

*\*\*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

**January 6, 2025**

**6:00 P.M.**

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

2. **Election of Council President and Council Vice President**

3. **Minutes for Approval**

Minutes of December 16, 2024 – Council Meeting

**Presentations and Introductions**

Breanna Allen, Executive Director, Tolson Center

**Unfinished Business**

**Reports of Council Committees**

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

There are no Ordinances on Second-Third Reading

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

There are no Ordinances or Resolutions referred to committees

**Tabled Ordinances and Resolutions**

There are no tabled Ordinances or Resolutions

4. **New Business**

a. **Ordinances on First Reading**

**Proposed Ordinance 25-O-01**, an ordinance appropriating Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) from the Riverboat Gaming Fund to Other Funds Account, and authorizing the Controller to Transfer the Funds to the Local Road and Bridge Matching Grant Fund

**Proposed Ordinance 25-O-02**, an ordinance appropriating Seventy-Seven Thousand Six Hundred Seventy-Two and 50\100 Dollars (\$777,672.50) from the Local Road and Bridge Matching Grant Fund for the 2025 Grant-Funded Contract Paving Project under the Community Crossings Matching Grant Program

**Proposed Ordinance 25-O-03**, an ordinance appropriating Six Million Seventeen Thousand Forty-Five and 42\100 Dollars (\$6,017,045.42) in Matching Funds for the Bristol Street Widening Project

**Resolutions**

There are no Resolutions

**b. Vacation Hearings**

There are no Vacation Hearings

**c. Other New Business**

**d. Reports of Mayor, Board of Works, Board of Safety or City Departments**

**e. Neighborhood Association Report**

**f. Privilege of the Floor**

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

**g. Scheduling of Committee Meetings**

**5. Acceptance of Communications**

Minutes of November 12, 2024 – Aurora Capital Development Corporation

Minutes of November 27, 2024 – Board of Aviation Commissioners Meeting

Minutes of December 3, 2024 – Board of Public Works

Minutes of December 17, 2024 – Board of Public Works

Minutes of October 10, 2024 – Board of Zoning Appeals

Minutes of August 15, 2024 – City of Elkhart Stormwater Board Meeting

Minutes of October 17, 2024 – City of Elkhart Stormwater Board Meeting

Minutes of November 12, 2024 – Elkhart Redevelopment Commission

Minutes of November 20, 2024 – Elkhart Redevelopment Commission – Special Meeting

Report – Month End November 2024 – Elkhart Communications Center

**Adjournment**



## DRAFT

### MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF DECEMBER 16, 2024

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

Absent: None

This meeting was made available to the public electronically through WebEx.

President Dawson called the meeting to order at 6:00 p.m. in the Council Chambers at City Hall, 229 S. Second Street, in Elkhart. All Council Members were present in Council Chambers.

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

The clerk called the roll.

### APPROVAL OF MINUTES

President Dawson asked for a motion and second to approve the minutes from the November 18, 2024, Council Meeting.

Motion made by Councilman Crabtree, second by Councilwoman Hines.

Councilman Henke made a motion to amend the minutes. He stated on Page 7, second paragraph, it currently reads *there have big wins...* it should say *there have not been big wins* to approve as amended.

President Dawson asked for a second to approve the amendment, second by Councilman Mishler.

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

**By a unanimous voice vote, the amendment was approved.**

President Dawson asked for a motion and second to approve the amended minutes from November 18, 2024, Council Meeting.

Motion by Councilman Crabtree, second by Councilman Henke.

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

President Dawson asked for a motion and second to approve the minutes from the November 25, 2024, Council Meeting – Special Call.

Motion made by Councilman Fish, second by Councilman Crabtree.

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

President Dawson asked for a motion and second to approve the minutes from the December 2, 2024, Council Meeting.

Motion made by Councilman Crabtree, second by Councilman Fish.

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

### **PRESENTATIONS AND INTRODUCTIONS**

Presentations begin at 40 minutes and 41 seconds of the audio recording.

**James Gerald, IT Director**, said he wanted to take this opportunity to show the Council a couple of the initiatives they have completed to help secure the City. The first is a multi-factor authentication referred to as MFA. He showed a short video regarding how the system works to protect against unauthorized login attempts and helps prevent threats. It is a very simple solution. **Councilman Henke** asked how many users does this affect. **James Gerald** replied across everyone in the City government. **Councilman Henke** asked what the number of people affected is? **James Gerald** replied approximately 723.

**Councilman Mishler** asked is there a cost or subscription associated with utilizing this app for the City? **James Gerald** replied, there is a cost and it was approved by the Council and the Board of Public Works approximately a year ago. This has been in place for some time. He said they are getting this product at lower than retail cost. **Councilman Mishler** asked how long the agreement is. **James Gerald** replied it is a 3 year agreement with the option to renew.

**James Gerald** stated he had one more video to show regarding training and phishing campaigns. These videos are sent out once a month for training purposes to all city employees. These videos are tailored for the attacks they are seeing in real time in the City as well as, the state of Indiana. Between the videos and improvements they have made in IT, it shows how proactive they are in increasing the security and stopping attacks from coming through. He said he would like to thank the Council for their support and giving them the tools to use to make the City more secure.

**President Dawson** asked Bradley Tracy from the Mayor's office to come forward and said they would like to take this opportunity on behalf of the Elkhart City Council and the citizens of Elkhart to thank him for what he has done, from improvements of the City, making sure the government runs efficiently, answering the Council's calls and getting back to the Council in a timely fashion. His dedication of service to the City has been impeccable since he came in under the former Mayor Tim Neece. He did a lot of things to make sure that Elkhart is the type of city that people want to live in, work in and raise a family in and it is appreciated. As most people have heard, Bradley is retiring and they did not want him to leave here without knowing how much they appreciate what he has done for the City of Elkhart. **Bradley Tracy** said he would also like to show his gratitude to the Council, as well as, the administration, who put their faith in



him. He said he has worked with some amazing people and it has been an honor to be here. He will long cherish the memories of all the Council members and those sitting in the chambers and it has been an honor to be a part of this great City. He thanked them for the opportunity.

Presentation ends at 49 minutes and 08 seconds of the audio recording.

## UNFINISHED BUSINESS

### REPORTS OF COUNCIL COMMITTEES

There were no reports.

### ORDINANCES ON SECOND-THIRD READING

#### *Proposed Ordinance 24-O-55*

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, ESTABLISHING THE ELKHART ENVIRONMENTAL CENTER FUND AND THE ELKHART ENVIRONMENTAL CENTER FEE SCHEDULE**

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

#### COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-55

President Dawson opened Council discussion starting at 55 minutes and 17 seconds of the audio recording.

**Jeff Zavatsky, Superintendent, Environmental Center**, said he would be happy to answer any questions. **Councilman Henke** asked if they are establishing a new line item. **Jamie Arce, City Controller** said in looking at Jeff Zavatsky's request to establish a fee structure, it was determined that the fund had already been approved and the Council had already authorized a budget for it, but it had never gone through the formal steps of establishing it. This was originally established as a component of Public Works. Although it should have followed that process at that time, by requesting the authority and the authorization to be able to establish fees for the projects and the programs that are being held at the Elkhart Environmental Center that they use, the opportunity to formally establish the fund in the way it should have been done initially. **Councilman Henke** said they are establishing a fee schedule, which was published. **Jamie Arce** replied, that is correct. **Councilman Henke** is there something in addition to that other than where it is going to be deposited. **Jamie Arce** replied they are effectively establishing or ratifying the establishment of the fund that they have been operating out of and they have been appropriating and approving the budget for all intents and purposes.

**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-55**

President Dawson opened the public discussion starting at 52 minutes and 12 seconds of the audio recording.

There was no public discussion.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-55**

President Dawson returned the discussion to the Council starting at 52 minutes and 20 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote on second reading.

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

**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on second reading.**

Motion for third and final reading made by Councilman Fish second by Councilman Henke.

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

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

**NAYS:**

**By a vote of 9-0, the proposed ordinance passed on third and final reading.**

Discussion on the proposed ordinance ends at 53 minutes and 30 seconds of the audio recording.

***Proposed Ordinance 24-O-56***

**AN ORDINANCE APPROPRIATING FOUR HUNDRED TEN THOUSAND AND 00\100 DOLLARS (\$410,000.00) FROM THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR THE LASALLE, MCKINLEY AND BENHAM AREA WATER AND SEWER PROJECT**

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

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-56**

President Dawson opened Council discussion starting at 54 minutes and 00 seconds of the audio recording.

There was no Council discussion.



**PUBLIC DISCUSSION ON PROPOSED ORDINANCE 24-O-51**

President Dawson opened the public discussion starting at 54 minutes and 02 seconds of the audio recording.

There was no public discussion.

**COUNCIL DISCUSSION ON PROPOSED ORDINANCE 24-O-51**

President Dawson returned the discussion to the Council starting at 54 minutes and 13 seconds of the audio recording.

**Councilman Henke** asked if this fund was going into a project already established and if it was actually going to be backfilled because they are using American Rescue Plan hereafter ARP funds because of the timeliness of the project. **Jamie Arce** replied, that is correct. **Councilman Henke** asked what account the full amount would be credited back to. **Jamie Arce** said this will reduce the burden on the Capital Outlay Fund. Earlier this year the Council appropriated 9.4 Million Dollars toward the project and 5.1 Million Dollars out of the Capital Outlay Fund. This will help to relieve that 5.1 Million Dollar obligation. **Councilman Henke** said they should see that amount after it is already appropriated. **Jamie Arce** replied yes.

**Councilman Mishler** said, just to be clear, the ARP ordinances that were passed previously also contain language that any unspent ARP funds would go toward this as well. **Jamie Arce** replied, that is correct, so the other projects like the Heating, Air Conditioning and Ventilation hereafter HVAC project and the IT related components that were approved recently, if they come in under budget, that will also be used to reduce the obligation out of the Capital Outlay Fund. It will also keep them in compliance to have all of their ARP money obligated at the end of the year.

President Dawson asked the clerk to do a roll call vote on second reading.

