHMARK DR. ELKHART IN 46516						DLGF Taxing District Number 039		
Name of Contact Person Andrew Kominowski				Telephone Number 574-849-0767		Email Address		
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY								
Name of Designating Body City of Elkhart				Resolution Number R-09-19, R-10-19		Estimated Start Date (month, day, year) 08/01/2020		
Location of Property 5313 BECK DR & 301 BENCHMARK ELKHART, IN 46516						Actual Start Date (month, day, year) 10/31/2019		
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. See attached						Estimated Completion Date (month, day, year) 07/31/2020		
						Actual Completion Date (month, day, year) 02/28/2021		
SECTION 3 EMPLOYEES AND SALARIES								
EMPLOYEES AND SALARIES						AS ESTIMATED ON SB-1		ACTUAL
Current Number of Employees								
Salaries								
Number of Employees Retained								
Salaries						175		175
Number of Additional Employees						35		11,416,750
Salaries								
SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project								
Plus: Values of Proposed Project	150,000	150,000			100,000	100,000	100,000	100,000
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	150,000	150,000			100,000	100,000	100,000	100,000
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project								
Plus: Values of Proposed Project	1,116,885	714,021			161,055	58,154	37,319	10,167
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	1,116,885	714,021			161,055	58,154	37,319	10,167
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
WASTE CONVERTED AND OTHER BENEFITS						AS ESTIMATED ON SB-1		ACTUAL
Amount of Solid Waste Converted								
Amount of Hazardous Waste Converted								
Other Benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of Authorized Representative <i>Andrew Kominowski</i>				Title Chief Financial Officer			Date Signed (month, day, year) 5/10/2023	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51765 (R6/1-23)  
Prescribed by the Department of Local Government Finance

2023 PAY 2024  
**FORM CF-1 / Real Property**

**PRIVACY NOTICE**  
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

**INSTRUCTIONS:**

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer <b>3 CREEK, LLC</b>	County <b>ELKHART</b>	
Address of Taxpayer (number and street, city, state, and ZIP code) <b>301 BENCHMARK DR. ELKHART, IN 46510</b>	DLGF Taxing District Number <b>039</b>	
Name of Contact Person <b>ANDREW KOMINOWSKI</b>	Telephone Number <b>(574) 849-0767</b>	Email Address <b>andy.kominowski@alliancecv.com</b>
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body <b>CITY OF ELKHART COMMON COUNCIL</b>	Resolution Number <b>R-09-19, R-10-19</b>	Estimated Start Date (month, day, year) <b>5/1/2019</b>
Location of Property <b>SE CORNER OF BECK DRIVE AND CR 17</b>		Actual Start Date (month, day, year) <b>9/25/2019</b>
Description of Real Property Improvements <b>New 132,500 SF Manufacturing facility and additional 125,000 SF development within 30 acre plat. New City spec road opening up 108 acre parcel for future development for manufacturing and technology park.</b>		Estimated Completion Date (month, day, year) <b>12/31/2021</b>
		Actual Completion Date (month, day, year) <b>12/31/2020</b>
SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees		
Salaries		
Number of Employees Retained		
Salaries		
Number of Additional Employees	<b>175</b>	<b>175</b>
Salaries		<b>11,418,750</b>
SECTION 4 COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	\$	\$
Plus: Values of Proposed Project	\$ <b>11,300,000</b>	\$
Less: Values of Any Property Being Replaced	\$	\$
Net Values Upon Completion of Project	\$	\$
ACTUAL	COST	ASSESSED VALUE
Values Before Project	\$	\$
Plus: Values of Proposed Project	\$ <b>11,781,663</b>	\$ <b>TO BE DETERMINED</b>
Less: Values of Any Property Being Replaced	\$	\$
Net Values Upon Completion of Project	\$	\$
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative <i>Andrew Kominowski</i>	Title <b>Chief Financial Officer</b>	Date Signed (month, day, year) <b>5/2/2023</b>



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51781 (04/11-18)  
Prescribed by the Department of Local Government Finance

**FORM 5B-1/PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and appraised value used in individual assessments by the property owners is confidential per IC 6-1.1-12.1-8.7.

**INSTRUCTIONS**

- The statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise the statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying available equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose statement of benefits was approved, must submit Form 0F-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-8.6)
- For a Form 5B-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form 5B-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

Name of taxpayer <b>Albano RV, LLC</b>		Name of bonded person <b>Thomas Coley Brady or Ryan Brady</b>						
Address of taxpayer (Number and street, city, state, and ZIP code) <b>5180 Meadow Ridge Court, Granger, IN 46530</b>		Telephone number <b>(674) 850-1324</b>						
Name of designating body		Assessment number (s)						
Location of property <b>South East Corner of Back Drive and CR 17</b>		County <b>Elkhart</b>						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.)		ESTIMATED						
			START DATE	COMPLETION DATE				
		Manufacturing Equipment	03/01/2019	07/31/2020				
		R & D Equipment						
		Logist Dist Equipment	10/01/2019	08/30/2020				
IT Equipment	10/01/2019	04/30/2020						
Current number	Relation	Number of employees	Number of seasonal employees					
		<b>175 employees</b>	<b>95 seasonal</b>					
NOTE: Pursuant to IC 6-1.1-12.1-8.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
	Current values				100,000	100,000	100,000	100,000
	Plus estimated value of proposed project	750,000	750,000					
	Less value of any property being replaced							
Net estimated values upon completion of project								
Estimated acid waste converted (pounds)				Estimated hazardous waste converted (pounds)				
Other benefits:								
I hereby certify that the foregoing is true to the best of my knowledge.						Date signed (month/day/year)		
Signature of taxpayer <i>Thomas Coley Brady</i>						<b>03/10/2019</b>		
Printed name of authorized representative <b>Thomas Coley Brady</b>				Title <b>Co-President/Owner</b>				



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51207 (80/10-1)

Prescribed by the Department of Local Government Finance

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 8-1.1-12.1-1)
- Frankly dismissed area (IC 8-1.1-12.1-4.1)

### INSTRUCTIONS:

1. This statement must be submitted to the governing body in the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body PERIOD of the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation of real property unless the person wishes to claim a deduction.
3. To obtain a deduction, a Form 32200 must be filed with the County Auditor before May 10 of the year in which the applicant is assessed valuation is made or later than May 10 if the assessment notice is mailed to the property owner after April 10. A property owner who fails to file a deduction with the governing body may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor with a Form 32200 Property Valuation Worksheet for each year the deduction is claimed and then update annually for each year the deduction is applicable, IC 8-1.1-12.1-6.1(b).
5. For a Form 32200 Property Valuation Worksheet that is prepared after June 30, 2018, the designating body is required to establish an apportionment schedule for each deduction allowed. For a Form 32200 Property Valuation Worksheet prepared prior to July 1, 2018, the apportionment schedule approved by the designating body remains in effect. IC 8-1.1-12.1-7

20__ PAY 20__
FORM 51207 / Real Property
<b>PRIVACY NOTICE</b>
Any information concerning the cost of the property and the value of the improvements is confidential information under IC 8-1.1-12.1-6.1.

<b>SECTION 1: GENERAL INFORMATION</b>	
Name of taxpayer	<b>3 Creek LLC</b>
Address of taxpayer (number and street, city, state and zip code)	<b>51801 Meadow Ridge Court Granger IN 46530</b>
Name of taxpayer person	<b>Ryan Brady</b>
Telephone number	<b>(574) 370-5728</b>
E-mail address	<b>ryan.m.brady@gmail.com</b>
<b>SECTION 2: LOCATION AND DESCRIPTION OF PROPOSED PROJECT</b>	
Name of development	<b>3 Creek Park</b>
Location of property	<b>SE corner of Beck Drive and CR 17</b>
County	<b>Elkhart</b>
City or town	<b>Granger</b>
Estimated start date (month, day, year)	<b>5/1/2019</b>
Estimated start date (month, day, year)	<b>12/30/2021</b>
<b>SECTION 3: ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT</b>	
Current employees	0
Proposed employees	175.00
Salaries	
<b>SECTION 4: ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT</b>	
<b>REAL ESTATE IMPROVEMENTS</b>	
Current value	
Plus estimated value of proposed project	<b>11,300,000.00</b>
Less value of any property being replaced	
Net estimated value from completion of project	
<b>SECTION 5: GROSS CONVERSION AND OTHER MARKET PROBLEMS AND OTHER FACTORS</b>	
Estimated gross value converted (pounds)	
Estimated net value converted (pounds)	
<b>SECTION 6: APPLICABLE INFORMATION</b>	
I hereby certify that the representations in this statement are true.	
Signature of authorized representative	<b>Thomas Coley Brady</b>
Date signed (month, day, year)	<b>4/12/2019</b>
Printed name of authorized representative	<b>THOMAS COLEY BRADY</b>
Title	<b>Co-President</b>

## MEMORANDUM OF AGREEMENT

### Personal Property

This Memorandum of Agreement ("Agreement") serves as a confirmation of the good-faith commitment by Alliance RV, LLC & Creek, LLC, (hereinafter, the "Applicant") to use its reasonable best efforts to implement the Project as described, to create and retain the jobs and pay the wages specified in the Applicant's Property Tax Phase-In Application for designation of certain real property as an Economic Revitalization Area, ("Application"), and the Statement of Benefits Personal Property Improvement (Form SB-1 Personal Property, as the same may have been amended, herein after "Statement of Benefits"), and to fulfill its obligations set forth within this Agreement ("Applicant's Commitment").

#### 1. Commitments of City and Applicant:

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-3, the City of Elkhart, Indiana ("City"), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed installation of manufacturing equipment for five (5) years (consecutive) on the Applicant's real property to be located at 350 Benchmark Drive, Elkhart, IN 46516 (hereinafter, the "Subject Property"), which is more specifically described in Exhibit A of this Agreement. The amount of the deduction from the assessed value of the Subject Property shall be according to the deduction schedule shown in Exhibit B of this Agreement (hereinafter, the "Tax Phase-In"). The Tax Phase-In shall start with the first year in which the assessed value of the Subject Property increases because of the proposed manufacturing equipment. The Applicant acknowledges and agrees that the designation of the Subject Property as an economic revitalization area expires on December 31, 2023, and the Project (as hereafter defined) must be completed by then for the Applicant to be or remain eligible to receive the Tax Phase-In benefits.

(b) Subject to Section 1 herein, the Applicant agrees that by December 31, 2022, it will make a total capital expenditure of One Million Five Hundred Eighty Thousand Dollars (\$1,580,000.00) associated with the investment of manufacturing equipment for coaters, rollers, lifts, loaders/unloaders, hot melt machines, welders, bending/press breaks, etc. at the Subject Property (the "New Equipment"), which will create at least 85 new full-time permanent positions with an average annual salary of no less than \$58,240.00, while retaining 175 jobs with an average annual salary of no less than \$67,200.00, based on two thousand forty hours (2,040) annually. The Applicant further agrees to contribute fifteen percent (15%) of the amount of personal property taxes abated under the Tax Phase-In, which payment will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement and remitted to the City. Payment of the contribution shall (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in the year following the first year in which the assess value of the subject property increases by reason of the Project and shall continue and each year thereafter during the term of the Tax Phase-In deduction period set forth in Exhibit B, unless modified by agreement of the City of Elkhart and the Applicant.

2. Applicant's Compliance with City and State Laws: During the term of the Tax Phase-In, the Applicant shall use its good-faith efforts to comply with all applicable provisions of Indiana Code 6-1.1-12.1. Also, during the term of the Tax Phase-In, the City may annually request information from the Applicant concerning the nature of the Project, the costs of the Project and the amount of and average wages for the jobs, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request ("Annual Survey"). The City shall utilize this information and the information provided by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in Applicant's Commitment at all times after the date thereof until the expiration of the Tax Phase-In. The Applicant further agrees to provide the City with

such additional information reasonably requested by the City related to the information provided in the Annual Survey and the CP-1 form within fifteen (15) days following any such additional request.

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-In if it determines that the Applicant has not substantially complied with all of the Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: by December 31, 2022, (1) making capital expenditures of not less than Ninety-Five Percent (95%) of the capital expenditures referenced in Section 1 above for the Project, (2) creating not less than Ninety-Five Percent (95%) of the jobs referenced in Section 1 above, and (3) those new jobs will have an average annual salary of at least \$58,240.00, excluding benefits, while retaining the jobs referenced in Section 1 of this Agreement and at the specified average annual rate of pay.

4. Factors Beyond Applicant's Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors that: (i) are not reasonably foreseeable at the time of designation, application, and submission of the Statement of Benefits; (ii) are not caused by any grossly negligent act or omission of the Applicant; and (iii) do not materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

5. Repayment of Tax Phase-In Savings:

(a) During the term of this Agreement, if the Applicant: (i) is delinquent or in default for a period of sixty (60) days with respect to any tax payment due in Elkhart County, Indiana; or (ii) ceases operations at the facility for which the Tax Phase-In was granted for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event); or (iii) announces the cessation of operations at such facility for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event), then the City may terminate the Economic Revitalization Area designation and associated Tax Phase-In benefits, and upon such termination, require the Applicant to repay all of the Tax Phase-In benefits received through the date of such termination, so long as it follows the procedures set forth in Section 7. Such repayment of received benefits shall be calculated as provided in Section 5(b). The amount of benefit repayment shall be measured against the level of noncompliance.

(b) In the event the City terminates this Agreement in accordance with this Section 5, the Applicant will be required to repay only that percentage of the Tax Phase-In benefits received through the date of termination that is equal to the percentage of the Applicant's noncompliance with Section 1 above, less the fifteen percent (15%) tax savings to the City. For purposes of this Agreement, the percentage of the Applicant's noncompliance with Section 1 above shall be calculated as follows: the amount of actual investment in each particular category (average annual salary, number of jobs, and personal property investment) shall be divided by the corresponding established amount for substantial compliance in that category to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance. The percentage of noncompliance shall equal the percentage of benefit repayment.

Example: If an applicant promises 100 jobs, 95 jobs represent substantial compliance, and 85 jobs are actually created, then the percentage of benefit repayment is the following: 85 actual jobs created ÷ 95 jobs representing substantial compliance = 89.47% compliance rate. 100% - 89.47% compliance rate = 10.53% noncompliance rate

10.53% of received benefit will be repaid, less a credit for the 15% remitted to the City's Tax Phase-In Development Fund.

If the Applicant fails to achieve substantial compliance in more than one category, the category with the lowest compliance rate will be used to determine the repayment percentage.

6. Assessment Appeals. Neither the Applicant, nor its successors and assigns, shall file any property tax assessment appeal, review, or other challenge of the property tax assessment made for the Project involved during the term of the Tax Phase-In unless one of the following conditions occurs during the deduction period:

(a) the original assessment for the Project as determined by the Elkhart County Assessor ("Assessor") is in excess of the total capital expenditure for the Project as set forth in Section 1 of this Agreement; or

(b) a trending assessment or a reassessment by the Assessor increases the assessment for the Project by more than fifteen percent (15%) from one year to the next year, or by more than an average of ten percent (10%) per year over two (2) or more years.

7. Notice/Hearing of Termination: In the event that the City determines in accordance with Section 5 above that (i) the Economic Revitalization Area designation and associated Tax Phase-In benefits should be terminated or (ii) that all or a portion of the Tax Savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the Tax Phase-In benefits should not be terminated and/or repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the Tax Phase-In benefits termination and/or repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the Tax Phase-In termination and/or repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Common Council. Before any final action shall be taken terminating the Tax Phase-In and/or requiring repayment of Tax Phase-In benefits, any such action shall be subject to judicial review under Indiana Code 6-1.1-12.1-5.9(e).

8. Repayment: In the event the City requires repayment of the Tax Phase-In benefits as provided following the procedures set forth in Section 7 hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall repay its actual amount of Tax Phase-In benefits to the City within thirty (30) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement and collection of the Tax Phase-In benefits required to be repaid hereunder.

9. Modification/In the Agreement: This Agreement and any schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the Tax Phase-In are solely the responsibility of the Applicant.

10. Waivers: Neither the failure, nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana: This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction: The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Elkhart County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notice: All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand, by first-class (with confirmation) by registered or certified mail, on the next business day following the mailing by a nationally recognized overnight commercial courier, or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:

Alliance RV, LLC  
Colcy Brady  
Owner/CFO  
301 Benchmark Drive  
Elkhart, IN 46516

3 Creek, LLC  
Colcy Brady  
Owner/CFO  
301 Benchmark Drive  
Elkhart, IN 46516

If to the City of Elkhart:

Office of the Mayor  
229 S. Second Street  
Elkhart, Indiana 46516

Copy to:

Elkhart Common Council  
c/o Administrative Assistant to the Council  
229 S. Second Street  
Elkhart, Indiana 46516

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each party certifies that each person so executing it has been duly authorized to execute this



Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

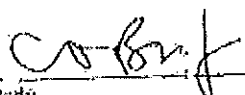
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

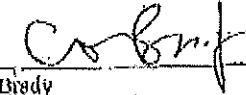
APPLICANT:

Alliance RV, LLC  
301 Benchmark Drive  
Elkhart, IN 46516

3 Creek, LLC  
301 Benchmark Drive  
Elkhart, IN 46516

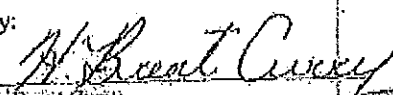
By:

  
Coley Brady  
Owner/CEO Co-Founder


  
Coley Brady  
Owner/Member

CITY OF ELKHART:


By:

  
H. Brent Curry  
President of the Elkhart Common Council


Attest:

  
Angela Odroyd  
Elkhart City Deputy Clerk

By

  
Rod Ruberson  
Mayor of the City of Elkhart

Attest:

  
Angela Odroyd  
Elkhart City Deputy Clerk

Approved as to form:

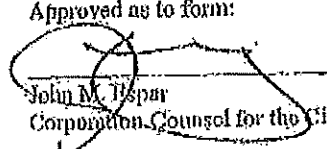
  
John M. Hepar  
Corporation Counsel for the City of Elkhart

Exhibit A  
Description of Real Property

(Economic Revitalization Area and Project Area)

**Legal Description:**

SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1247.08 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 13 MINUTES 48 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 1037.79 FEET TO THE NORTHEAST CORNER OF THE LANDS OF IRMON AND MAXINE BECK AS DESCRIBED IN DEED VOL. 391, PG. 925, SAID POINT MONUMENTED BY A 5/8-INCH REBAR WITH "SCHNAARS" IDENTIFICATION; THENCE SOUTH 89 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS OF BECK, A DISTANCE OF 22.82 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH-FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 46 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 985.37 FEET TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 5 EAST, SAID POINT MONUMENTED BY A CAST-IRON "HARRISON" MONUMENT FOUND IN AGREEMENT WITH ELKHART COUNTY SURVEYOR'S RECORD WITNESS; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 48.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE EAST, SAID POINT MONUMENTED BY A MAG SPIKE WITH "BERTSCH FRANK & ASSOCIATES FIRM #0081" IDENTIFICATION; THENCE NORTH 00 DEGREES 32 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 728.57 FEET, TO THE POINT OF BEGINNING, CONTAINING 109.837 ACRES, MORE OR LESS, EXCEPTING THE PLOTTED SUBDIVISION OF 3 CREEK PARK RECORDED IN THE OFFICE OF THE ELKHART COUNTY RECORDER IN PLAT BOOK 38 PAGE 99.

**Address:**

350 Benchmark Drive, Elkhart, IN 46516

**Parcel Identification Number(s):**

20-07-06-151-005.000-039

20-07-06-151-002.000-039

20-07-06-300-001.000-039

Exhibit B

Tax Deduction Schedule

YEAR EQUIPMENT INSTALLED IN THE IN THE ERA	2021 Payable 2022	2022 Payable 2023	2023 Payable 2024	2024 Payable 2025	2025 Payable 2026	2026 Payable 2027	2027 Payable 2028
2021	100%	80%	60%	40%	40%	-	-
2022	-	100%	80%	60%	60%	20%	-
2023	-	-	100%	80%	80%	40%	20%



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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-10

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER ALLIANCE RV, LLC \ 3 CREEK, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-08-21, R-13-21 AND R-14-21

---

This resolution relates to the property tax phase-in benefits awarded to Alliance RV, LLC \ 3 Creek, LLC.

Proposed Resolution 23-R-10 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/PP, SB-1/RP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Alliance RV is a premier, family-owned company that began production in fall 2019. They're located on Benchmark Drive in Elkhart.

In 2021, the Common Council approved a seven-year real property and five-year personal property tax phase-in. Alliance's SB-1 real property estimated an investment of \$15,000,000 in a new lamination facility and assembly building. Their CF-1 showed an investment of \$14,801,668 which resulted in a compliance rate of 98%.

Their SB-1 personal property estimated an investment of \$1,580,000 in total personal property for equipment associated with their new lamination building. Their CF-1 showed an investment of \$3,060,549 which resulted in a compliance rate of 193%.

Alliance's SB-1 estimated 85 new jobs from this project. Their CF-1 showed 366 were created which resulted in a compliance rate of 430%. The average wages for new jobs are 98% compliant.

Alliance RV was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found Alliance to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER ALLIANCE RV, LLC \ 3 CREEK, LLC ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-08-21,  
R-13-21 AND R-14-21**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 350 Benchmark Drive, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-08-21 and R-13-21 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-14-21 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Alliance RV, LLC \ 3 Creek, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Alliance RV, LLC \ 3 Creek, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Alliance RV, LLC \ 3 Creek, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Alliance RV, LLC \ 3 Creek, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-08-21, R-13-21 and R-14-21.

1.2 Alliance RV, LLC \ 3 Creek, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-08-21, R-13-21 and R-14-21, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk

## Abatement Worksheet

**Company**

Alliance RV/3 Creek LLC (2021)

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 15,000,000.00	\$ 14,801,668.00	98.7%
<b>Personal Property</b>			
Manufacturing Equipment	\$ 1,400,000.00	\$ 1,401,075.00	100.1%
R&D Equipment	\$ 160,000.00	\$ 1,589,015.00	993.1%
Logistic Distribution Equipment	\$ 20,000.00	\$ 70,459.00	352.3%
IT Equipment	\$ -	\$ -	
Total Personal Property	\$ 1,580,000.00	\$ 3,060,549.00	193.7%
<b>Jobs</b>			
Retained Jobs	175	175	100.0%
New Jobs	85	366	430.6%
Current Jobs	175	541	
<b>Wages</b>			
Retained-Total Wages	\$ 11,700,000.00	\$ 11,418,750.00	97.6%
Retained-Average Wages	\$ 66,857.14	\$ 65,250.00	97.6%
New Jobs-Total Wages	\$ 4,900,000.00	\$ 20,710,997.00	422.7%
New Jobs-Average Wages	\$ 57,647.06	\$ 56,587.42	98.2%
Current Jobs-Total Wages	\$11,700,000.00	\$32,129,747.00	



RSM US LLP

April 28, 2023

52700 Independence Court  
P O Box 99  
Elkhart, IN 46515-0099

Mr. Drew Wynes  
City of Elkhart - Economic Development  
229 South Second Street  
Elkhart, IN 46516

O 574.522.0410  
F 574.295.2138

[www.rsmus.com](http://www.rsmus.com)

Re: 3 Creek, LLC  
CF-1/RE  
Resolution R-09-19  
Resolution R-08-21,13-21,14-21

Dear Mr. Wynes:

To comply with the requirement of the above Resolution, a copy of the Compliance with Statement of Benefits Real Estate Improvements, Form CF-1/RE has been attached to the Form 322/RE. The attached copy has not been signed by the designating body.

The taxpayer is sending one copy of the CF-1/RE to the following designating body with instructions to sign and forward a copy to you:

Elkhart Common Council  
Attn: Angie McKee  
229 South Second Street  
Elkhart, IN 46516

A copy of the filing has also been forwarded to the Elkhart County Auditor's office and the Elkhart County Assessor's office. We understand the enclosed information satisfies the requirements for abatement compliance with Resolution number R-09-19 and Resolution number R-08-21,13-21,14-21.

Please contact this office if you have questions.

Sincerely,

RSM US LLP

Jennifer Hawkins  
Supervisor - Tax Services

Enclosures

THE POWER OF BEING UNDERSTOOD  
AUDIT | TAX | CONSULTING



# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**  
**2023 PAY 2024**

**INSTRUCTIONS:**

1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
2. This form must be filed with the Form 163-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION		
Name of taxpayer <b>ALLIANCE RV, LLC</b>	County <b>Elkhart</b>	
Address of Taxpayer (street and number, city, state and ZIP code) <b>301 BENCHMARK DR. ELKHART IN 46516</b>	DLGF Taxing District Number <b>039</b>	
Name of Contact Person <b>Andrew Kominowski</b>	Telephone Number <b>574-849-0767</b>	Email Address

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body <b>Elkhart City Council</b>	Resolution Number <b>R-13-21, R-14-21</b>	Estimated Start Date (month, day, year) <b>10/30/2021</b>
Location of Property <b>5313 BECK DR &amp; 301 BENCHMARK ELKHART IN 46516</b>		Actual Start Date (month, day, year) <b>03/31/2021</b>
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. <b>See attached</b>		Estimated Completion Date (month, day, year) <b>12/31/2022</b>
		Actual Completion Date (month, day, year) <b>/ /</b>

SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	175	541
Salaries	11,100,000	32,139,747
Number of Employees Retained	175	175
Salaries	11,700,000	11,418,750
Number of Additional Employees	85	366
Salaries	4,900,000	20,710,997

SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	1,400,000				160,000		20,000	
Plus: Values of Proposed Project								
Less: Values of Any Property Being Replaced					160,000		20,000	
Net Values Upon Completion of Project	1,400,000							
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project					1,309,015	692,413	72,459	75,100
Plus: Values of Proposed Project	1,401,075	611,375						
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	1,401,075	611,375			1,309,015	692,413	72,459	75,100

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative <i>Andrew Kominowski</i>	Title <b>Chief Financial Officer</b>	Date Signed (month, day, year) <b>5/10/2023</b>

Prepared by: RSM US LLP • PO BOX 89, ELKHART, IN 46515-0089 • 574-522-0410



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51760 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

2023 PAY 2024

FORM CF-1 / Real Property

**INSTRUCTIONS:**

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(f))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (f) and (j).

**SECTION 1 TAXPAYER INFORMATION**

Name of Taxpayer <b>ALLIANCE RV/ 3 CREEK, LLC</b>		County <b>ELKHART</b>
Address of Taxpayer (number and street, city, state, and ZIP code) <b>301 BENCHMARK DR. ELKHART, IN 46516</b>		DLGF Taxing District Number <b>039</b>
Name of Contact Person <b>ANDREW KOMINOWSKI</b>	Telephone Number <b>(574 ) 849-0767</b>	Email Address <b>andy.kominowski@alliancercv.com</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of Designating Body <b>CITY OF ELKHART COMMON COUNCIL</b>	Resolution Number <b>R-08-21, R-13-21, R-14-21</b>	Estimated Start Date (month, day, year) <b>06/01/2021</b>
Location of Property <b>350 &amp; 500 BENCHMARK DR. ELKHART, IN 46516</b>		Actual Start Date (month, day, year) <b>06/01/2021</b>
Description of Real Property Improvements <b>Parcel # 20-07-06-151-005.000-039, new lamination facility (120K sq. ft.) to support operation on the site as well as a new assembly building (105K sq. ft.). Could included 20-07-06-151-002.000-039 &amp; 20-07-06-300-001.000-039 depending on final location and permitting.</b>		Estimated Completion Date (month, day, year) <b>06/01/2021</b>
		Actual Completion Date (month, day, year) <b>06/07/2021</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	175	541
Salaries	11,700,000	32,129,747
Number of Employees Retained	175	175
Salaries	11,700,000	11,418,750
Number of Additional Employees	86	366
Salaries	4,900,000	20,710,997

**SECTION 4 COST AND VALUES**

COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	
Values Before Project	\$	\$ 800	
Plus: Values of Proposed Project	\$ 15,000,000	\$	
Less: Values of Any Property Being Replaced	\$	\$	
Net Values Upon Completion of Project	\$	\$	
ACTUAL	COST	ASSESSED VALUE	
Values Before Project	\$	\$	
Plus: Values of Proposed Project	\$ 14,801,668	\$ TO BE DETERMINED	
Less: Values of Any Property Being Replaced	\$	\$	
Net Values Upon Completion of Project	\$	\$	

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of Authorized Representative <i>Andrew Kominowski</i>	Title <b>Chief Financial Officer</b>	Date Signed (month, day, year) <b>5/2/2023</b>
--	---	---



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**  
State Form 61704 (14 / 11-15)  
Prescribed by the Department of Local Government Finance

**FORM SB-1/PP**

**PRIVACY NOTICE**  
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 8-1-12.1-5.1.

**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying available equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form OE-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1-1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1-1-12.1-17)

SECTION 1 TAXPAYER INFORMATION										
Name of taxpayer <b>Alliance RV/3 Creek, LLC</b>					Name of contact person <b>Coley Brady, CEO</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>301 Benchmark Dr., Elkhart, IN 46516</b>					Telephone number <b>( 574 ) 218-7165</b>					
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT										
Name of designating body <b>Elkhart City Council</b>					County <b>Elkhart</b>		Resolution number(s) <b>039</b>			
Location of property <b>301 Benchmark Dr., Elkhart, IN 46516</b>					DLCF Exemption district number <b>039</b>					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) <b>New lamination building equipment including: coaters, rollers, lifts, loaders/unloaders, hot melt machines, welders, bonding/press broaks, air tables, stop saws, forklifts, new computer infrastructure (workstations and management/logistics software)</b>					<b>ESTIMATED</b>					
							START DATE		COMPLETION DATE	
					Manufacturing Equipment		10/30/2021		12/31/2022	
					R & D Equipment					
Logist Dist Equipment		10/31/2021		12/31/2022						
IT Equipment		10/31/2021		12/31/2022						
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT										
Current number <b>175</b>		Salaries <b>\$11,700,000</b>		Number of jobs <b>175</b>		Salaries <b>\$11,700,000</b>		Number of jobs <b>85</b>		
Salaries <b>\$4,600,000</b>										
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT										
NOTE: Pursuant to IC 8-1-1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST-DIST EQUIPMENT		IT EQUIPMENT		
		COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	
Current values		1,400,000				160,000		20,000		
Plus estimated values of proposed project										
Less values of any property being replaced										
Net estimated values upon completion of project										
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER										
Estimated solid waste converted (pounds)					Estimated hazardous waste converted (pounds)					
Other benefits:										
SECTION 6 TAXPAYER CERTIFICATION										
I hereby certify that the representations in this statement are true.							Date signed (month, day, year)			
Signature of authorized representative <i>Coley Brady</i>							1/8/21			
Printed name of authorized representative <b>COLEY BRADY</b>							Title <b>Co-Founder/owner</b>			



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 5747 (18 / 10-14)  
Prescribed by the Department of Local Government Finance

20__ PAY 20__
<b>FORM SB-4 / Real Property</b>
<b>PRIVACY NOTICE</b> Any information concerning the cost of the property and special sales paid to individual employees by the property owner is confidential per IC 6-1-12-1-4.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1-1-12.1-4)
- Incidentally distressed area (IC 6-1-1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant to make the decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the parish wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the property owner desires to claim a deduction.
- To obtain a deduction, a Form 3227E must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a redaction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1 (Real Property) should be attached to the Form 3227E when the deduction is first claimed and then updated annually for each year the deduction is applicable. (IC 6-1-1-12.1-5.1(i))
- For a Form SB-4/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-4/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1-1-12.1-17)

SECTION 1 TAXPAYER INFORMATION		
Name of taxpayer <b>Alliance RV/3 Creek, LLC</b>		
Address of taxpayer (number and street, city, state, and ZIP code) <b>301 Benchmark Dr., Elkhart, IN 46516</b>		
Name of contact person <b>Coley Brady, CEO</b>	Telephone number <b>(574) 218-7165</b>	E-mail address <b>coley@alliancev.com</b>

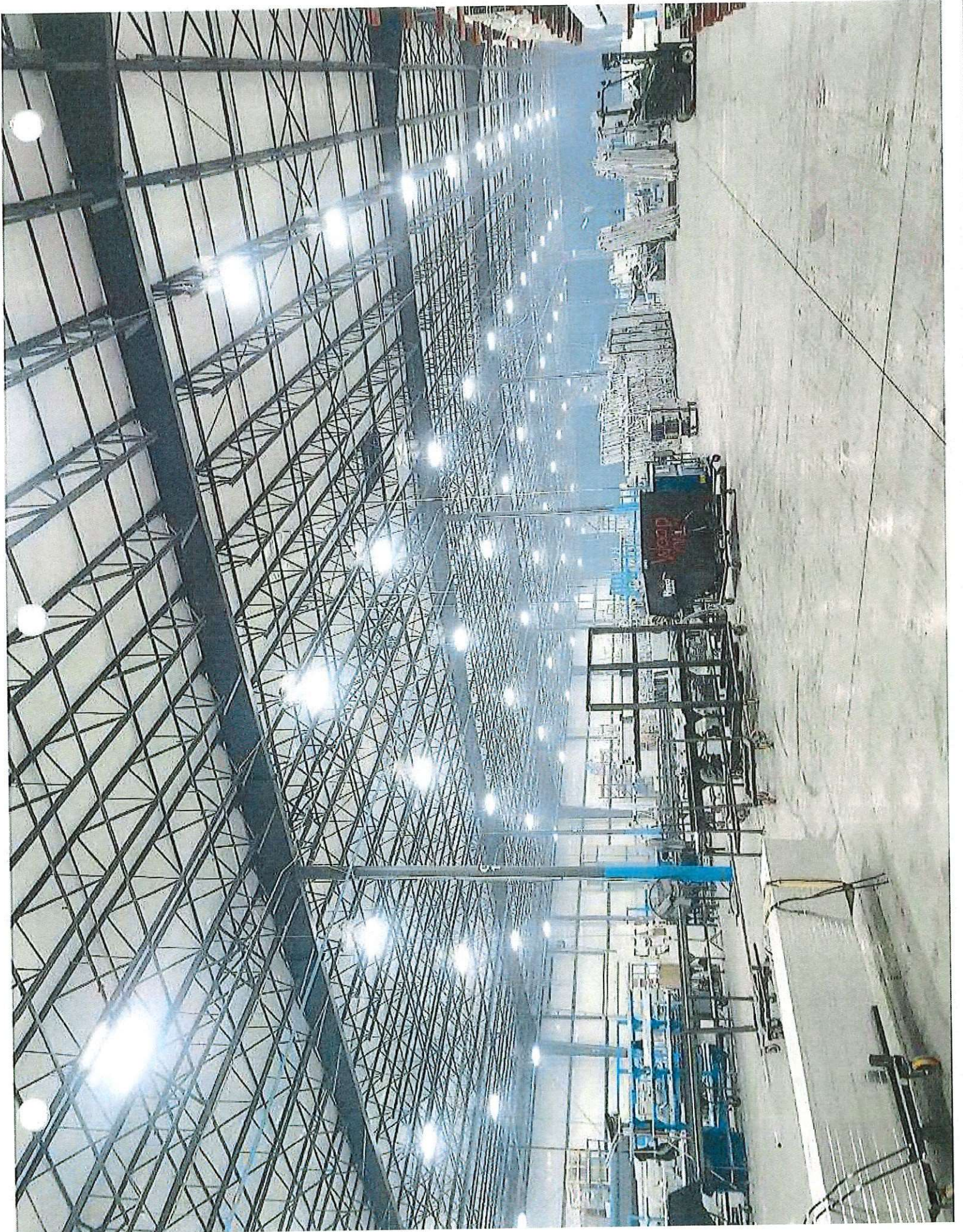
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body <b>Elkhart City Council</b>		Deduction number
Address of property <b>301 Benchmark Dr., Elkhart, IN 46516</b>		County <b>Elkhart</b>
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Parcel Number: 20070616100500030; the company is anticipating a new detached 14,000 sq. ft. to support the current operations on the site as well as a new assembly building (190k sq. ft.). Good include parcels: 20070616100200039 and 20070616100300039 depending on final location and permitting.</b>		PLGR taxing district number <b>039 Elkhart</b>
		Estimated start date (month, day, year) <b>08/01/2024</b>
		Estimated completion date (month, day, year) <b>05/01/2022</b>