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

**By a vote of 9-0, the proposed ordinance passed on second reading.**

Motion for third and final reading made by Councilman Henke, second by Councilwoman Hines.

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

**By a vote of 9-0, the proposed ordinance passed on third and final reading.**

Discussion on the proposed ordinance ends at 57 minutes and 04 seconds of the audio recording.

**ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES**

There are no ordinances or resolutions referred to committees.

## TABLED ORDINANCES AND RESOLUTIONS

There are no tabled ordinances or resolutions.

### ORDINANCES ON FIRST READING

There are no Ordinances on First Reading.

### RESOLUTIONS

#### *Proposed Resolution 24-R-62*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, CONFIRMING RESOLUTION NO. R-61-24, WHICH DECLARED A CERTAIN AREA IN THE CITY OF ELKHART TO BE AN ECONOMIC REVITALIZATION AREA FOR THE PURPOSE OF GRANTING TAX PHASE-IN BENEFITS TO ACCRA-PAC, INC. DBA VOYANT BEAUTY\VM YVT, LLC**

President Dawson asked the clerk to read the proposed resolution by title only. He asked for a motion and a second to adopt this resolution. Motion by Councilman Fish, second by Councilwoman King.

#### COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-62

President Dawson opened Council discussion starting at 58 minutes and 02 seconds of the audio recording.

There was no Council discussion.

#### PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-62

President Dawson opened the public discussion starting at 58 minutes and 07 seconds of the audio recording.

There was no public discussion.

#### COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-62

President Dawson returned the discussion to the Council starting at 58 minutes and 13 seconds of the audio recording.

There was no further Council discussion.

President Dawson asked the clerk to do a roll call vote.

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

**NAYS:**

**By a vote of 9-0 the proposed resolution passed.**

Discussion on the proposed resolution ends at 58 minutes and 41 seconds of the audio recording.

*Proposed Resolution 24-R-63*

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, TO APPROVE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ELKHART AND ACCRA-PAC, INC. DBA VOYANT BEAUTY\NM VYT, LLC**

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

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-63**

President Dawson opened Council discussion starting at 59 minutes and 12 seconds of the audio recording.

There was no Council discussion.

**PUBLIC DISCUSSION ON PROPOSED RESOLUTION 24-R-63**

President Dawson opened the public discussion starting at 59 minutes and 16 seconds of the audio recording.

There was no public discussion.

**COUNCIL DISCUSSION ON PROPOSED RESOLUTION 24-R-63**

President Dawson returned the discussion to the Council starting at 59 minutes and 20 seconds of the audio recording.

**Councilman Henke** asked for clarification, if Voyant was a name change or was there a change of ownership. **Drew Wynes, Economic Development** said Voyant is the Doing Business As hereafter DBA for Accra-Pac, Inc.

President Dawson asked the clerk to do a roll call vote.

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

**NAYS:**

**By a vote of 9-0, the proposed resolution passed.**

Discussion on the proposed resolution ends at 1 hour, 00 minutes and 09 seconds of the audio recording.

**VACATION HEARINGS**

There are no Vacation Hearings.



### OTHER NEW BUSINESS

President Dawson opened the discussion starting at 1 hours, 00 minutes and 15 seconds of the audio recording.

**Councilman Henke** said he is referring to the Board of Public Safety Minutes from November 12, 2024, and asked who is paying for crossing guards and what is the total amount annually and who is paying for school resource officers and what is the total amount for that also. He said he was supposed to have information from the Fire Department on the number of infants delivered by medics for the last three years and he has not received that information. He also questioned the Lerner Theatre Board Report of November 13, 2024, item number 3, Treasurer's Report where it says this is compared to 2023, the City's contribution of 65% and the Lerner's contribution of 35% and the net income from the theater operation shows a gross profit at the end of the period. He said he is confused as to how they are showing a net profit in a gross profit line item and asked for clarification.

**Councilman Mishler** said he wanted to thank everyone who participated and supported the Winterfest. He had the great privilege and honor to be one of the judges for the parade and he got to see everything up close. He said it was a great event that brings the community together, from ice skating at NIBCO Park to the tree lighting. It was a wonderful night and he wanted to thank everyone from the Fire Department who had over 1,200 guests in the morning at the Central Fire Station and also their partners at the Aquatic Center and the Railroad Museum. It was a great day and he wanted to thank everyone that made it happen. He wished everyone a Merry Christmas and Happy Holidays.

**President Dawson** said the Council Chambers are being remodeled and they will be removing the carpet and the chairs and they will be updating the IT part of the Council Chambers. He said he has a meeting with some people and would like to know if there are others who would like to meet with him to pick out the carpet and the chairs. Tonda Hines and Angie McKee responded they would like to help. He said the chairs are from 1995 and they need to make sure the public safety officers can sit down with all of their gear on and also the public can sit more comfortably.

**Councilman Henke** asked what was going to happen to the chairs that are removed. **President Dawson** replied, they will all be auctioned off unless someone else wants to use them. If they can keep them in the City, they will, if not they will be auctioned through the Board of Public Works as is usual procedure. He also wished everyone Happy Holidays.

New Business discussion ends at 1 hour, 05 minutes and 23 seconds of the audio recording.

### REPORTS OF MAYOR, BOARD OF WORKS, BOARD OF SAFETY OR CITY DEPARTMENTS

**Mayor Roberson** said he would also like to echo what Councilman Mishler said regarding Winterfest. He believes it was one of the largest crowds for Winterfest, not just for the parade, but all throughout the day. There were multiple events going on all day and for everyone who came out, thank you for coming. The Parks Department and the Fire Department appreciated it and he did as well. The ice sculptures were amazing. People really enjoyed seeing the creativity of the artists that were carving during the day. Winterfest was a success and has been for the last few years and the crowds have grown every year. He said for the last few weeks he has been spending time celebrating Bradley Tracy's retirement and he is glad that the Council had a



chance to recognize him as well. The department heads and staff have been spending time recognizing the relationship he has with them, the Council and the residents of the City. In multiple ways it has been wonderful working with him and he has been the “glue guy” in keeping things together with the skills and relationships he has created and he should be recognized for that. He will be with the City through the first week of January as he wants to make sure he has accomplished all of his goals before he leaves and they appreciate that. He made it very easy for this administration to come in after the last administration due to his attention to detail on the projects that he was covering for the former mayor and he wants to be sure to do the same for them on his way toward retirement. It is ironic, with Bradley Tracy retiring he would like to introduce Ashley Hughes. Ashley is Bradley’s administrative assistant. She is former Air Force and has come in with a sense of professionalism and has already provided impact at the office, so please say hello. He thanked the Council for all of their efforts over the last year and wished everyone a wonderful holiday and new year. In 2025, he will be talking about all the things that have occurred in the last quarter of 2024 as a lot has happened quickly at the end of 2024. He also thanked the Council for all of the time and effort they have put in as the year passes.

Reports of Mayor, Board of Works, Board of Safety or City Departments ends at 1 hour, 10 minutes and 21 seconds of the audio recording.

#### **NEIGHBORHOOD ASSOCIATION REPORTS**

President Dawson opened the Neighborhood Association Reports starting at 1 hour, 10 minutes and 23 seconds of the audio recording.

**Councilman Curry** said the Pierre Moran Neighborhood Association will be meeting on January 5, 2025 at the Pierre Moran Park Pavilion at 5:00 p.m. and everyone is welcome to attend. The Neighborhood Association boundaries are from Hively Avenue to Lusher Avenue and from Benham Avenue to Prairie Street. He said they would like to thank the administration for the Pop Up Market that happened on December 14 & 15, 2024 at the former Pierre Moran Mall. He hoped everyone came out to that and he was glad the administration brought the maps of the proposed future of that site. He also commented on the new lighting in the mall area and how it has made a huge difference.

**Councilwoman King** said she would like to thank Danny Reynolds of Stevensons Department store for donating coats, jackets, kid’s hats and scarves to Church Community Services in honor of the Soup for Success graduation program. They will also be donating coats to Faith Mission as they are in need of men’s coats and any donations would be appreciated. She would also like to thank Delia of DeliaMar Mega Shop who participated in the Winterfest Parade and she really showed off. It was a wonderful parade and an opportunity for people to get out with their families and she thanked all of those who participated.

Neighborhood Association discussion ends at 1 hour, 13 minutes and 18 seconds of the audio recording.

## PRIVILEGE OF THE FLOOR

**Ralph Spelbring** said once it is December 1<sup>st</sup>, don't play football outside. He also read a part of an article that was in the South Bend Tribune regarding Melissa Kauffman. The article is attached to these minutes.

**Mark Troyer** said he and his wife saw the plans for the new Woodland Crossing property. He said his property borders on the north side of Woodland Crossing and it is a short distance from his home. He said they are very disappointed with the plans for this property, especially the portion of the property that is right next to their house and backyard. He said he felt betrayed by the City and the Planning Department with what they want to do with this property. He wanted the Council to know if this goes through the way it says on the plan, he does not know that they will be able to live where they are now. It is affecting their residence and their business. He and his wife are senior citizens and his wife is disabled. They do not want to move but they do not know how they can stay there if this plan goes through. He said he is very emotional about it and he wanted the Council to know how he feels and he is hoping that something can be done to change the outcome of this plan. He said he would be happy to talk to anyone on the Council individually to show them what he is talking about.

Privilege of the Floor ends at 1 hour, 20 minutes and 17 seconds of the audio recording.

## SCHEDULING OF COMMITTEE MEETINGS

There are no meetings to schedule.

## ACCEPTANCE OF COMMUNICATIONS

Minutes of October 30, 2024 – Board of Aviation  
Minutes of November 12, 2024 – Board of Public Safety  
Minutes of November 26, 2024 – Board of Public Safety  
Minutes of November 19, 2024 – Board of Public Works  
Minutes of November 13, 2024 – Lerner Theatre Board

President Dawson asked for a motion to approve the communications. Motion made by Councilman Mishler, second by Councilman Fish.