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number added	Salaries	Number reduced	Salaries
<b>175.00</b>	<b>\$1,700,000.00</b>	<b>175.00</b>	<b>\$1,700,000.00</b>	<b>00.00</b>	<b>\$1,900,000.00</b>

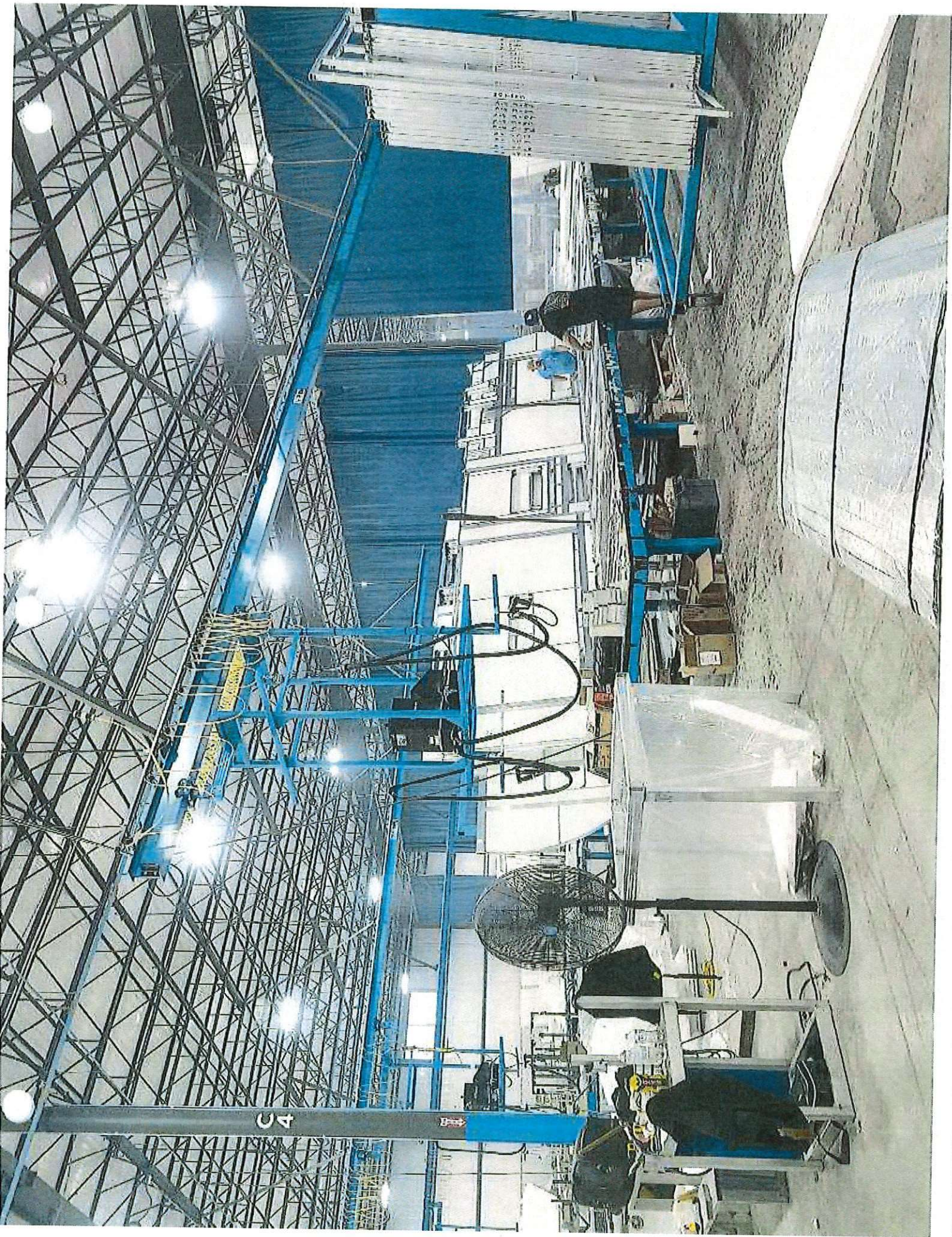
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT		
REAL ESTATE IMPROVEMENTS		
Current value	COST	ASSESSED VALUE
		<b>\$00.00</b>
Plus estimated value of proposed project		
Less value of any property being reduced	<b>16,000,000.00</b>	
Net estimated value upon completion of project		

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds)	Estimated hazardous waste converted (pounds)
Other benefits	

SECTION 6 TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.	
Signature of authorized representative <b>Coley Brady</b>	Date signed (month, day, year) <b>1/8/201</b>
Printed name of authorized representative <b>COLEY BRADY</b>	Title <b>CEO - Founder / owner</b>











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## MEMORANDUM

---

**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-11

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER ALPHA SYTEMS, LLC \ DVS, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-06-17, R-08-17 AND R-09-17

---

This resolution relates to the property tax phase-in benefits awarded to Alpha Sytems, LLC \ DVS, LLC.

Proposed Resolution 23-R-11 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Alpha Systems LLC has been a leader in manufacturing technology since 1984. They manufacture injection molding products, adhesives, sealants, cleaners, and many other products. They're located on Beck Drive in Elkhart.

Alpha Systems was recently acquired by Patrick Industries.

In 2017 the Common Council approved a five-year real property and five-year personal property tax phase-in. This year Alpha submitted a CF-1 for personal property; they completed their real property phase-in last year.

Alpha's SB-1 personal property estimated an investment of \$7,000,000 in total personal property for manufacturing and IT equipment. Their CF-1 showed an investment of \$11,926,113 which resulted in a compliance rate of 170%.

Alpha's SB-1 estimated 20 new jobs from this project. Their CF-1 showed 99 were created which resulted in a compliance rate of 495%. The average wages for new jobs are 295% compliant.

Alpha was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business found Alpha to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER ALPHA SYTEMS, LLC \ DVS, LLC ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-06-17,  
R-08-17 AND R-09-17**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 5120 Beck Drive, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-06-17 and R-08-17 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-09-17 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Alpha Systems, LLC \ DVS, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Alpha Systems, LLC \ DVS, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Alpha Systems, LLC \ DVS, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Alpha Sytems, LLC \ DVS, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-06-17, R-08-17 and R-09-17.

1.2 Alpha Sytems, LLC \ DVS, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-06-17, R-08-17 and R-09-17, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk



## Abatement Worksheet

**Company**

Alpha Systems LLC (2017)

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 6,000,000.00	\$ 11,901,118.00	198.4%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	\$ 1,000,000.00	\$ 24,995.00	2.5%
Total Personal Property	\$ 7,000,000.00	\$ 11,926,113.00	170.4%
<b>Jobs</b>			
Retained Jobs	320	320	100.0%
New Jobs	20	99	495.0%
Current Jobs	320	419	
<b>Wages</b>			
Retained-Total Wages	\$ 11,922,509.00	\$ 11,922,509.00	100.0%
Retained-Average Wages	\$ 37,257.84	\$ 37,257.84	100.0%
New Jobs-Total Wages	\$ 748,800.00	\$ 10,962,178.00	1464.0%
New Jobs-Average Wages	\$ 37,440.00	\$ 110,729.07	295.8%
Current Jobs-Total Wages	\$ 11,922,509.00	\$ 22,884,687.00	



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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-12

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER ALPHA SYTEMS, LLC \ DVS, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-43-20, R-44-20 AND R-45-20

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This resolution relates to the property tax phase-in benefits awarded to Alpha Sytems, LLC \ DVS, LLC.

Proposed Resolution 23-R-12 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/PP, SB-1/PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Alpha Systems LLC has been a leader in manufacturing technology since 1984. They manufacture injection molding products, adhesives, sealants, cleaners, and many other products. They're located on Beck Drive in Elkhart.

Alpha Systems was recently acquired by Patrick Industries.

In 2017 the Common Council approved a five-year real property and five-year personal property tax phase-in. This year Alpha submitted a CF-1 for personal property; they completed their real property phase-in last year.

Alpha's SB-1 personal property estimated an investment of \$7,000,000 in total personal property for manufacturing and IT equipment. Their CF-1 showed an investment of \$11,926,113 which resulted in a compliance rate of 170%.

Alpha's SB-1 estimated 20 new jobs from this project. Their CF-1 showed 99 were created which resulted in a compliance rate of 495%. The average wages for new jobs are 295% compliant.

Alpha was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found Alpha to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER ALPHA SYTEMS, LLC \ DVS, LLC ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-43-20,  
R-44-20 AND R-45-20**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at VL adjacent to 5120 Beck Drive, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-43-20 and R-44-20 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-45-20 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Alpha Sytems, LLC \ DVS, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Alpha Sytems, LLC \ DVS, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Alpha Sytems, LLC \ DVS, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Alpha Sytems, LLC \ DVS, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-43-20, R-44-20 and R-45-20.

1.2 Alpha Sytems, LLC \ DVS, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-43-20, R-44-20 and R-45-20, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk

## Abatement Worksheet

**Company**

Alpha Systems LLC (2017)

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 6,000,000.00	\$ 11,901,118.00	198.4%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	\$ 1,000,000.00	\$ 24,995.00	2.5%
Total Personal Property	\$ 7,000,000.00	\$ 11,926,113.00	170.4%
<b>Jobs</b>			
Retained Jobs	320	320	100.0%
New Jobs	20	99	495.0%
Current Jobs	320	419	
<b>Wages</b>			
Retained-Total Wages	\$ 11,922,509.00	\$ 11,922,509.00	100.0%
Retained-Average Wages	\$ 37,257.84	\$ 37,257.84	100.0%
New Jobs-Total Wages	\$ 748,800.00	\$ 10,962,178.00	1464.0%
New Jobs-Average Wages	\$ 37,440.00	\$ 110,729.07	295.8%
Current Jobs-Total Wages	\$ 11,922,509.00	\$ 22,884,687.00	





RSM US LLP

March 28, 2023

Mr. Drew Wynes  
City of Elkhart  
Economic Development  
229 S Second St  
Elkhart IN 46516

52700 Independence Court  
P.O. Box 99  
Elkhart, IN 46515-0099

T 574.522.0410  
F 574.295.2138

[www.rsmus.com](http://www.rsmus.com)

Re: DVS, LLC (Alpha Systems, LLC)  
CF-1/RP Resolution R-45-20

Dear Mr. Wynes:

To comply with the requirement of the above Resolution, a copy of the Compliance with Statement of Benefits Real Estate Improvements, Form CF-1/RP for the above Resolution has been attached for filing. The attached copy has not been signed by the designating body.

The taxpayer is sending one copy of the CF-1/RP for the Resolution to the following designating body with instructions to sign and forward a copy to you:

Elkhart Common Council  
Attn: Ms. Angie McKee  
229 S Second St  
Elkhart IN 46516

In addition, the taxpayer has also enclosed the Form 322/RE, Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas for Resolution R-45-20. We understand that the enclosed information satisfies the requirements for abatement compliance with Resolution number R-45-20.

The Form 322/RE has also been filed with the Concord Township Assessor's office and the Elkhart County Auditor's office.

Please contact this office if you have questions.

Sincerely,

RSM US LLP

Jennifer Hawkins  
Supervisor – State and Local Tax Services  
Enclosures

THE POWER OF BEING UNDERSTOOD  
AUDIT | TAX | CONSULTING



# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form #1765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**

2023 Pay 2024

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION								
Name of Taxpayer <b>Alpha Systems LLC</b>						County <b>Elkhart</b>		
Address of Taxpayer (number and street, city, state, and ZIP code) <b>5120 Beck Dr. Elkhart, IN 46516</b>						DLGF Taxing District Number <b>20011</b>		
Name of Contact Person <b>Dean Grass</b>				Telephone Number <b>(574) 294-7511</b>		Email Address		
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY								
Name of Designating Body <b>Elkhart City Council</b>				Resolution Number <b>R-45-20</b>		Estimated State Date (month, day, year)		
Location of Property <b>5120 Beck Dr. Elkhart, IN 46516</b>						Actual Start Date (month, day, year)		
Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired. <b>Company is planning \$2M in new manufacturing equipment purchases</b>						Estimated Completion Date (month, day, year) <b>12/31/2022</b>		
						Actual Completion Date (month, day, year) <b>12/31/2022</b>		
SECTION 3 EMPLOYEES AND SALARIES								
EMPLOYEES AND SALARIES				AS ESTIMATED ON SB-1			ACTUAL	
Current Number of Employees				380			419	
Salaries				14,227,200			22,884,687	
Number of Employees Retained				380			380	
Salaries				14,227,200			14,227,200	
Number of Additional Employees				20			39	
Salaries				748,800			8,657,487	
SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		RESEARCH & DEVELOPMENT EQUIPMENT		LOGISTICAL DISTRIBUTION EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$	\$	\$	\$	\$	\$	\$	\$
Plus: Values of Proposed Project	\$ 2,000,000	\$	\$	\$	\$	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$ 2,000,000	\$	\$	\$	\$	\$	\$	\$
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$	\$	\$	\$	\$	\$	\$	\$
Plus: Values of Proposed Project	\$ 3,759,502	\$	\$	\$	\$	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$ 3,759,502	\$	\$	\$	\$	\$	\$	\$
NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
WASTE CONVERTED AND OTHER BENEFITS						AS ESTIMATED ON SB-1		ACTUAL
Amount of Solid Waste Converted								
Amount of Hazardous Waste Converted								
Other Benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of Authorized Representative <i>[Signature]</i>					Title <b>Tax Manager</b>		Date Signed (month, day, year) <b>4/27/2023</b>	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51786 (05 / 12-21)

Prescribed by the Department of Local Government Finance

2023 PAY 2024

FORM CF-1 / Real Property

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

**INSTRUCTIONS:**

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 16, 2022, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(i))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>DVS, LLC A LIMITED LIABILITY CORP. (operating entity ALPHA SYSTEMS, LLC)</b>	County <b>ELKHART</b>
Address of taxpayer (number and street, city, state, and ZIP code) <b>Attention: Nancy Smith: 70397 Hilltop Rd., Union, MI 49130 (Mailing Address)</b>	DLOF taxing district number <b>011</b>
Name of contact person <b>Nancy Smith, DVS, LLC</b>	Telephone number <b>(574 ) 361-0952</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of designating body <b>ELKHART CITY COUNCIL</b>	Resolution number <b>R-45-20</b>	Estimated start date (month, day, year) <b>07/16/2020</b>
Location of property <b>VACANT LAND ADJACENT TO 6120 BECK DRIVE, ELKHART, IN 46516</b>		Actual start date (month, day, year) <b>2020</b>
Description of real property improvements <b>NEW BUILDING CONSTRUCTION ADJACENT TO EXISTING HQ FOR ADDITIONAL MANUFACTURING AND WAREHOUSING.</b>		Estimated completion date (month, day, year) <b>12/31/2021</b>
		Actual completion date (month, day, year) <b>06/01/2021</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	380	420
Salaries	14,227,200	23,765,059
Number of employees retained	380	400
Salaries	14,227,200	22,601,647
Number of additional employees	20	20
Salaries	746,800	1,163,412

**SECTION 4 COST AND VALUES**

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
<b>AS ESTIMATED ON SB-1</b>		
Values before project		
Plus: Values of proposed project	3,050,000	3,000,000
Less: Values of any property being replaced		
Net values upon completion of project		
<b>ACTUAL</b>		
Values before project		
Plus: Values of proposed project	3,095,501	TO BE DETERMINED-SEE ATTACHED
Less: Values of any property being replaced		
Net values upon completion of project		

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Title <b>Member</b>	Date signed (month, day, year) <b>3-29-23</b>
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**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51704 (14 / 11-18)  
Prescribed by the Department of Local Government Finance

FORM SB-1/PP

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 8-1.1-12.1-6.1.

**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 8-1.1-12.1-6.6)
- For a Form SB-1/PP that is approved after June 30, 2019, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2019, the abatement schedule approved by the designating body remains in effect. (IC 8-1.1-12.1-7)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer DVS, LLC A Limited Liability Corp (Operating entity is Alpha Systems LLC)			Name of contact person Nancy Smith, Owner					
Address of taxpayer (number and street, city, state, and ZIP code) 6120 Beck Drive, Elkhart, IN 46516				Telephone number ( 574 ) 296-5206				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body Elkhart City Council			County ELKHART		Resolution number (s)			
Location of property 6120 Beck Drive, Elkhart, IN 46516			OLGF taxing district number 011					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary) Company is planning \$2M in new manufacturing equipment purchases.			ESTIMATED					
				START DATE	COMPLETION DATE			
			Manufacturing Equipment	07/15/2020	12/31/2021			
			R & D Equipment					
			Logist Dist Equipment					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number 380	Salaries 14,227,200	Number retained 380	Salaries 14,227,200	Number additional 20	Salaries 748,600			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 8-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
	Current values							
	Plus estimated values of proposed project	2,000,000	600,000					
	Less values of any property being replaced		600,000					
Net estimated values upon completion of project								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)					
Other benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.					Date signed (month, day, year)			
Signature of authorized representative 				July 3, 2020				
Printed name of authorized representative Nancy Smith				Title Owner				



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 61787 (RS / 10-14)

Prescribed by the Department of Local Government Finance

20 20 PAY 20 21

**FORM SB-1 / Real Property**

**PRIVACY NOTICE**

Any information concerning the cost of this property and benefits reported paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

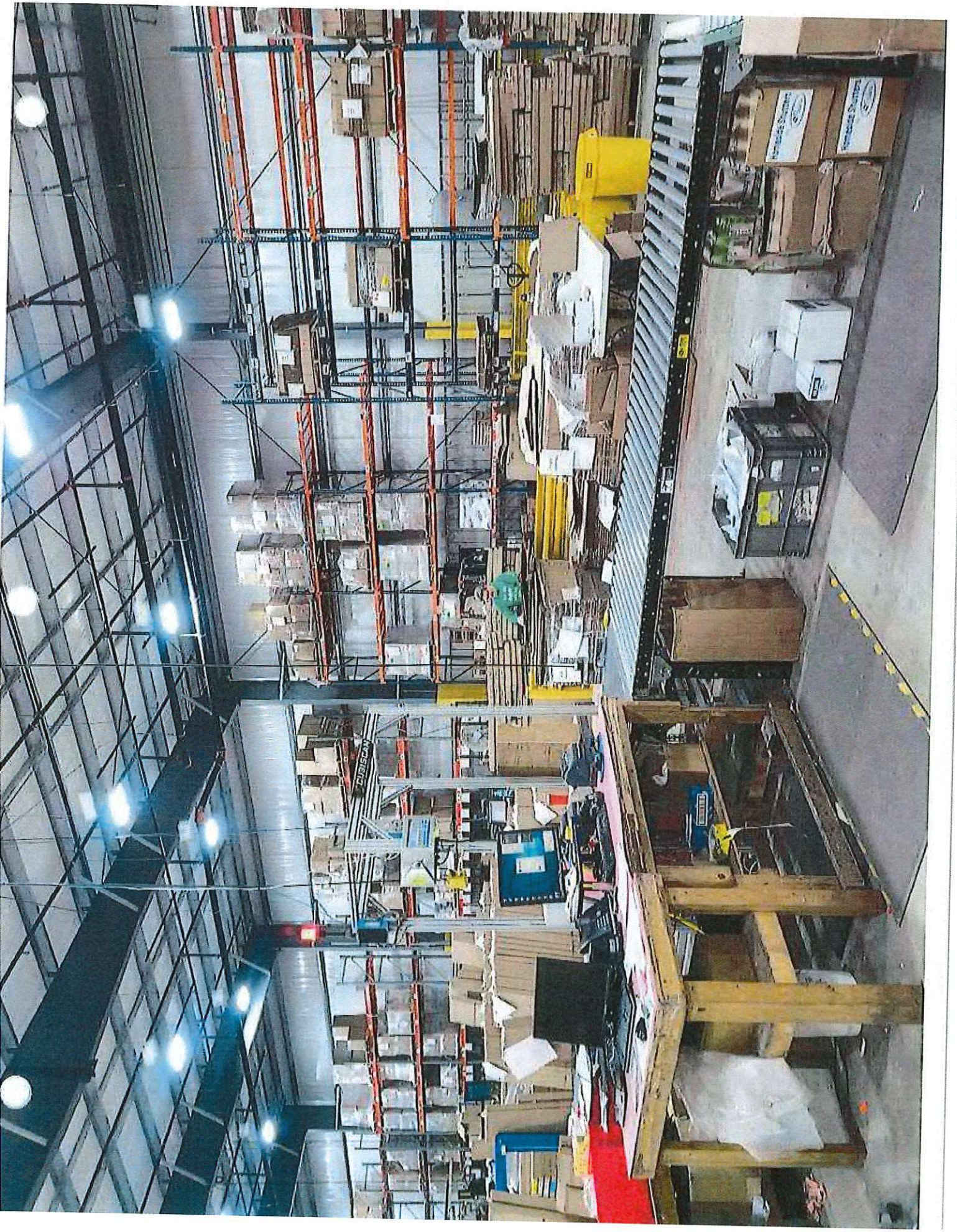
- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Reciprocally distressed area (IC 6-1.1-12.1-4.1)

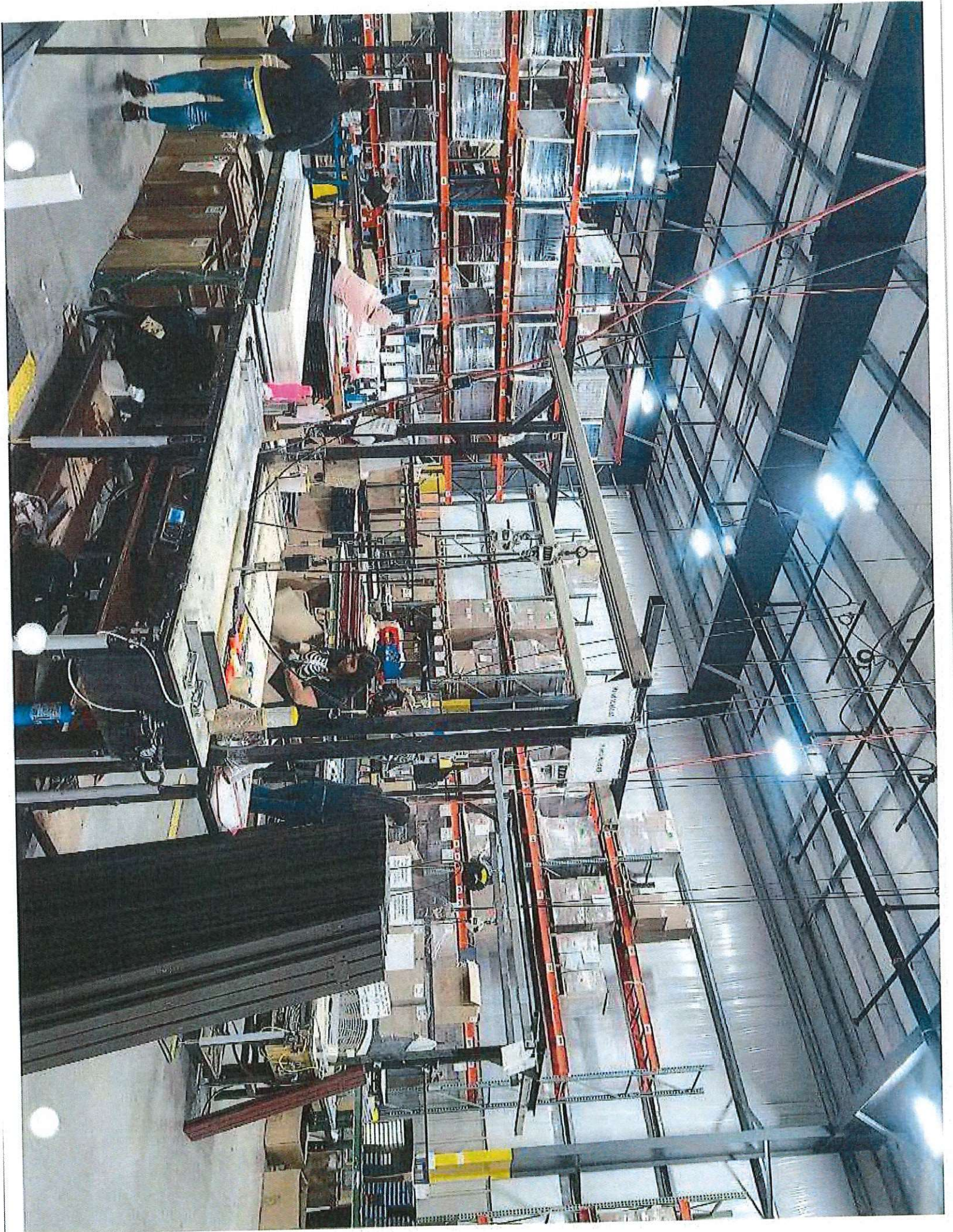
**INSTRUCTIONS:**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated on economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition is assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form OF-1/Real Property. The Form OF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer <b>DVS, LLC A Limited Liability Corp (Operating entity is Alpha Systems LLC)</b>					
Address of taxpayer (number, street, city, state, and ZIP code) <b>5120 Beck Drive, Elkhart, IN 46516</b>					
Name of contact person <b>Nancy Smith, Owner</b>		Telephone number <b>( 574 ) 295-5206</b>		E-mail address <b>nh5smith210@yahoo.com</b>	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body <b>ELKHART CITY COUNCIL</b>		Ratification line for			
Location of property <b>Vacant Land adjacent to 5120 Beck Drive, Elkhart, IN 46516</b>		County <b>ELKHART</b>		DUGF taxing district number <b>011</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>New building construction adjacent to existing HQ for additional manufacturing and warehousing.</b>		Estimated start date (month, day, year) <b>7/15/2020</b>		Estimated completion date (month, day, year) <b>12/31/2021</b>	
SECTION 3		ESTIMATE OF EMPLOYERS AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number <b>380.00</b>	Resales <b>\$14,227,200.00</b>	Number retained <b>380.00</b>	Salaries <b>\$14,227,200.00</b>	Number of jobs <b>20.00</b>	Salaries <b>\$748,800.00</b>
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		<b>REAL ESTATE IMPROVEMENTS</b>			
		<b>COST</b>		<b>ASSESSED VALUE</b>	
Current values					
Plus estimated value of proposed project		3,000,000.00		3,000,000.00	
Less value of any property being replaced					
Net estimated value upon completion of project		3,000,000.00		3,000,000.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) <b>July 3, 2020</b>	
Printed name of authorized representative <b>Nancy Smith</b>				Title <b>Owner</b>	















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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-13

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER AMERICAN MILLWORK, LLC \ NICKELL PROPERTIES I, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\PP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-07-21, R-11-21 AND R-12-21

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This resolution relates to the property tax phase-in benefits awarded to American Millwork, LLC \ Nickell Properties I, LLC.

Proposed Resolution 23-R-13 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (SB-1\PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



American Millwork, LLC is a premier hardwood moulding manufacturing company located on Beck Drive in Elkhart.

In 2020 the Common Council approved a three-year personal property tax phase-in. American Millwork's SB-1 personal property estimated an investment of \$2,600,000 in rip scan and chop scan equipment. Their CF-1 showed a \$2,720,869 investment which resulted in a compliance rate of 104%.

Their SB-1 estimated one new job from this project. Their CF-1 showed one was created which resulted in a compliance rate of 100%. The average wage for the new job is 167% compliant.

During the 2022 CF-1 Compliance Process American Millwork was found in compliance.

The Ad Hoc Business Committee found American Millwork to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
ELKHART, INDIANA, DETERMINING WHETHER AMERICAN  
MILLWORK, LLC \ NICKELL PROPERTIES I, LLC ARE IN SUBSTANTIAL  
COMPLIANCE WITH ITS STATEMENT OF BENEFITS – PERSONAL  
PROPERTY (FORM CF-1/PP) AND THE MEMORANDUM OF AGREEMENT  
APPROVED UNDER RESOLUTION NOS. R-07-21, R-11-21 AND R-12-21**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 209 County Road 17,

Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-07-21 and R-11-21 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution Number R-12-21 and approved the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, granting American Millwork, LLC \ Nickell Properties I, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by American Millwork, LLC \ Nickell Properties I, LLC in its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1\PP); and

WHEREAS, American Millwork, LLC \ Nickell Properties I, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1/PP).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 American Millwork, LLC \ Nickell Properties I, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-07-21, R-11-21 and R-12-21.

1.2 American Millwork, LLC \ Nickell Properties I, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-07-21, R-11-21 and R-12-21, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property

owner's(s') compliance with the Statement of Benefits – Personal Property (Form SB-1/PP) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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



## Abatement Worksheet

**Company**

American Millwork, LLC

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 2,600,000.00	\$ 2,720,869.00	104.6%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	\$ 2,600,000.00	\$ 2,720,869.00	104.6%
<b>Jobs</b>			
Retained Jobs	104	100	96.2%
New Jobs	1	1	100.0%
Current Jobs	104	100	
<b>Wages</b>			
Retained-Total Wages	\$ 4,159,878.00	\$ 5,907,700.00	142.0%
Retained-Average Wages	\$ 39,998.83	\$ 59,077.00	147.7%
New Jobs-Total Wages	\$ 50,000.00	\$ 83,500.00	167.0%
New Jobs-Average Wages	\$ 50,000.00	\$ 83,500.00	167.0%
Current Jobs-Total Wages	\$ 4,159,878.00	\$ 5,907,700.00	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**

20 23 Pay 20 24

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

**SECTION 1 TAXPAYER INFORMATION**

Name of Taxpayer <b>American Millwork, LLC</b>		County <b>Elkhart</b>
Address of Taxpayer (number and street, city, state, and ZIP code) <b>4840 Beck Drive Elkhart IN 46516</b>		DLGF Taxing District Number <b>20-009</b>
Name of Contact Person <b>Chad Sommers</b>	Telephone Number <b>(574) 295-4158</b>	Email Address <b>sommersc@americanmll.com</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of Designating Body <b>The Common Council of the City of Elkhart</b>	Resolution Number <b>R-07-21</b>	Estimated State Date (month, day, year) <b>12/1/20</b>
Location of Property <b>4840 Beck Drive Elkhart IN 46516</b>		Actual Start Date (month, day, year) <b>2/5/21</b>
Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired. <b>Ripscan System and Crosscut System</b>		Estimated Completion Date (month, day, year) <b>08/1/21</b>
		Actual Completion Date (month, day, year) <b>9/13/21</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	104	100
Salaries	4,159,878	5,907,700
Number of Employees Retained	104	100
Salaries	4,159,878	5,907,700
Number of Additional Employees	1	1
Salaries	50,000	83,500

**SECTION 4 COST AND VALUES**

	MANUFACTURING EQUIPMENT		RESEARCH & DEVELOPMENT EQUIPMENT		LOGISTICAL DISTRIBUTION EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
<b>AS ESTIMATED ON SB-1</b>								
Values Before Project	\$ 1,764,580	\$ 758,770	\$	\$	\$	\$	\$	\$
Plus: Values of Proposed Project	\$ 2,600,000	\$ 1,040,000	\$	\$	\$	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$ 4,364,580	\$ 1,798,770	\$	\$	\$	\$	\$	\$
<b>ACTUAL</b>								
Values Before Project	\$ 2,038,403	\$ 530,800	\$	\$	\$	\$	\$	\$
Plus: Values of Proposed Project	\$ 2,720,869	\$ 1,523,890	\$	\$	\$	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$ 4,759,272	\$ 2,054,290	\$	\$	\$	\$	\$	\$

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of Authorized Representative 	Title <b>Controller</b>	Date Signed (month, day, year) <b>4/20/23</b>
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**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51784 (R4 / 11-15)  
Prescribed by the Department of Local Government Finance

**FORM SB-1/PP**

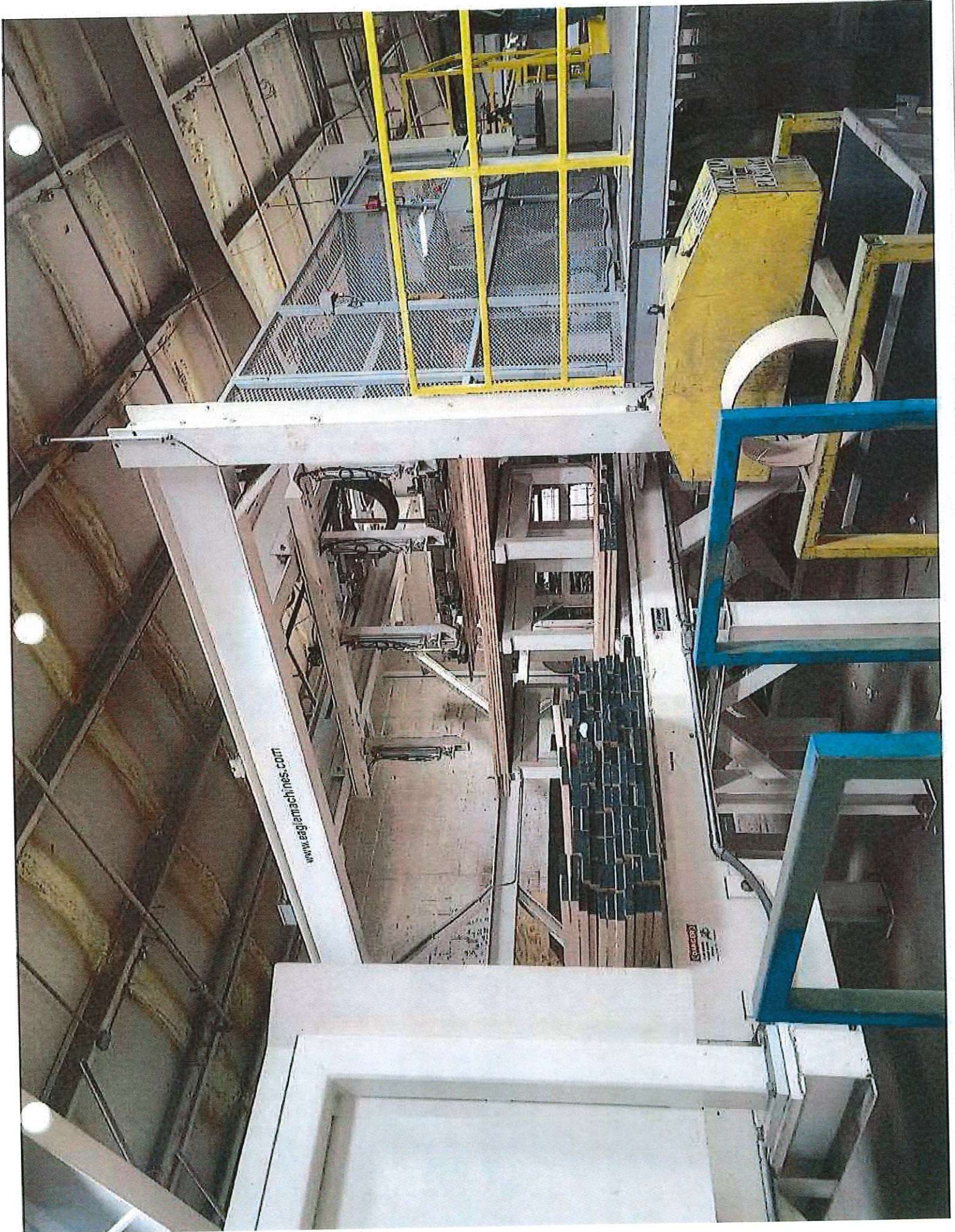
**PRIVACY NOTICE**  
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12-1-5.1.

**INSTRUCTIONS**

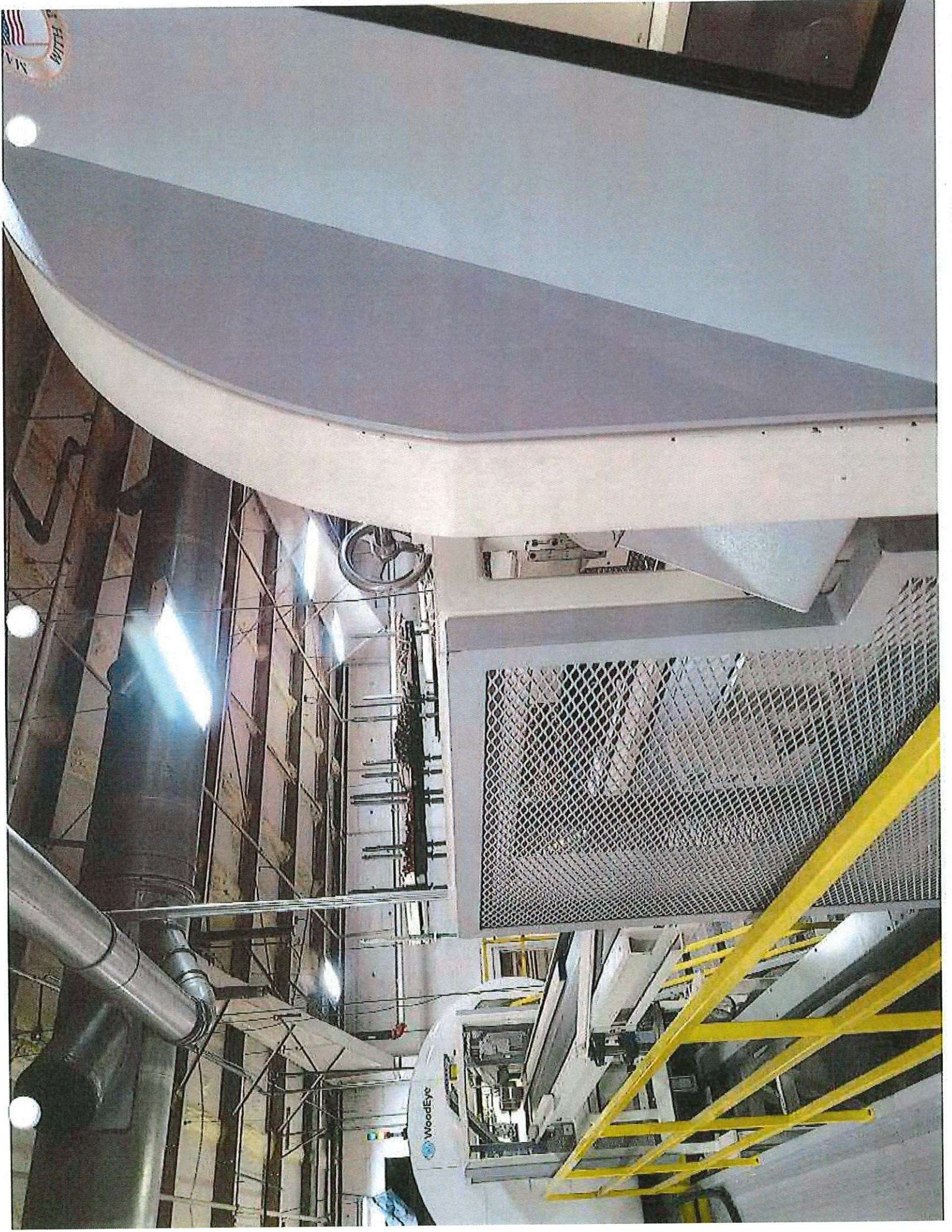
- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12-1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12-1-17)

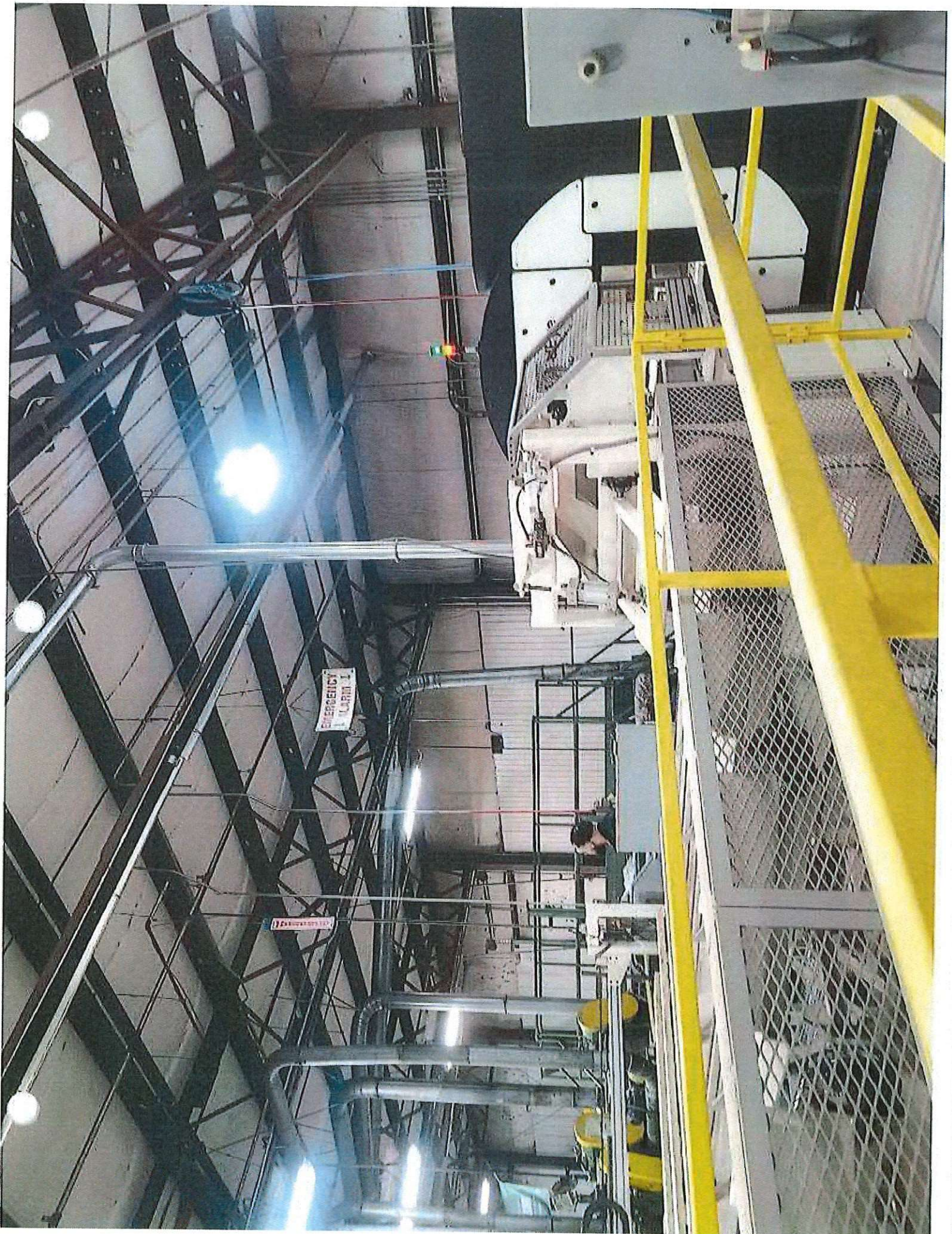
SECTION 1 TAXPAYER INFORMATION									
Name of taxpayer <b>American Millwork, LLC</b>			Name of contact person <b>Chad Sommers</b>						
Address of taxpayer (number and street, city, state, and ZIP code) <b>4840 Beck Drive, Elkhart IN 46516</b>				Telephone number <b>( 574 ) 295-4158</b>					
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT									
Name of designating body <b>Elkhart City Common Council</b>				Resolution number (s)					
Location of property <b>4840 Beck Drive, Elkhart IN 46516</b>			County <b>Elkhart</b>		DLOF taxing district number <b>20-009</b>				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) <b>Rip Scan and Chop Scan equipment (two phases)</b>				<b>ESTIMATED</b>					
				START DATE		COMPLETION DATE			
				Manufacturing Equipment		12/01/2020		08/01/2021	
				R & D Equipment					
				Logist Dist Equipment					
IT Equipment									
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT									
Current number <b>104</b>	Salaries <b>4,159,878</b>	Hours retained <b>104</b>	Salaries <b>4,159,878</b>	Number additional <b>1</b>	Salaries <b>50,000</b>				
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT									
NOTE: Pursuant to IC 6-1.1-12-1-5.1 (d) (2) the COST of the property is confidential.	<b>MANUFACTURING EQUIPMENT</b>		<b>R &amp; D EQUIPMENT</b>		<b>LOGIST DIST EQUIPMENT</b>		<b>IT EQUIPMENT</b>		
	COST		ASSESSED VALUE		COST		ASSESSED VALUE		
	1,784,580		758,770						
	2,600,000		1,040,000						
	Loss values of any property being replaced								
Net estimated values upon completion of project									
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER									
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)						
Other benefits:									
SECTION 6 TAXPAYER CERTIFICATION									
I hereby certify that the representations in this statement are true.									
Signature of authorized representative 				Date signed (month, day, year) <b>11/10/20</b>					
Printed name of authorized representative <b>Chad Sommers</b>				Title <b>Controller</b>					


















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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-15

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER CHAMPION MANUFACTURING INC. \ C.R. 17 LAND DEVELOPMENT, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-41-19, R-42-19 AND R-43-19

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This resolution relates to the property tax phase-in benefits awarded to Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC.

Proposed Resolution 23-R-15 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Champion Manufacturing is a manufacturer of chairs and other furniture for the medical industry. They are located on Hoffman Street in Elkhart.

In 2019 the Common Council approved a five-year real property and three-year personal property tax phase-in. Champion's SB-1 real property estimated an investment of \$4,100,000 in real estate improvements for a building expansion. Their CF-1 showed an investment of \$4,370,000 which resulted in a compliance rate of 106%.

Their SB-1 personal property estimated an investment of \$225,000 in manufacturing equipment to add an additional production line. Their CF-1 showed an investment of \$260,711 for a compliance rate of 115%.

Champion's SB-1 estimated ten new jobs from this project. Their CF-1 showed nine were created which resulted in a compliance rate of 90%. The average wages for new jobs are 135% compliant.

The last time Champion submitted a CF-1 was 2020. They were non-compliant.

The Ad Hoc Business Committee found Champion to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER CHAMPION MANUFACTURING INC. \  
C.R. 17 LAND DEVELOPMENT, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH  
ITS STATEMENT OF BENEFITS FORMS AND MEMORANDA OF AGREEMENT  
APPROVED UNDER RESOLUTION NOS. R-41-19, R-42-19 AND R-43-19**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 5100 Hoffman Street, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-41-19 and R-42-19 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-43-19 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine

whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-41-19, R-42-19 and R-43-19.

1.2 Champion Manufacturing Inc. \ C.R. 17 Land Development, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-41-19, R-42-19 and R-43-19, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired

as part of the project.

\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

## Abatement Worksheet

**Company**

Champion Manufacturing

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 4,100,000.00	\$ 4,370,000.00	106.6%
<b>Personal Property</b>			
Manufacturing Equipment	\$ 225,000.00	\$ 260,711.00	115.9%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	\$ 225,000.00	\$ 260,711.00	115.9%
<b>Jobs</b>			
Retained Jobs	108	108	100.0%
New Jobs	10	9	90.0%
Current Jobs	108	108	
<b>Wages</b>			
Retained-Total Wages	\$ 5,929,000.00	\$ 5,357,000.00	90.4%
Retained-Average Wages	\$ 54,898.15	\$ 49,601.85	90.4%
New Jobs-Total Wages	\$ 400,000.00	\$ 488,637.00	122.2%
New Jobs-Average Wages	\$ 40,000.00	\$ 54,293.00	135.7%
Current Jobs-Total Wages	\$ 5,929,000.00	\$ 5,357,000.00	





**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51706 (R0 / 4-23)

Prescribed by the Department of Local Government Finance

RESOLUTION

20\_\_\_\_ PAY 20\_\_\_\_  
FORM CF-1 / Real Property

**PRIVACY NOTICE**  
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

**INSTRUCTIONS:**

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(f))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

**SECTION 1 TAXPAYER INFORMATION**

Name of Taxpayer <b>CR Land Development LLC</b>		County <b>Elkhart</b>
Address of Taxpayer (number and street, city, state, and ZIP code) <b>22291 Horon CV Elkhart, IN 46516</b>		DLGF Taxing District Number <b>009</b>
Name of Contact Person <b>Amit Shah</b>	Telephone Number <b>(574 ) 320-1023</b>	Email Address

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of Designating Body <b>City of Elkhart</b>	Resolution Number <b>R-41-19</b>	Estimated Start Date (month, day, year) <b>9/23/2019</b>
Location of Property <b>5100 Hoffman Street</b>		Actual Start Date (month, day, year) <b>10/2/2019</b>
Description of Real Property Improvements <b>Manufacturing building and leasehold improvements</b>		Estimated Completion Date (month, day, year) <b>5/31/2020</b>
		Actual Completion Date (month, day, year) <b>5/31/2020</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	108	108
Salaries	5929000	5357000
Number of Employees Retained	108	100
Salaries	5929000	5357000
Number of Additional Employees	10	0
Salaries	400000	488697

**SECTION 4 COST AND VALUES**

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
<b>AS ESTIMATED ON SB-1</b>		
Values Before Project	\$ 0	\$
Plus: Values of Proposed Project	\$ 4100000	\$ 4100000
Less: Values of Any Property Being Replaced	\$	\$
Net Values Upon Completion of Project	\$ 4100000	\$ 4100000
<b>ACTUAL</b>		
Values Before Project	\$ 0	\$ 0
Plus: Values of Proposed Project	\$ 4370000	\$ 4370000
Less: Values of Any Property Being Replaced	\$ 0	\$ 0
Net Values Upon Completion of Project	\$ 4370000	\$ 4370000

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of Authorized Representative 	Title <b>Manager</b>	Date Signed (month, day, year) <b>May 11, 2023</b>
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**COMPLIANCE WITH STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51765 (R7 / 12-22)  
Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**

20\_\_ Pay 20\_\_

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer <b>Champion Manufacturing Inc</b>		County <b>Elkhart</b>
Address of Taxpayer (number and street, city, state, and ZIP code) <b>5100 Hoffman Street</b>		DLGF Taxing District Number <b>009</b>
Name of Contact Person <b>Doug Heinisch</b>	Telephone Number <b>(574) 295-6893</b>	Email Address

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body <b>City of Elkhart</b>	Resolution Number <b>R-41-19</b>	Estimated State Date (month, day, year) <b>1/1/2020</b>
Location of Property <b>5100 Hoffman Street</b>		Actual Start Date (month, day, year) <b>6/1/2020</b>
Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired.		Estimated Completion Date (month, day, year)
		Actual Completion Date (month, day, year)

SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	108	108
Salaries	5929000	5357000
Number of Employees Retained	108	108
Salaries	5929000	5357000
Number of Additional Employees	10	9
Salaries	400000	488637

SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		RESEARCH & DEVELOPMENT EQUIPMENT		LOGISTICAL DISTRIBUTION EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$	\$	\$	\$	\$	\$	\$	\$
Plus: Values of Proposed Project	\$ 225000	\$ 225000	\$	\$	\$	\$	\$ 30000	\$ 30000
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$	\$	\$	\$	\$	\$	\$	\$
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$	\$	\$	\$	\$	\$	\$	\$
Plus: Values of Proposed Project	\$	\$	\$	\$	\$	\$	\$	\$
Less: Values of Any Property Being Replaced	\$	\$	\$	\$	\$	\$	\$	\$
Net Values Upon Completion of Project	\$ 260711	\$ 260711	\$	\$	\$	\$	\$ 122022	\$ 122022

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative <i>Doug Heinisch</i>	Title <b>CFO</b>	Date Signed (month, day, year) <b>5/8/2023</b>



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20 ____ PAY 20 ____
<b>FORM SB-1 / Real Property</b>
<b>PRIVACY NOTICE</b>
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-7

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer <b>Champion Manufacturing Inc.</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>2601 Industrial Parkway, Elkhart, IN 46516</b>					
Name of contact person <b>Doug Heinisch</b>		Telephone number <b>( 574 ) 295-6893</b>		E-mail address <b>dheinisch@championchair.com</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body <b>City of Elkhart</b>				Resolution number	
Location of property		County <b>Elkhart</b>		DLGF taxing district number <b>009</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Manufacturing building - leasehold improvements</b>				Estimated start date (month, day, year) <b>9/23/2019</b>	
				Estimated completion date (month, day, year) <b>4/30/2020</b>	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number <b>108.00</b>	Salaries <b>\$5,929,000.00</b>	Number retained <b>108.00</b>	Salaries <b>\$5,929,000.00</b>	Number additional <b>10.00</b>	Salaries <b>\$400,000.00</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		0.00		0.00	
Plus estimated values of proposed project		5,100,000.00		5,100,000.00	
Less values of any property being replaced		0.00		0.00	
Net estimated values upon completion of project		5,100,000.00		5,100,000.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) <b>0.00</b>			Estimated hazardous waste converted (pounds) <b>0.00</b>		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Doug Heinisch</i>				Date signed (month, day, year) <b>8/27/2009</b>	
Printed name of authorized representative <b>Doug Heinisch</b>			Title <b>CFO</b>		



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51764 (RA / 11-15)

Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

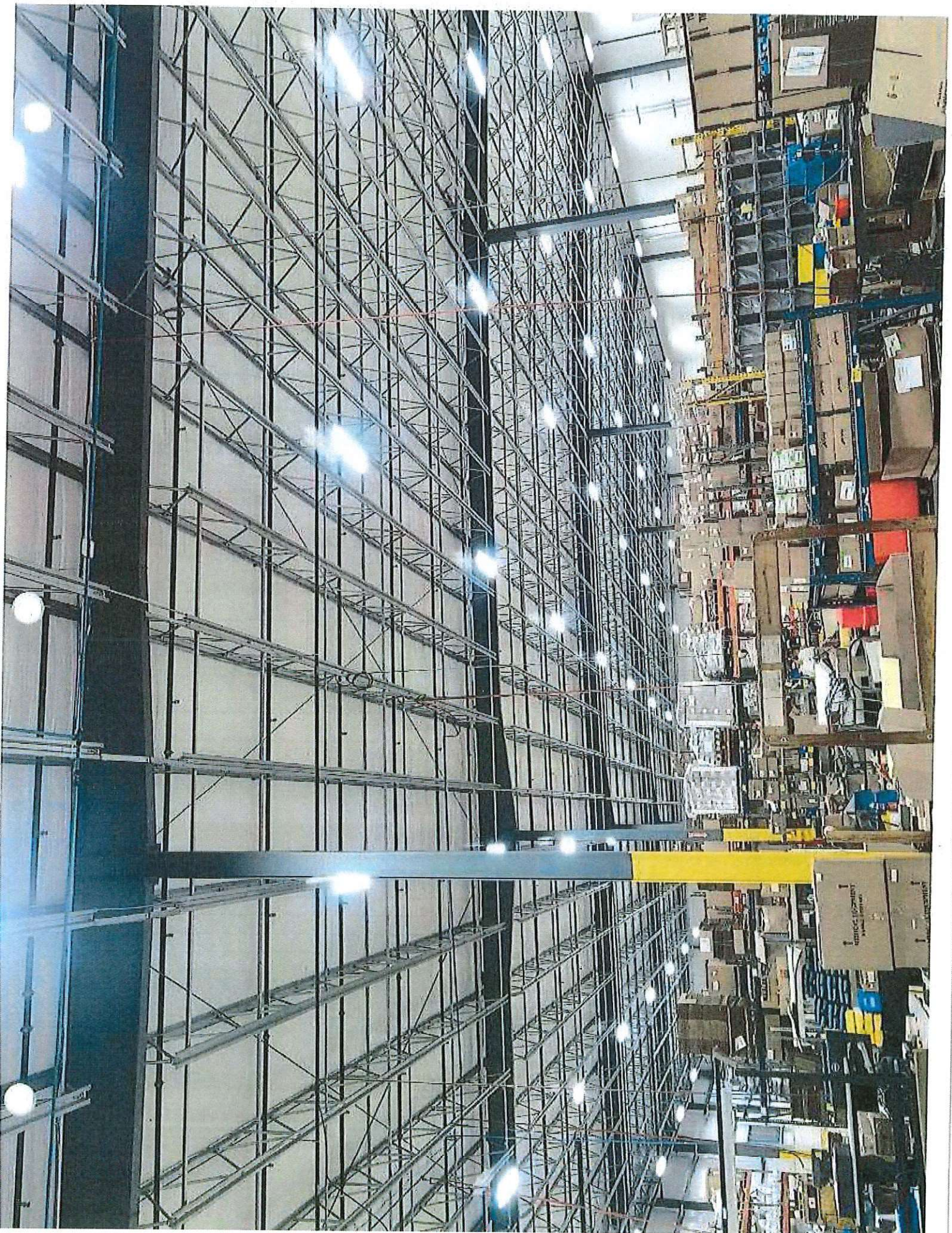
**PRIVACY NOTICE**

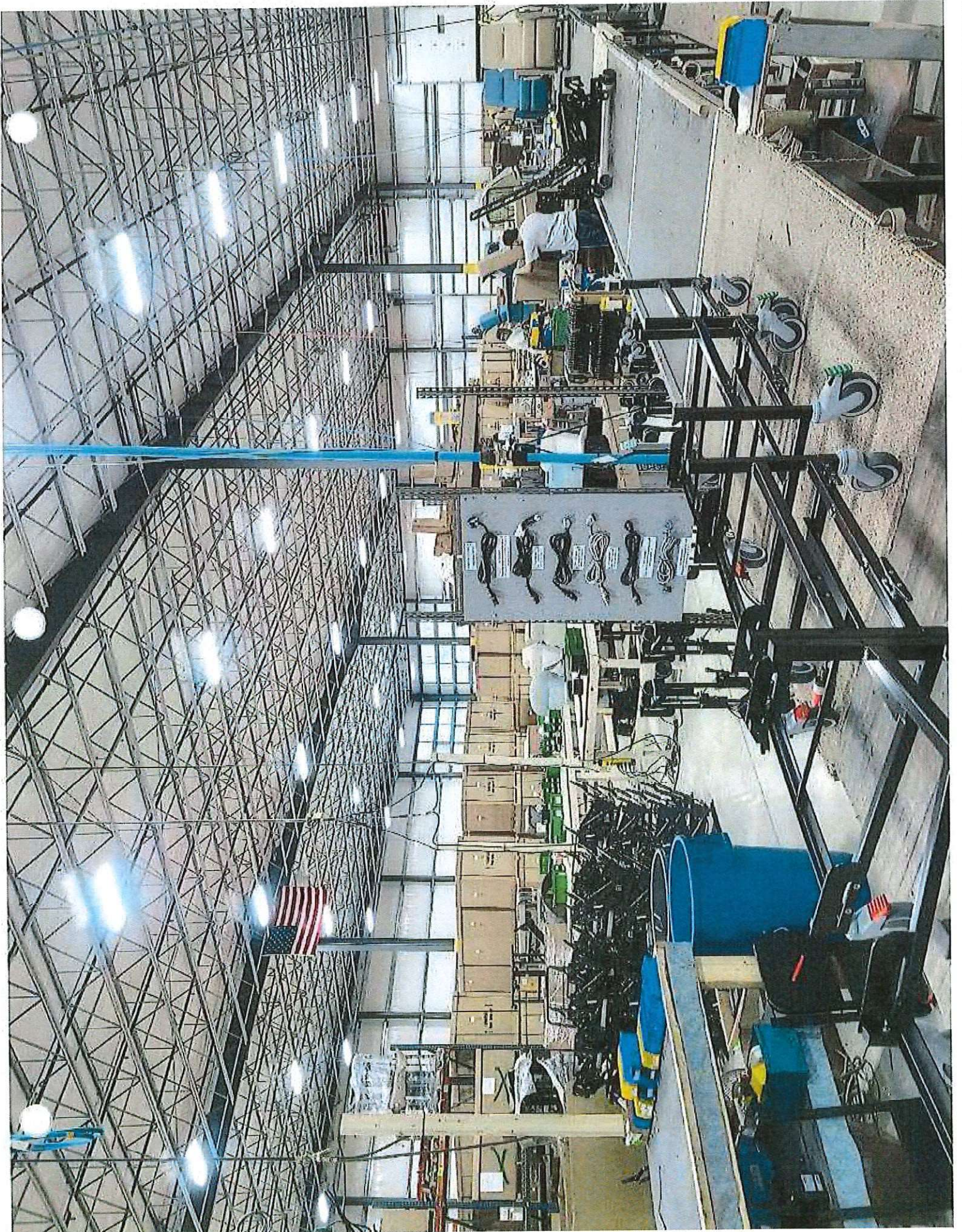
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION							
Name of taxpayer <b>Champion Manufacturing Inc.</b>		Name of contact person <b>Doug Heinisch</b>							
Address of taxpayer (number and street, city, state, and ZIP code) <b>2601 Industrial Parkway, Elkhart, IN 46516</b>		Telephone number <b>( 574 ) 295-6893</b>							
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT							
Name of designating body <b>City of Elkhart</b>		Resolution number (s)							
Location of property		County <b>Elkhart</b>	DLGF taxing district number <b>009</b>						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) <b>Support equipment required to move facilities and add another production line. All existing equipment at current location will be moved to new location.</b>		<b>ESTIMATED</b>							
			<b>START DATE</b>	<b>COMPLETION DATE</b>					
		<b>Manufacturing Equipment</b>	<b>01/01/2020</b>	<b>04/30/2020</b>					
		<b>R &amp; D Equipment</b>							
		<b>Logist Dist Equipment</b>							
	<b>IT Equipment</b>	<b>01/01/2020</b>	<b>04/30/2020</b>						
SECTION 3		ESTIMATE OF EMPLOYERS AND SALARIES AS RESULT OF PROPOSED PROJECT							
Current number <b>108</b>	Salaries <b>5929000</b>	Number retained <b>108</b>	Salaries <b>5929000</b>	Number additional <b>10</b>	Salaries <b>400000</b>				
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT							
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT		
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	
	Current values	<b>0</b>	<b>0</b>					<b>0</b>	<b>0</b>
	Plus estimated values of proposed project	<b>225,000</b>	<b>225,000</b>					<b>30,000</b>	<b>30,000</b>
	Less values of any property being replaced								
Not estimated values upon completion of project	<b>225,000</b>	<b>225,000</b>					<b>30,000</b>	<b>30,000</b>	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER							
Estimated solid waste converted (pounds) <b>0</b>		Estimated hazardous waste converted (pounds) <b>0</b>				Other benefits:			
SECTION 6		TAXPAYER CERTIFICATION							
I hereby certify that the representations in this statement are true.						Date signed (month, day, year) <b>8/27/2019</b>			
Signature of authorized representative <i>Doug Heinisch</i>				Title <b>CFO</b>					
Printed name of authorized representative <b>Doug Heinisch</b>									








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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-16

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER EOZ BUSINESS, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\RP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-37-20, R-39-20 AND R-40-20

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This resolution relates to the property tax phase-in benefits awarded to EOZ Business, LLC. Proposed Resolution 23-R-16 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1\RP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (FORM SB-1\RP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



EOZ Business, LLC is an Elkhart real estate development company.

In 2020 the Common Council approved a five-year real property tax phase-in. EOZ's SB-1 real property estimated an investment of \$8,200,000 to construct a mix-used commercial building at 240 E Jackson Boulevard. Their CF-1 showed an investment of \$10,350,000 which resulted in a compliance rate of 126%.

EOZ committed to retaining 27 existing jobs. Their CF-1 showed 49 which resulted in a compliance rate of 181%. The average wages for the retained jobs are 103% compliant.

During the 2022 CF-1 compliance process EOZ was found in compliance.

The Ad Hoc Business Committee found EOZ to be in compliance.



RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER EOZ BUSINESS, LLC ARE IN SUBSTANTIAL  
COMPLIANCE WITH ITS STATEMENT OF BENEFITS (CF-1 FORMS) AND THE  
MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-37-  
20, R-39-20 AND R-40-20**

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 240 E. Jackson Blvd Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-37-20 and R-39-20 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-40-20 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY, granting EOZ Business, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by EOZ Business, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY (FORM SB-1/RP); and

WHEREAS, EOZ Business, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-1/RP).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 EOZ Business, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

and with the conditions stated in Resolution Nos. R-37-20, R-39-20 and R-40-20.