**By a unanimous voice vote, the Acceptance of Communications passed.**

## ADJOURNMENT

President Dawson asked for a motion to adjourn. Motion made by Councilman Fish, second by Councilman Crabtree.

**By a unanimous voice vote the meeting was adjourned.**

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Debra D. Barrett, Elkhart City Clerk

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Arvis L. Dawson  
President of the Elkhart City Council

# South Bend Tribune

## ELECTIONS

# Vote411: Candidates for Indiana State Representative District 21

South Bend Tribune

Published 5:02 a.m. ET Oct. 7, 2024 | Updated 5:02 a.m. ET Oct. 7, 2024

The Tribune is partnering with the League of Women Voters of the South Bend Area and the American Democracy Project of Indiana University South Bend to publish candidates' answers to questions on the issues. The League and IUSB's ADP operates Vote411.org, a website with information about the candidates and their positions on key issues. The site also includes other tools to help navigate the voting process.

The Tribune has agreed to run candidate answers unedited, meaning any spelling, typographical or grammatical errors are the candidates' own. The Tribune is publishing only some of the questions from a selection of significant races. Additional questions and answers are available at Vote411.org.

Two candidates will appear on the ballot for Indiana State Representative District 21. Republican Timothy Wesco is the incumbent. He is challenged by Libertarian Melissa Kauffman.

## Melissa Kauffman

**Occupation:** Retired paralegal

**Education:** Northridge HS and IUSB

**Email:** Kauffman4Indiana@gmail.com

**Website:** kauffmanforindiana.godaddysites.com

**Facebook:** [www.facebook.com/profile.php?id=61557716532824&mibextid=ZbWKwL](https://www.facebook.com/profile.php?id=61557716532824&mibextid=ZbWKwL)



## Timothy Wesco

**Occupation:** The candidate has not yet responded

**Education:** The candidate has not yet responded

**Email:** The candidate has not yet responded

**Website:** The candidate has not yet responded

**Facebook:** The candidate has not yet responded

### **What is the first bill you would champion in the 2025 legislative session? Why that one?**

**Kauffman:** Judicial Reform. Our judicial system is broken, it has become a system that caters to lawyers and judges and no longer provides fair and unbiased justice for individuals. It is a system that has become so expensive individuals needing representation can not afford it. While courts are allowed to make it too difficult and complicated to represent yourself. Judges and lawyers are allowed to violate their own Rules of Professional Conduct because the Disciplinary Commission is unwilling to appropriately enforce and punish their own. Every day individuals have their rights trampled in our courts and it's time for reform. This would go hand in hand with our need for term limits. Judges spending decades on the bench is detrimental to the system.

**Wesco:** The candidate has not yet responded.

### **What, if anything, would you change about the way Indiana's K-12 education system is funded?**

**Kauffman:** Much of how funding is really allocated is cloaked in mystery from anyone outside the legislative body, so the first thing that needs to change is transparency. Second is for taxes that have been allocated to education stay for education. No more changing it later to general fund or for the self given raises of legislators. Funding needs to focus on curriculums that support core topics of education (math, English, science, ect) not the side courses that should be left for parents to decide when and what they want their child to learn. We need to focus on getting school budgets back to being fiscally responsible and less wasteful. There seems to be an imbalance of heavy administration employees which leaves

little left for paying the most important employees, our teachers! We need to pay teachers better!

**Wesco:** The candidate has not yet responded.

## **Does Indiana adequately protect our natural environment? Are additional regulations needed?**

**Kauffman:** Local and state governments are doing a fabulous job with smoke and mirrors to appear as though they are protecting our environment and agricultural lands. But the reality is they rezone and sell off pieces at a time so that Hoosiers don't realize how much we are loosing. This needs to stop!

**Wesco:** The candidate has not yet responded.

## **The tragic death of six children living in a house that had failed safety inspections before it burned has brought attention to the problem of safe, affordable housing in our state. For example, Indiana is one of only six states that don't allow rent to be held in escrow if safety standards aren't met. Should the legislature enact a similar law or any other measures to improve housing conditions for Hoosier families?**

**Kauffman:** Landlords or "slumlords" have gotten away with skirting the system while facing little to no consequences. This must stop immediately! Withholding rent is just one of the ways to start cleaning up rental properties and ensuring Hoosiers are safe. Landlords have a huge responsibility to ensure their properties are safe and maintain appropriate safety inspection standards. When they fail, and fail repeatedly, there needs to be appropriate and strict enforcement for these violations with consequences that can eventually lead to the forfeiture of property or properties that repeatedly fail safety inspections.

**Wesco:** The candidate has not yet responded.

**How do you balance home rule for local government versus uniform decisions handed down by a higher level of government? Is your philosophy consistent when weighing state vs federal power and weighing state vs local power? Why or why not? (Please provide concrete examples, such as the state overturning local tax rates or puppy mill bans, or federal government setting policies on immigration or marijuana.)**

**Kauffman:** In most instances I believe local government is best situated to govern their communities. Then there are some instances that state government would be best to govern certain issues. But very few should be ruled by the federal government. We need smaller, better government, rather than bigger less efficient government.

**Wesco:** The candidate has not yet responded.




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**M E M O R A N D U M**

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Date: December 9, 2024  
 To: Arvis Dawson, Elkhart City Council President  
 From: Tory Irwin, Director of Public Works *TI*  
 RE: 2025 Grant-Funded Contract Paving Project

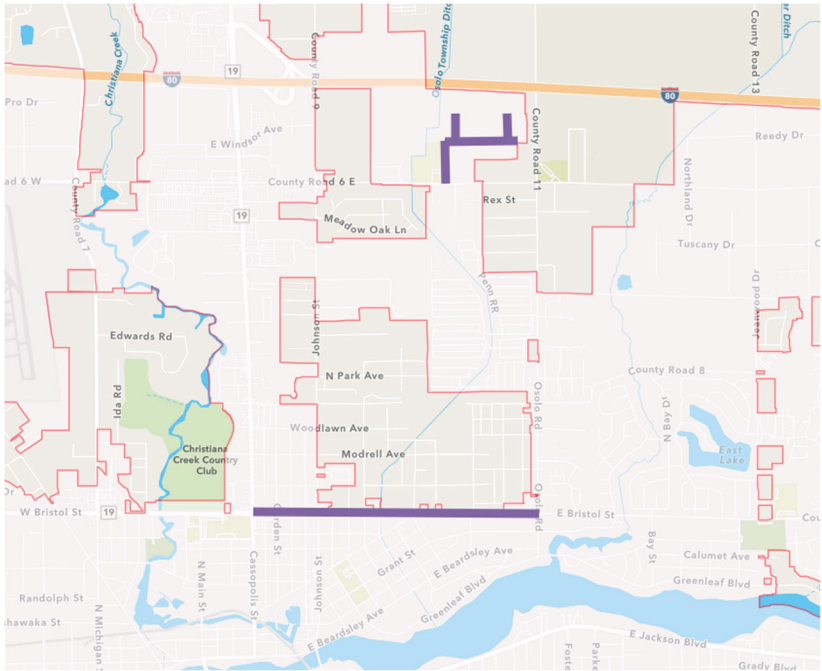
This appropriation request is for the 2025 Grant-Funded Contract Paving project. In 2024 the City was awarded 2 Phases of Community Crossing Matching Grant (CCMG). The spring phase did not exhaust the entire allotment that was allowed, due to bids coming back lower than expected. Engineering then applied for the 2024 Phase 2 grant in the fall, and was awarded the remainder of our yearly allotment.

The paving project will include:

- Bristol from Cassopolis to Osolo;
- Lear Court and Lear Drive;
- Park Six Court and Park Six Drive.

The City applied for and received a grant of \$352,672.50 from INDOT, which is 50% of the estimated cost of the work. The City is responsible for the 50% local match and any contingency, for a total appropriation of \$775,000.00. A map of the streets is below.

• CCMG INDOT Award	\$352,672.50
• CCMG Local Match plus Contingency	\$425,000.00
• Total	\$777,672.50



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

**AN ORDINANCE APPROPRIATING FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$425,000.00) FROM THE RIVERBOAT GAMING FUND TO OTHER FUNDS ACCOUNT, AND AUTHORIZING THE CONTROLLER TO TRANSFER THE FUNDS TO THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND**

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WHEREAS, the Indiana Department of Transportation awarded the City of Elkhart (“City”) a matching grant under the Community Crossings Grant Program to assist the City with the 2025 Grant-Funded Contract Paving Project to resurface three (3) targeted areas which are in need of resurfacing, namely: 1) Bristol, from Cassopolis to Osolo; 2) Lear Court and Lear Drive; and 3) Park Six Court and Park Six Drive; and

WHEREAS, the estimated cost of the resurfacing project total Seven Hundred Seventy-Seven Thousand Six Hundred Seventy-Two and 50/100 Dollars (\$777,672.50); and

WHEREAS the State of Indiana awarded the City of Elkhart, the sum of Three Hundred Fifty-Two Thousand Six Hundred Seventy-Two and 25/100 Dollars (\$352,672.50) under the Community Crossings Matching Grant (CCMG) program to cover the qualified costs of the City’s 2025 Grant-Funded Contract Paving Project; and

WHEREAS, the Community Crossings Matching Grant Program requires a local match of no less than fifty percent (50%) of the grant-qualified project costs; and

WHEREAS, the City Administration represents to the Common Council that approximately Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) is needed meet City’s fifty percent (50%) match, plus twenty percent (20%), estimated for inflationary increases, unanticipated change-orders, and for work which does not qualify for the state-match, but which is appropriately performed at the same time as the qualified work; and



WHEREAS, the Administration represents that Riverboat Gaming Fund contains sums, sufficient and available to fund the Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) needed to fulfill the City's the financial obligations under the Community Crossings Grant Program, and for reasonable contingencies, to receive the matching state-grant funds, under the 2025 Grant-Funded Contract Paving Project; and

WHEREAS, the Administration request that Common Council appropriate Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) from the Riverboat Gaming Fund to the To Other Funds Account, and authorized the City Controller to transfer the funds to the Local Road and Bridge Matching Grant Fund for the 2025 Grant-Funded Contract Paving project under the Community Crossings Grant Program.