1.2 EOZ Business, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

and the conditions stated in Resolution Nos. R-37-20, R-39-20 and R-40-20, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statement of Benefits – Real Property (Form SB-1/RP)

will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the  
Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this  
Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common  
Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

## Abatement Worksheet

**Company**

EOZ Business, LLC

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 8,200,000.00	\$ 10,350,000.00	126.2%
<b>Personal Property</b>			
Manufacturing Equipment	N/A	N/A	
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	N/A	N/A	
<b>Jobs</b>			
Retained Jobs	27	49	181.5%
New Jobs	N/A	N/A	
Current Jobs	27	49	
<b>Wages</b>			
Retained-Total Wages	\$ 1,700,000.00	\$ 3,200,000.00	188.2%
Retained-Average Wages	\$ 62,962.96	\$ 65,306.12	103.7%
New Jobs-Total Wages	N/A	N/A	
New Jobs-Average Wages	N/A	NA	
Current Jobs-Total Wages	\$ 1,700,000.00	\$ 3,200,000.00	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 61760 (R6 / 12-21)  
Prescribed by the Department of Local Government Finance

20 <u>23</u> PAY 20 <u>24</u>
FORM CF-1 / Real Property

<b>PRIVACY NOTICE</b>
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

**INSTRUCTIONS:**

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 16, 2022, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(f))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>EOZ Business LLC</b>	County <b>Elkhart</b>
Address of taxpayer (number and street, city, state, and ZIP code) <b>240 E. Jackson, Elkhart, IN 46516</b>	DLGF taxing district number <b>012</b>
Name of contact person <b>Dave Weaver</b>	Telephone number <b>( 574 ) 320-2339</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of designating body <b>EOZ Business LLC</b>	Resolution number <b>R-39-20</b>	Estimated start date (month, day, year) <b>9/30/20</b>
Location of property <b>240 E. Jackson Blvd. Elkhart, IN 46516</b>		Actual start date (month, day, year) <b>10/15/20</b>
Description of real property improvements <b>Mixed-use Commercial. More than \$8.2M by year-end 2022</b>		Estimated completion date (month, day, year) <b>8/1/21</b>
		Actual completion date (month, day, year) <b>12/31/22</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	27	49
Salaries	1,700,000.00	3,200,000.00
Number of employees retained	27	49
Salaries	1,700,000.00	3,200,000.00
Number of additional employees	N/A	N/A
Salaries	0.00	0.00

**SECTION 4 COST AND VALUES**

COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values before project	0.00	
Plus: Values of proposed project	8,200,000.00	
Less: Values of any property being replaced	0.00	
Net values upon completion of project	8,200,000.00	
ACTUAL	COST	ASSESSED VALUE
Values before project	0.00	0.00
Plus: Values of proposed project	10,350,000.00	5,199,300.00
Less: Values of any property being replaced	0.00	0.00
Net values upon completion of project	10,350,000.00	5,199,300.00

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Title <b>5/8/23</b>	Date signed (month, day, year) <b>number</b>
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# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (16 / 10-14)

Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
<b>PRIVACY NOTICE</b>
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

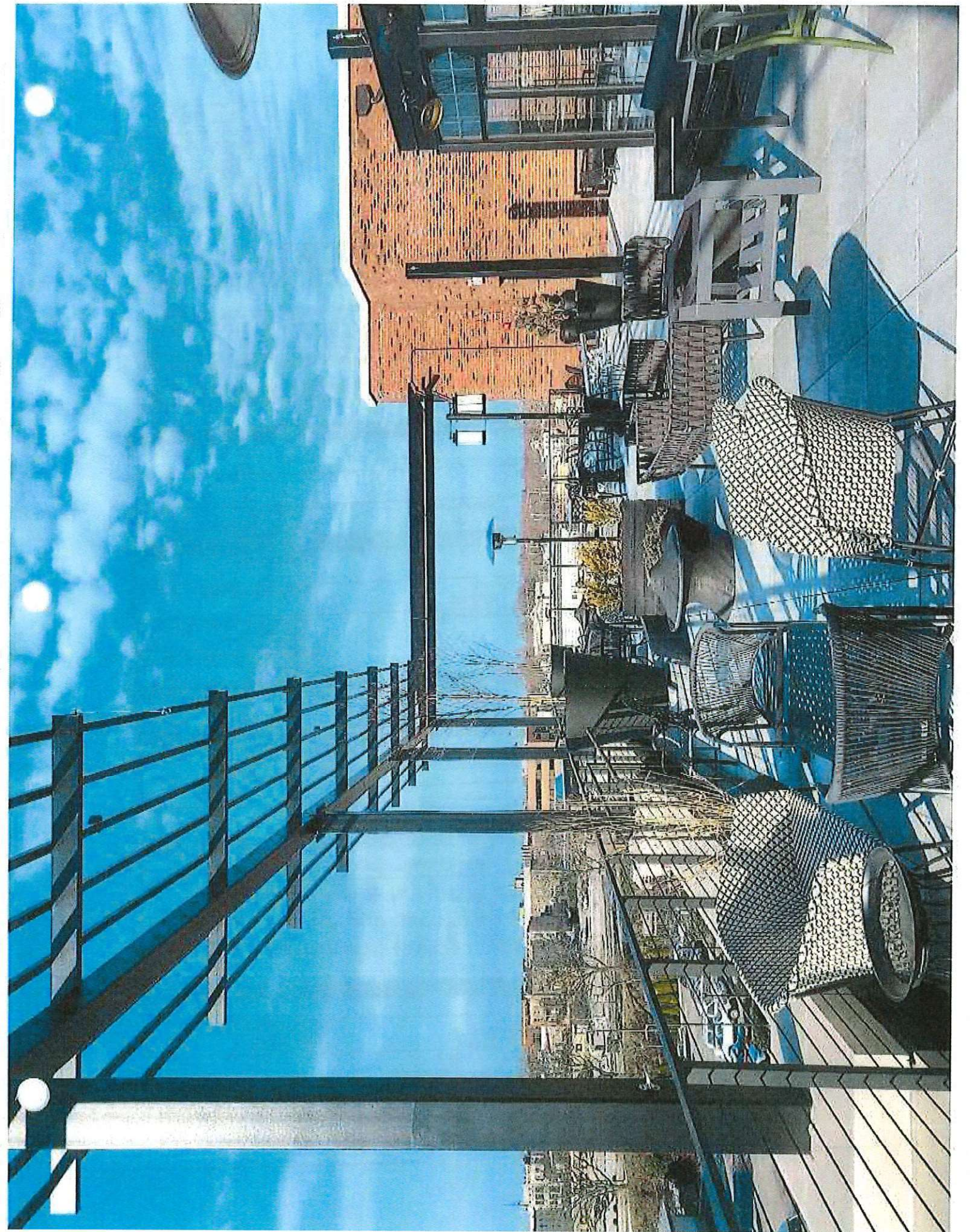
This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable.
- For a Form SB-1/Real Property that is approved after June 30, 2015, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-7

SECTION 1 TAXPAYER INFORMATION				
Name of taxpayer <b>EOZ Business LLC</b>				
Address of taxpayer (number and street, city, state, and ZIP code) <b>120 W Lexington Ave Elkhart, IN 46516</b>				
Name of contact person <b>Brian Smith</b>	Telephone number ( )			
E-mail address <b>bsmith@hfgnet.com</b>				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT				
Name of designating body <b>EOZ Business LLC</b>				
Location of property <b>240 Jackson Blvd Elkhart IN 46516</b>	County <b>Elkhart</b>			
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>Class A mixed use commercial and retail redevelopment</b>				
Resolution number	DLGF taxing district number			
Estimated start date (month, day, year) <b>09/30/2020</b>	Estimated completion date (month, day, year) <b>08/31/2021</b>			
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT				
Current number <b>0.00 27</b>	Number additional <b>0.00 27</b>	Salaries <b>\$0.00 \$1.7M</b>	Number additional <b>0.00 0</b>	Salaries <b>\$0.00 0</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
Current values		REAL ESTATE IMPROVEMENTS		
		COST	ASSESSED VALUE	
Plus estimated value of proposed project			0.00	
Less value of any property being replaced			0,100,000.00	
Net estimated value upon completion of project			0.00	
			0,100,000.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER				
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)		
Other benefits <b>\$6.2M includes tenant improvements, paid for by tenant, not EOZ. Employment Representative est. tenant figures and do not represent EOZ associates. EOZ investment + tenant improvements = \$9.2M</b>				
SECTION 6 TAXPAYER CERTIFICATION				
I hereby certify that the representations in this statement are true.				
Signature of authorized representative <i>Brian Smith</i>		Amended <b>9/23/20</b>		Date signed (month, day, year) <b>08/13/2020</b>
Printed name of authorized representative <b>Brian Smith</b>		Title <b>Manager</b>		









Lake City Bank

PATRICK

CALHOUN COLLEGE STUDENT CENTER



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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-17

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER FLEXIBLE CONCEPTS, INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\PP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-37-19, R-38-19 AND R-39-19

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This resolution relates to the property tax phase-in benefits awarded to Flexible Concepts, Inc..

Proposed Resolution 23-R-17 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (SB-1\PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Flexible Concepts, Inc. is a national provider of precision metal components to serve both commercial and military markets. They are located on Middlebury Street in Elkhart.

In 2019 the Council approved a three-year personal property tax phase-in. Flexible Concepts' SB-1 estimated an investment of \$4,000,000 in automated manufacturing equipment. Their CF-1 showed an investment of \$4,001,344 which resulted in a compliance rate of 100%.

Flexible Concepts' SB-1 estimated five new jobs from this project. Their CF-1 showed five were created which resulted in a compliance rate of 100%. The average wages for new jobs are 224% compliant.

Flexible Concepts was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found Flexible Concepts to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DETERMINING WHETHER FLEXIBLE CONCEPTS, INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP) AND THE MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-37-19, R-38-19 AND R-39-19**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 1620 Middlebury Street, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-37-19 and R-38-19 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution Number R-39-19 and approved the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, granting Flexible Concepts, Inc. certain tax phase-in benefits in exchange for the investments and commitments provided by Flexible Concepts, Inc. in its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1\PP); and

WHEREAS, Flexible Concepts, Inc. submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1/PP).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Flexible Concepts, Inc. is/are in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and with the conditions stated in Resolution Nos. R-37-19, R-38-19 and R-39-19.

1.2 Flexible Concepts, Inc. is/are not in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and the conditions stated in Resolution Nos. R-37-19, R-38-19 and R-39-19, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statement of Benefits – Personal Property (Form SB-1/PP) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in

the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk



## Abatement Worksheet

**Company**

Flexible Concepts, Inc. (2019)

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 4,000,000.00	\$ 4,001,344.00	100.0%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	\$ 4,000,000.00	\$ 4,001,344.00	100.0%
<b>Jobs</b>			
Retained Jobs	100	116	116.0%
New Jobs	5	5	100.0%
Current Jobs	100	121	
<b>Wages</b>			
Retained-Total Wages	\$ 3,640,000.00	\$ 5,654,250.00	155.3%
Retained-Average Wages	\$ 36,400.00	\$ 48,743.53	133.9%
New Jobs-Total Wages	\$ 182,000.00	\$ 409,333.00	224.9%
New Jobs-Average Wages	\$ 36,400.00	\$ 81,866.60	224.9%
Current Jobs-Total Wages	\$ 3,640,000.00	\$ 6,063,582.00	



# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**  
**2023 PAY 2024**

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer <b>FLEXIBLE CONCEPTS, INC.</b>						County <b>Elkhart</b>		
Address of Taxpayer (street and number, city, state and ZIP code) <b>1620 MIDDLEBURY STREET ELKHART IN 46516</b>						DLGF Taxing District Number <b>20012</b>		
Name of Contact Person <b>AMY BROWN</b>				Telephone Number <b>(574) 296-0941</b>		Email Address <b>AMYB@FLEXIBLECONCEPTS.COM</b>		
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY								
Name of Designating Body <b>ELKHART CITY COMMON COUNCIL</b>				Resolution Number <b>R-38-19;39-19</b>		Estimated Start Date (month, day, year) <b>08/05/2019</b>		
Location of Property <b>1620 MIDDLEBURY ST ELKHART IN 46516</b>						Actual Start Date (month, day, year) <b>10/01/2019</b>		
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. <b>See attached</b>						Estimated Completion Date (month, day, year) <b>12/31/2020</b>		
						Actual Completion Date (month, day, year) <b>12/31/2020</b>		
SECTION 3 EMPLOYEES AND SALARIES								
				EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1		ACTUAL
Current Number of Employees						100		121
Salaries						3,640,000		6,063,582
Number of Employees Retained						100		116
Salaries						3,640,000		5,654,250
Number of Additional Employees						5		5
Salaries						182,000		409,333
SECTION 4 COST AND VALUES								
	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project								
Plus: Values of Proposed Project	1,200,000	1,200,000						
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	1,200,000	1,200,000						
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project								
Plus: Values of Proposed Project	4,001,311	266,331						
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	4,001,311	266,331						
<b>NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).</b>								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
WASTE CONVERTED AND OTHER BENEFITS						AS ESTIMATED ON SB-1		ACTUAL
Amount of Solid Waste Converted								
Amount of Hazardous Waste Converted								
Other Benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of Authorized Representative <i>Amy Brown</i>				Title <i>Controller</i>		Date Signed (month, day, year) <i>5/10/2025</i>		

Prepared by: RSM US LLP • PO BOX 89, ELKHART, IN 46515-0089 • 574-522-0410



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**  
State Form 51704 (R4 / 11-15)  
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific benefits paid to individual employees by the property owner is confidential per IC 0-1-12-1-5.1

**INSTRUCTIONS**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying available equipment for which the person desires to obtain a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return or a certified deduction schedule (Form 103-ERR) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERR must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12-1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12-1-17)

SECTION 1 - TAXPAYER INFORMATION	
Name of taxpayer <b>Flexible Concepts, Inc.</b>	Name of contact person <b>Mark Brown, Controller</b>
Address of taxpayer (number and street, city, state, and ZIP code) <b>1620 Middlebury Street, Elkhart, IN 46516</b>	Telephone number <b>(874) 298-0941</b>
SECTION 2 - DESIGNATION AND DESCRIPTION OF PROPOSED PROJECT	
Name of designating body <b>Elkhart City Council</b>	Resolution number(s)
Location of property <b>1620 Middlebury Street, Elkhart, IN 46516</b>	County <b>ELKHART</b>
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary)  Company is planning \$4 million purchase of automated manufacturing equipment to meet customer demand in automotive and defense industries. State parcel number is 20-P-012-002-01796 and legal parcel number is P-012-002-01796.	DLGF listing district number <b>018</b>
	ESTIMATED
	START DATE
	COMPLETION DATE
	<b>08/01/2019</b>
<b>Manufacturing Equipment</b>	<b>12/31/2020</b>
<b>R &amp; D Equipment</b>	
<b>Logst Dist Equipment</b>	
<b>IT Equipment</b>	
SECTION 3 - ESTIMATE OF EMPLOYEES AND SALARIES AS A RESULT OF PROPOSED PROJECT	
Current number <b>100</b>	Salaries <b>\$3,640,000</b>
Number created <b>100</b>	Salaries <b>\$3,640,000</b>
Number additional <b>5</b>	Salaries <b>\$182,000</b>
SECTION 4 - ESTIMATE OF TOTAL COST AND VALUE OF PROPOSED PROJECT	
NOTE: Pursuant to IC 6-1.1-12-1-3.1 (b) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT
	R & D EQUIPMENT
	LOGIST DIST EQUIPMENT
	IT EQUIPMENT
	COST
	ASSESSED VALUE
Current values	
Plus estimated values of proposed project	<b>4,000,000</b>
Less values of any property being replaced	<b>1,200,000</b>
Net estimated value upon completion of project	<b>1,200,000</b>
SECTION 5 - WASTE CONVERTED AND OTHER BENEFITS FROM THE PROPOSED PROJECT	
Estimated solid waste converted (pounds)	Estimated hazardous waste converted (pounds)
Other benefits:	
SECTION 6 - TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.	
Signature of authorized representative <i>Mark A. Brown</i>	Date signed (month, day, year) <b>July 8, 2019</b>
Printed name of authorized representative <b>Mark Brown</b>	Title <b>Controller</b>




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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-18

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER FLEXIBLE CONCEPTS, INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\PP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-51-21, R-57-21 AND R-58-21

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This resolution relates to the property tax phase-in benefits awarded to Flexible Concepts, Inc.. Proposed Resolution 23-R-18 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (SB-1\PP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Flexible Concepts, Inc. is a national provider of precision metal components to serve both commercial and military markets. They are located on Middlebury Street in Elkhart.

In 2021 the Common Council approved a five-year personal property tax phase-in. Flexible Concepts' SB-1 estimated an investment of \$3,000,000 in manufacturing equipment for automated CNC/Drum line equipment. Their CF-1 showed an investment of \$9,389,753 which resulted in a compliance rate of 313%.

Flexible Concepts' SB-1 estimated ten new jobs from this project. Their CF-1 showed ten were created which resulted in a compliance rate of 100%. The average wages for the new jobs are 138% compliant.

Flexible Concepts was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found Flexible Concepts to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, DETERMINING WHETHER FLEXIBLE CONCEPTS, INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP) AND THE MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-51-21, R-57-21 AND R-58-21**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 1620 Middlebury Street, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-51-21 and R-57-21 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution Number R-58-21 and approved the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, granting Flexible Concepts, Inc. certain tax phase-in benefits in exchange for the investments and commitments provided by Flexible Concepts, Inc. in its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1\PP); and

WHEREAS, Flexible Concepts, Inc. submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1/PP).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Flexible Concepts, Inc. is/are in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and with the conditions stated in Resolution Nos. R-51-21, R-57-21 and R-58-21.

1.2 Flexible Concepts, Inc. is/are not in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and the conditions stated in Resolution Nos. R-51-21, R-57-21 and R-58-21, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statement of Benefits – Personal Property (Form SB-1/PP) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in

the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

## Abatement Worksheet

### Company

Flexible Concepts, Inc. (2021)

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 3,000,000.00	\$ 9,389,753.00	313.0%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	\$ 3,000,000.00	\$ 9,389,753.00	313.0%
<b>Jobs</b>			
Retained Jobs	110	111	100.9%
New Jobs	10	10	100.0%
Current Jobs	110	121	
<b>Wages</b>			
Retained-Total Wages	\$ 4,347,200.00	\$ 5,545,787.00	127.6%
Retained-Average Wages	\$ 39,520.00	\$ 49,962.05	126.4%
New Jobs-Total Wages	\$ 374,000.00	\$ 517,796.00	138.4%
New Jobs-Average Wages	\$ 37,400.00	\$ 51,779.60	138.4%
Current Jobs-Total Wages	\$ 4,347,200.00	\$ 6,063,582.00	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 61765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1/PP**

**2023 PAY 2024**

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>FLEXIBLE CONCEPTS, INC.</b>		County <b>Elkhart</b>
Address of Taxpayer (street and number, city, state and ZIP code) <b>1620 MIDDLEBURY STREET ELKHART IN 46516</b>		DLGF Taxing District Number <b>20012</b>
Name of Contact Person <b>AMY BROWN</b>	Telephone Number <b>(574) 296-0941</b>	Email Address <b>AMY@FLEXIBLECONCEPTS.COM</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of Designating Body <b>ELKHART CITY COUNCIL</b>	Resolution Number <b>R-51-21, R-57-21</b>	Estimated Start Date (month, day, year) <b>06/15/2021</b>
Location of Property <b>1620 MIDDLEBURY ST ELKHART IN 46516</b>		Actual Start Date (month, day, year) <b>06/01/2021</b>
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. <b>See attached</b>		Estimated Completion Date (month, day, year) <b>12/31/2022</b>
		Actual Completion Date (month, day, year) <b>12/31/2022</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees		110	121
Salaries		4,347,200	6,063,502
Number of Employees Retained		110	111
Salaries		4,347,200	5,545,707
Number of Additional Employees		10	10
Salaries		374,400	517,796

**SECTION 4 COST AND VALUES**

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
AS ESTIMATED ON SB-1								
Values Before Project								
Plus: Values of Proposed Project	3,000,000	900,000						
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	3,000,000	900,000						
ACTUAL								
Values Before Project								
Plus: Values of Proposed Project	9,389,753	4,137,932						
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	9,389,753	4,137,932						

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of Authorized Representative <i>Theresa Schmitt</i>	Title <b>VP OF SALES</b>	Date Signed (month, day, year) <b>5/10/23</b>
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Prepared by: HSM US LLP • PO BOX 99, ELKHART, IN 46515-0099 • 574-522-0410



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**  
State Form 51701 (11/17/11) (IF)  
Prescribed by the Department of Local Government Finance

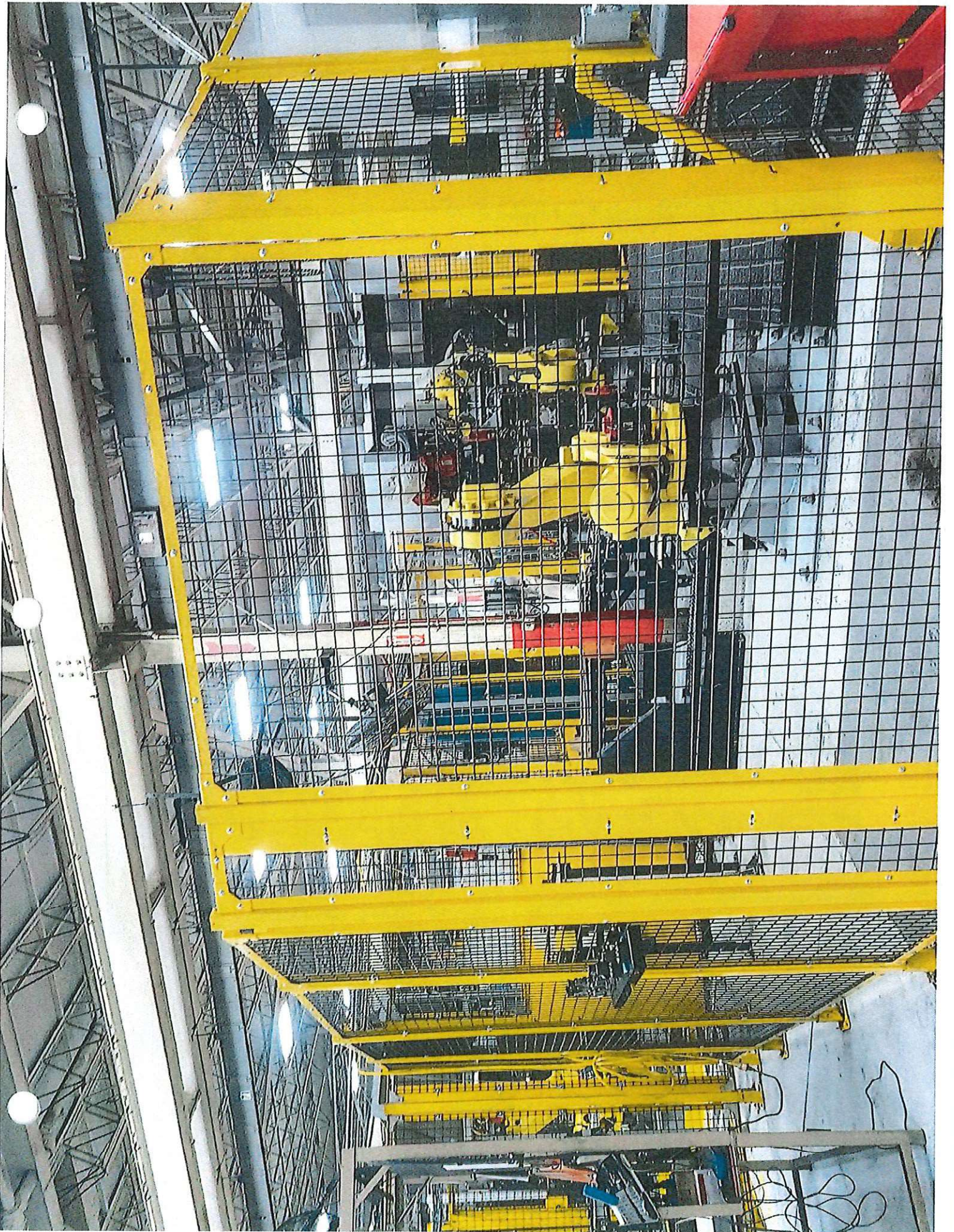
**FORM SB-1/PP**

**PRIVACY NOTICE**  
Any information concerning the cost of the property and especially related only to individual employees by the property owner is confidential per IC 6-1-13.1-1.5.7.

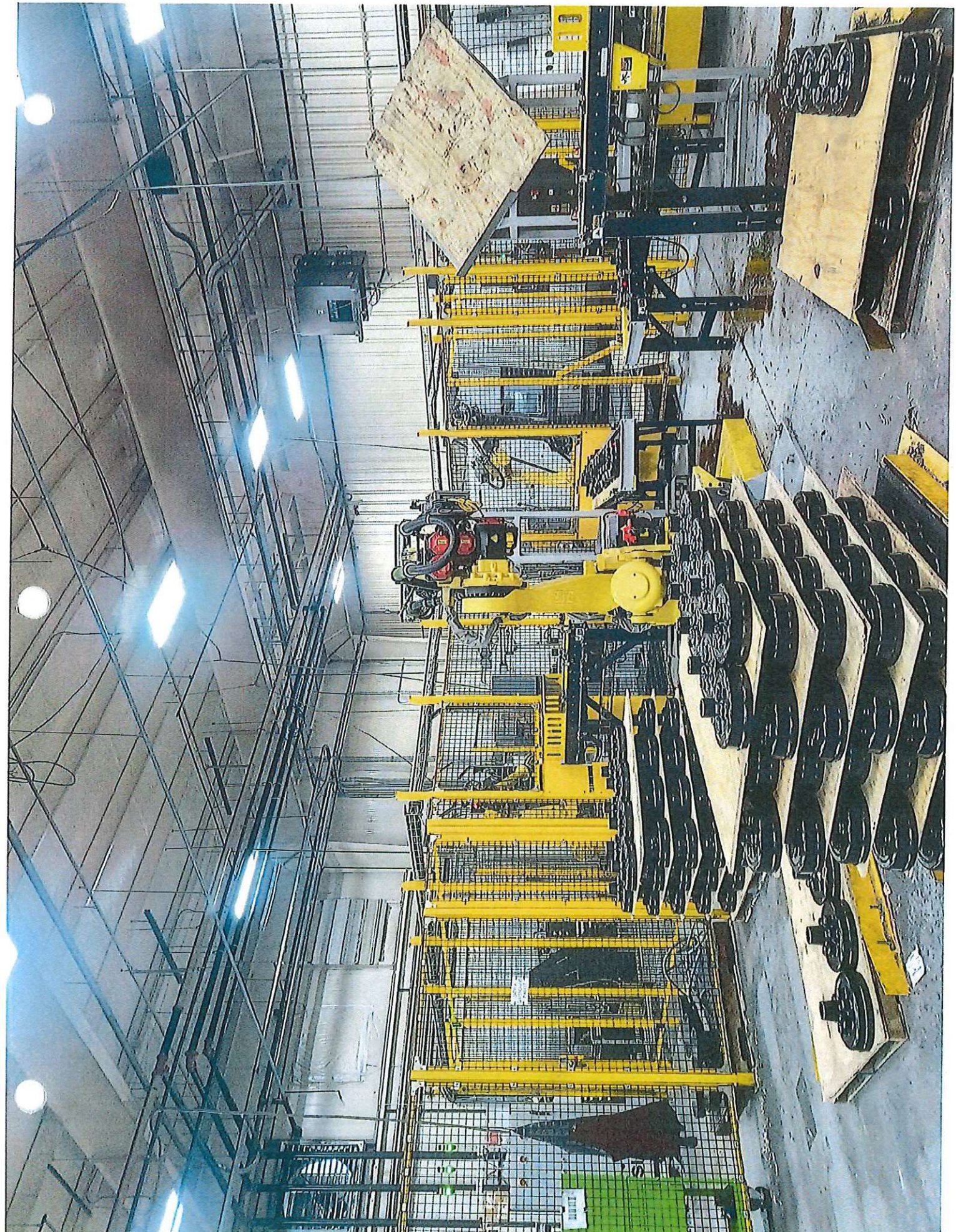
**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to obtain a deferral.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualified deferrable equipment for which the person wishes to obtain a deferral.
- To obtain a deferral a person must file a certified application according with the person's personal property return on a certified application schedule (Form 10-5-EEA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The return must be filed between January 1 and January 31 of the assessment year in which new manufacturing equipment, and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a writ of extension has been obtained. A person who obtains a writ extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form SB-1/PP annually to show compliance with the Statement of Benefits (IC 6-1-1.2-1.5.8).
- Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an additional schedule for deed deduction allowed. For Form SB-1/PP that is approved prior to July 1, 2013, the additional schedule provided by the designating body applies in effect. (IC 6-1-1.2-1.11)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer	Maxie Chevrolet, LLC							
Name of contact person	Mark Brown, Controller							
Address of property and parcel number (see page 1)	1020 Middlebury Street, Elkhart, IN 46016							
Parcel number	012							
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of location	Elkhart City Council							
Location of property	1020 Middlebury Street, Elkhart, IN 46016							
County	ELKHART							
Parcel number	012							
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment (Use additional sheets if necessary)	Company is planning to purchase a total of 100 units of equipment for manufacturing equipment to meet customer demand for automatic defense equipment. The equipment is being purchased by the company and will be used for the production of defense equipment.							
ESTIMATED COST	ESTIMATED VALUE							
START DATE	COMPLETION DATE							
Manufacturing Equipment	10/10/2014							
R & D Equipment	12/31/2014							
Log. Dist. Equipment								
Information Technology Equipment								
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Number of employees	24							
Annual salary	\$347,800							
Number of positions	24							
Annual salary	\$347,800							
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Payment to local government for the cost of the property is calculated as the sum of the assessed value of the property and the assessed value of the equipment.								
COST OF THE PROPERTY	ASSESSED VALUE	TOTAL COST	ASSESSED VALUE	TOTAL COST	ASSESSED VALUE	TOTAL COST	ASSESSED VALUE	TOTAL COST
Land								
Improvements								
Manufacturing Equipment	\$1,000,000	\$1,000,000						
R & D Equipment								
Log. Dist. Equipment								
Information Technology Equipment								
Total								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Amount of waste converted (dollars)								
Other benefits								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the information in this statement is true and correct.								
Name of taxpayer	Mark Brown							
Title	Controller							
Date signed	May 6, 2014							









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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-19

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER KEM KREST, LLC \ LA ISLA BONITA PROPERTIES, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-47-16, R-49-16 AND R-50-16

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This resolution relates to the property tax phase-in benefits awarded to Kem Krest, LLC \ La Isla Bonita Properties, LLC.

Proposed Resolution 23-R-19 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.





Kem Krest is a premier provider of comprehensive solutions for fulfillment, chemical packaging, supply chain management, and e-commerce. They are located on Magnum Drive in Elkhart.

In 2016 the Common Council approved a seven-year real property and five-year personal property tax phase-in. The deduction period has ended for their personal property phase-in. Kem Krest's SB-1 real property estimated an investment of \$5,800,000 to construct a new warehousing distribution building. Their CF-1 showed an investment of \$6,122,543 which resulted in a compliance rate of 105%.

Kem Krest's SB-1 estimated 130 new jobs from this project. Their CF-1 showed 154 were created which resulted in a compliance rate of 118%. The average wages for new jobs are 91% compliant.

The Ad Hoc Business Committee found Kem Krest to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER KEM KREST, LLC \ LA ISLA BONITA  
PROPERTIES, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT  
OF BENEFITS FORMS AND MEMORANDA OF AGREEMENT APPROVED UNDER  
RESOLUTION NOS. R-47-16, R-49-16 AND R-50-16**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 828, 832, 836, 1020, 1080 Middleton Road Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-47-16 and R-49-16 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-50-16 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Kem Krest, LLC \ La Isla Bonita Properties, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Kem Krest, LLC \ La Isla Bonita Properties, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Kem Krest, LLC \ La Isla Bonita Properties, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Kem Krest, LLC \ La Isla Bonita Properties, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-47-16, R-49-16 and R-50-16.

1.2 Kem Krest, LLC \ La Isla Bonita Properties, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-47-16, R-49-16 and R-50-16, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

## Abatement Worksheet

**Company**

Kem Krest, LLC

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 5,800,000.00	\$ 6,112,543.77	105.4%
<b>Personal Property</b>			
Manufacturing Equipment	N/A	N/A	
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	N/A	N/A	
<b>Jobs</b>			
Retained Jobs	94	94	100.0%
New Jobs	36	60	166.7%
Current Jobs	130	154	
<b>Wages</b>			
Retained-Total Wages	\$ 2,474,825.00	\$ 2,474,825.00	100.0%
Retained-Average Wages	\$ 26,327.93	\$ 26,327.93	100.0%
New Jobs-Total Wages	\$ 1,370,400.00	\$ 2,077,702.92	151.6%
New Jobs-Average Wages	\$ 38,066.67	\$ 34,628.38	91.0%
Current Jobs-Total Wages	\$ 3,845,225.00	\$ 4,552,527.92	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**  
State Form 51760 (R3 12-13)  
Prescribed by the Department of Local Government Finance

**RECEIVED**  
MAY 16 2023  
BY: *[Signature]*

20 23 PAY 20 24  
FORM CF-1 / Real Property

**PRIVACY NOTICE**  
The cost and any specific individual's salary information is confidential; the balance of this form is public record per IC 6-1.1-12.1-5.1 (c) and (d).

**INSTRUCTIONS:**

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer <b>Kem Krest, LLC / La Isla Bonita Properties, LLC</b>	County <b>Elkhart</b>
Address of taxpayer (number and street, city, state, and ZIP code) <b>3221 Magnum Drive, Elkhart, IN 46515-2977</b>	DLCAP taxing district number <b>20011</b>
Name of contact person <b>Mark Turner/Jamie Ruiz</b>	Telephone number <b>( 574 ) 327-2580 (574) 229-9525</b>

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of designating body <b>City of Elkhart</b>	Resolution number <b>16-R-47</b>	Estimated start date (month, day, year) <b>09/1/2016</b>
Location of property <b>1020 Middleton Run Road, Elkhart, IN 48516</b>		Actual start date (month, day, year) <b>9/15/2016</b>
Description of real property improvements <b>Kem Krest, built a 199,000 sq ft warehouse with state of the art technology investment to support customer base in the automotive, agriculture or defense industries. Investments have exceeded the original budget due to added investment in facilities for staff training and development.</b>		Estimated completion date (month, day, year) <b>3/21/2017</b>
		Actual completion date (month, day, year) <b>3/26/2017</b>

SECTION 3 EMPLOYEES AND SALARIES			
	AS ESTIMATED ON SB-1	ACTUAL	
Current number of employees		130	154
Salaries	3,845,225.00	4,592,927.92	
Number of employees retained	84	84	
Salaries	2,474,825.00	2,474,825.00	
Number of additional employees	36	90	
Salaries	1,370,400.00	2,077,702.92	

SECTION 4 COST AND VALUES		
AS ESTIMATED ON SB-1	REAL ESTATE IMPROVEMENTS	
VALUES BEFORE PROJECT	COST	ASSESSED VALUE
Plus: Values of proposed project	0.00	1,015,000.00
Less: Values of any property being replaced	5,800,000.00	
Net values upon completion of project	0.00	
<b>ACTUAL</b>	<b>5,800,000.00</b>	
VALUES BEFORE PROJECT	COST	ASSESSED VALUE
Plus: Values of proposed project		1,015,000.00
Less: Values of any property being replaced	6,112,543.77	5,010,700.00
Net values upon completion of project	0.00	
	6,112,543.77	6,440,300.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted	0.00	0.00
Amount of hazardous waste converted	0.00	0.00
Other benefits:		

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <i>Jamie Ruiz</i>	Title <b>CERTIFIED TAX REP</b>	Date signed (month, day, year) <b>5/2/2023</b>



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

2016 PAY 2016
FORM SB-1 / Real Property
<b>PRIVACY NOTICE</b> Any information concerning the cost of the property and special salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-6.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(h)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

**SECTION 1: TAXPAYER INFORMATION**

Name of taxpayer: **Kem Krest, LLC / La Isla Bonita Properties, LLC**

Address of taxpayer (number and street, city, state, and ZIP code): **3221 Magnum Drive, Elkhart, IN 46515-2977**

Name of contact person: **Dave Gurizzian**

Telephone number: **(574) 327-2560**

E-mail address: **Dgurizzian@kemkrest.com**

Name of designating body: **City of Elkhart**

Resolution number: \_\_\_\_\_

Location of property: **828, 832, 836, 1020, 1080 Middleton Rd, Elkhart, IN 48516**

County: **Elkhart**

DLGF taxing district number: **20011**

Estimated start date (month, day, year): **9/1/2016**

Estimated completion date (month, day, year): **5/1/2017**

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary): **Krest, LLC seeks to build a new 200,000 sq ft warehousing distribution building for future company growth. The three sites under consideration are the land adjacent to current operation in Elkhart, IN or Brighton, MI or Pleasant Prairie, WI.**

**SECTION 2: ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
94.00	\$2,474,825.00	94.00	\$2,474,825.00	36.00	\$1,370,400.00

**SECTION 3: ESTIMATE OF TOTAL COST AND VALUE OF PROPOSED PROJECT**

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project		
Less values of any property being replaced	5,800,000.00	5,800,000.00
Net estimated values upon completion of project		

**SECTION 4: WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds): **0.00**

Estimated hazardous waste converted (pounds): **0.00**

Other benefits: **The site in its current condition represents a residentially distressed area. The 5 homes on the property are in various stages of decline and the living conditions are not optimal. Kem Krest, LLC seeks to build a state of the art warehousing and distribution center which will create jobs and revenue for the local economy.**

**SECTION 5: SIGNATURE AND CERTIFICATION**

I hereby certify that the representations in this statement are true.