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

Section 1. The amount of Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) be, and hereby is, appropriated from the Riverboat Fund (2235) to:

Account No.2235-5-000-452000	To Other Funds	\$425,000.00
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Section 2. The Controller of the City of Elkhart is authorized to transfer the Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) from the To Other Funds account to the Local Road and Bridge Matching Grant Fund (4501); and

Section 3. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 4. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

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

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

ATTEST:

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

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

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

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

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

ATTEST:

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




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**M E M O R A N D U M**

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Date: December 9, 2024  
 To: Arvis Dawson, Elkhart City Council President  
 From: Tory Irwin, Director of Public Works *TI*  
 RE: 2025 Grant-Funded Contract Paving Project

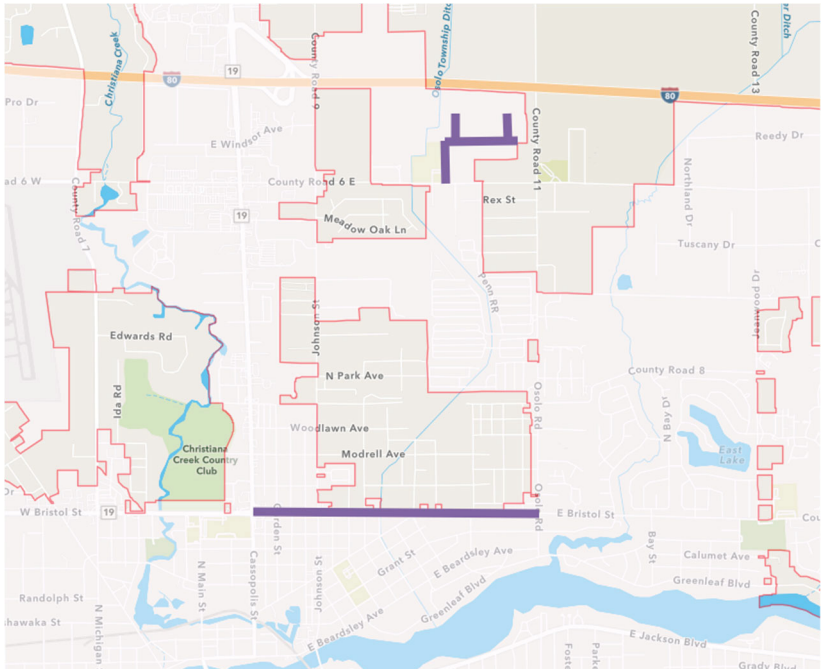
This appropriation request is for the 2025 Grant-Funded Contract Paving project. In 2024 the City was awarded 2 Phases of Community Crossing Matching Grant (CCMG). The spring phase did not exhaust the entire allotment that was allowed, due to bids coming back lower than expected. Engineering then applied for the 2024 Phase 2 grant in the fall, and was awarded the remainder of our yearly allotment.

The paving project will include:

- Bristol from Cassopolis to Osolo;
- Lear Court and Lear Drive;
- Park Six Court and Park Six Drive.

The City applied for and received a grant of \$352,672.50 from INDOT, which is 50% of the estimated cost of the work. The City is responsible for the 50% local match and any contingency, for a total appropriation of \$775,000.00. A map of the streets is below.

• CCMG INDOT Award	\$352,672.50
• CCMG Local Match plus Contingency	\$425,000.00
• Total	\$777,672.50



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

**AN ORDINANCE APPROPRIATING SEVEN HUNDRED SEVENTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-TWO AND 50/100 DOLLARS (\$777,672.50) FROM THE LOCAL ROAD AND BRIDGE MATCHING GRANT FUND FOR THE 2025 GRANT-FUNDED CONTRACT PAVING PROJECT UNDER THE COMMUNITY CROSSINGS MATCHING GRANT PROGRAM**

---

WHEREAS the Indiana Department of Transportation awarded the City of Elkhart (“City”) a matching grant under the Community Crossings Matching Grant Program to assist the City with the 2025 Grant-Funded Contract Paving Project to resurface three (3) targeted areas which are in need of resurfacing, namely: 1) Bristol from Cassopolis to Osolo; 2) Lear Court and Lear Drive; and 3) Park Six Court and Park Six Drive; and

WHEREAS the estimated cost of the resurfacing project total Seven Hundred Seventy-Seven Thousand Six Hundred Seventy-Two and 50/100 Dollars (\$777,672.50); and

WHEREAS the State of Indiana awarded the City of Elkhart, the sum of Three Hundred Fifty-Two Thousand Six Hundred Seventy-Two and 25/100 Dollars (\$352,672.50) under the Community Crossings Matching Grant Program to cover the qualified costs of the City’s 2025 Grant-Funded Contract Paving Project; and

WHEREAS the Community Crossings Grant Program requires a local match of no less than fifty percent (50%) of the grant-qualified project costs; and

WHEREAS the Common Council of the City of Elkhart has appropriated concurrent with this ordinance the sum of Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) from the Riverboat Fund to the Other Funds Account, and authorized the City Controller to transfer the funds to the Local Road and Bridge Matching Grant Fund for the 2025 Grant-Funded Contract Paving project under the Community Crossings Grant Program; and

WHEREAS the Indiana Department of Local Government Finance and State Board of Accounts require that all funds intended for use under the Community Crossings Matching Grant Program, namely, Seven Hundred Seventy-Seven Thousand Six Hundred Seventy-Two and 50/100 Dollars (\$777,672.50), be appropriated from the Local Road and Bridge Matching Grant Fund; and

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

Section 1. Seven Hundred Seventy-Seven Thousand Six Hundred Seventy-Two and 50/100 Dollars (\$777,672.50) be, and hereby is, appropriated from the Local Road and Bridge Matching Grant Fund (4501) to:

Account No. 4501-5-250-3361000 State Grant Expenditures \$777,672.50

Section 2. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

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

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

ATTEST:

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

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

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

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

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

ATTEST:

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




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**MEMORANDUM**

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**DATE:** December 12, 2024

**TO:** Arvis Dawson, President  
City of Elkhart Common Council

**FROM:** Tory Irwin, Director of Public Works  
Jeffrey Schaffer, Engineering *JOS*

**RE:** **Local Match and Appropriation Request for Bristol Street Widening Project**

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On December 11, 2024, INDOT accepted bids for the Bristol Street Widening Project. Those bids are attached; Rieth-Riley Construction Company Inc. is the apparent low bidder with a proposed contract price of \$11,311,284.87.

In addition, the City has received a contract proposal from American Structurepoint, Inc. (ASI), for the Construction Engineering (Inspection), with a contract price of \$1,246,948.19.

This is an LPA project. The project has been awarded \$6,672,000.00 in Federal Highway funds for Construction and Construction Engineering.

Based on the above, the Local Match and Requested Appropriation for the project is as follows:

Construction Contract	\$11,311,284.87	Rieth-Riley Bid
Construction Contingency	\$565,564.24	5% of Bid
Construction Engineering	\$1,246,948.19	ASI Contract
Federal Highway Funds	(\$6,672,000.00)	MACOG
Remaining Previously Appropriated Funds	(\$434,751.88)	PO #24-00721
<b>Local Match and Appropriation Request</b>	<b>\$6,017,045.42</b>	

Under the LPA process, the Local Match of \$6,017,045.42 is immediately paid to INDOT; INDOT then manages the project and pays the Contractor.



**INDIANA DEPARTMENT OF TRANSPORTATION  
APPARENT BID RESULTS**

FOR THE LETTING OF December 11, 2024

Contract R -41395-A Fed/State Project No 1801611 DBE Goal: 0.00 Engineer's Estimate: \$11,486,016.65  
 Call 150 Description: AUXILIARY LANES, TWO-WAY LEFT TURN LANES Fort Wayne District  
 Route: Location: ON CR 10, 934FT EAST OF CR 13 TO 450FT WEST OF CR 15  
 County: ELKHART

Code	Bidder	Address	Phone	Amount of Bid	Type
35-0918397	RIETH-RILEY CONSTRUCTION CO., INC.	SOUTH BEND		\$11,311,284.87	R
	Lettings-SouthBend@rieth-riley.com	IN	(574)288-8321		
35-1489621	HRP CONSTRUCTION INC	SOUTH BEND		\$13,637,661.09	R
	estimating@hrpconstruction.com	IN	(574)271-7800		
35-1717563	C & E EXCAVATING INC	ELKHART		\$13,968,900.00	R
	estimating@candeexcavating.com	IN	(574)262-4346		
35-1917625	MILESTONE CONTRACTORS LP	South Bend		\$14,547,480.00	R
	sbestimating@milestonelp.com	IN	(574)544-5509		



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

**AN ORDINANCE APPROPRIATING SIX MILLION SEVENTEEN THOUSAND FORTY-FIVE AND 42/100 DOLLARS (\$6,017,045.42) IN MATCHING FUNDS FOR THE BRISTOL STREET WIDENING PROJECT**

---

WHEREAS, the City of Elkhart was awarded Six Million Six Hundred Seventy-Two Thousand Dollars (\$6,672,000.00) as a Local Public Agency (LPA) grant from the U.S. Department of Transportation Federal Highway Administration (FHA) for the Bristol Street Widening Project; and

WHEREAS, the FHA grant requires a local match of Six Million Seventeen Thousand Forty-Five 42\100 Dollars; and

WHEREAS, under the grant terms, the FHA requires the funds be paid to the Indiana Department of Transportation which manages the project and pays all contractors.

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

Section 1. The amount of Six Million Seventeen Thousand Forty-Five And 42/100 Dollars (\$6,017,045.42) is hereby appropriated from the Elkhart Capital Outlay Fund and applied to the following account line:

Account No. 4650-5-000-4430000 Infrastructure \$6,017,045.42

Section 2. The City Controller is hereby authorized to pay the matching grant funds to the Indiana Department of Transportation, for use pursuant to the terms of the U.S. Department of Transportation Federal Highway Administration (FHA) Local Public Agency grant for the Bristol Street Widening Project.