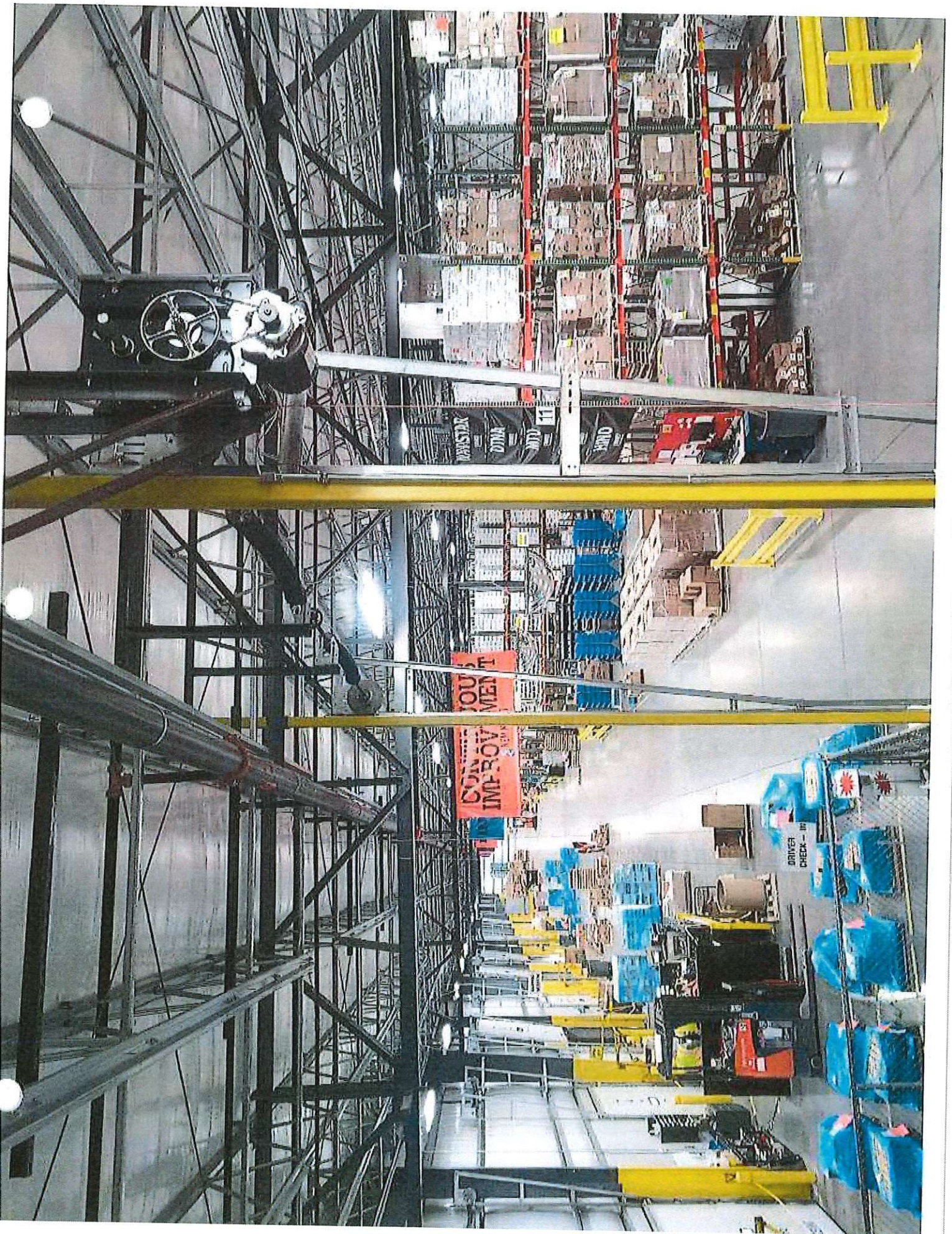
Signature of authorized representative: *[Signature]*

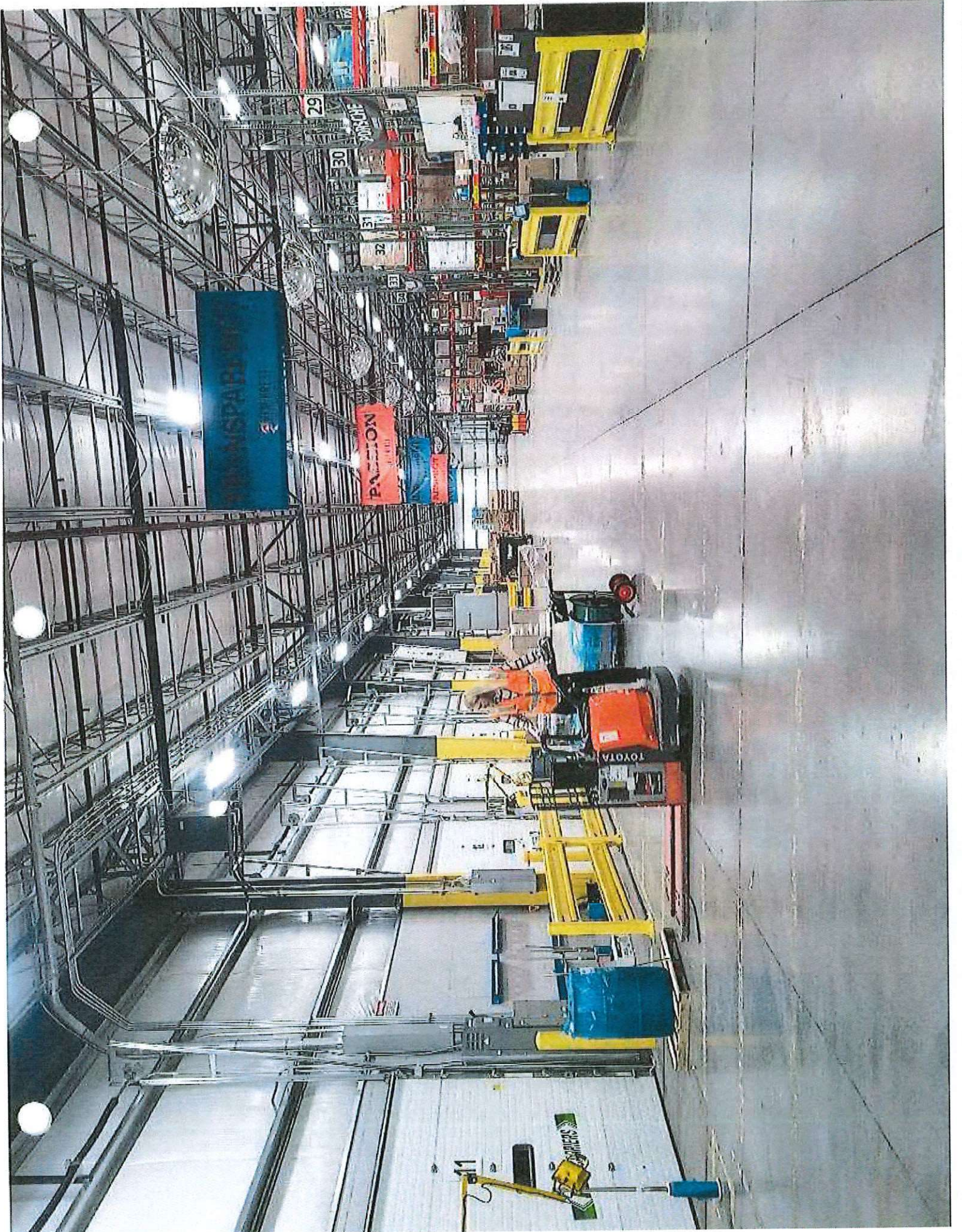
Date signed (month, day, year): **8/20/16**

Printed name of authorized representative: **Dave M. Gurizzian**

Title: **CFO**









XPO Logistics

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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-20

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER MARSON INTERNATIONAL LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-04-22, R-06-22 AND R-07-22

---

This resolution relates to the property tax phase-in benefits awarded to Marson International LLC. Proposed Resolution 23-R-20 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/PP, SB-1/RP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Marson International is a leader in large and small diameter tube fabrication. They are located on Manchester Drive in Elkhart.

In 2022, the Common Council approved a three-year real property and three-year personal property tax phase-in. Marson's SB-1 real property estimated an investment of \$1,000,000 for a new building purchase and construction. Their CF-1 showed an investment of \$3,243,372 which resulted in a compliance rate of 324%.

Their SB-1 personal property estimated an investment of \$2,000,000 in manufacturing equipment for tube lasers and robot CNC tube blenders. Their CF-1 showed an investment of \$3,088,228 in manufacturing equipment which resulted in a compliance rate of 154%.

Marson's SB-1 projected ten new jobs from this project. Their CF-1 showed ten were created which resulted in a compliance rate of 100%. The average wages for new jobs are 68% compliant. Marson submitted supplemental information which showed their annualized average wage rate for new employees. This resulted in a compliance rate of 109%.

The Ad Hoc Business Committee found Marson to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER MARSON INTERNATIONAL LLC ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-04-22,  
R-06-22 AND R-07-22**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 3630 Manchester Drive, Elkhart, IN 46514 as an economic revitalization area (the “Area”) under Resolution Numbers R-04-22 and R-06-22 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-07-22 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Marson International LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Marson International LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Marson International LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Marson International LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-04-22, R-06-22 and R-07-22.

1.2 Marson International LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-04-22, R-06-22 and R-07-22, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

### Abatement Worksheet

Company		SB-1	CF-1	%Compliant
Marson International, LLC				
<b>Real Property</b>				
Real Estate Improvements		\$ 1,000,000.00	\$ 3,243,372.00	324.3%
<b>Personal Property</b>				
Manufacturing Equipment		\$ 2,000,000.00	\$ 3,088,228.00	154.4%
R&D Equipment		N/A	N/A	
Logistic Distribution Equipment		N/A	N/A	
IT Equipment		N/A	N/A	
Total Personal Property		\$ 2,000,000.00	\$ 3,088,228.00	154.4%
<b>Jobs</b>				
Retained Jobs		N/A	N/A	
New Jobs		10	10	100.0%
Current Jobs		N/A	N/A	
<b>Wages</b>				
Retained-Total Wages		N/A	N/A	
Retained-Average Wages		N/A	N/A	
New Jobs-Total Wages (As reported on CF-1)		\$ 499,200.00	\$ 343,910.00	68.9%
New Jobs-Average Wages (As reported on CF-1)		\$ 49,920.00	\$ 34,391.00	68.9%
New Jobs-Total Wages (Annualized after submitting supplemental information)		\$ 499,200.00	\$ 547,040.00	109.6%
New Jobs-Average Wages (Annualized after submitting supplemental information)		\$ 49,920.00	\$ 54,704.00	109.6%
Current Jobs-Total Wages		N/A	N/A	

Marson International, LLC  
3630 Manchester Drive  
Elkhart, IN 46514

Attachment to Form CF-1/PP, Compliance with Statement of Benefits Personal Property

Section 3 – Employees and Salaries

The taxpayer had 10 additional employees at 12/31/2022 with total salaries of 343,910. The total average salary was \$34,391. However, this does not represent a full year of salary due to employees being hired at different times throughout the year. The actual average annualized salary would have been \$54,704. This exceeds the average annual salary as projected in the resolution.

Section 4 Cost and Values

The taxpayer has made considerable investment in personal property and has exceeded the cost as projected on the SB-1/PP.

The project is proceeding as proposed to the Council.



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## MEMORANDUM

---

**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-21

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER PLACON CORPORATION ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-14-20, R-27-20 AND R-28-20

---

This resolution relates to the property tax phase-in benefits awarded to Placon Corporation.

Proposed Resolution 23-R-21 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Placon Packaging is a leading designer, manufacturer of stock and custom designed plastic thermoforming, and injection molded packaging. They are located on Oakland Avenue in Elkhart.

In 2020, the Common Council approved a five-year real property and five-year personal property tax phase-in. Placon's SB-1 real property estimated an investment of \$4,900,000 for land acquisition and to construct a new a facility. Their CF-1 showed an investment of \$6,474,226 which resulted in a compliance rate of 132%.

Their SB-1 personal property estimated an investment of \$3,905,000 in total personal property including automated machinery and IT equipment. Their CF-1 showed an investment of \$4,572,619 which resulted in a compliance rate of 117%.

Placon's SB-1 estimated 26 new jobs from this project. Their CF-1 showed 26 were created which resulted in a compliance rate of 100%. The average wages for new jobs are 93% compliant.

During the 2022 CF-1 Compliance process Placon was found in compliance.

The Ad Hoc Business Committee found Placon to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER PLACON CORPORATION ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-14-20,  
R-27-20 AND R-28-20**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 2901 Oakland Ave. Elkhart, IN 46517 as an economic revitalization area (the “Area”) under Resolution Numbers R-14-20 and R-27-20 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-28-20 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Placon Corporation certain tax phase-in benefits in exchange for the investments and commitments provided by Placon Corporation in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Placon Corporation submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section I.     *(Check the applicable Subsection below)*

1.1 Placon Corporation is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-14-20, R-27-20 and R-28-20.

1.2 Placon Corporation is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-14-20, R-27-20 and R-28-20, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

## Abatement Worksheet

**Company**

Placon Corporation

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 4,900,000.00	\$ 6,474,226.00	132.1%
<b>Personal Property</b>			
Manufacturing Equipment	\$ 3,860,000.00	\$ 4,496,910.00	116.5%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	\$ 45,000.00	\$ 75,709.00	168.2%
Total Personal Property	\$ 3,905,000.00	\$ 4,572,619.00	117.1%
<b>Jobs</b>			
Retained Jobs	70	70	100.0%
New Jobs	26	26	100.0%
Current Jobs	70	96	
<b>Wages</b>			
Retained-Total Wages	\$ 3,588,000.00	\$ 4,653,368.00	129.7%
Retained-Average Wages	\$ 51,257.14	\$ 66,476.69	129.7%
New Jobs-Total Wages	\$ 1,352,000.00	\$ 1,260,287.00	93.2%
New Jobs-Average Wages	\$ 52,000.00	\$ 48,472.58	93.2%
Current Jobs-Total Wages	\$ 3,588,000.00	\$ 4,653,368.00	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51786 (R3 / 2-13)  
Prescribed by the Department of Local Government Finance

20 23 PAY 20 24

FORM CF-1 / Real Property

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

**INSTRUCTIONS:**

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.1(b))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1 TAXPAYER INFORMATION			
Name of taxpayer <b>Placon Medical Packaging, Inc. Bargar Packaging, Inc.</b>		County <b>Elkhart</b>	
Address of taxpayer (number and street, city, state, and ZIP code) <b>2901 Oakland Avenue Elkhart IN 46517</b>		DLGF taxing district number <b>20-011</b>	
Name of contact person <b>Jeff Bauer</b>		Telephone number <b>( 608 ) 278-4954</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY			
Name of designating body <b>Elkhart City Common Council</b>		Resolution number <b>R-28-20</b>	Estimated start date (month, day, year) <b>7/15/20</b>
Location of property <b>2901 Oakland Avenue Elkhart IN 46517</b>		Actual start date (month, day, year)	
Description of real property improvements The company will expend at least \$5.4M on land acquisition and new building construction for the expansion of its operations as a manufacturer of thin-gauge, thermofomed plastic packaging materials. The investment is expected to result in the creation of at least 26 new employment positions by 12/31/25.		Estimated completion date (month, day, year) <b>12/31/22</b>	
		Actual completion date (month, day, year) <b>12/31/22</b>	
SECTION 3 EMPLOYEES AND SALARIES			
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		70	60
Salaries		3,568,000.00	4,653,388.00
Number of employees retained		70	70
Salaries		3,568,000.00	3,393,091.00
Number of additional employees		26	26
Salaries		1,357,000.00	1,260,287.00
SECTION 4 COST AND VALUES			
COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1		COST	ASSESSED VALUE
Values before project			
Plus: Values of proposed project		4,900,000.00	
Less: Values of any property being replaced			
Net values upon completion of project		4,900,000.00	
ACTUAL		COST	ASSESSED VALUE
Values before project			
Plus: Values of proposed project		6,474,226.00	
Less: Values of any property being replaced			
Net values upon completion of project		6,474,226.00	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted			
Amount of hazardous waste converted			
Other benefits:			
SECTION 6 TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.			
Signature of authorized representative <i>Jeffrey J. Bauer</i>	Title Director, Accounting Shared Services	Date signed (month, day, year) 5/15/23	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51765 (R4 / 11-16)

Prescribed by the Department of Local Government Finance

**FORM CF-1 / PP**

**PRIVACY NOTICE**  
This form contains information confidential pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15 of each year, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance (CF-1).

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer <b>Placon Medical Packaging, Inc.</b>	County <b>Elkhart</b>
Address of taxpayer (number and street, city, state, and ZIP code) <b>6096 McKee Road Madison WI 53719</b>	DI-31 taxing district number <b>20-005</b>
Name of contact person <b>Jeff Bauer</b>	Telephone number <b>(608) 278-4954</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of designating body <b>Common Council of the City of Elkhart</b>	Resolution number <b>R-28-20</b>	Estimated start date (month, day, year) <b>7/15/20</b>
Location of property <b>2901 Oakland Avenue and surrounding Elkhart IN 46517</b>		Actual start date (month, day, year)
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. <b>The company will purchase and install machinery and IT equipment conducive to expanding operations as a manufacturer of thin-gauge, thermofomed plastic packaging materials. The investment is expected to result in the creation of at least 26 new employment positions by 12/31/25.</b>		Estimated completion date (month, day, year) <b>12/31/22</b>
		Actual completion date (month, day, year) <b>12/31/22</b>

**SECTION 3 EMPLOYEES AND SALARIES**

EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current number of employees	70	46
Salaries	3,598,000.00	4,653,360.00
Number of employees retained	70	70
Salaries	3,598,000.00	3,393,061.00
Number of additional employees	26	26
Salaries	1,352,000.00	1,260,287.00

**SECTION 4 COST AND VALUES**

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
<b>AS ESTIMATED ON SB-1</b>								
Values before project							45,000.00	
Plus: Values of proposed project	3,800,000.00							
Less: Values of any property being replaced							45,000.00	
Net values upon completion of project	3,800,000.00							
<b>ACTUAL</b>								
Values before project							75,709.00	
Plus: Values of proposed project	4,496,910.00							
Less: Values of any property being replaced								
Net values upon completion of project	4,496,910.00						75,709.00	

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted		
Amount of hazardous waste converted		
Other benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative <i>Jeffrey J. Bauer</i>	Title <b>Director, Accounting Shared Services</b>	Date signed (month, day, year) <b>5/15/23</b>
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**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)  
Prescribed by the Department of Local Government Finance

20 <u>20</u> PAY 20 <u>21</u>
FORM SB-1 / Real Property
<b>PRIVACY NOTICE</b> Any information concerning the cost of the property and specific benefits paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):  
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
 Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(f)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-7

**SECTION 1 TAXPAYER INFORMATION**

Name of taxpayer  
**Placon Corporation**

Address of taxpayer (number and street, city, state, and ZIP code)  
**2901 Oakland Avenue, Elkhart, IN 46517**

Name of contact person  
**Kollie Telgen, Financial Analyst**

Telephone number  
**( 608 ) 278-6074**

E-mail address  
**ktelgen@placon.com**

**SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT**

Name of designating body  
**Elkhart City Common Council**

Resolution number  
**20-011**

Location of property  
**2901 Oakland Avenue, Elkhart, IN 46517 and surrounding parcels**

County  
**Elkhart City Common Council**

OLGF taxing district number  
**20-011**

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)  
**The company will expand approximately \$5.4 million on land acquisition and new building construction for the expansion of its operations as a manufacturer of thin-gauge, thermoformed plastic packaging materials. The investment is expected to result in the creation of 28 new employment positions by 12/31/2025.**

Estimated start date (month, day, year)  
**7/15/2020**

Estimated completion date (month, day, year)  
**12/31/2022**

**SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT**

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
69.00	\$3,588,000.00	69.00	\$3,588,000.00	26.00	\$1,352,000.00

**SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT**

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		
Plus estimated values of proposed project	4,000,000.00	
Less values of any property being replaced		
Net estimated values upon completion of project		

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

Estimated solid waste converted (pounds) \_\_\_\_\_

Estimated hazardous waste converted (pounds) \_\_\_\_\_

Other benefits \_\_\_\_\_

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representations in this statement are true.

Signature of authorized representative  
*Daniel R. Gilbert*

Date signed (month, day, year)  
**5/26/20**

Printed name of authorized representative  
**Daniel R. Gilbert**

Title  
**CFO**



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51784 (R4 / 11-16)  
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**  
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION												
Name of taxpayer <b>Placon Corporation</b>					Name of contact person <b>Kaille Telgen, Financial Analyst</b>							
Address of taxpayer (number and street, city, state, and ZIP code) <b>2901 Oakland Avenue, Elkhart, IN 46517 and surrounding parcels</b>								Telephone number <b>( 808 ) 274-6074</b>				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT												
Name of designating body <b>Elkhart City Common Council</b>							Resolution number (s)					
Location of property <b>2901 Oakland Avenue, Elkhart, IN 46517 and surrounding parcels</b>					County <b>Elkhart</b>		DLGF taxing district number <b>20-011</b>					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) The company will purchase and install machinery and IT equipment conducive to expanding its operations as a manufacturer of thin-gauge, thermoformed plastic packaging materials. The investment is expected to result in the creation of 26 new employment positions by 12/31/2025.					ESTIMATED							
							START DATE		COMPLETION DATE			
					Manufacturing Equipment		07/15/2020		12/31/2022			
					R & D Equipment							
					IT Equipment		07/15/2020		12/31/2022			
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT												
Current number <b>69</b>		Salaries <b>\$3,588,000</b>		Number retained <b>69</b>		Salaries <b>\$3,588,000</b>		Number additional <b>26</b>		Salaries <b>\$1,352,000</b>		
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT												
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
			COST		ASSESSED VALUE		COST		ASSESSED VALUE		COST	
			Current values								45,000	
			Plus estimated values of proposed project		3,860,000							
			Loss values of any property being replaced									
Net estimated values upon completion of project												
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER												
Estimated solid waste converted (pounds)					Estimated hazardous waste converted (pounds)							
Other benefits:												
SECTION 6 TAXPAYER CERTIFICATION												
I hereby certify that the representations in this statement are true.												
Signature of authorized representative <i>Daniel R. Gilbert</i>							Date signed (month, day, year) <b>5/26/20</b>					
Printed name of authorized representative <b>Daniel R. Gilbert</b>					Title <b>CFO</b>							













City of Elkhart, Indiana  
*the city with a heart*

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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER R. CONCEPTS INDUSTRIES, INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\PP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-47-19, R-49-19 AND R-50-19

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This resolution relates to the property tax phase-in benefits awarded to R. Concepts Industries, Inc..

Proposed Resolution 23-R-22 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (SB-1\PP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



R Concepts Industries, Inc. is a premier manufacturer of custom toolboxes and truck boxes while also performing custom metal fabrication for the automotive and other industries. They're located on County Road 15 in Elkhart.

In 2019 the Common Council Approved a three-year personal property tax phase-in. R Concept's SB-1 estimated an investment of \$1,712,000 in total personal property for a fiber laser with automation, precision press brake, laser net software, and other equipment. Their CF-1 showed an investment of \$1,805,634 which resulted in a compliance rate of 105%.

R Concept's SB-1 estimated six new jobs from this project. Their CF-1 showed 18 were created which resulted in a compliance rate of 300%. The average wages for new jobs are 135% compliant.

R Concepts was found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found R Concepts to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
ELKHART, INDIANA, DETERMINING WHETHER R. CONCEPTS  
INDUSTRIES, INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS  
STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP)  
AND THE MEMORANDUM OF AGREEMENT APPROVED UNDER  
RESOLUTION NOS. R-47-19, R-49-19 AND R-50-19**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 555 County Road 15, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-47-19 and R-49-19 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution Number R-50-19 and approved the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, granting R. Concepts Industries, Inc. certain tax phase-in benefits in exchange for the investments and commitments provided by R. Concepts Industries, Inc. in its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1\PP); and

WHEREAS, R. Concepts Industries, Inc. submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1/PP).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 R. Concepts Industries, Inc. is/are in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and with the conditions stated in Resolution Nos. R-47-19, R-49-19 and R-50-19.

1.2 R. Concepts Industries, Inc. is/are not in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and the conditions stated in Resolution Nos. R-47-19, R-49-19 and R-50-19, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statement of Benefits – Personal Property (Form SB-1/PP) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in

the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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



## Abatement Worksheet

**Company**

R Concepts Industries, Inc.

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 1,375,000.00	\$ 1,531,276.00	111.4%
R&D Equipment	\$ 91,000.00	\$ 79,500.00	87.4%
Logistic Distribution Equipment	\$ 27,000.00	\$ -	0.0%
IT Equipment	\$ 219,000.00	\$ 194,858.00	89.0%
Total Personal Property	\$ 1,712,000.00	\$ 1,805,634.00	105.5%
<b>Jobs</b>			
Retained Jobs	124	124	100.0%
New Jobs	6	18	300.0%
Current Jobs	124	142	
<b>Wages</b>			
Retained-Total Wages	\$ 4,778,273.00	\$ 4,778,273.00	100.0%
Retained-Average Wages	\$ 38,534.46	\$ 38,534.46	100.0%
New Jobs-Total Wages	\$ 262,080.00	\$ 1,068,891.00	407.8%
New Jobs-Average Wages	\$ 43,680.00	\$ 59,382.83	135.9%
Current Jobs-Total Wages	\$ 4,778,273.00	\$5,847,164.00	



# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-35-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**  
**2023 PAY 2024**

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-FRA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

**SECTION 1 TAXPAYER INFORMATION**

Name of Taxpayer <b>R. CONCEPTS INDUSTRIES, INC.</b>		County <b>ELKHART</b>
Address of Taxpayer (street and number, city, state and ZIP code) <b>555 COUNTY ROAD 15 ELKHART IN 46516</b>		DLGF Taxing District Number <b>011</b>
Name of Contact Person <b>CHRIS M. CURTIS</b>	Telephone Number <b>574-295-6641</b>	Email Address <b>CCURTIS@RCTOOLBOX.COM</b>

**SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY**

Name of Designating Body <b>CITY OF ELKHART</b>	Resolution Number <b>R-49-19</b>	Estimated Start Date (month, day, year) <b>07/01/2020</b>
Location of Property <b>555 COUNTY ROAD 15 ELKHART IN 46516</b>		Actual Start Date (month, day, year) <b>11/01/2020</b>
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. <b>See attached</b>		Estimated Completion Date (month, day, year) <b>12/20/2020</b>
		Actual Completion Date (month, day, year) <b>12/31/2021</b>

**SECTION 3 EMPLOYEES AND SALARIES**

		AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees		124	142
Salaries		4,778,273	5,817,164
Number of Employees Retained		124	124
Salaries		4,778,273	4,778,273
Number of Additional Employees		6	18
Salaries		262,060	1,069,891

**SECTION 4 COST AND VALUES**

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
<b>AS ESTIMATED ON SB-1</b>								
Values Before Project								
Plus: Values of Proposed Project	1,115,000		21,000		24,000		219,000	
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	1,115,000		21,000		24,000		219,000	
<b>ACTUAL</b>								
Values Before Project	2,624,875	2,219,214						
Plus: Values of Proposed Project	1,531,214	723,102	13,500	30,300			194,808	65,217
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	4,156,089	2,942,316	13,500	30,300			194,808	65,217

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).

**SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER**

	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted		
Amount of Hazardous Waste Converted		
Other Benefits:		

**SECTION 6 TAXPAYER CERTIFICATION**

I hereby certify that the representatives in this statement are true

Signature of Authorized Representative <i>Chris M. Curtis</i>	Title <i>President</i>	Date Signed (month, day, year) <i>5/11/2023</i>
--	---------------------------	--

Prepared by: KHURGEL LAWTON & CO, LLC EIN 35-T307701 • 317 W. FRANKLIN ST., ELKHART, IN 46516 • 574-264-2247



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51784 (R4 / 11-16)  
Prescribed by the Department of Local Government Finance

**FORM SB-1/PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

**INSTRUCTIONS**

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abetable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form GF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer <b>R Concepts Industries, Inc.</b>			Name of contact person <b>Chris M. Curtis</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>685 CR 15, Elkhart, IN 46516</b>				Telephone number <b>( 574 ) 295-6641</b>				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body <b>City of Elkhart</b>				Resolution number (s)				
Location of property <b>585 CR 15, Elkhart, IN 46516</b>			County <b>Elkhart</b>		DLGF taxing district number <b>09</b>			
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) <b>Mfr Eq: Fiber laser with automation, precision press brake, brake tooling R&amp;D Eq: Coordinate measuring arm, SolidWorks seat Log Eq: Curtainside truck box IT Eq: Laser Nest software, Visual Shop Mobile, barcoding equipment, work center display terminals</b>				ESTIMATED				
				START DATE		COMPLETION DATE		
				<b>Manufacturing Equipment</b>		<b>03/20/2020</b>	<b>12/20/2020</b>	
				<b>R &amp; D Equipment</b>		<b>12/01/2019</b>	<b>12/20/2020</b>	
				<b>Logist Dist Equipment</b>		<b>07/01/2020</b>	<b>12/20/2020</b>	
<b>IT Equipment</b>		<b>12/01/2019</b>	<b>12/20/2020</b>					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number <b>124</b>	Salaries <b>\$4,778,273.00</b>	Number retained <b>124</b>	Salaries <b>\$4,778,273.00</b>	Number additional <b>6</b>	Salaries <b>\$262,080</b>			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values								
Plus estimated values of proposed project	<b>1,375,000</b>		<b>91,000</b>		<b>27,000</b>		<b>219,000</b>	
Less values of any property being replaced								
Net estimated values upon completion of project								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)					
Other benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of authorized representative <i>Chris M. Curtis</i>				Date signed (month, day, year) <b>10/3/2019</b>				
Printed name of authorized representative <b>Chris M. Curtis</b>			Title <b>President</b>					



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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER TREDIT TIRE & WHEEL COMPANY INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\PP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-38-18, R-42-18 AND R-43-18

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This resolution relates to the property tax phase-in benefits awarded to Tredit Tire & Wheel Company Inc..

Proposed Resolution 23-R-23 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (SB-1\PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Tredit Tire and Wheel Co. Inc. is an industry leader in quality tire and wheel assemblies for manufacturers of a variety of towable trailer applications. They are located on Charlotte Avenue in Elkhart.

In 2018 the Common Council approved a five-year personal property tax phase-in. Tredit's SB-1 estimated an investment of \$4,000,000 manufacturing equipment for industrial automated equipment, assembly machines and robots. Their CF-1 showed an investment of \$5,857,048 which resulted in a compliance rate of 133%. Tredit also listed investments in new logistical distribution and IT equipment on their CF-1 which were not included on their SB-1. These are not considered in the benefits for the Phase-in.

Tredit's SB-1 estimated 26 new jobs from this project. Their CF-1 showed 30 were created which resulted in a compliance rate of 115%. The average wages for new jobs are 361% compliant. At the Ad Hoc Business Committee meeting Julie Welsh of Tredit stated these wage numbers included bonuses. As of June 1<sup>st</sup> the City of Elkhart is waiting for amended numbers from Tredit.

During the 2023 CF-1 Compliance Process Tredit was 67% compliant in personal property. They had until December 31, 2022 to reach their investment. Tredit was able to meet the deadline and successfully completed their project.

The Ad Hoc Business Committee found Tredit to be in compliance.

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
ELKHART, INDIANA, DETERMINING WHETHER TREDIT TIRE & WHEEL  
COMPANY INC. ARE IN SUBSTANTIAL COMPLIANCE WITH ITS  
STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP)  
AND THE MEMORANDUM OF AGREEMENT APPROVED UNDER  
RESOLUTION NOS. R-38-18, R-42-18 AND R-43-18**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 3305 Charlotte Avenue, Elkhart, IN 46517 as an economic revitalization area (the “Area”) under Resolution Numbers R-38-18 and R-42-18 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution Number R-43-18 and approved the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, granting Tredit Tire & Wheel Company Inc. certain tax phase-in benefits in exchange for the investments and commitments provided by Tredit Tire & Wheel Company Inc. in its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1\PP); and

WHEREAS, Tredit Tire & Wheel Company Inc. submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1\PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM SB-1/PP).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Tredit Tire & Wheel Company Inc. is/are in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and with the conditions stated in Resolution Nos. R-38-18, R-42-18 and R-43-18.

1.2 Tredit Tire & Wheel Company Inc. is/are not in substantial compliance with the \_\_\_\_\_ Statement of Benefits – Personal Property (Form SB-1/PP) and the conditions stated in Resolution Nos. R-38-18, R-42-18 and R-43-18, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statement of Benefits – Personal Property (Form SB-1/PP) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in

the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

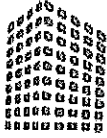
\_\_\_\_\_  
Debra D. Barrett, City Clerk

## Abatement Worksheet

**Company**

Tredit Tire & Wheel Co Inc.