Section 3. The Common Council has fixed the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 6:00 p.m., in the Council Chambers, as the date, time and place when the Common Council will consider and determine the appropriation, and all taxpayers and interested persons will have the opportunity to appear and express their views.

Section 3. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor, as provided by law, and shall continue into successive years, provided the project is ongoing, and the funds appropriated herein, have not been exhausted.

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

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

ATTEST:

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

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

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

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

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

ATTEST:

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



**City of Elkhart**  
*Redevelopment Commission*

Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday, November 12, 2024

Present: Dina Harris, Wes Steffen, Willie Brown, Gary Boyn, Sherry Weber (Recording Secretary), Mike Huber, Adam Fann, Joshua Hofer, and Dwight Fish

Present via Webex: Gerry Roberts and Mary Lou Timmons

**Call to Order:**

This meeting was held in-person, telephonically and virtually through WEBEX. Mr. Steffen called meeting to order at 3:30 pm

**Approval of Regular Meeting Minutes:**

Mr. Steffen asked for a motion to approve the October 8, 2024 Regular Meeting Minutes. The motion was moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote carried with all in favor, non-opposed. Minutes are approved.

**October 2024 ACDC Expense Report**

Mr. Steffen asked for a motion to approve the October 2024 ACDC Expense Report in the amount of \$3,494.72. The motion was moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote carried with all in favor, non-opposed. Motion approved.

**Adjournment**

There being no further discussion, Mr. Steffen asked for a motion to adjourn the meeting. Moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote carried with all in favor, non-opposed. Motion approved. Meeting adjourned at 3:31 pm. Next meeting is on Tuesday, December 10, 2024 at 3:30 p.m. in Council Chambers.

Wes Steffen, Vice-President

City of Elkhart  
Board of Aviation Commissioners Meeting  
November 27, 2024

The Board of Aviation Commissioners meeting was called to order by Commissioner Doug Thorne at 4:00 pm on Wednesday, November 27, 2024 at the Elkhart Municipal Airport Administration Building, 1211 CR 6 W, Elkhart, Indiana 46514. Commissioners Bruce Shreiner & Tom Shoff were present. Commissioner Shari Mellin was present via Webex. Also present were: Andy Jones, Karen Shaw, Kevin Davis, Paul Shaffer, Mike Haller and Ryan Sherwood.

Approval of Minutes:

Mr. Shreiner made a MOTION to approve the minutes of the October 30, 2024 meeting. Mr. Shoff SECONDED the motion. There being no further discussion, the motion PASSED unanimously.

Approval of Claims:

Mr. Shoff made a MOTION to approve claims as submitted for \$25,862.78. Mr. Shreiner SECONDED the motion. Mr. Shreiner questioned the \$5,000.00 charges. Andy advised these are items needed for renovating the old maintenance building restrooms, of which our maintenance is performing the labor. There being no further discussion, the motion to approve November 2024 claims PASSED unanimously.

Airport Manager's Report:

Andy advised as stated above that our maintenance department is renovating the restroom at the old maintenance building on the south side of the airport as it is over 40 years old and not functioning correctly. Andy further advised the new snow broom has been leaking hydraulic fluid. Josh Holt with Central Garage called the manufacturer which sent a mechanic to repair it. Mr. Thorne asked if the snow broom is under warranty and Andy advised in the affirmative and that the repairs were successful. Andy advised the hot tar machine continues to break down and Josh recommends getting rid of it as he doesn't believe it can be repaired due to age and corrosion. Andy advised we have a vendor that we purchase the tar for the machine from that provides one week of free use of a machine for each pallet of tar we purchase. We took advantage of that offer this year and it worked out fine. Mike Haller, the Air Traffic Control manager advised that our newest full-time air traffic controller, Michael Judd has 40 years' experience as an air traffic controller and is doing great. Mr. Haller advised he's hoping to get Mr. Judd certified by the FAA in the next week or so.

Old Business:

Mr. Thorne advised the item that was tabled last month regarding Kenneth Swickard will remain tabled.

New Business:

Mr. Thorne advised the first item under New Business is the digital sign quote award. Andy explained some of the advanced capabilities of the message board portion of the sign. Andy has consulted the city IT department about assistance in software downloads and training. He also discussed how the message board will be a game changer for the airport and the rest of the city in terms of marketing and branding. We sent out the quote specifications to three qualified Foxfire message board providers and installers. All three-vender provided written quotes as follows:

US Signcrafters \$57,089.

Baldus \$54,460.

Premier Signs \$49,422.21

Andy recommended awarding the sign purchase to the lowest and most responsive quoter, Premier Signs. Bruce Shreiner asked if Premier is a local vendor, Andy answered yes. Only Baldus, located in Ft. Wayne, is located outside Elkhart County. Doug and Tom Shoff asked if Aeroplex TIF funds could be requested for the purchase. Andy responded not at this point in the purchase process. Doug encouraged



City of Elkhart  
Board of Aviation Commissioners Meeting  
November 27, 2024

Andy to seek Aeroplex TIF funds for future economic development projects at the airport. Andy responded that he will and also mentioned that the RDC did approve the boards request for \$275,000 for the new T Hangar project. Mr. Shreiner made a MOTION to award the sign purchase to Premier Signs pending city legal approval of the contract. Mr. Shoff SECONDED. There being no further discussion the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the T-Hangar 18 lease agreement. Andy advised we have a new tenant, John Wegner who started leasing T-Hangar 18 on November 1, 2024 and is asking the board to approve this and give permission for the board president to sign the agreement. Mr. Shreiner made a MOTION to approve the T-Hangar lease agreement/signature. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the T-Hangar 64 lease agreement. Andy advised that current tenant Lindsey Kintner moved from T-Hangar 8 to T-Hangar 64 on November 1, 2024 and is asking the board to approve this and give permission for the board president to sign the agreement. Mr. Shoff made a MOTION to approve the T-Hangar agreement/signature. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the donation fund expenditure. Andy advised the Friends of the Railroad Museum, a 501-C3 not for profit group, is holding a Winterfest event including a Santa visit. Hundreds of families will visit the museum during this annual event, enjoy cookies, coffee, and hot chocolate. Each child will receive a gift from Santa including an Elkhart Airport balsa wood plane. Andy advised he would like the board to approval a donation of \$250 from the airport donation fund. That amount represents about 25% of the cost of the event. Michiana Air Activities (MAA) and Indiana Flight Center (IFC), are donating similar amounts. Mr. Shreiner made a MOTION to approve the airport donation fund donation amount of \$250.00 to the Friends of the Railroad Museum. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is the submission of the FY 2025 grant pre-application for Rehabilitation of Runway 18-36 pavement project. Paul Shaffer with Butler, Fairman, & Seufert (BF&S) advised this needs to be submitted to the FAA by December 2, 2024, and needs the board's permission to submit. Mr. Shaffer further advised there will be another application down the road after we have bids in hand, but this gets the ball rolling. Mr. Shreiner made a MOTION to approve the submission of the pre-application for the Runway 18-36 pavement project. Mrs. Mellin SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the next item under New Business is submission of AIP-40 partial pay request for 10-unit T-Hangar construction for \$10,787.09. Mr. Shaffer advised BF&S has incurred professional services fees thus far toward work done for the 10-unit T-Hangar construction project (AIP-40) and requests the board's permission to approve this payment Mr. Shreiner made a MOTION to approve this payment of \$10,787.09 to BF&S. Mr. Shoff SECONDED. There being no further discussion, the motion PASSED unanimously.

Mr. Thorne advised the last item under New Business is approval for BF&S to submit the 2025-2030 Capital Improvement Plan (CIP) on behalf of the board to INDOT & the FAA. Mr. Shaffer advised this submission is due to INDOT & the FAA by December 2, 2024. Paul provided the board with an overview

City of Elkhart  
Board of Aviation Commissioners Meeting  
November 27, 2024

of each year's request. Mr. Shoff made a MOTION to approve the submission of the 2025-2030 CIP plan to INDOT & the FAA. Mr. Shreiner SECONDED. There being no further discussion, the motion PASSED unanimously.

Privilege of the Floor:

Mr. Shoff asked Ryan Sherwood for some details regarding Med flights operations out of Elkhart Airport. Mr. Sherwood advised there are about 50-75 each month. Mr. Sherwood also advised the helicopters are kept in the hangar and there is a 2-minute response time from the call to going airborne. Additionally, each flight consists of staff of 1 pilot, 1 medic, and 1 flight nurse. There are also 2 mechanics on staff round the clock. There are about 20-25 total staff.

Adjournment:

Mr. Shreiner made a MOTION to adjourn. Mrs. Mellin SECONDED. There being no further discussion the meeting was ADJOURNED.

Next regular BOAC meeting is scheduled for Monday, December 23, 2024 at 4pm. Location will be the Elkhart Municipal Airport Administration Building, 1211 County Road 6 W., Elkhart, IN 46514 & via Webex.