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	N/A	N/A	
<b>Personal Property</b>			
Manufacturing Equipment	\$ 4,400,000.00	\$ 5,857,048.00	133.1%
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	\$ 355,989.00	N/A
IT Equipment	N/A	\$ 137,406.00	N/A
Total Personal Property	\$ 4,400,000.00	\$ 6,350,443.00	144.3%
<b>Jobs</b>			
Retained Jobs	70	70	100.0%
New Jobs	26	30	115.4%
Current Jobs	70	100	
<b>Wages</b>			
Retained-Total Wages	\$ 3,820,413.00	\$ 3,820,413.00	100.0%
Retained-Average Wages	\$ 54,577.33	\$ 54,577.33	100.0%
New Jobs-Total Wages	\$ 979,930.00	\$ 4,082,539.00	416.6%
New Jobs-Average Wages	\$ 37,689.62	\$ 136,084.63	361.1%
Current Jobs-Total Wages	\$3,820,413.00	\$7,902,952.00	



JM TAX ADVOCATES

13300 Olio Road, Suite 360  
Fishers, Indiana 46037  
phone (317) 674-8390  
fax (317) 863-1089  
www.jmtaxadvocates.com

VIA CERTIFIED MAIL

7022 0410 0001 8268 2241

May 11, 2023

City of Elkhart Common Council  
229 S Second St  
Elkhart, IN 46516

Re: January 1, 2023 Form CF-1/PP  
Taxpayer: Tredit Tire & Wheel Co Inc

To Whom It May Concern:

Please find enclosed two copies of the aforementioned personal property tax return. We would appreciate obtaining a date stamped copy in the enclosed self-addressed envelope. Feel free to contact me at (317) 674-8390 ext. 100 if you have any questions.

Best Regards,

Joshua J. Malancuk, CPA, CMI

Enclosures



# COMPLIANCE WITH STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51765 (1/7 / 12-22)  
Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-3.5 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**  
**2023 PAY 2024**

**INSTRUCTIONS:**

1. Property owners whose Statement of Benefits was approved must file this form with the local Designating Body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
2. This form must be filed with the Form 103-EHA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer Tredit Tire & Wheel Co Inc						County Elkhart		
Address of Taxpayer (street and number, city, state and ZIP code) 3305 Charlotte Ave Elkhart IN 46517						DLGF Taxing District Number 20-001		
Name of Contact Person Julie Welsh				Telephone Number 574-593-0581		Email Address jwelsh@tredittire.com		
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY								
Name of Designating Body Common Council of the City of Elkhart				Resolution Number R-54-21 & R-38-18		Estimated Start Date (month, day, year) 07/01/2018		
Location of Property 3305 Charlotte Avenue Elkhart IN 46517						Actual Start Date (month, day, year) 07/01/2018		
Description of new manufacturing equipment, or new research and development equipment, or new information technology equipment, or new logistical distribution equipment to be acquired. See attached						Estimated Completion Date (month, day, year) 12/31/2020		
						Actual Completion Date (month, day, year) 12/31/2022		
SECTION 3 EMPLOYEES AND SALARIES								
EMPLOYEES AND SALARIES						AS ESTIMATED ON SB-1		ACTUAL
Current Number of Employees						78		100
Salaries						3,020,413		7,902,952
Number of Employees Retained						78		78
Salaries						3,820,413		3,820,413
Number of Additional Employees						26		30
Salaries						979,930		4,082,539
SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	140,127	740,800						
Plus: Values of Proposed Project	4,400,000	6,420,000						
Less: Values of Any Property Being Replaced	2,140,000	5,180,000						
Net Values Upon Completion of Project								
ACTUAL	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	140,000	228,180						
Plus: Values of Proposed Project	5,857,048	1,727,118			355,288	140,207	117,404	43,970
Less: Values of Any Property Being Replaced								
Net Values Upon Completion of Project	6,297,048	1,955,298			355,288	140,207	117,404	43,970
<b>NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6 (c).</b>								
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
WASTE CONVERTED AND OTHER BENEFITS						AS ESTIMATED ON SB-1		ACTUAL
Amount of Solid Waste Converted								
Amount of Hazardous Waste Converted								
Other Benefits:								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of Authorized Representative Julie Welsh				Title Financial Controller			Date Signed (month, day, year) 05/10/2023	



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 51764 (R3 / 12-13)

Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

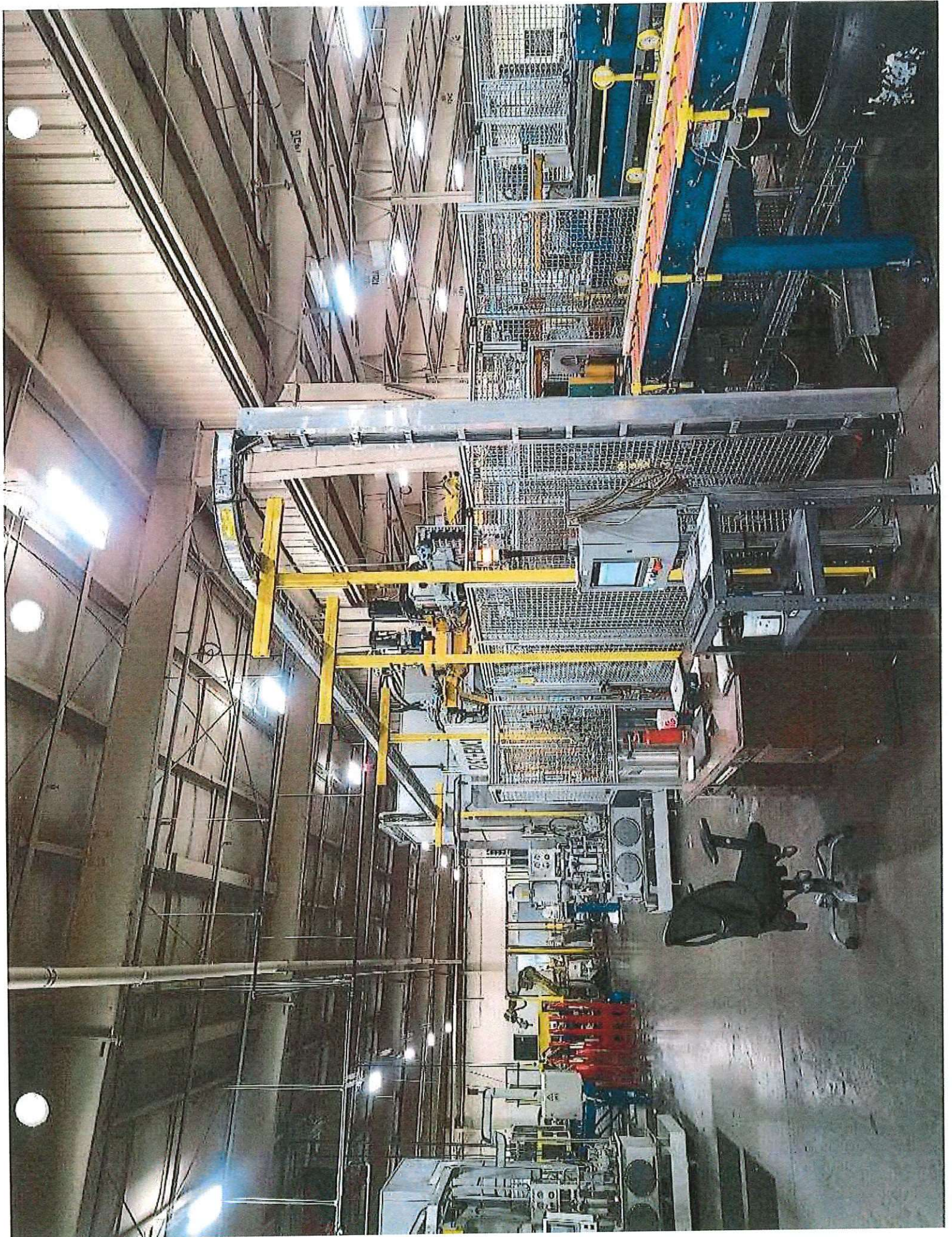
**INSTRUCTIONS**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1		TAXPAYER INFORMATION							
Name of taxpayer <b>Tredt Tire &amp; Wheel Co, Inc.</b>		Name of contact person <b>Jen Sallor, VP Finance</b>							
Address of taxpayer (number and street, city, state, and ZIP code) <b>3305 Charlotte Avenue, Elkhart, IN 46617</b>		Telephone number <b>( 674 ) 293-0581</b>							
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT							
Name of designating body <b>Common Council of the City of Elkhart</b>		Resolution number (s) <b>R-33-18</b>							
Location of property <b>3305 Charlotte Avenue, Elkhart, IN 46617</b>		County <b>Elkhart</b>	DLGF taxing district number <b>20-002001</b>						
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary)  Industrial Automation equipment for two assembly / manufacturing lines. Equipment includes assembly machines (2) and robots (4). Machinery will replace manual processes, improve throughput and capacity. Addition of the machines at Elkhart facility will allow for increased volume and and additional workforce.		<b>ESTIMATED</b>							
		START DATE	COMPLETION DATE						
		<b>07/01/2018</b>	<b>12/31/2020</b>						
		<b>Manufacturing Equipment</b>							
<b>R &amp; D Equipment</b>									
<b>Logist Dist Equipment</b>									
<b>IT Equipment</b>									
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT							
Current number <b>70</b>	Salaries <b>3,820,413.10</b>	Number retained <b>70</b>	Salaries <b>3,820,413.10</b>	Number additional <b>26</b>	Salaries <b>979830</b>				
SECTION 4									
ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT									
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT		
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	
	Current values	<b>740,600</b>	<b>740,600</b>						
	Plus estimated values of proposed project	<b>4,400,000</b>	<b>4,400,000</b>						
	Less values of any property being replaced								
Net estimated values upon completion of project	<b>5,140,600</b>	<b>6,140,600</b>							
SECTION 5									
WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER									
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)						
Other benefits:									
SECTION 6									
TAXPAYER CERTIFICATION									
I hereby certify that the representations in this statement are true.									
Signature of authorized representative <b>Jennifer D. Sallor</b>				Date signed (month, day, year) <b>7/25/18</b>					
Printed name of authorized representative <b>Jennifer D. Sallor</b>			Title <b>VP of Finance</b>						











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## MEMORANDUM

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-24

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER TRUMA CORP. \ 42K REAL ESTATE LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-04-18, R-09-18 AND R-10-18

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This resolution relates to the property tax phase-in benefits awarded to Truma Corp. \ 42K Real Estate LLC.

Proposed Resolution 23-R-24 is presented in connection with the Common Council's annual review of the company's COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council's decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Truma Corporation is a supplier of heating, water and LPG (liquid petroleum gas) systems for the recreational vehicle industry. They're located on Harmon Drive in Elkhart.

In 2018 the Common Council approved a five-year real property and five-year real property tax phase-in. Truma's SB-1 real property estimated an investment of \$3,500,000 in new building construction. Their CF-1 showed an investment of \$4,575,688 which resulted in a compliance rate of 130%.

Truma's SB-1 personal property estimated an investment of \$740,000 in total personal property for manufacturing, R&D, logistical distribution, and IT equipment. Their CF-1 showed an investment of 142%.

Truma's SB-1 estimated eight jobs from this project. Their CF-1 showed 31 were created which resulted in a compliance rate of 387%. The MOA with Truma established an average wage rate of \$60,000 per year for new employees. Their CF-1 showed they are 74% compliant. Truma submitted supplemental information which showed their annualized average wage rate for new employees. This resulted in a compliance rate of 124%.

They were found in compliance during the 2022 CF-1 Compliance process.

The Ad Hoc Business Committee found Truma to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER TRUMA CORP. \ 42K REAL ESTATE LLC  
ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS  
FORMS AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION  
NOS. R-04-18, R-09-18 AND R-10-18**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 2800 Harman Drive, Elkhart, IN 46514 as an economic revitalization area (the “Area”) under Resolution Numbers R-04-18 and R-09-18 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-10-18 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Truma Corp. \ 42K Real Estate LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Truma Corp. \ 42K Real Estate LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Truma Corp. \ 42K Real Estate LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1. (Check the applicable Subsection below)

1.1 Truma Corp. \ 42K Real Estate LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-04-18, R-09-18 and R-10-18.

1.2 Truma Corp. \ 42K Real Estate LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-04-18, R-09-18 and R-10-18, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

(Check one or more of the following reasons that apply.)

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

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B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

### Abatement Worksheet

Company

42k Real Estate and Truma Corp.

	SB-1/ MOA	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 3,500,000.00	\$ 4,575,688.00	130.7%
<b>Personal Property</b>			
Manufacturing Equipment	\$ 50,000.00	\$ 17,457.00	34.9%
R&D Equipment	\$ 500,000.00	\$ 544,609.00	108.9%
Logistic Distribution Equipment	\$ 100,000.00	\$ 289,957.00	290.0%
IT Equipment	\$ 90,000.00	\$ 200,280.11	222.5%
Total Personal Property	\$ 740,000.00	\$ 1,052,303.11	142.2%
<b>Jobs</b>			
Retained Jobs	0	35	
New Jobs	8	31	387.5%
Current Jobs	10	66	
<b>Wages</b>			
Retained-Total Wages	\$ 730,000.00	\$ 3,823,830.93	523.8%
Retained-Average Wages	\$ -	\$ 109,252.31	
New Jobs-Total Wages	\$ 630,000.00	\$ 1,388,745.46	220.4%
New Jobs-Average Wages (As reported on CF-1)	\$60,000	\$ 44,798.24	74.7%
New Jobs-Average Wages (Annualized after submitting supplemental information)	\$ 60,000.00	\$ 74,445.71	124.1%
Current Jobs-Total Wages	\$ 730,000.00	\$ 5,212,576.39	



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51766 (R6 / 4-23)

Prescribed by the Department of Local Government Finance

20 21 PAY 20 24

FORM CF-1 / Real Property

**INSTRUCTIONS:**

1. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
2. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
3. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15 or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IG 6-1, 1-12.1-5.3(f))
4. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

**PRIVACY NOTICE**

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC B 1-1-12.1-6.3 (k) and (l).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer 42K Real Estate LLC and Truma Corp.	County Elkhart	
Address of Taxpayer (number and street, city, state, and ZIP code) c/o Schumann Burghart LLP, 1500 Broadway, Suite 1902, NY, NY 10036	DLGF Taxing District Number 027	
Name of Contact Person Gerhard Hundsberger and Jonathan D. Haley	Telephone Number (855 ) 558-7862	Email Address j.haley@trumacorp.com
SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body City of Elkhart	Resolution Number R-10-18	Estimated Start Date (month, day, year) 11/01/2017
Location of Property 2800 Harman Dr, Elkhart, IN 46514	Actual Start Date (month, day, year) 11/01/2018	
Description of Real Property Improvements New Building, including offices, warehouse, and climate chamber	Estimated Completion Date (month, day, year) 10/01/2018	
Actual Completion Date (month, day, year) 08/17/2019		
SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	10	60
Salaries	\$730,000.00	\$5,212,578.30
Number of Employees Retained	0	35
Salaries	\$0	\$3,023,030.93
Number of Additional Employees	8	31
Salaries	\$630,000.00	\$1,308,745.46
SECTION 4 COST AND VALUES		
COST AND VALUES	REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1	COST	ASSESSED VALUE
Values Before Project	\$ 350,000.00	\$ 350,000.00
Plus: Values of Proposed Project	\$ 3,500,000.00	\$ 3,500,000.00
Less: Values of Any Property Being Replaced	\$ 0	\$ 0
Net Values Upon Completion of Project	\$ 3,850,000.00	\$ 3,850,000.00
ACTUAL	COST	ASSESSED VALUE
Values Before Project	\$ 350,000.00	\$ not assessed
Plus: Values of Proposed Project	\$ 4,575,688.00	\$ 3,395,900.00
Less: Values of Any Property Being Replaced	\$ 0	\$ 0
Net Values Upon Completion of Project	\$ 4,925,688.00	\$ 3,395,900.00
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted	0	0
Amount of Hazardous Waste Converted	0	0
Other Benefits:	0	0
SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative <i>Jonathan D. Haley</i>	Title CFO Truma Corp.	Date Signed (month, day, year) May 16, 2023





**COMPLIANCE WITH STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 61766 (R7 / 12-22)

Prescribed by the Department of Local Government Finance

**PRIVACY NOTICE**  
This form contains confidential information pursuant to IC 6-1.1-36-9 and IC 6-1.1-12.1-5.6.

**FORM CF-1 / PP**  
20 23 Pay 20 24

- INSTRUCTIONS:**
1. Property owners whose Statement of Benefits was approved must file this form with the local designating body to show the extent to which there has been compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
  2. This form must be filed with the Form 103-ERA Schedule of Deduction from Assessed Value between January 1 and May 15, unless a filing extension under IC 6-1.1-3.7 has been granted. A person who obtains a filing extension must file between January 1 and the extended due date of each year.
  3. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (CF-1).

SECTION 1 TAXPAYER INFORMATION		
Name of Taxpayer <b>42K Real Estate LLC and Truma Corp.</b>	County <b>Elkhart</b>	
Address of Taxpayer (number and street, city, state, and ZIP code) <b>c/o Schumann Burghart LLP, 1500 Broadway, Suite 1902, NY, NY 10036</b>	DLGF Taxing District Number <b>027</b>	
Name of Contact Person <b>Gerhard Hundtberger and Jonathan D. Haley</b>	Telephone Number <b>(855) 558-7862</b>	Email Address <b>J.haley@trumacorp.com</b>

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of Designating Body <b>City of Elkhart</b>	Resolution Number <b>R-10-18</b>	Estimated State Date (month, day, year) <b>11/01/2017</b>
Location of Property <b>2800 Harman Dr, Elkhart, IN 46514</b>	Actual Start Date (month, day, year) <b>11/01/2018</b>	
Description of new manufacturing equipment, new research and development equipment, new information technology equipment, or new logistical distribution equipment to be acquired. <b>Logistical distribution equipment, computer systems (see further Side Letter)</b>	Estimated Completion Date (month, day, year) <b>10/01/2018</b>	
	Actual Completion Date (month, day, year) <b>08/17/2019</b>	

SECTION 3 EMPLOYEES AND SALARIES		
EMPLOYEES AND SALARIES	AS ESTIMATED ON SB-1	ACTUAL
Current Number of Employees	10	66
Salaries	\$730,000.00	\$5,212,576.39
Number of Employees Retained	0	35
Salaries	\$0	\$3,823,830.93
Number of Additional Employees	8	31
Salaries	\$630,000.00	\$1,388,745.46

SECTION 4 COST AND VALUES								
AS ESTIMATED ON SB-1	MANUFACTURING EQUIPMENT		RESEARCH & DEVELOPMENT EQUIPMENT		LOGISTICAL DISTRIBUTION EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Values Before Project	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 10,000.00	\$ 4,000.00
Plus: Values of Proposed Project	\$ 50,000.00	\$ 50,000.00	\$ 500,000.00	\$ 500,000.00	\$ 100,000.00	\$ 100,000.00	\$ 90,000.00	\$ 90,000.00
Less: Values of Any Property Being Replaced	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Net Values Upon Completion of Project	\$ 50,000.00	\$ 50,000.00	\$ 500,000.00	\$ 500,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 94,000.00
<b>ACTUAL</b>	<b>COST</b>	<b>ASSESSED VALUE</b>	<b>COST</b>	<b>ASSESSED VALUE</b>	<b>COST</b>	<b>ASSESSED VALUE</b>	<b>COST</b>	<b>ASSESSED VALUE</b>
Values Before Project	\$ 0	\$ not assessed	\$ 0	\$ not assessed	\$ 0	\$ not assessed	\$ 10,000.00	\$ not assessed
Plus: Values of Proposed Project	\$ 17,457.00	\$ 17,457.00	\$ 544,000.00	\$ 544,000.00	\$ 289,957.00	\$ 289,957.00	\$ 200,200.11	\$ 200,200.11
Less: Values of Any Property Being Replaced	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Net Values Upon Completion of Project	\$ 17,457.00	\$ 17,457.00	\$ 544,000.00	\$ 544,000.00	\$ 289,957.00	\$ 289,957.00	\$ 210,200.11	\$ 210,200.11

NOTE: The COST of the property is confidential pursuant to IC 6-1.1-12.1-5.6(c).

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER		
WASTE CONVERTED AND OTHER BENEFITS	AS ESTIMATED ON SB-1	ACTUAL
Amount of Solid Waste Converted	0	0
Amount of Hazardous Waste Converted	0	0
Other Benefits:	0	0

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of Authorized Representative <i>Jonathan D. Haley</i>	Title <b>CFO of Truma Corp.</b>	Date Signed (month, day, year) <b>May 16, 2023</b>



**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R4/2-13)  
Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
<b>PRIVACY NOTICE</b>
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1(c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):  
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
 Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. \*Projects\* planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(f)).
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer <b>42K Real Estate LLC</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>825 E Jackson Blvd, Elkhart, IN 46516</b>					
Name of contact person <b>Gerhard Hundsberger</b>		Telephone number <b>( 674 ) 538-2428</b>		E-mail address <b>g.hundsberger@trumacorp.com</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body				Resolution number	
Location of property <b>13 Harman Drive, Elkhart, IN 46514</b>				County <b>Elkhart</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>New building, including offices, warehouse, and climate chamber</b>				DLGF taxing district number	
				Estimated start date (month, day, year) <b>11/01/2017</b>	
				Estimated completion date (month, day, year) <b>10/01/2018</b>	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number <b>10</b>	Salaries <b>\$730,000</b>	Number retained <b>0</b>	Salaries <b>\$0</b>	Number additional <b>8</b>	Salaries <b>\$630,000</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
<b>REAL ESTATE IMPROVEMENTS</b>					
			<b>COST</b>		<b>ASSESSED VALUE</b>
Current values			<b>\$360,000</b>		<b>\$360,000</b>
Plus estimated values of proposed project			<b>\$3,500,000</b>		<b>\$3,600,000</b>
Less values of any property being replaced			<b>\$0</b>		<b>\$0</b>
Net estimated values upon completion of project			<b>\$3,860,000</b>		<b>\$3,860,000</b>
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) <b>0 (N/A)</b>			Estimated hazardous waste converted (pounds) <b>0 (N/A)</b>		
Other benefits <b>N/A</b>					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>[Signature]</i>			Title <b>Asst. - in-charge</b>		Date signed (month, day, year) <b>02-20-18</b>



**STATEMENT OF BENEFITS  
PERSONAL PROPERTY**

State Form 61784 (R2 / 12-11)  
Prescribed by the Department of Local Government Finance

**FORM SB-1 / PP**

**PRIVACY NOTICE**  
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, BEFORE a deduction may be approved.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer <b>42K Real Estate LLC</b>	
Address of taxpayer (number and street, city, state, and ZIP code) <b>825 E Jackson Blvd, Elkhart, IN 46516</b>	
Name of contact person <b>Gerhard Hundsberger</b>	Telephone number <b>(574) 538-2428</b>

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body		Reschullon number (s)	
Location of property <b>13 Harman Drive, Elkhart, IN 46514</b>	County <b>Elkhart</b>	OLGF taxing district number	
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary)  <b>Manufacturing equipment: tools R&amp;D equipment: climate rooms Logistical distribution equipment: warehouse and trucks IT equipment: computers and computer systems</b>	<b>ESTIMATED</b>		
		<b>START DATE</b>	<b>COMPLETION DATE</b>
	<b>Manufacturing Equipment</b>	<b>11/01/2017</b>	<b>10/01/2018</b>
	<b>R &amp; D Equipment</b>	<b>11/01/2017</b>	<b>10/01/2018</b>
	<b>Logist Dist Equipment</b>	<b>11/01/2017</b>	<b>10/01/2018</b>
<b>IT Equipment</b>	<b>11/01/2017</b>	<b>10/01/2018</b>	

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number <b>10</b>	Salaries <b>\$730,000</b>	Number retained <b>0</b>	Salaries <b>\$0</b>	Number additional <b>8</b>	Salaries <b>\$630,000</b>

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current Values	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000	\$4,000
Plus estimated values of proposed project	\$50,000	\$50,000	\$500,000	\$500,000	\$100,000	\$100,000	\$90,000	\$90,000
Less values of any property being replaced	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net estimated values upon completion of project	\$50,000	\$50,000	\$500,000	\$500,000	\$100,000	\$100,000	\$100,000	\$94,000

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds) <b>0 (N/A)</b>	Estimated hazardous waste converted (pounds) <b>0 (N/A)</b>
Other benefits: <b>N/A</b>	

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative 	Title <b>Attorney-in-fact</b>	Date signed (month, day, year) <b>02-20-18</b>

**RESOLUTION NO. R-10-18**

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF ELKHART, INDIANA, TO APPROVE THE  
MEMORANDUMS OF AGREEMENT BETWEEN THE CITY  
OF ELKHART AND 42K REAL ESTATE, LLC**

WHEREAS, 42K Real Estate, LLC (the "Applicant") has filed an application with the City of Elkhart (the "City") requesting that 13 Harman Drive, Elkhart, Indiana, be designated as economic revitalization areas by the Common Council of the City of Elkhart (the "Common Council"), in accordance with Indiana Code § 6.1-1.1-12.1, for the purpose of allowing deductions from the assessed value of the proposed real estate improvements (the "Project"), new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment (the "New Equipment"); and

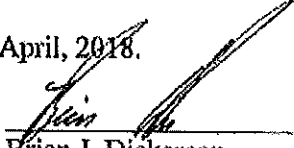
WHEREAS, the City's Tax Abatement Policy requires the Applicant to enter into a written agreement agreeing: (i) to comply with the project description, (ii) to create and retain a certain number of jobs along with the associated wages rates and salaries (as shown in its Application), and (iii) to comply with its Statement of Benefits form and any other documents submitted in support of its Application; and

WHEREAS, a Memorandum of Agreement has been prepared and presented to the Common Council for the Project, and a Memorandum of Agreement has been prepared and presented to the Common Council for the New Equipment (the "Agreements"), which Agreements govern the relationship between the City of Elkhart and the Applicant during the term of the tax abatement; and

WHEREAS, the Common Council believes that it is in the best interest of the City to enter into these Agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT the attached Agreements entered into between the City and the Applicant are hereby approved by the Common Council.

RESOLVED this 16<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Brian J. Dickerson  
President of the Common Council

ATTEST:

Sue M. Beadle  
Sue M. Beadle, City Clerk

PRESENTED to the Mayor by me this 19th day of April, 2018.

Sue M. Beadle  
Sue M. Beadle, City Clerk

APPROVED by me this 19th day of April, 2018.

Timothy Neese  
Timothy Neese, Mayor

ATTEST:

Sue M. Beadle  
Sue M. Beadle, City Clerk

RE: 18-R-13

## MEMORANDUM OF AGREEMENT

### Real Estate

This Memorandum of Agreement ("Agreement") dated as of the 16<sup>th</sup> day of April, 2018, serves as a confirmation of the good-faith commitment by 42K Real Estate LLC, a Delaware Limited Liability Company, and Truma Corp., a Delaware Corporation (collectively, the "Applicant") to use its reasonable best efforts to implement the Project as described, to create and retain the jobs and pay the wages specified in the Applicant's Application For Designation As An Economic Revitalization Area, dated February 20, 2018 ("Application"), and the Statement of Benefits Form, dated February 20, 2018 ("Statement of Benefits"), and to fulfill its obligations under this Agreement ("Applicant's Commitment").

#### 1. Commitments of City and Applicant:

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-2 and -3, the City of Elkhart, Indiana ("City"), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed redevelopment or rehabilitation of the real estate for five (5) consecutive tax years on the Applicant's real property located at 13 Harman Drive, Elkhart, Indiana. The amount of the deduction from the assessed value of the property shall be according to the deduction schedule shown in **Exhibit A**, which is attached to this Agreement, ("Tax Phase-in"). The City's obligation shall start with the first year in which the assessed value on the real property increases because of the proposed redevelopment or rehabilitation. The City and the Applicant acknowledge that pursuant to Indiana Code 6-1.1-2-1 and -1.5, all tangible property located within the state of Indiana on January 1 of each year is subject to assessment and taxation for that year. The Parties, furthermore, acknowledge that pursuant to Indiana Code 6-1.1-22-9(a), the property taxes assessed for a year are due in two (2) equal installments on May 10<sup>th</sup> and November 10<sup>th</sup> of the following year, unless an exception under Indiana Code 6-1.1-22-9(b) is applicable.

(b) Subject to Section 4 herein, the Applicant (or an entity acting on the Applicant's behalf) agrees as follows: (1) by December 31, 2019, to make a total capital expenditure of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) associated with improvements to the property located at 13 Harman Drive, Elkhart, Indiana (Key Number 20-02-24-352-004.000-026) (the "Project"), and (2) by December 31, 2020, to create at least eight (8) new full-time permanent positions with an average annual salary of Sixty Thousand Dollars (\$60,000.00) (the "Jobs"). The Applicant further agrees to contribute fifteen percent (15%) of the amount of real property taxes abated under the Tax Phase-in, which will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement due in two (2) equal installments on May 10<sup>th</sup> and November 10<sup>th</sup> and remitted to the City. Payment of the contribution shall (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in 2020 and each year thereafter during the five-year Tax Phase-in deduction period.

2. Applicant's Compliance with City and State Laws: During the term of the Tax Phase-in, the Applicant shall use its good-faith efforts to comply with all applicable provisions of Indiana Code 6-1.1-12.1. Also, during the term of the Tax Phase-in, the City may annually request information from the Applicant concerning the nature of the Project, the costs of the Project and the amount of and average wages for the Jobs, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request ("Annual Survey"). The City shall utilize this information and the information provided by the Applicant in the CP-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in Applicant's Commitment at all times after the date thereof until the expiration of the Tax Phase-in. The Applicant further agrees to provide the City with such additional information reasonably requested by the City related to the information provided in the Annual Survey and the CP-1 form within fifteen (15) days following any such additional request.

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-in benefits if it determines that the Applicant has not substantially complied with all of Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: (1) By December 31, 2019, making capital expenditures of not less than Ninety-Five Percent (95%) of the capital expenditures referenced in Section 1 above ("Real Property") for the Project; and (2) by December 31, 2020, creating not less than Ninety-five Percent (95%) of the Jobs referenced in Section 1 above, and those new jobs having an average annual salary of at least Fifty-Seven Thousand Dollars (\$57,000.00), excluding benefits.

4. Factors Beyond Applicant's Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors that: (i) are not reasonably foreseeable at the time of designation, application, and submission of the Statement of Benefits; (ii) are not caused by any grossly negligent act or omission of the Applicant; and (iii) do not materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

5. Repayment of Tax Phase-in Benefits:

(a) During the term of this Agreement, if the Applicant: (i) is delinquent or in default for a period of sixty (60) days with respect to any tax payment due in Elkhart County, Indiana; or (ii) ceases operations at the facility for which Tax Phase-in benefits were granted for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event); or (iii) announces the cessation of operations at such facility for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event), then the City may terminate the Economic Revitalization Area designation and associated Tax Phase-in benefits, and upon such termination, require Applicant to repay all of the Tax Phase-in benefits received through the date of such termination, so long as it follows the procedures set forth in Section 7. Such repayment of received benefits shall be calculated as provided in Section 5(b). The amount of benefit repayment shall be measured against the level of noncompliance.

(b) In the event the City terminates this Agreement in accordance with this Section 5, the Applicant will be required to repay only that percentage of the Tax Phase-in benefits received through the date of termination that is equal to the percentage of the Applicant's noncompliance with Section 1 above, less the fifteen percent (15%) tax savings to the City. For purposes of this Agreement, the percentage of the Applicant's noncompliance with Section 1 above shall be calculated as follows: the amount of actual investment in the particular category (average annual salary, number of jobs, and/or personal property investment) shall be divided by the corresponding established amount for substantial compliance in that category to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance. The percentage of noncompliance shall equal the percentage of benefit repayment.

Example: If an applicant promises 100 jobs, 95 jobs represent substantial compliance, and 85 jobs are actually created, then the percentage of benefits repayment is the following:  $85 \text{ actual jobs created} \div 95 \text{ jobs representing substantial compliance} = 89.47\% \text{ compliance rate}$ .  $100\% - 89.47\% \text{ compliance rate} = 10.53\% \text{ noncompliance rate}$ . 10.53% of received benefits will be repaid, less a credit for the 15% remitted to the City's Tax Abatement Development Fund.

In the event that the Applicant fails to achieve substantial compliance in more than one category, the category with the lowest compliance rate will be used to determine the repayment percentage.

6. Assessment Appeals. Neither the Applicant, nor its successors and assigns, shall file any property tax assessment appeal, review, or other challenge of the property tax assessment made for the Project involved during the term of the Five-Year Tax Phase-in deduction period, unless one of the following conditions occurs during such period:

(a) the annual assessed value for the Project as determined by the Assessor of Elkhart County on January 1 of each year exceeds the total capital expenditure for the Project as set forth in Section 1 of this Agreement; or

(b) an annual assessment or reassessment by the Assessor for an assessment year after January 1, 2019, but during the term of this Agreement, increases the assessed value of the Project by more than fifteen percent (15%) from one year to the following year, or by an average of ten percent (10%) per year over two (2) or more years .

7. Notice/Hearing of Termination: In the event that the City determines in accordance with Section 5 above that (i) the Economic Revitalization Area designation and associated Tax Phase-in benefits should be terminated, or (ii) that all or a portion of the Tax Phase-in benefits should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the Tax Phase-in benefits should not be terminated and/or the Tax Phase-in benefits repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the Tax Phase-in benefits termination and/or the Tax Phase-in benefits repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the Tax Phase-in benefits termination and/or the Tax Phase-in benefits repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Common Council. Before any final action shall be taken terminating the Tax Phase-in benefits and/or requiring repayment of the Tax Phase-in benefits, any such action shall be subject to judicial review under Indiana Code 6-1.1-12.1-5.9(e).

8. Repayment: In the event the City requires repayment of the Tax Phase-in benefits as provided following the procedures set forth in Section 7 hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall repay that amount of the Tax Phase-in benefits to the City within thirty (30) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and reasonable attorneys' fees incurred in the enforcement and collection of the Tax Phase-in benefits required to be repaid hereunder.