Respectfully Submitted,

  
Shari Mellin – Aviation Board Secretary

12.23.24  
Date



**Elkhart Municipal Airport  
2025-2030 Capital Improvement Plan  
Priority & Funding Summary**

**Fiscal Year 2025**

Priority	Project Description	Funding Type	Federal Funds	State Matching Funds	Local Matching Funds	Total Cost	Approx. NPIAS Rating	General Comments & Notes
1	Runway 18-36 HMA Rehabilitation, Construction	1	\$ 2,342,588	\$ 61,647	\$ 61,647	\$ 2,465,882	82	
2	Construct Taxilane and 10-unit T-hangar, Phase 2 reimbursement	BIL	\$ 282,000	\$ 7,421	\$ 7,421	\$ 296,842	67	
<b>Subtotal for Fiscal Year 2025=</b>			<b>\$ 2,624,588</b>	<b>\$ 69,068</b>	<b>\$ 69,068</b>	<b>\$ 2,762,724</b>		

**Fiscal Year 2026**

Priority	Project Description	Funding Type	Federal Funds	State Matching Funds	Local Matching Funds	Total Cost	Approx. NPIAS Rating	General Comments & Notes
3	Land Acquisition for Approach Protection, Easements and Parcels 67 and 77-85	1	\$ 545,504	\$ 14,355	\$ 14,355	\$ 574,215	79	
4	Construct Taxilane and 10-unit T-hangar, Phase 3 reimbursement	BIL	\$ 282,000	\$ 7,421	\$ 7,421	\$ 296,842	67	
5	Air Traffic Control Tower Improvements	BIL	\$ 25,175	\$ -	\$ 1,325	\$ 26,500	69	pursuing ATP funds
<b>Subtotal for Fiscal Year 2026=</b>			<b>\$ 852,679</b>	<b>\$ 21,776</b>	<b>\$ 23,101</b>	<b>\$ 897,557</b>		

**Fiscal Year 2027**

Priority	Project Description	Funding Type	Federal Funds	State Matching Funds	Local Matching Funds	Total Cost	Approx. NPIAS Rating	General Comments & Notes
6	Runway 18-36 Lighting Rehabilitation, Design	1	\$ 122,283	\$ 6,794	\$ 6,794	\$ 135,870	81	
7	Construct Taxilanes and 10-Unit T-Hangar	2	\$ -	\$ 1,026,374	\$ 1,026,374	\$ 2,052,747	67	
<b>Subtotal for Fiscal Year 2027=</b>			<b>\$ 122,283</b>	<b>\$ 1,033,167</b>	<b>\$ 1,033,167</b>	<b>\$ 2,188,617</b>		

**Fiscal Year 2028**

Priority	Project Description	Funding Type	Federal Funds	State Matching Funds	Local Matching Funds	Total Cost	Approx. NPIAS Rating	General Comments & Notes
8	Runway 18-36 Lighting Rehabilitation, Construction	1	\$ 924,488	\$ 51,360	\$ 51,360	\$ 1,027,209	82	
<b>Subtotal for Fiscal Year 2028=</b>			<b>\$ 924,488</b>	<b>\$ 51,360</b>	<b>\$ 51,360</b>	<b>\$ 1,027,209</b>		

**Fiscal Year 2029**

Priority	Project Description	Funding Type	Federal Funds	State Matching Funds	Local Matching Funds	Total Cost	Approx. NPIAS Rating	General Comments & Notes
9	Taxiway D Lighting Rehabilitation, Environmental Assessment & Design	1	\$ 140,850	\$ 7,825	\$ 7,825	\$ 156,500	76	
10	Taxiway D Pavement Rehabilitation, Environmental Assessment & Design	1	\$ 120,600	\$ 6,700	\$ 6,700	\$ 134,000	77	
<b>Subtotal for Fiscal Year 2029=</b>			<b>\$ 261,450</b>	<b>\$ 14,525</b>	<b>\$ 14,525</b>	<b>\$ 290,500</b>		

**Fiscal Year 2030**

Priority	Project Description	Funding Type	Federal Funds	State Matching Funds	Local Matching Funds	Total Cost	Approx. NPIAS Rating	General Comments & Notes
11	Taxiway D Lighting Rehabilitation, Construction	1	\$ 730,935	\$ 40,608	\$ 40,608	\$ 812,150	76	
12	Taxiway D Rehabilitation - Construction	1	\$ 901,359	\$ 50,076	\$ 50,076	\$ 1,001,510	78	
13	Taxiway in Line with Runway 18-36 Correction, Design	1	\$ 112,500	\$ 6,250	\$ 6,250	\$ 125,000	70	
14	Taxiway in Line with Runway 18-36 Correction, Construction	1	\$ 615,272	\$ 34,182	\$ 34,182	\$ 683,635	71	
<b>Subtotal for Fiscal Year 2030=</b>			<b>\$ 2,360,066</b>	<b>\$ 131,115</b>	<b>\$ 131,115</b>	<b>\$ 2,622,295</b>		
<b>Total Type #1 only for Years 2025-2030=</b>			<b>\$ 6,556,379</b>	<b>\$ 279,796</b>	<b>\$ 279,796</b>	<b>\$ 7,115,971</b>		
<b>Total Type #2 only for Years 2025-2030=</b>			<b>\$ -</b>	<b>\$ 1,026,374</b>	<b>\$ 1,026,374</b>	<b>\$ 2,052,747</b>		
<b>Total BIL only for Years 2025-2030=</b>			<b>\$ 564,000</b>	<b>\$ 14,842</b>	<b>\$ 14,842</b>	<b>\$ 593,684</b>		Does not include Tower funds request
<b>Total Requests for Years 2025-2030=</b>			<b>\$ 7,120,379</b>	<b>\$ 1,321,012</b>	<b>\$ 1,321,012</b>	<b>\$ 9,762,403</b>		

BOARD OF PUBLIC WORKS  
Tuesday, December 3, 2024

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, December 3, 2024. Clerk of the Board Nancy Wilson called the roll. Andy Jones, Rose Rivera, Ron Davis, Jamie Arce and Mike Machlan attended in person.

1. Approve Agenda

A motion was made by Andy Jones and seconded by Ron Davis to approve the agenda. On motion by Andy Jones, seconded by Jamie Arce and carried 5-0, the agenda was amended by removing the Industrial Wastewater Discharge Permit for Continental Industries Permit #2003-01 from Utilities VII. (b), and adding communication from Timberstone HOA President Tom Graber under New Business VIII. The amended agenda carried 5-0.

2. Open Bids

Bid #24-21 Elkhart City Hall HVAC Improvements

Proof of publication was presented which appeared in The Elkhart Truth on November 16 and November 23, 2024. The following bid was received:

G&L Corporation submitted a signed and certified bid summary form with all items checked. The base bid was \$1,093,833.22. Alternate 1 was \$108,753.00. Alternate 2 was \$141,054.00.

On motion by Jamie Arce, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff for their review and recommendation at the next meeting.

Bid #24-23 Council Chambers Audio Video Upgrades

Proof of publication was presented which appeared in The Elkhart Truth on November 16 and November 23, 2024. The following bids were received:

Vista Technologies submitted a signed and certified bid summary form with all items checked. The base bid was \$266,398.00.

TPC Technologies submitted a signed and certified bid summary form with all items checked. The base bid was \$287,258.77.

On motion by Jamie Arce, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff for their review and recommendation at the next meeting.

3. Claims & Allowance Docket

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the claims and allowance docket in the amount of \$5,279,782.04, consisting of 29 pages as prepared on November 26, 2024 at 1:03 p.m.

4. Minutes Regular Meeting November 19, 2024

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Minutes of the Regular Meeting November 19, 2024.

5. Engineering

(A.) Administration

Oakland Tank Phase B Michael Kleinpeter Labor Standards Agreement

A motion was made by Jamie Arce and seconded by Rose Rivera to approve the Professional Services Agreement with Kleinpeter Consulting Group LLC for the Oakland Avenue Project B: CSO Storage project for an amount not to exceed \$53,300.00. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the



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motion was amended pending Legal confirmation of the suspension and debarment language in the agreement. The amended motion carried 5-0.

Acceptance of Plat and Right of Way Dedication: Elkhart East Area A

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted the Plat and Right-of-Way Dedication for Elkhart East Area A.

PSA with Lochmueller Group for Lexington Avenue River Bank Stabilization and Vehicle Safety Improvement Study

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board authorized the Board President to execute the Professional Services Agreement with Lochmueller Group for the Lexington Avenue River Bank Stabilization and Vehicle Safety Improvement Study with a fee not to exceed \$67,000.00.

PSA with DLZ Indiana LLC for the Lerner Theatre Roof Replacement Design

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board authorized the Board President to execute the Professional Services Agreement with DLZ Indiana LLC for the Lerner Theatre Roof Replacement Design with a fee not to exceed \$51,000.00.

(B.) Utility

Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II-QA7634 (tabled)

No action was taken.

Ratify Partial Payment #76 to Donohue & Associates Elkhart WWTP Capacity Upgrades Phase 2 QA 7634

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request SRF #76 of SRF Loan WW18262004 in the amount of \$6,090.00 to Donohue & Associates, Inc. for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Ratify Partial Payment #43 to DLZ: Oakland Avenue Project D

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request #43 of SRF loan WW22162005 in the amount of \$62,730.00 to DLZ from the allocated SRF loan for professional services on the Oakland Avenue: Project D- CSO 6&7 Connection Design.

Ratify Partial Payment #44 to DLZ: Oakland Avenue Project D

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request #44 of SRF loan WW22162005 in the amount of \$243,441.00 to DLZ from the allocated SRF loan for professional services on the Oakland Avenue: Project D- CSO 6&7 Connection Design.

Ratify Partial Payment #45 to DLZ: Oakland Avenue Project D

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request #45 of SRF loan WW22162005 in the amount of \$242,551.00 to DLZ from the allocated SRF loan for professional services on the Oakland Avenue: Project D- CSO 6&7 Connection Design.

Ratify Partial Payment #46 to DLZ: Oakland Avenue Project D

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request #46 of SRF loan WW22162005 in the amount of \$130,234.00 to DLZ from the allocated SRF loan for professional services on the Oakland Avenue: Project D- CSO 6&7 Connection Design.



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Ratify Partial Payment SRF #42 to American Structurepoint

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request #42 of SRF loan WW22162005 in the amount of \$115,587.00 to American Structurepoint from the allocated SRF loan for professional services on the Oakland Avenue Project C- Harrison Street Design.

6. Utilities

(A.) Administration

Wastewater MRO for October 2024

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Wastewater Utility MRO for October 2024.

Closing Document for Sale of Property at 28864 W CR 16

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the closing documents associated with the sale of City of Elkhart owned property located at 28864 W County Road 16.

(B.) Pretreatment

Elkhart County Landfill Permit #92-04 Permit Modification

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Industrial Wastewater Discharge Permit modification for Elkhart County Landfill Permit #92-04.

Five Year Industrial Wastewater Discharge Permit Renewal Winnona Powder Permit #2003-02

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved and issued Winnona Powder its five year Industrial Wastewater Discharge Permit #2003-02.

Notice of Violation Norfolk Southern Permit #85-27

A motion was made by Jamie Arce and seconded by Ron Davis to find Norfolk Southern in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$500.00 to Norfolk Southern Permit #85-27. Pretreatment Manager Steve Brown told the Board he accepts responsibility for failing to follow our newly revised Enforcement Response Plan. He wanted the Board to be aware that it is up to the Pretreatment staff to identify the violations and notify our SIU's within five days, and within ten days issue a Notice of Violation. Moving forward with these NOV's on the agenda today, that was not the case. Mike Machlan asked Steve, although the notifications were late from our staff to the Industries, that would not have effected the amount of the penalties because the penalties were given because their reporting was late correct? Steve said that was partially right. In the Enforcement Response Plan there are recommended penalties for each offense. The Board has the discretion to increase or waive those penalties. Jamie asked if it delays their ability to respond to what was occurring in creating the violation? Steve responded in some cases when it comes to discharge there are two different penalties. If you are categorical there are two different limits for each parameter, there is a daily max and a monthly average. There are a number of factors. If the sample was collected early, and we receive the results within the same month we have an opportunity to retest to lower the average. In that case yes, but as far as late reporting no. This Norfolk Southern Violation was a situation where they failed to monitor for the month of July. Jamie noticed there were five parameters they failed to monitor at \$100.00 each for the \$500.00 penalty.



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Unfortunately, they failed to respond to the Notice of Violation so another Violation will be coming. Norfolk Southern was not present or on Webex. Mike called for the vote and the motion carried 5-0.

Notice of Violation Norfolk Southern Permit #85-27

A motion was made by Jamie Arce and seconded by Ron Davis to find Norfolk Southern in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Norfolk Southern Permit #85-27. Steve Brown explained the violation. Norfolk Southern was not present or on Webex. Mike called for the vote and the motion carried 5-0.

Notice of Violation Norfolk Southern Permit #85-27

A motion was made by Jamie Arce and seconded by Ron Davis to find Norfolk Southern in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Norfolk Southern Permit #85-27. Steve Brown explained the violation. Norfolk Southern was not present or on Webex. Mike called for the vote and the motion carried 5-0.

Notice of Violation Elkhart Environmental Processing Permit #2002-02

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart Environmental Processing in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$1,400.00 to Elkhart Environmental Processing Permit 2002-02. Steve Brown explained the violation to the Board. They were issued a new permit which requires them to monitor Elkhart's Local Limits at their end of pipe monthly. For the month of September they failed to self-monitor 14 parameters. Mike asked if they would have received the violation sooner, could they have monitored the ones they missed, and Steve said yes. Jamie asked if they have been compliant since this happened, and Steve said yes, they have. On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the motion was amended by reducing the penalty to \$700.00. The amended motion carried 5-0.

Notice of Violation JBS Prepared Foods Permit #2002-01

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart JBS Prepared Foods in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$500.00 to JBS Prepared Foods Permit #2002-01. Steve Brown explained the violation to the Board for self-monitoring for FOG. JBS Prepared Foods was not present or on Webex. Mike called for the vote and the motion carried.

Notice of Violation JBS Prepared Foods Permit #2002-01

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart JBS Prepared Foods in violation of Sewer Use Ordinance and assign a penalty to JBS Prepared Foods Permit #2002-01. Steve Brown explained the violation to the Board. During a routine inspection the strainer of the sampler was clogged with raw meat preventing the staff from conducting the inspection. JBS Prepared Foods was not present or on Webex. On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the motion was amended by assessing a penalty of \$500.00. The amended motion carried 5-0.

Notice of Violation Bimbo Bakeries Permit #2006-03

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart Bimbo Bakeries in violation of the Enforcement Response Plan and assign a penalty of \$1,500.00 to Bimbo Bakeries Permit #2006-03. Steve Brown explained the violation



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to the Board for self-monitoring requirement for FOG. Alfredo Lopez Valencia attended on Webex to represent Bimbo Bakeries. He said they reviewed what happened the day of the violation and they have been training their team. They are a 24-hour 7 days bakery. Mike closed discussion and called for the vote. The motion carried 5-0.

Notice of Violation Simonton Lake Conservancy District

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart Simonton Lake Conservancy in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$500.00 to Simonton Lake Conservancy District. Steve Brown explained the violation to the Board. Steve Grubb represented Simonton Lake Conservancy District. He checks the chemical feed stations twice/week. The primary station had a check valve malfunction and they were not getting any chemical in the system. He replaced the check valve and did pm work on both stations. They are looking into upgrading the chemical feed station so they can have some round the clock monitoring on the site so they find out right away if they have a failure instead of three days later. The Board is hesitant on replacing the equipment because each site is \$85,000-\$100,00. They are trying to put that in their long term plan. Mike asked if they monitor H2S, and he said they monitor in the same manhole. They have talked about putting in a monitoring manhole upstream from the City's. They have gone from cleaning annually to quarterly. Mike closed discussion and called for the vote. The motion carried 5-0.

Notice of Violation Bonnell Aluminum Permit #91-01

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart Bonnell Aluminum in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$500.00 to Bonnell Aluminum Permit #91-01. Steve Brown explained the violation to the Board. Janette Courtney represented Bonnell Aluminum. She refused the additional penalty. The sample was collected at their end of process which is only monitored by the City. They did not provide a timely result for Bonnell to collect another sample and reduce their monthly average, and the 3.1 limit is below the daily limit so they requested the penalty be reduced. She said the sample was collected on September 9, 2024 and they were notified on October 3, 2024 so they could not collect another sample and reduce the monthly average. Mike asked if they samples are normally in compliance and she said yes. Steve Brown said they did have violations in previous years. On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the motion was amended by reducing the penalty to \$250.00. The amended motion carried 5-0.

\*\*Mike took a recess. Rose Rivera left the meeting. Mike called the meeting back to order.

Notice of Violation Bonnell Aluminum Permit #91-01

A motion was made by Jamie Arce and seconded by Ron Davis to find Elkhart Bonnell Aluminum in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Bonnell Aluminum Permit #91-01. Steve Brown explained the violation to the Board. Jeanette Courtney represented Bonnell Aluminum. The lab had quality control issues and they had to re-sample and send it. The final full report was submitted late. Mike called for the vote and the motion carried 4-0.



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Notice of Violation Elkhart County Landfill Permit #92-04

A motion was made by Jamie Arce and seconded by Andy Jones to find the Elkhart County Landfill in violation of the Enforcement Response Plan and assess zero penalty. Steve Brown explained the neutral agreement we have with them. Elkhart County did not attend. Mike closed discussion and called for the vote. The motion carried 4-0.

Notice of Violation Liftco Permit #2005-01

A motion was made by Jamie Arce and seconded by Ron Davis to find Liftco in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Liftco Permit #2005-01. Steve Brown explained the report was one day late. Tony DeMarco represented Liftco. He said the report was dropped in the UPS on the 25<sup>th</sup> which was the due date. He said they handle their sampling and their reporting for them. He said the State of Indiana, the EPA, and the City of Bremen take it as the day you dropped it in the mail if you have proof of delivery, the same as taxes. In the past we have done that in Elkhart and been ok, but that was before the new Enforcement Response Plan. He said they have some new employees learning the due dates. They could have dropped it off, but he advised his employee to put it in the mail since he thought it would be ok with the proof of submittal. Mike closed discussion and called for the vote. The motion carried 3-1.

Notice of Violation Anderson Silver Plating Permit #85-07

A motion was made by Jamie Arce and seconded by Ron Davis to find Anderson Silver Plating in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Anderson Plating Permit #85-07. Steve Brown explained the violation for a report that was five days late. Anderson Silver Plating was not present or on Webex. Mike called for the vote and the motion carried 4-0.

Notice of Violation Voyant Beauty West Permit #98-01

A motion was made by Jamie Arce and seconded by Ron Davis to find Voyant Beauty West in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Voyant Beauty West Permit #98-01. Steve Brown explained the late reporting violation. It was five days late. Voyant Beauty West did not attend. Mike called for the vote and the motion carried 4-0.

Notice of Violation MOR/ryde International Permit #2017-01

A motion was made by Jamie Arce and seconded by Ron Davis to find MOR-ryde International in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to MOR-Ryde International Permit #2017-01. Steve Brown explained the late reporting violation. It was thirteen days late. MOR-Ryde did not attend. Mike called for the vote and the motion carried 4-0.

Notice of Violation Lippert Components Plant #83 Permit #92-05

A motion was made by Jamie Arce and seconded by Ron Davis to find Lippert Components in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Lippert Components Plant #83 Permit #92-05. Lippert did not attend. Steve Brown explained the late reporting violation. It was six days late. Mike called for the vote and the motion carried 4-0.