9. Modification/Entire Agreement: This Agreement and any schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the Tax Phase-in benefits are solely the responsibility of the Applicant.

10. Waivers: Neither the failure, nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial



exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana: This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction: The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Elkhart County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices: All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand, by facsimile (with confirmation by registered or certified mail), on the next business day following the mailing by a nationally recognized overnight commercial courier, or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:

42K Real Estate LLC,  
a Delaware Limited Liability Company  
Truma Corp., a Delaware Corporation  
825 E. Jackson Blvd.  
Elkhart, IN 46516  
Attn: Gerhard Hundsberger

With a copy to:

Schumann Burghart LLP  
Attn: Christian Burghart, Esq.  
1500 Broadway, Suite 1902  
New York, NY 10036  
(646) 502-5778  
[cburghart@sbustlaw.com](mailto:cburghart@sbustlaw.com)  
[www.sbustlaw.com](http://www.sbustlaw.com)

If to the City:

City of Elkhart, Indiana  
229 S. Second Street  
Elkhart, Indiana 46516  
Attn: Administrative Assistant of the Common  
Council  
Fax: 574-296-9811

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably be withheld.

15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each party confirms that each person so executing it has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

(The balance of this page was intentionally left blank  
so that the signature page starts on the next page.)

"Applicant"

42K Real Estate LLC,  
a Delaware Limited Liability Company

By: [Signature]

Title: Attorney-in-fact

Truma Corp., a Delaware Corporation

By: [Signature]

Title: President

Approved as legal adequacy and form this  
11<sup>th</sup> day of April, 2018.

[Signature]  
Vlado Vranjes, Corporation Counsel  
City of Elkhart, Indiana

"City"

City of Elkhart, Indiana

By: [Signature]  
Brian J. Dickerson

Title: President, Elkhart Common Council

ATTEST:

By: [Signature]  
Sue M. Beadle

Title: Elkhart City Clerk

By: [Signature]  
Timothy Neese

Title: Mayor

**Exhibit A**

**Five-Year Property Tax Deduction Schedule**

<b>2019 Payable 2020</b>	<b>2020 Payable 2021</b>	<b>2021 Payable 2022</b>	<b>2022 Payable 2023</b>	<b>2023 Payable 2024</b>	<b>Subsequent Years</b>
<b>100%</b>	<b>80%</b>	<b>60%</b>	<b>40%</b>	<b>20%</b>	<b>0%</b>

**Under Section of 1 of this Agreement, the Applicant must fulfil its total capital expenditure obligation by December 31, 2019, and its Job creation obligation by December 31, 2020.**

KE: 18-R-13

**MEMORANDUM OF AGREEMENT**  
**Personal Property**

This Memorandum of Agreement ("Agreement") dated as of the <sup>15th</sup> ~~16th~~ day of <sup>April</sup> ~~March~~, 2018, serves as a confirmation of the good-faith commitment by 42K Real Estate LLC, a Delaware Limited Liability Company and Truma Corp., a Delaware Corporation, (collectively, the "Applicant") to use its reasonable best efforts to acquire and install the Equipment as described, to create and retain the jobs and pay the wages specified in the Applicant's Application For Designation As An Economic Revitalization Area, dated February 20, 2018 ("Application") and the Statement of Benefits Form, dated February 20, 2018 ("Statement of Benefits"), and to fulfill its obligations under this Agreement ("Applicant's Commitment").

**1. Commitments of City and Applicant:**

(a) Subject to the requirements under Indiana Code 6-1.1-12.1-2 and -4.5, the City of Elkhart Indiana ("City"), acting by and through its Common Council, agrees to approve a deduction from the assessed value of the proposed new manufacturing equipment, research and development equipment, logistical distribution equipment, and information technology equipment for five (5) consecutive tax years on the Applicant's personal property located at 13 Harman Drive, Elkhart, Indiana. The amount of the deduction from the assessed value of the property shall be according to the deduction schedule shown in Exhibit A, which is attached to this Agreement, ("Tax Phase-in"). The City's obligation shall start with the first year in which the Equipment is assessed for property tax purposes. The City and the Applicant acknowledge that pursuant to Indiana Code 6-1.1-2-1 and -1.5, all tangible property located within the state of Indiana on January 1 of each year is subject to assessment and taxation for that year. The Parties, furthermore, acknowledge that pursuant to Indiana Code 6-1.1-22-9(a), the property taxes assessed for a year are due in two (2) equal installments on May 10<sup>th</sup> and November 10<sup>th</sup> of the following year, unless an exception under Indiana Code 6-1.1-22-9(b) is applicable.

(b) Subject to Section 4 herein, the Applicant (or an entity acting on the Applicant's behalf) agrees by December 31, 2019, to make a total capital expenditure of Seven Hundred Forty Thousand Dollars (\$740,000.00) associated with the acquisition and installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment to be located at Applicant's property at 13 Harman Drive, Elkhart, Indiana (Key Number 20-02-24-352-004.000-026) (the "Equipment"), and by December 31, 2020, to create at least Eight (8) new full-time permanent positions with an average annual salary of Sixty Thousand Dollars (\$60,000.00) (such positions, the "Jobs"). The Applicant further agrees to contribute fifteen percent (15%) of the amount of personal property taxes abated under the Tax Phase-in, which will be collected by the Elkhart County Treasurer as set forth in the tax invoice statement due in two (2) equal installments on May 10<sup>th</sup> and November 10<sup>th</sup> and remitted to the City. Payment of the contribution shall: (1) coincide with the due date of property tax payments in Elkhart County as set forth in Indiana Code 6-1.1-22-9(a), and (2) shall be due and payable the first time in 2020 and each year thereafter during the five-year Tax Phase-in deduction period.

2. Applicant's Compliance with City and State Laws: During the term of the Tax Phase-in, the Applicant shall use its good-faith efforts to comply with all applicable provisions of Indiana Code 6-1.1-12.1. Also, during the term of the Tax Phase-in, the City may annually request information from the Applicant concerning the nature of the Equipment, the cost of the Equipment and the amount of and average wages for the Jobs, and the Applicant shall make reasonable efforts to provide the City with adequate written evidence thereof within fifteen (15) calendar days of such request ("Annual Survey"). The City shall utilize this information and the information provided by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in Applicant's Commitment at all times after the date thereof until the expiration of the Tax Phase-in. The Applicant further

agrees to provide the City with such additional information reasonably requested by the City related to the information provided in the Annual Survey and the CF-1 form within fifteen (15) days following any such additional request.

3. Substantial Compliance and Rights of Termination: The City reserves the right to terminate the Economic Revitalization Area designation and the associated Tax Phase-in benefits if it determines that the Applicant has not substantially complied with all of Applicant's Commitment, and the Applicant's failure to substantially comply with Applicant's Commitment was not due to factors beyond its control. As used in this Agreement, substantial compliance shall mean: (1) By December 31, 2019, making capital expenditures of not less than Ninety-Five Percent (95%) of the capital expenditures referenced in Section 1 above ("Personal Property") for the Equipment; and (2) By December 31, 2020, creating not less than Ninety-five Percent (95%) of the Jobs referenced in Section 1 above, and those new jobs having an average annual salary of at least Fifty-Seven Thousand Dollars (\$57,000.00), excluding benefits.

4. Factors Beyond Applicant's Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors that: (i) are not reasonably foreseeable at the time of designation, application, and submission of the Statement of Benefits; (ii) are not caused by any grossly negligent act or omission of the Applicant; and (iii) do not materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

5. Repayment of Tax Phase-in Benefits:

(a) During the term of this Agreement, if the Applicant: (i) is delinquent or in default for a period of sixty (60) days with respect to any tax payment due in Elkhart County, Indiana; or (ii) ceases operations at the facility for which Tax Phase-in benefits were granted for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event); or (iii) announces the cessation of operations at such facility for a period longer than thirty (30) consecutive days (other than a temporary cessation of operations in the Applicant's normal course of business or as a result of a force majeure event), then the City may terminate the Economic Revitalization Area designation and associated Tax Phase-in benefits, and upon such termination, require Applicant to repay all of the Tax Phase-in benefits received through the date of such termination, so long as it follows the procedures set forth in Section 7. Such repayment of received benefits shall be calculated as provided in Section 5(b). The amount of benefit repayment shall be measured against the level of noncompliance.

(b) In the event the City terminates this Agreement in accordance with this Section 5, the Applicant will be required to repay only that percentage of the Tax Phase-in benefits received through the date of termination that is equal to the percentage of the Applicant's noncompliance with Section 1 above, less the fifteen percent (15%) tax savings. For purposes of this Agreement, the percentage of the Applicant's noncompliance with Section 1 above shall be calculated as follows: the amount of actual investment in the particular category (average annual salary, number of jobs, and/or personal property investment) shall be divided by the corresponding established amount for substantial compliance in that category to determine the compliance rate. The compliance rate then shall be subtracted from 100% to determine the percentage of noncompliance. The percentage of noncompliance shall equal the percentage of benefit repayment.

Example: If an applicant promises 100 jobs, 95 jobs represent substantial compliance, and 85 jobs are actually created, then the percentage of benefit repayment is the following: 85 actual jobs created ÷ 95 jobs representing substantial compliance = 89.47% compliance rate. 100% - 89.47% compliance rate = 10.53% noncompliance rate.

10.53% of received benefits will be repaid, less a credit for the 15% remitted to the City's Tax Abatement Development Fund.

In the event that the Applicant fails to achieve substantial compliance in more than one category, the category with the lowest compliance rate will be used to determine the repayment percentage.

Section 6. Assessment Appeals. Neither the Applicant, nor its successors and assigns, shall file any property tax assessment appeal, review, or other challenge of the property tax assessment made for the Equipment involved during the term of the Five-Year Tax Phase-in deduction period, unless one of the following conditions occurs during such period:

(a) the annual assessed value for the Equipment as determined by the Assessor of Elkhart County on January 1 of each year exceeds the total capital expenditure for the Equipment as set forth in Section 1 of this Agreement; or

(b) an annual assessment or reassessment by the Assessor for an assessment year after January 1, 2019, but during the term of this Agreement, increases the assessed value of the Equipment by more than fifteen percent (15%) from one year to the following year, or by an average of ten percent (10%) per year over two (2) or more years.

7. Notice/Hearing of Termination: In the event that the City determines in accordance with Section 5 above that (i) the Economic Revitalization Area designation and associated Tax Phase-in benefits should be terminated or (ii) that all or a portion of the Tax Phase-in benefits should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the Tax Phase-in benefits should not be terminated and/or the Tax Phase-in benefits repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the Tax Phase-in benefits termination and/or the Tax Phase-in benefits repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the Tax Phase-in benefits termination and/or the Tax Phase-in benefits repayment action is proper, the Applicant shall be provided with written notice and a hearing before the Common Council. Before any final action shall be taken terminating the Tax Phase-in benefits and/or requiring repayment of Tax Phase-in benefits, any such action shall be subject to judicial review under Indiana Code 6-1.1-12.1-5.9(e).

8. Repayment: In the event the City requires repayment of the Tax Phase-in benefits as provided following the procedures set forth in Section 7 hereunder, it shall provide Applicant with a written statement calculating the amount due ("Statement"), and the Applicant shall repay its actual amount of Tax Phase-in benefits to the City within thirty (30) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and reasonable attorneys' fees incurred in the enforcement and collection of the Tax Phase-in benefits required to be repaid hereunder.

9. Modification/Entire Agreement: This Agreement and any schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the Tax Phase-in benefits are solely the responsibility of the Applicant.

10. Waivers: Neither the failure nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana: This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction: The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the Elkhart County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices: All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand, by facsimile (with confirmation by registered or certified mail), on the next business day following the mailing by a nationally recognized overnight commercial courier, or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to the applicant:

42K Real Estate LLC,  
a Delaware Limited Liability Company  
Truma Corp., a Delaware Corporation  
825 E. Jackson Blvd.  
Elkhart, IN 46516  
Attn: Gerhard Hundsbarger

With a copy to:

Schumann Burghart LLP  
Attn: Christian Burghart, Esq.  
1500 Broadway, Suite 1902  
New York, NY 10036  
(646) 502-5778  
[cburghart@sbuslaw.com](mailto:cburghart@sbuslaw.com)  
[www.sbuslaw.com](http://www.sbuslaw.com)

If to the City:

City of Elkhart, Indiana  
229 S. Second Street, Elkhart, IN 46516  
Attn: Administrative Assistant of the Common  
Council  
Fax: 574-296-9811

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.



15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each party confirms that each person so executing it has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

(The balance of this page was intentionally left blank  
so that the signature page starts on the next page.)

"Applicant"

42K Real Estate LLC,  
a Delaware Limited Liability Company

By: [Signature]

Title: Attorney-in-fact

Trumir Corp., a Delaware Corporation

By: [Signature]

Title: President

Approved as legal adequacy and form this

11 day of <sup>April</sup> ~~March~~, 2018.

[Signature]  
Vlado Vranjes, Corporation Counsel  
City of Elkhart, Indiana

"City"

City of Elkhart, Indiana

By: [Signature]  
Brian J. Dickerson

Title: President, Elkhart Common Council

ATTORNEY:

By: [Signature]  
Sue M. Beadle

Title: Elkhart City Clerk

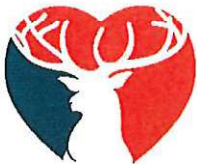
By: [Signature]  
Timothy Neese  
Title: Mayor

**Exhibit A**

**Five-Year Property Tax Deduction Schedule**

<b>2019 Payable 2020</b>	<b>2020 Payable 2021</b>	<b>2021 Payable 2022</b>	<b>2022 Payable 2023</b>	<b>2023 Payable 2024</b>	<b>Subsequent Years</b>
100%	80%	60%	40%	20%	0%

**Under Section of 1 of this Agreement, the Applicant must fulfil its total capital expenditure obligation by December 31, 2019, and its Job creation obligation by December 31, 2020.**



City of Elkhart, Indiana  
*the city with a heart*

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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-25

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER FF US ACQUISITION CORPORATION, DBA TUSCANY MOTOR COMPANY \ TLMTG PROPERTIES, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-50-18, R-53-18 AND R-54-18

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This resolution relates to the property tax phase-in benefits awarded to FF US Acquisition Corporation, dba Tuscan Motor Company \ TLMTG Properties, LLC.

Proposed Resolution 23-R-25 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Tuscany Motor Company manufactures specialty vehicles, including luxury vans, personal use mobility vans, hotel shuttle vans and specialty trucks. They're located on Tuscany Drive in Elkhart.

In 2018 the Common Council approved a five-year real property and five-year personal property tax phase-in. This year and last year they submitted a CF-1 for real property, but not personal property. Tuscany's SB-1 estimated an investment of \$717,300 in real estate improvements for a building expansion. Their CF-1 showed an investment of 1,274,500 which resulted in a compliance rate of 177%.

Tuscany's SB-1 estimated 23 new jobs from this project. Their CF-1 showed 36 were created which resulted in a compliance rate of 156%. The average wages for new jobs are 44% compliant. Tuscany submitted supplemental information which showed their annualized average rate for new employees. This resulted in a compliance rate of 112%.

The Ad Hoc Business Committee found Tuscany to be in compliance.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER FF US ACQUISITION CORPORATION,  
DBA TUSCANY MOTOR COMPANY \ TLMTG PROPERTIES, LLC ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-50-18,  
R-53-18 AND R-54-18**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 811 Tuscan Drive & 2500 Banks Court, Elkhart, IN 46514 as an economic revitalization area (the “Area”) under Resolution Numbers R-50-18 and R-53-18 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-54-18 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting FF US Acquisition Corporation, dba Tuscan Motor Company \ TLMTG Properties, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by FF US Acquisition Corporation, dba Tuscan Motor Company \ TLMTG Properties, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, FF US Acquisition Corporation, dba Tuscan Motor Company \ TLMTG Properties, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 FF US Acquisition Corporation, dba Tuscanly Motor Company \ TLMTG Properties, LLC is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-50-18, R-53-18 and R-54-18.

1.2 FF US Acquisition Corporation, dba Tuscanly Motor Company \ TLMTG Properties, LLC is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-50-18, R-53-18 and R-54-18, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk

### Abatement Worksheet

Company  
TLMTG Properties, LLC (Tuscany)

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 717,300.00	\$ 1,274,500.00	177.7%
<b>Personal Property</b>			
Manufacturing Equipment	N/A	N/A	
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	N/A	N/A	
<b>Jobs</b>			
Retained Jobs	49	81	165.3%
New Jobs	23	36	156.5%
Current Jobs	49	117	
<b>Wages</b>			
Retained-Total Wages	\$ 2,307,165.00	\$ 4,435,560.00	192.3%
Retained-Average Wages	\$ 47,085.00	\$ 54,760.00	116.3%
New Jobs-Total Wages (As reported on CF-1)	\$ 1,119,548.00	\$ 771,372.00	68.9%
New Jobs-Average Wages (As reported on CF-1)	\$48,676	\$21,427	44.0%
New Jobs-Total Wages (Annualized after submitting supplemental information)	\$ 1,119,548.00	\$ 1,971,360.00	176.1%
New Jobs-Average Wages (Annualized after submitting supplemental information)	\$ 48,676.00	\$ 54,760.00	112.5%
Current Jobs-Total Wages	\$ 2,307,165.00	\$ 5,206,851.00	

**TLMTG Properties, LLC (FF Indiana Holding, LLC)**

**2811 Tuscany Drive**

**Elkhart, IN 4651**

**January 1, 2023 – CF-1/Real Property Attachment**

**Section #1 – Taxpayer Information**

The abatement application was filed by TLMTG Properties, LLC in September 2018 and approved in October 2018. Later in the fall of 2018, TLMTG Properties sold the parcels of real estate designated as an economic revitalization area to FF Indiana Holding, LLC.

**Section #3 – Employees and Salaries**

The taxpayer had 117 employees on December 31, 2022, with salaries of \$5,206,950. The average salaries of these 117 employees were \$44,503. This is slightly lower than projected due to the facts there are employees in this number who did not work a full year since hire dates were at various times during 2022. The business like many in Elkhart and the surrounding counties have a difficult time finding people who want to work and keep working. The taxpayer had 81 retained employees with average salaries of \$54,760. The company has hired the 36 projected number of employees. The physical facility was completed in 2019.

All of the above numbers reflect net new jobs and do not include natural employee turnover through resignations, retirements, or termination. The company paid additional wages of \$10,745 to employees who were not employed at the end of December 31, 2022.

**Section #4 – Cost and Values**

As of the 1/1/2023, real property tax assessment the taxpayer had invested a total of \$1,274,500. The projected investment per the proposal was \$717,300. The taxpayer has exceeded the projected investment by \$557,200. The abatement was approved on 08/15/2018 and the company has made substantial investment since the last quarter of 2018 and through 2021. Please see the attached calculation of the assessed value as of 1/1/2023.

The project is proceeding as proposed to the City of Elkhart Common Council.




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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-26

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER AMERICANA DEVELOPMENT; DBA: DEXSTAR WHEEL ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-51-20, R-52-20 AND R-53-20

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This resolution relates to the property tax phase-in benefits awarded to Americana Development; DBA: Dexstar Wheel.

Proposed Resolution 23-R-26 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



Dexstar Wheel Co. is a manufacturer of American made steel wheels for the RV, marine, and utility industries. They are located on Collins Road in Elkhart.

In 2020 the Common Council Approved a five-year real property and five-year personal property tax phase-in. Dexstar did not submit a CF-1 this year or last year.

The Ad Hoc Business Committee found them to be non-compliant.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER AMERICANA DEVELOPMENT; DBA:  
DEXSTAR WHEEL ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT  
OF BENEFITS FORMS AND MEMORANDA OF AGREEMENT APPROVED UNDER  
RESOLUTION NOS. R-51-20, R-52-20 AND R-53-20**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 400 Collins Road, Elkhart, IN 46516 as an economic revitalization area (the “Area”) under Resolution Numbers R-51-20 and R-52-20 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-53-20 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting Americana Development; DBA: Dexstar Wheel certain tax phase-in benefits in exchange for the investments and commitments provided by Americana Development; DBA: Dexstar Wheel in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, Americana Development; DBA: Dexstar Wheel submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 Americana Development; DBA: Dexstar Wheel is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-51-20, R-52-20 and R-53-20.

1.2 Americana Development; DBA: Dexstar Wheel is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-51-20, R-52-20 and R-53-20, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*



RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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




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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER CTS CORPORATION ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENTS OF BENEFITS (CF-1 FORMS) AND MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-03-19, R-04-19 AND R-05-19

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This resolution relates to the property tax phase-in benefits awarded to CTS Corporation. Proposed Resolution 23-R-27 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS CF-1\RP and CF-1\PP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORMS (SB-1/RP, SB-1/PP) which formed the basis of the Council’s decision to grant tax phase-in benefits. The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.



CTS Corporation is a leading designer of and manufacturer of sensors, actuators, and electronic components to OEMS in many industries. They are located on West Boulevard in Elkhart

In 2019 the Common Council approved a five-year real property and five-year personal property tax phase-in. They did not submit a CF-1 this year.

The Ad Hoc Business Committee found them to be non-compliant.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER CTS CORPORATION ARE IN  
SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS FORMS AND  
MEMORANDA OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-03-19,  
R-04-19 AND R-05-19**

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WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 905 West Boulevard North, Elkhart, IN 46514 as an economic revitalization area (the “Area”) under Resolution Numbers R-03-19 and R-04-19 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-05-19 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY and the MEMORANDUM OF AGREEMENT – PERSONAL PROPERTY, respectively, granting CTS Corporation certain tax phase-in benefits in exchange for the investments and commitments provided by CTS Corporation in its STATEMENT OF BENEFITS – REAL PROPERTY and STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORMS SB-1); and

WHEREAS, CTS Corporation submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP) and COMPLIANCE WITH STATEMENT OF BENEFITS – PERSONAL PROPERTY (FORM CF-1/PP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-

1).

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

Section 1.     *(Check the applicable Subsection below)*

1.1 CTS Corporation is/are in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and with the conditions stated in Resolution Nos. R-03-19, R-04-19 and R-05-19.

1.2 CTS Corporation is/are not in substantial compliance with the

\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

\_\_\_\_\_ Statement of Benefits Personal Property (Form SB-1/PP)

and the conditions stated in Resolution Nos. R-03-19, R-04-19 and R-05-19, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

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B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property owner's(s') compliance with the Statements of Benefits (Forms SB-1) will be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
Debra D. Barrett, City Clerk

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

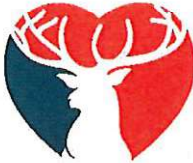
\_\_\_\_\_  
Debra D. Barrett, City Clerk

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Rod Roberson, Mayor

\_\_\_\_\_  
Debra D. Barrett, City Clerk



City of Elkhart, Indiana  
*the city with a heart*

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**MEMORANDUM**

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**DATE:** 6/1/2023  
**TO:** Common Council  
**FROM:** Corporation Counsel John Espar  
**RE:** Proposed Resolution No. 23-R-28

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA DETERMINING WHETHER TEPE SANITARY SUPPLY INC.T5, LLC ARE IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (FORM CF-1\RP) AND MEMORANDUM OF AGREEMENT APPROVED UNDER RESOLUTION NOS. R-50-20, R-54-20 AND R-55-20

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This resolution relates to the property tax phase-in benefits awarded to Tepe Sanitary Supply Inc.T5, LLC.

Proposed Resolution 23-R-28 is presented in connection with the Common Council’s annual review of the company’s COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1\RP) to determine whether the company has made a reasonable effort to comply with the estimates reported on the STATEMENT OF BENEFITS FORM (FORM SB-1\RP) which formed the basis of the Council’s decision to grant tax phase-in benefits.

The Department of Economic Development has prepared and attached a SUMMARY OF COMPLIANCE to assist you in your review and determination.





Tepe Sanitary Supply Inc. is a premier distributor of professional cleaning chemicals, janitorial supplies, and floor maintenance equipment. They're located on Frederic Drive in Elkhart.

Tepe was recently acquired by Imperial Dade.

In 2020 the Common Council Approved a three-year real property tax phase-In. Tepe's SB-1 estimated an investment of \$1,400,000 in new building construction for docks, office space, and warehousing. Their CF-1 showed an investment of \$1,252,687 which resulted in a compliance rate of 89.5%

Tepe's SB-1 estimated five new jobs from this project. Their CF-1 showed twelve were created which resulted in a compliance rate of 240%. The average wages for new jobs are 140% compliant.

In 2022 Tepe was 89.5% compliant in real property. They were found to have made a reasonable effort to meet their investment. Tepe had until December 31, 2022 to reach their investment. They have yet to make their investment.

The Ad Hoc Business Committee found Tepe non-compliant.

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART,  
INDIANA, DETERMINING WHETHER TEPE SANITARY SUPPLY INC.T5, LLC ARE  
IN SUBSTANTIAL COMPLIANCE WITH ITS STATEMENT OF BENEFITS (CF-1  
FORMS) AND THE MEMORANDUM OF AGREEMENT APPROVED UNDER  
RESOLUTION NOS. R-50-20, R-54-20 AND R-55-20**

---

WHEREAS, the Common Council of the City of Elkhart, Indiana (“Common Council”) designated the property located at 2806 Frederic Drive Elkhart, IN 46514 as an economic revitalization area (the “Area”) under Resolution Numbers R-50-20 and R-54-20 pursuant to Indiana Code 6.1-1.1-12.1; and

WHEREAS, the Common Council adopted Resolution No. R-55-20 and approved the MEMORANDUM OF AGREEMENT – REAL PROPERTY, granting Tepe Sanitary Supply Inc.T5, LLC certain tax phase-in benefits in exchange for the investments and commitments provided by Tepe Sanitary Supply Inc.T5, LLC in its STATEMENT OF BENEFITS – REAL PROPERTY (FORM SB-1/RP); and

WHEREAS, Tepe Sanitary Supply Inc.T5, LLC submitted to the Common Council its annual COMPLIANCE WITH STATEMENT OF BENEFITS – REAL PROPERTY (FORM CF-1/RP), representing the current status of the company’s compliance with its commitment for the enjoyment of property tax phase-in benefits; and

WHEREAS, pursuant to Indiana Code 6-1.1-12.1, the Common Council may determine whether a property owner has substantially complied with its STATEMENT OF BENEFITS (FORM SB-1/RP).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE

CITY OF ELKHART, INDIANA, THAT:

Section 1.     *(Check the applicable Subsection below)*

1.1 Tepe Sanitary Supply Inc.T5, LLC is/are in substantial compliance with the  
\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

and with the conditions stated in Resolution Nos. R-50-20, R-54-20 and R-55-20.

1.2 Tepe Sanitary Supply Inc.T5, LLC is/are not in substantial compliance with the  
\_\_\_\_\_ Statement of Benefits – Real Property (Form SB-1/RP)

and the conditions stated in Resolution Nos. R-50-20, R-54-20 and R-55-20, and the failure to substantially comply was not caused by factors beyond the control of the property owner(s).

A. This determination is based upon the following reason(s):

*(Check one or more of the following reasons that apply.)*

\_\_\_\_\_ The property owner has not made a sufficient amount of capital investment at the location.

\_\_\_\_\_ The property owner has not created a sufficient number of net new jobs at the location.

\_\_\_\_\_ The property owner is not paying sufficient wages to the new employees hired as part of the project.

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Pursuant to I.C. 6-1.1-12.1-5.9(b)(2), a hearing to further discuss the property

owner's(s') compliance with the Statement of Benefits – Real Property (Form SB-1/RP) will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ p.m., in the Common Council Chambers.

C. The Secretary to the Common Council is directed to send a copy of this Resolution to the property owner(s) together with a notice of hearing.

Section 2. This Resolution shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Balance of page is intentionally blank.]*

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Arvis Dawson  
President of the Common Council

\_\_\_\_\_  
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

## Abatement Worksheet

**Company**

Tepe Sanitary Supply, Inc.

	SB-1	CF-1	%Compliant
<b>Real Property</b>			
Real Estate Improvements	\$ 1,400,000.00	\$ 1,252,687.00	89.5%
<b>Personal Property</b>			
Manufacturing Equipment	N/A	N/A	
R&D Equipment	N/A	N/A	
Logistic Distribution Equipment	N/A	N/A	
IT Equipment	N/A	N/A	
Total Personal Property	N/A	N/A	
<b>Jobs</b>			
Retained Jobs	18	28	155.6%
New Jobs	5	12	240.0%
Current Jobs	18	40	
<b>Wages</b>			
Retained-Total Wages	\$ 1,178,142.00	\$ 1,764,214.00	149.7%
Retained-Average Wages	\$ 65,452.33	\$ 63,007.64	96.3%
New Jobs-Total Wages	\$ 187,200.00	\$ 633,193.00	338.2%
New Jobs-Average Wages	\$ 37,440.00	\$ 52,766.08	140.9%
Current Jobs-Total Wages	\$ 1,178,142.00	\$ 2,397,407.00	



RSM US LLP

February 15, 2023

52700 Independence Court  
P O Box 99  
Elkhart, IN 46515-0099

Mr. Drow Wynos  
Community & Redevelopment City of Elkhart  
229 South Second Street  
Elkhart, IN 46516

O 574.522.0410  
F 574.295.2138

[www.rsmus.com](http://www.rsmus.com)

Re: T5, LLC – Operating Entity is Tepe Sanitary Supply, Inc.  
CF-1/RE

Dear Mr. Wynes:

To comply with the requirements of the above Resolution, a copy of the Compliance with Statement of Benefits Real Property, Form CF-1/RE has been attached for filing. The attached copy has not been signed by the designating body.

The taxpayer is sending one copy of the resolution's CF-1/RE to the following designating body with instructions to sign and forward a copy to you:

Ms. Angie McKee  
Elkhart City Council, Administrator  
229 South Second Street  
Elkhart, IN 46516

We understand that the enclosed information satisfies the requirements for abatement compliance with Resolutions numbered R-54-20 & R-50-20.

Please contact this office if you have questions.

Sincerely,

RSM US LLP

Jennifer Hawkins  
Supervisor – State and Local Tax Services

Enclosures

THE POWER OF BEING UNDERSTOOD  
AUDIT | TAX | CONSULTING



**COMPLIANCE WITH STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51766 (R5 / 12-21)  
Prescribed by the Department of Local Government Finance

2023 PAY 2024  
FORM CF-1 / Real Property

**PRIVACY NOTICE**  
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.3 (k) and (l).

**INSTRUCTIONS:**

1. This form does not apply to property located in a residentially distressed area or any deduction for which the Statement of Benefits was approved before July 1, 1991.
2. Property owners must file this form with the county auditor and the designating body for their review regarding the compliance of the project with the Statement of Benefits (Form SB-1/Real Property).
3. This form must accompany the initial deduction application (Form 322/RE) that is filed with the county auditor.
4. This form must also be updated each year in which the deduction is applicable. It is filed with the county auditor and the designating body before May 15, 2022, or by the due date of the real property owner's personal property return that is filed in the township where the property is located. (IC 6-1.1-12.1-5.3(j))
5. With the approval of the designating body, compliance information for multiple projects may be consolidated on one (1) compliance form (Form CF-1/Real Property).

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer T5, LLC - (Operating Entity is TEPE SANITARY SUPPLY, INC.)	County ELKHART
Address of taxpayer (number and street, city, state, and ZIP code) 2806 FREDERIC DRIVE ELKHART, IN 46514	DLGF taxing district number 20028
Name of contact person STEVE TEPE	Telephone number ( 574 ) 293-7591

SECTION 2 LOCATION AND DESCRIPTION OF PROPERTY		
Name of designating body ELKHART CITY COUNCIL	Resolution number R-54-20 & R-50-20	Estimated start date (month, day, year) 10/10/2020
Location of property 2806 FREDERIC DRIVE ELKHART, IN 46514		Actual start date (month, day, year) 10/10/2020
Description of real property improvements NEW BUILDING CONSTRUCTION (ABOUT 28K SF) ADJACENT TO EXISTING HQ FOR ADDITIONAL DOCKS/OFFICE SPACE/WAREHOUSING		Estimated completion date (month, day, year) 12/31/2021
		Actual completion date (month, day, year) 12/31/2021

SECTION 3 EMPLOYEES AND SALARIES			
EMPLOYEES AND SALARIES		AS ESTIMATED ON SB-1	ACTUAL
Current number of employees		18	40
Salaries		1,178,142.00	2,397,407.00
Number of employees retained		18	20
Salaries		1,178,142.00	1,764,214
Number of additional employees		5	12
Salaries		187,200.00	633,193

SECTION 4 COST AND VALUES			
COST AND VALUES		REAL ESTATE IMPROVEMENTS	
AS ESTIMATED ON SB-1		COST	ASSESSED VALUE
Values before project			
Plus: Values of proposed project	1,400,000.00		1,400,000.00
Less: Values of any property being replaced			
Net values upon completion of project			
ACTUAL		COST	ASSESSED VALUE
Values before project			
Plus: Values of proposed project	1,252,687.00	500,432	
Less: Values of any property being replaced			
Net values upon completion of project			

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
WASTE CONVERTED AND OTHER BENEFITS		AS ESTIMATED ON SB-1	ACTUAL
Amount of solid waste converted			
Amount of hazardous waste converted			
Other benefits:			

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative 	Title President	Date signed (month, day, year) 02/21/2023





**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51707 (R07 10-13)  
Prescribed by the Department of Local Government Finance

20 <u>20</u> / PAY 20 <u>21</u>
FORM 51707 / Real Property
<b>PRIVACY NOTICE</b> Any information concerning the cost of the property and certain expenses paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-9.1.

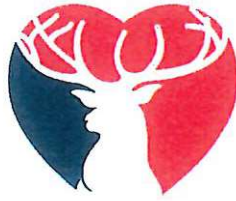
This statement is being completed for real property that qualifies under the following Indiana Code (check into box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)  
 Residentially distressed area (IC 6-1.1-12.1-4.1)

**INSTRUCTIONS:**

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner (if mailed after April 10). A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form 51707/Real Property. The Form 51707/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(c)
- For a Form 51707/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form 51707/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer <b>T5, LLC (Operating Entity is Taps Sanitary Supply, Inc.)</b>					
Address of taxpayer (number and street, city, state, and ZIP code) <b>2806 Frederic Drive, Elkhart, IN 46514</b>					
Name of contact person <b>Steve Taps, President/Owner</b>		Telephone number <b>(574) 293-7691</b>		E-mail address <b>steve@tapsanitary.com</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body <b>ELKHART CITY COUNCIL</b>				Resolution number	
Location of property <b>2806 Frederic Drive, Elkhart, IN 46514</b>				DLG taxing district number <b>026/026</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>New building construction (about 20k sq) adjacent to existing HQ for additional distribution space/warehousing.</b>				Estimated start date (month, day, year) <b>10/10/2020</b>	
				Estimated completion date (month, day, year) <b>12/31/2021</b>	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
<b>18.00</b>	<b>\$1,178,142.00</b>	<b>18.00</b>	<b>\$1,178,142.00</b>	<b>5.00</b>	<b>\$187,200.00</b>
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values					
Plus estimated values of proposed project			<b>1,400,000.00</b>		<b>1,400,000.00</b>
Less values of any property being replaced					
Net estimated values upon completion of project			<b>1,400,000.00</b>		<b>1,400,000.00</b>
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Steve Taps</i>				Date signed (month, day, year) <b>December 14, 2020</b>	
Printed name of authorized representative <b>Steve Taps</b>			Title <b>President/Owner</b>		



City of Elkhart  
*Redevelopment Commission*

**Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday, April 11, 2023**

Present: Dina Harris, Alex Holtz, Gerry Roberts, Wes Steffen, Sandi Schreiber, Gary Boyn, Adam Fann and Sherry Weber (Recording Secretary). Chris Pottratz and Mike Huber present via Webex.

**Call to Order:**

This meeting was held in-person, telephonically and virtually through WEBEX. Mrs. Schreiber called meeting to order at 3:33 pm.

**Approval of March 14, 2023 Minutes:**

Mrs. Schreiber asked for a motion to approve the March 14, 2023 minutes. The motion was moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, all in favor, non-opposed. Minutes are approved.

**Elkhart Chamber Expense Report**

Mrs. Schreiber asked for a motion to approve the March 2023 Elkhart Chamber expense report for \$766.88. The motion was moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor, non-opposed. Motion approved.

**Aurora Loan Servicing Agreement**

Mr. Gary Boyn addressed the committee and discussed the Aurora Capital Loan Servicing Agreement. Ms. Schreiber asked for a motion to approve the forms and content of the Servicing Agreement with the officers having the authority to negotiate and approve any additional provisions they deem appropriate and make changes. The motion was moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor, non-opposed. Motion approved.

**Adjournment**

With no further items, Mrs. Schreiber asked for a motion to adjourn the meeting. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor, non-opposed. Motion approved. Meeting adjourned at 3:42 pm.

  
Sandra Schreiber, President

BOARD OF PUBLIC WORKS  
Wednesday, May 3, 2023

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Wednesday, May 3, 2023. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Rose Rivera, Ronnie Davis and Jamie Arce attended in person. Chad Crabtree was absent.

1. Approve Agenda

A motion was made by Jamie Arce and seconded by Ron Davis to approve the agenda. On motion by Ron Davis, seconded by Jamie Arce and carried 4-0, the agenda was amended by removing the opening of Quote 23-11 Trip Hazard Removal from section III., and adding the request of Quote #23-11 Trip Hazard and the request of Bid #23-07 2023 ADA Curb Ramp to new section VI. (B) Right of Way Engineer. The amended agenda carried 4-0.

2. Open RFP- EFD Station 4 Lavatory

One proposal was received from Anchor Construction for \$113,849.00. On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the proposal was given to staff to review and report back with an award later in the meeting if practical.

3. Claims & Allowance Docket.

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the claims and allowance docket totaling \$3,414,150.40, consisting of 32 pages as prepared on April 25, 2023 at 1:58 p.m.

4. Minutes Regular Meeting April 18, 2023

On motion by Ron Davis, seconded by Jamie Arce and carried 4-0, the Board approved the minutes from April 18, 2023.

5. Engineering

(A.) Utility

Partial Payment #13 & #14 to Bowen Engineering Corp. for the Elkhart WWTP capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved partial payment #13 in the amount of \$541,538.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved partial payment #14 in the amount of \$1,117,261.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

(B.) Right of Way

Request Bid #23-07 2023 ADA Curb Ramp Project

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #23-07 2023 ADA Curb Ramp Project.

Request Quote #23-11 2023 Trip Hazard Removal Project

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0 the Board granted permission to quote the 2023 Trip Hazard Removal Project Quote #23-11.

BOARD OF PUBLIC WORKS

Wednesday, May 3, 2023

6. Utilities

(A.) Administration

BOW Resolution 23-R-10 Appropriation for Sick Time Buyout

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved Board of Works Resolution 23-R-10, a Resolution of the Board of Public Works of the City of Elkhart, Indiana, appropriating funds for the unanticipated sick time buyout for a former employee.

BOW Resolution 23-R-11 Appropriation of Sick Time Buyout

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved Board of Works Resolution 23-R-11, a Resolution of the Board of Public Works of the City of Elkhart, Indiana, appropriating funds for the unanticipated sick time buyout for two former employees.

First Amendment to Interlocal Agreement with the Elkhart County Regional Sewer District

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the First Amendment to the Interlocal Agreement between the City of Elkhart, Indiana and the Elkhart County Regional Sewer District for Sewage and Wastewater Treatment Services. Maggie Marnocha presented the agreement to the Board. Mike asked what happens if they do become a significant industrial user. Steve Olson, the Attorney for the Elkhart County Regional Sewer District explained that the way the Ordinance is established; new users have to submit a complete application with explanations of all uses, and in this case, all use is for domestic use, no industrial. If they were to ever change that, they would have to make a request to the district, and the district would come back to this Board and make a request for approval of any pretreatment changes. He said they notified them they do not expect any pretreatment in this area.

Lease Agreement with Pitney Bowes

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved a Lease Agreement with Pitney Bowes for a postage meter and postage metering needs.

(B.) Regulatory Compliance

Rental Agreement with Cintas

A motion was made by Jamie Arce and seconded by Rose Rivera to approve a contract with Cintas under the State of Indiana Acceptance Agreement for Contract Number 015709 Cintas Rental Program. Bryan Cress explained the agreement that was bid at the State level. Bryan explained the prices are either going down or staying the same. Greg Binkerd came forward from a local business. He said he was working with Karen in the Controller's Office before she left and with the Controller Jamie. He said he was told the project was on hold and was hoping to sit down and look at this. His concern was the way unit costs are looked at. He urged the City to look at the total annual spend as a true measurement of what you are spending. He said they are a local business, and work with other cities and towns in this area. Bryan Cress said they did use the State bid. Mike closed discussion and called for the vote. The motion carried 4-0.

BOARD OF PUBLIC WORKS  
Wednesday, May 3, 2023

(C.) Pretreatment

Carpenter Confections DBA Mini Delights Update

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board accepted and placed on file communication concerning Carpenter Confections DBA Mini Delights successfully coming into compliance with City of Elkhart's Wastewater Use Ordinance.

Steve Brown introduced a new member to the Pretreatment team, Carlos Medina. He will be a FOG inspector for the Pretreatment Department.

7. New Business

Medical Oxygen Generator System

On motion by Jamie Arce; seconded by Rose Rivera and carried 4-0, the Board approved the Fire Department purchase of a Medical Oxygen Generator System trailer for \$71,050.00.

Award RFP EFD Station 4 Lavatory

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board awarded the EFD Station 4 Lavatory Project to Anchor Construction for \$113,849.00 as the lowest, responsible, and responsive quoter.

PSA Abonmarche Consultants, Inc. for ALTA Survey of Property Ada Drive

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved a PSA with Abonmarche Consultants, Inc. for the survey of a property on Ada Dr. for an amount not to exceed \$6,900.00.

Economic Development Partnership Grant: Northern Indiana Business Center DBA Center for Business Excellence

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved the Economic Development Grant in the amount of \$15,000.00 for the Northern Indiana Business Center DBA Center for Business Excellence.

Economic Development Partnership Grant: United States Auto Club for Elkhart Grand Prix

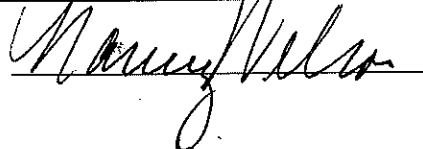
On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved the Economic Development Grant in the amount of \$50,000.00 for the United States Auto Club for the Grand Prix.

8. Adjournment

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board, the Board of Works adjourned at 9:43 a.m.



Michael C. Machlan, President

Attest: 

Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC SAFETY  
Tuesday, May 9, 2023

Vice-Chairman Carol Loshbough called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, May 9, 2023. Clerk Nancy Wilson called the roll. Carol Loshbough, Willie Brown and Anthony Coleman were present. Kara Boyles and Robert Woods were absent.

1. APPROVE AGENDA

On motion by Anthony Coleman, seconded by Willie Brown and carried 3-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting April 25, 2023

On motion by Willie Brown, seconded by Anthony Coleman and carried 3-0, the minutes from April 25, 2023 were approved as presented.

3. POLICE

Policy 307 Vehicle Pursuits

Chief Dan Milanese presented Policy 307 Vehicle Pursuits for approval. It was approved by City Legal and the FOP Union. Chief Milanese went over the changes with the Board. On motion by Anthony Coleman, seconded by Willie Brown and carried 3-0, the Board approved Policy 307 Vehicle Pursuits.

4. OTHER PUBLIC SAFETY MATTERS

Police & Fire Merit Commission Minutes

On motion by Willie Brown, seconded by Anthony Coleman and carried 3-0, The Police and Fire Merit Commission minutes were accepted and placed on file.

Grievance Hearing Request: Elkhart FOP #52 for Ptl. Macumber and HR Director Wayne Belock Motion to Dismiss

President of the Elkhart FOP Jason Ray appeared before the Board of Safety to request a grievance hearing for Ptl. Macumber in regards to the suspension for sixty days of the take home vehicle. He was advised he was going to lose his take home car for sixty days, and that is a violation of the contract, as it is a negotiated benefit in the contract. There is one circumstance in the contract that states why a take home car can be taken, and this particular circumstance does not meet that requirement. Carol stated you are grieving his disciplinary action. Jason responded no, I'm actually grieving the fact that the sixty-day suspension cannot be used as discipline. Carol asked if the grievance recourse was rescinding the discipline. Jason said an interpretation of the contract from the Board of Safety as far as whether the take home car can be used as discipline, and obviously if it was determined it could not be, that would take care of that part. There is also a question on the back end, even if it is upheld by the Police Merit Commission (PMC), through his discipline appeal, whether that is going to be allowed in the future as well. That is something the Board of Safety is going to have to give an interpretation on as far as that goes in the contract. That is why I requested a hearing, which is what the grievance says I have to do. That is the only recourse we have. You will see I asked for the Board not to take any action until the PMC was done with it, because if they take it away or do something different, it may not be an issue. But, to be in the time frame for a grievance, we had to do it ahead of time, a notification that this may be a grievance that could occur. We did not want to be in violation of the time frame. Carol said, to clarify, you do reference in your grievance, the specific disciplinary action against the officer. Jason said yes, that is correct because that is what caused

BOARD OF PUBLIC SAFETY  
Tuesday, May 9, 2023

the grievance. Jason said they are intermingled. The Statutes are clear. You can have a contract that states something, but if State Statute trumps that, that contract is out. That is what we are running into here in this particular instance.

Wayne Belock, Director of Human Resources came forward to give the City's position. The Board of Safety does not have subject matter jurisdiction because this involves discipline. Essentially, as you read the proposed grievance, the remedy sought is for the Board of Safety to take away the discipline if the Police Chief doesn't do it, or the PMC doesn't do it. When you look at the contract in Article 33, the reference to Section 6 says that there may be discipline imposed if you fail to maintain the vehicle, but that does not say it is the only reason discipline can be imposed, because if you look at Section 3 of that same Article, it refers to the fact that the Standards of Conduct and the Police Regulations also apply. It says that operating procedures for the use of take home vehicles be outlined by Elkhart Police Department Policy. Part of that includes the Standard of Conduct, which is in Regulation 703.4, and it talks about the ability to discipline, which includes the removal of the Officer from the take home vehicle program. Even though Section 6 references the maintenance aspect, Section 3 is more broad because it talks about all of the Policies which deal with vehicle usage. Keep in mind the intent of all of this is that even though this is a benefit that Police Officers get to take the vehicle home, it is also a responsibility that goes with it. All of these provisions are geared towards the responsibility the officer has to not only maintain the vehicle, but certainly not to do anything that would damage it. The City's position is that is appropriate discipline, and even though they are asking in advance, the nature of the grievance is asking to overturn a component of the discipline that was issued to the officer.

Chief Dan Milanese came forward. Carol asked him if he was part of the negotiating team when this contract was negotiated. Dan said yes, he was. The Captain's Board made a recommendation and Chief Seymore made his decision which I agree with. He said he read the contract as Wayne described Article 33 Section 3 does refer back to the Policy, and what President Ray was saying about Section 6, it does talk about maintenance, however it does not specify it is the only reason. Carol said again, you are arguing a grievance that is disciplinary, the remedy being asked for by the Union is a disciplinary decision. Carol said if a grievance came forward arguing how a take home car could or could not be used without referencing a grievance or a particular individual or circumstance, you as Chief and Wayne for HR would be willing to discuss that. The problem with this grievance for this Board is that disciplinary matters go through the Merit Commission and not through this Board. Chief Milanese stated the grievance before the Board today is very much in line with the discipline proposed for Ptl. Macumber. We specifically addressed this with this Board, not only in the language of the Policy, but also in the language of the Collective Bargaining Agreement. The grievance is discipline, and should be before the Merit Commission. On motion by Willie Brown, seconded by Anthony Coleman and carried 3-0, the Board dismissed the Grievance hearing request from Elkhart FOP 52 for Ptl. Macumber.

BOARD OF PUBLIC SAFETY  
Tuesday, May 9, 2023

5. ADJOURNMENT

Carol Loshbough adjourned the Board of Public Safety meeting at 9:26 a.m.

Carol Loshbough

Carol Loshbough, Vice-Chairman

Attest:

Nancy Wilson

Nancy Wilson, Clerk of the Board





**HUMAN RELATIONS COMMISSION  
REGULAR SESSION Minutes  
Thursday, April 27, 2023**

LOCATION: 201 South Second St., Annex Conference Room

---

**Members Present:** Mary Jo Weyrick  
Jason Moreno  
Crystal Welsh

**Members Absent:** Brent Curry  
Patty Gorostieta  
Dana Irving

**Staff Present:** Mayor Rod Roberson  
Dana Donald  
Rose Rivera  
Mary Kaczka

Mayor Rod Roberson swore in Mary Jo Weyrick and Crystal Welsh

Chairperson Weyrick called the meeting to order at 4:33 p.m.

**Approval of Agenda**

Chairperson Weyrick asked for a motion to approve the agenda.  
A motion was made and seconded (Welsh/Moreno) to approve the agenda. All ayes motion carried.

**Approval of Minutes**

Chairperson Weyrick asked for a motion to approve the minutes from the March 23, 2023 meeting.  
A motion was made and seconded (Welsh/Weyrick) to approve the minutes. All ayes motion carried.

**New Business**

**Fair Housing Cases:**

**ELK2205 H. R.:**

Chairperson Weyrick asked for a motion on the case. Commissioner Moreno made a motion to issue a no probable cause determination. A motion was made and seconded (Welsh/Weyrick). All ayes motion carried.

**Other Business**

Dana Donald stated that Mayor Rod Roberson made a proclamation at the April 2, 2023 Council Meeting Recognizing April as Fair Housing month. Ms. Donald stated that there was a HRC Commissioner Training on April 14, 2023, held in the Annex Conference Room. Commissioner Welsh stated that she felt bad for not coming. Ms. Donald stated that there was also a virtual link for people to join. There will be a free Commission Training held on May 18 & 19, 2023, presented by the University Of Illinois Chicago School Of Law (formally John Marshall Law). Commissioner Moreno stated that he was interested in attending.

In the month of May Asian American & Pacific Islander Heritage Month is recognized along with Mental Health Awareness Month and Deaf Awareness Week (the first week of May). June is LGBTQAI+ Month and Juneteenth.

Ms. Donald stated that there may be a need to call a Special Meeting in the middle of May in addition to the scheduled meeting for May in order to stay on track with our timeliness.

Chairperson's Remarks

Chairperson Weyrick stated she had none. Commissioner Welsh stated that she would not be at the June 22<sup>nd</sup> meeting.

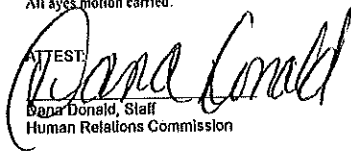
Privilege of the Floor

Chairperson Weyrick asked for comments. Commissioner Moreno stated to Ms. Donald that he had a procedural question on the cases that you call a special order on. On case time, are we able to extend those or is that a body outside of our body that extends those? Ms. Donald stated that the case she'd be bringing before the Board has already been caused and we are hoping to bring a conciliation agreement. HUD says that we only have 100 days, but when a case is caused the clock is still running and they add says in to that. So if we have a meeting on that item before the end of the month it will stop the clock a little earlier. Commissioner Moreno stated thank you, that's what I was wondering.

Adjournment

There being no further business, a motion was made and seconded (Welsh/Moreno) to adjourn at 4:40 pm.

All ayes motion carried.

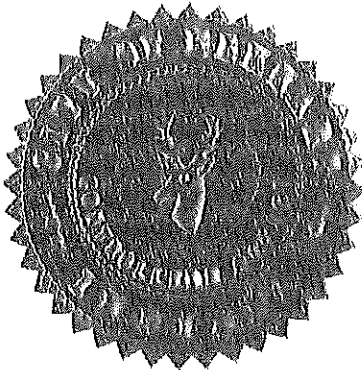
ATTEST:  
  
Dana Donald, Staff  
Human Relations Commission

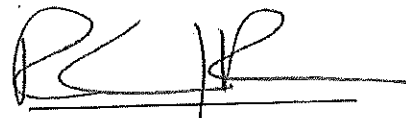
  
Mary Jo Weyrick, Chairperson  
Human Relations Commission

*City of Elkhart Proclaims April 2023  
Fair Housing Month*

- WHEREAS:** The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and
- WHEREAS:** The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and
- WHEREAS:** The City of Elkhart also prohibits discrimination against renting or buying a home, receiving a mortgage, seeking housing assistance, or engaging in other housing related activities; and
- WHEREAS:** Fair Housing is essential to the ethical commitment of the City of Elkhart and is crucial to serving our community; and
- WHEREAS:** our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and
- WHEREAS:** ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities.

**NOW THEREFORE BE IT RESOLVED** that the I, Rod Roberson, Mayor of the City of Elkhart, Indiana, in support of our continued commitment to equal housing opportunities for all and keeping vibrancy in our town, do hereby declare the month of April, 2023 as Fair Housing Month.



  
Rod Roberson, Mayor



# City of Elkhart Parks & Recreation

## Park Board Minutes



Motion: NAA  
Second: CB  
Motion passes with unanimous voice vote

b. **Entertainment Contracts**

Ms. Krask explains that contracts are standard contracts the Legal Department provides for all entertainment for Parks events.

Motion to approve  
Motion: NAA  
Second: CB

Motion passes with unanimous voice vote

c. **Memorandum of Understanding with The Roosevelt Center**

Ms. Ixmattahua states that the Department runs an afterschool program at the Roosevelt Center. CARE University is running the space. The Department will pay \$500 monthly to provide a safe space after school.

Motion to approve  
Motion: NAA  
Second: CB

Motion passes with unanimous voice vote

d. **Partnership Agreement with Elkhart Public Library**

Mr. Trevor Wendzonka, Chief Marketing Officer at the Elkhart Public Library, presents the agreement. Last year, the Library and the Parks Department partnered to provide rewards for the summer reading program. The Library would like to partner again this year.

Mr. Baiker inquires about how the program works.

Mr. Wendzonka states that the Library will publish a game board with specific days to claim rewards. The youth are given a choice of prizes, and the Library does keep track of how many are given out.

Ms. Alexis inquires about the diversity of the participants.

Mr. Wendzonka states that demographic data is important to the Library, and they look at school involvement, neighborhoods, etc. The Library provides materials in Spanish.

Motion to approve  
Motion: NAA  
Second: CB

Motion passes with unanimous voice vote

e. **CCBCC Operations (Coke) Contract**

Mr. Czarnecki states the Department's contract with Pepsi was up for renewal, and the Department looked into options. The Department will be going with Coke at this time. The Department believes it will sell better, and Coke will provide new equipment. It is a 3-year contract for all Parks concessions.

Motion to approve signing the contract electronically  
Motion: NAA  
Second: CB

Motion passes with unanimous voice vote

f. **Pavilion Rental Agreement for CivicRec**

Mrs. Bowers states it is the same contract already used to rent pavilions, but the format has changed due to the new software the department will be using.

Motion to approve  
Motion: NAA  
Second: CB

Motion passes with unanimous voice vote

### 6. Old Business

a. **None**

# City of Elkhart Parks & Recreation

## Park Board Minutes



### 7. Use and Event Permit

a. **Southern Midwest Festival – May 13, 2023 – Roosevelt Park**

Ms. Winona Coleman presents the permit. This is the third year for the event at Roosevelt Park. It is a vendor event for small businesses to network. There will also be speakers against gun violence.

Ms. Alexis inquires if there will be music.

Ms. Coleman states it will be music on a speaker.

Mr. Baiker inquires about previous attendance

Ms. Coleman states the event previously had about 300 people.

Motion to approve

Motion: NAA

Second: CB

Motion passes with unanimous voice vote

b. **A Taste of Excellence – June 3, 2023 – Roosevelt Park**

Ms. Ashley Spencer presents the permit. This is a vendor event for the community. This is the third year for the event. There will be small businesses, free hot dogs, free haircuts, and games

Ms. Alexis inquires about how food is handled.

Ms. Spencer states that the Health Department does inspect.

Motion to approve

Motion: NAA

Second: CB

Motion passes with unanimous voice vote

c. **Elkhart Family Fish Fest – June 3, 2023 – High Dive Park**

Ms. Krask presents the permit. The event is held annually on the first weekend in June to coincide with a free fishing weekend. There will be a fishing clinic for kids at High Dive Park.

Motion to approve

Motion: CB

Second: NAA

Motion passes with unanimous voice vote

d. **EnviroFest – August 12, 2023 – Island Park**

Mr. Czarnecki presents the permit on behalf of the Elkhart Environmental Center. This is the 25<sup>th</sup> year for the event. There are environmental booths and activities.

Motion to approve

Motion: NAA

Second: CB

Motion passes with unanimous voice vote

e. **Rhapsody Arts & Music Festival – June 9-10, 2023 – Island Park**

Ms. Krask presents the permit. This is the 43<sup>rd</sup> year for the event. The Department is in the process of securing vendors and hiring entertainment.

Motion to approve

Motion: NAA

Second: CB

Motion passes with unanimous voice vote

f. **Summer Chill Concert Series – Various Dates – NIBCO Water and Ice Park**

Ms. Krask presents the permit. The event is held on the third Friday of June – September. This year the Department is partnering with Brass Elk Brewing for food and beverages.

Motion to approve

Motion: NAA

Second: CB

Motion passes with unanimous voice vote

# City of Elkhart Parks & Recreation Park Board Minutes



**8. Department Report**

Mr. Czarnecki invites Councilwoman King, the new Park Liaison, to the podium.  
 Ms. King introduces herself to the Board.  
 Mr. Czarnecki reports that the Department has hired a new part-time front office secretary, Mandi Null.  
 Ms. Gordon reports that the Elkhart Farmers Market is introducing a new loyalty card for shoppers.  
 Many downtown Elkhart merchants have donated prizes. The Department is planning to hold Island of Blues in September. Utilimaster and Truma Corp are holding park cleanups.  
 Ms. Ixmattlahua thanks Officer Wang, who has been mentoring and playing basketball with the youth at the Roosevelt Center. Participation has been growing. Line dancing ended, but there was a demand to continue, so it has been extended for 12 more weeks. Upcoming programs include watercolors, Getting College Smart, ADEC bird hikes, and skateboarding lessons.

**9. Public Input/Privilege of the Floor**

Mrs. Santerre opens the privilege of the floor.  
  
 Mrs. Santerre closes the privilege of the floor.

**10. Approval for Adjournment**

Motion to adjourn  
 Motion: NAA  
 Second: CB  
 Motion passes with unanimous voice vote  
 Adjourn 6:16 pm

**PARKS & RECREATION STAFF MEMBERS IN ATTENDANCE**

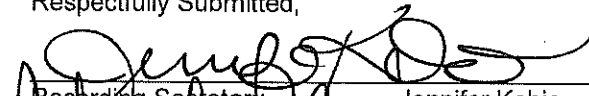


Jamison Czarnecki, Superintendent Luisa Ixmattlahua-Garay, Program Coordinator Sherry Krask, Event Coordinator	Sommer Bowers, Office Manager Maddy Gordon, Volunteer Coordinator Jennifer Kobie, Recording Secretary
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**ADDITIONAL CITY EMPLOYEES AND GUESTS IN ATTENDANCE**

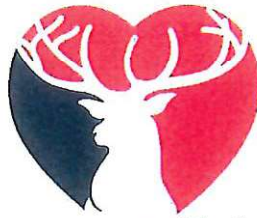
Mr. Ian Irizarry, IT Department Mr. Trevor Wendzonka, Elkhart Public Library	Ms. Rose Rivera, Legal Department Ms. Ashley Spencer, Via Webex	Councilwoman King Ms. Winona Coleman
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**Minutes Certification:**

Respectfully Submitted,

  
 Recording Secretary                      Jennifer Kobie  
  
  
 Park Board President                      Sarah Santerre  
  
  
 Park Board Secretary                      Mark Datema

5/16/23  
 Date  
  
May 16<sup>th</sup>, 2023  
 Date  
  
 \_\_\_\_\_  
 Date



**City of Elkhart**  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Tuesday, April 11, 2023**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Alex Holtz, Dorisanne Nielsen, Gerry Roberts, Sandi Schreiber, Wes Steffen, Gary Boyn, Adam Fann, Mary Kaczka, Mike Huber, and Sherry Weber (Recording Secretary)

**PRESENT BY WEBEX: Chris Pottratz**

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**CALL TO ORDER**

This meeting was held in-person, telephonically and virtually through WEBEX. Mrs. Schreiber called the meeting to order at 4:00 pm.

**AMENDMENT OF APRIL 11, 2023 AGENDA**

Mrs. Schreiber asked for a motion to amend the April 11, 2023 Agenda by removing item F, CDBG Fair Housing Contract-Kemple Fair Housing Consulting Services, LLC from the agenda. Moved by Mr. Steffen. Seconded by Mr. Roberts. Voice vote. All in favor, motion approved.

**APPROVAL OF MARCH 14, 2023 REGULAR MEETING MINUTES**

Mrs. Schreiber asked for a motion to approve the March 14, 2023 Regular Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor, minutes approved.

**NEW BUSINESS**

**A. OPEN OFFERS**

Mr. Adam Fann addressed the commission stating there are no bids to open.

**B. SOUTH MAIN PARCEL OFFERING**

Mr. Adam Fann addressed the commission and answered their questions. Mrs. Schreiber asked for a motion to authorize the offer of real estate for sale under 36-7-14-22 address/offering price for 729 South Main /\$1000, 733 South Main / \$1000, 739 South Main / \$2000 and a parcel on St. Joe with no address / \$1000. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote. All in favor. Motion approved.





### **C. RIVER DISTRICT PLANS FOR ZONE 1**

Mr. Mike Huber addressed the commission and answered their questions. Mrs. Schreiber asked for a motion to approve the amendment to the EOZ Business, LLC Development Agreement to extend the current agreement to July 31, 2023 to submit a revised development plan and any proposed amendments to the development agreement that are in order. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote. All in favor, motion approved.

### **D. ART WALK**

Mr. Mike Huber addressed the commission, gave an overview of Premier Arts request for 2023 Art Walk and introduced Craig Gibson from Premier Arts. Mr. Gibson addressed the commission, gave an overview of their plan for 2023 and answered questions. Michelle Frank from the Lerner Theatre addressed the commission, answered questions and presented on the Lerner's participation in 2023 Art Walk. Ms. Stephanie Kroll from SKPR Media addressed the commission on plans for the 2023 Art Walk and answered questions. Mr. Steffen made a motion to approve \$28,000 for the 2023 Art Walk. Seconded by Ms. Harris. Mr. Roberts suggested that the commission consider funding the full request of \$50,000. Mr. Steffen made a motion to amend the previous motion and approve \$50,000 for 2023 Art Walk. Seconded by Mr. Holtz. Roll call vote, 2 in favor, 3 opposed. Motion failed. Mr. Roberts made a motion to approve \$44,000 for Art Walk 2023. Mr. Steffen amended with \$6000 for the Merchants Programing Support returned to the Redevelopment Commission if not used. Motion was moved by Mr. Roberts. Seconded by Mr. Holtz. Roll call vote, all in favor, motion approved.

### **E. CDBG PY2023 DRAFT ANNUAL PLAN – PUBLIC COMMENT**

Ms. Mary Kaczka addressed the commission and answered their questions. Ms. Schreiber asked for public comment. Mr. Thomas Kulesia II attended for public comment on the CDBG PY2023 Draft Annual Plan. Mr. Kulesia presented several ideas (below) on how he would like CDBG funds to be used to reach more households.

- Create a paint voucher program where CDBG could collaborate with a paint corporation to provide a voucher for \$10 off per gallon for quality paint the homeowners could use to paint their house and improve the beauty of neighborhoods.
- Invest in small startup businesses involving young professionals/college students. Provide guidance to start a small business to service the community through the needs we have. An example Mr. Kulesia gave was a startup business for power washing business awnings in downtown Elkhart.
- Work with Parks Department and the City Nursery to create community vegetable gardens in neighborhoods, provide access to budget start seedlings, landscaping plants, trees, and shrubs individuals can plant to beautify the neighborhood and create a buffer between neighboring houses.

Commissioner Roberts thanked Mr. Kulesia for coming and presenting his ideas. Commissioner Harris suggested Mr. Kulesia connect with Mary Kaczka, Assistant Director of Economic Development, and share a written proposal of his ideas.



Mr. Mike Huber, Director of Development Services, also thanked Mr. Kulesia for his feedback. Mike reminded everyone that we are currently finishing the third year of the five year consolidated CDBG Action Plan. The consolidated plan sets the overall priorities and goals for all five years. We do have to follow the criteria laid out by the CDBG on how these funds can be used. We have a housing shortage in the community and the CDBG has used these funds to help families stay in their homes by replacing roofs, installing new furnaces, fixing crumbling foundations, installing new windows etc.

#### **STAFF UPDATES**

Mr. Adam Fann addressed the commission with updates on projects around the city

- **1918 Markle** - Tank is in the process of being removed.
- **1045 South Main** - Kerimeda has been out doing some borings.
- **State Road 19 improvements** - We should be seeing an appropriation in May.

#### **OTHER BUSINESS**

Mr. Boyn stated the current work amount on the Warrick and Boyn invoice is for \$30,602.60.

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$30,602.60. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

Adam will email the commissioners the February 2023 TIF Report.

#### **PUBLIC COMMENT**

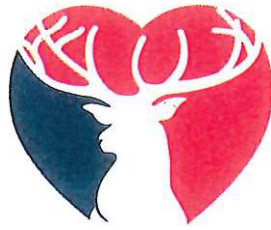
No public was present to address the Commission for public comment.

#### **ADJOURNMENT**

There being no further discussion, Mrs. Schreiber asked for a motion to adjourn the meeting. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved. The meeting adjourned at 5:12 p.m. Next meeting is on Tuesday, May 9, 2023 at 4:00 p.m. in Council Chambers.

  
SANDRA SCHREIBER, PRESIDENT





**City of Elkhart**  
*Redevelopment Commission*

**Elkhart Redevelopment Commission  
Pre-Agenda Meeting Summary  
For April 6, 2023**

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**PRESENT:** Dina Harris, Sandi Schreiber, Wes Steffen, Gary Boyn, Alex Holtz,  
and Sherry Weber (Recording Secretary)

**PRESENT BY WEBEX:** Adam Fann and Dana Donald

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The Commission reviewed each agenda item and staff explained the status of each matter to date and the need for and purpose of the proposed Resolution to be acted upon at the upcoming Elkhart Redevelopment Commission meeting on April 11, 2023.

Rod Roberson  
Mayor

Dustin McLain  
Department Head

ELKHART CITY



574.293.2175  
Fax: 574.294.5530

Elkhart City Communications  
135 E Franklin Street  
Elkhart, IN 46516

911  
COMMUNICATIONS

Date: May 17, 2023  
To: Mayor Rod Roberson  
Elkhart City Board of Public Safety  
Common Council  
From: Dustin McLain, Department Head  
Elkhart Communications Center  
Re: **April 2023 Month End Report**

We processed 8,752 8,656 incoming & outgoing emergency and non-emergency phone calls. This was an increase of 96 calls from April 2022. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 <i>*This includes Landlines, Wireless, VoIP, TextTTY, and abandoned.* (as reported by ECats State reporting online)</i>	Administrative (non-emergency)	<b>TOTAL</b>
	1,927	6,825	8,752
<b>2022 TOTALS</b>	2,083	5,067	8,656

By shift, we entered 6,900 calls into the CAD, an increase of 225 calls from April 2022. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	<b>TOTALS</b>
Day Shift	1885	330	277	2492
Afternoon Shift	1999	323	306	2628
Midnight Shift	1517	153	110	1780
<b>All Shifts</b>	<b>5401</b>	<b>806</b>	<b>693</b>	<b>6900</b>
<b>2022 TOTALS</b>	4489	780	1017	6286

\*Other Calls refers to calls made to communications that either required a response by other departments, such as Parks Dept., Street Dept., etc. This also includes calls that are dispatched out as attempts to locate, repossessions and/or private impounds.

**OTHER BUSINESS**

- For the month of April 2023 we handled 43 AUDIO REQUESTS for the Prosecutor's Office and Police Dept. We provided 11 (FOIA) Public Records Requests to individuals.