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Notice of Violation Hydro Extrusion USA LLC Permit #97-04

A motion was made by Jamie Arce and seconded by Ron Davis to find Hydro Extrusion USA LLC in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Hydro Extrusion USA, LLC Permit #97-04. Steve Brown explained the violation to the Board. Their self-monitoring report was received on June 27, 2024. The sample was taken on May 29-30, 2024. It was two days late. Tom Christophol represented Hydro Extrusion. He said their new Wastewater Permit was issued in 12-19-23. There were several significant changes on this permit from their previous permit, moving it from quarterly to semi-annual sampling. Their first half of the year sample was collected 5-29-30, 2024, and he received the results from their contract sampler on 6-25-24 at 5:32 p.m. There were several problems with the initial report on the day or two previous, and they finally got the report on 6-25-24 at 5:32 p.m. After receiving the report, Tom said he hand delivered it on 6-27-24 to the City office, and we were notified on 6-30-24 by email that the sampling report was two days past due. Hydro was hand delivered the Notice of Violation on 11-13-24. The root cause of this was a change in the permit requirements from the 25<sup>th</sup> of the month following receipt of the sampling results to the 25<sup>th</sup> of the month following sample collection. That was inadvertently overlooked. Hydro had a number of major changes on their new permit including the sampling frequency, the sampling parameters changed and the levels changed. We had several discussions with Mr. Brown, email, on the phone, and he came out to the plant twice in preparation for the new permit, and Tom said he didn't recall if the timing of the reporting was discussed or not, but he was much more concerned with the significant changes in the permit. The old permit from 2011 states self-monitoring results from sampling conducted shall be summarized and given to the pretreatment office in the following month. The new permit says self-monitoring reports shall be postmarked or received by the 25<sup>th</sup> of the month following the monitoring event which has been discussed in some of the previous cases. That puts a real bind on our contract samplers. They did it on the last couple days of the month and it took a month to get the results. In discussions with Mr. Brown he said ask for sampling earlier in the month. He said we all want sampling in the first week of the month, both for the reporting and for the monthly average results if we need to resample. They can't do that. My sample for the second half was pulled the first week of November and I still don't have the sampling report back yet. When I complain and ask for corrective action from the contract sampler, they say they use a contract lab and they are behind. There are a lot of factors that go into this. On the Notice of Violation that was delivered, page 4 of 5, there's a section that says rationale for reporting requirements Pursuant to 40CFR403.12E and Ordinances 5746 as amended, self-monitoring results conducted in a calendar month shall be summarized and reported to the Pretreatment Office in the following month. Reports must be submitted to the pretreatment office by the 25<sup>th</sup> of the day of the following month. So the Ordinance is different than our permit. It allows the results receipt, and then the 25<sup>th</sup> of the following month which is what it was for the last 14-15 years. You are putting your regulated entities in a real bind. The Enforcement Response Plan on the City website mentions that the violations, Section 4.1.1 procedure for all violations, the violation is communicated by the pretreatment staff, this is in Matrix, within 5 business days after determining that a violation has occurred by the



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pretreatment staff, and the Notice of Violation with Compliance Order issued by the Pretreatment Manager within 10 business days of determining a violation has occurred, hand delivered. It was 5 months after the communication was made. On the Introduction to the National Pretreatment Program from the Federal EPA page 411 states the common enforcement mechanisms include the following, informal notice to the Industrial User, this notice could consist of a telephone call or a reminder letter to notify them of a minor violation. Such an informal notice can be used to correct minor instances of non-compliance. Informal meetings can be used to obtain the Industrial Users commitment to comply with pretreatment obligations, or to inform the industrial user of stronger enforcement mechanisms available. Bullet point three is a warning notice or Notice of Violation which we jumped straight to. Hydro works closely with the City. When we got our new permit we worked closely. A lot had changed, and Steve was very helpful in explaining a lot of those changes. It appears the enforcement, both with the five months late on notification, and jumping to the 3<sup>rd</sup> bullet point of the EPA's recommendation is rather heavy handed. We have a good history. We work closely with the City. He asked to take this to an informal notification rather than an NOV, an again as has been discussed many times, the penalty matrix for two days late, he said he thought he was actually early on the old permit when he dropped it off. Hydro would like to see this dropped down to an informal notification with no penalty.

Bryan Cress Regulatory Compliance Manager responded to the bullet points in the EPA guide. Those are guidelines available to the utility. In discussions with the EPA, they were finding that when we did not issue penalties for late reporting, and waited for significant non-compliance and the significant non-compliance event to issue penalties, it was not getting us good compliance. It is important to protect our system to get those self-monitoring reports in a timely fashion. Mike asked Steve if the 25<sup>th</sup> of the following month has been a standard for awhile. Steve said yes, it has, but the issue for late reporting is not until you get to SNC (significant non-compliance). Laura Kolo said they are having a meeting to discuss the issue of post-marked report submissions and asked if the Board would like to table the matter until the next meeting. She said they will go back and address Liftco in the same manner. She said they have made leaps and bounds in the pretreatment program. If this is one area they need to polish up a bit, they want to do that and correct it moving forward. On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Notice of Violation Hydro Extrusion USA LLC Permit #97-04r was tabled.

7. New Business

IU Environmental Resilience Institute McKinney Climate Fellow

On motion by Jamie Arce, seconded by Andy Jones and carried 4-0, the Board approved a contract for IU Environmental Resilience Institute McKinney Climate Fellow for an amount not to exceed of \$3,200.00. Environmental Center Director Jeff Zavatsky explained the program to the Board.

Communication from Timberstone HOA President Tom Graber

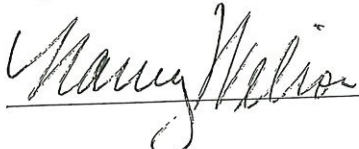
On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board accepted and placed on file the letter from Timberstone HOA President Tom Graber.

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8. Adjournment

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board of Works adjourned at 11:16 a.m.

 Mike Machlan, President

Attest:  Nancy Wilson, Clerk of the Board





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President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, December 17, 2024. Clerk of the Board Nancy Wilson called the roll. Andy Jones, Rose Rivera, Ron Davis, Jamie Arce and Mike Machlan attended in person. Mike noted the time was after 9:00 am and no more bids would be accepted.

1. Approve Agenda

A motion was made by Andy Jones and seconded by Ron Davis to approve the agenda. On motion by Andy Jones, seconded by Jamie Arce and carried 5-0, the agenda was amended by adding USI Property & General Liability Policy Renewal, Property Insurance Chase Building, Gibson Risk Management Services, USI Cyber Liability Policy Renewal, Contract with Stephanie Krol Public Relations, Award Bid #24-22 Walker Park Restroom, Reject Bidder #24-23 Council Chambers Audio Video Upgrade from Vista Technologies, and Rescind Norfolk Violation Permit #85-27. The amended agenda carried 5-0.

2. Open Bids

Bid #24-22 Elkhart East Area A Public Improvements

Proof of publication was presented which appeared in The Elkhart Truth on November 23 and November 30, 2024. The following bids were received:

Niblock Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$2,684,959.00.

HRP Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$3,884,853.25.

C&E Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$2,483,600.00.

Rieth-Riley submitted a signed and certified bid summary form with all items checked. The base bid was \$3,086,086.00.

On motion by Jamie Arce, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff for their review and recommendation at the next meeting.

Bid #24-24 Walker Park Restroom Facility

Proof of publication was presented which appeared in The Elkhart Truth on November 23 and November 30, 2024. The following bids were received:

JA Wagner Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$301,600.00.

Schrock Commercial submitted a signed and certified bid summary form with all items checked. The base bid was \$389,173.00.

R Yoder Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$362,505.00.

Almac Sotebeer submitted a signed and certified bid summary form with all items checked. The base bid was \$322,583.17.

Premium Concrete Services submitted a signed and certified bid summary form with all items checked. The base bid was \$421,950.00.

On motion by Rose Rivera, seconded by Andy Jones and unanimously carried, the Board referred the bids to the staff for their review and recommendation at the later in the meeting if possible.



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Bid #25-01 2025 Street Materials

Proof of publication was presented which appeared in The Elkhart Truth on November 23 and November 30, 2024. The following bids were received:

Site Works LLC submitted a signed and certified bid summary form with all items checked. They bid on items 1-9.

Ozinga Ready Mix submitted a signed and certified bid summary form with all items checked. They bid on items 15-16.

Ennis Flint Inc. submitted a signed and certified bid summary form with all items checked. They bid on items 17-18.

Elkhart County Gravel submitted a signed and certified bid summary form with all items checked. They bid on items 1-9.

Smith Ready Mix submitted a signed and certified bid summary form with all items checked.

Rieth-Riley Construction submitted a signed and certified bid summary form with all items checked. They bid on items 1-9 and 10-14.

Niblock Excavating submitted a signed and certified bid summary form with all items checked. They bid on items 1-9 and 10-14.

On motion by Andy Jones, seconded by Jamie Arce and unanimously carried, the Board referred the bids to the staff for their review and recommendation at a future meeting.

Bid #25-02 2025 On-Call Street and Drainage Construction Services

Proof of publication was presented which appeared in The Elkhart Truth on November 23 and November 30, 2024. The following bid was received:

Premium Concrete Services submitted a signed and certified bid summary form with all items checked. They bid on all of the items.

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the bid was referred to staff to review and make a recommendation at a future meeting.

Bid #25-03 2025 Utility Materials

Proof of publication was presented which appeared in The Elkhart Truth on November 23 and November 30, 2024. The following bids were received:

Farmer Tank submitted a signed and certified bid summary form with all items checked. They bid on item 9.

Ferguson Water Works submitted a signed and certified bid summary form with all items checked. They bid on all 11 areas.

Etna Supply submitted a signed and certified bid summary form with all items checked. They bid on all 11 items.

EJ USA submitted a signed and certified bid summary form with all items checked. They bid on items hydrant materials and valve accessories.

Utility Supply submitted a signed and certified bid summary form with all items checked. They bid on all items except 9 and 10.

On motion by Jamie Arce, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff for their review and recommendation at a future meeting.

3. Claims & Allowance Docket

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board



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approved the claims and allowance docket in the amount of \$7,567,004.72, consisting of 38 pages as prepared on December 10, 2024 at 2:15 p.m.

4. Minutes Regular Meeting December 3, 2024

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Minutes of the Regular Meeting December 3, 2024.

5. Utilities

(A.) Administration

Water MRO for November 2024

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Water Utility MRO for November 2024.

BOW Resolution 24-R-32 Transfer Request for Employer's Group & Life Insurance

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board adopted Board of Works Resolution 24-R-32 transferring \$27,000.00 from 6101-5-735-4130500 to Water Admin and Water Meter Service to provide adequate funding through the end of December.

(B.) Pretreatment

Permit Modifications

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted the amended Industrial Wastewater Discharge Permits that includes acceptance of Postmarked Self-Monitoring Reports for the above Significant Industrial Wastewater Discharge Permits.

Rescind Notice of Violation Norfolk Southern Permit #85-27

On motion by Andy Jones, seconded by Ron Davis and carried 5-0, the Board rescinded Norfolk Southern Permit #85-27 violation and penalty of \$250.00 that was approved by the Board of Works on December 3, 2024.

Rescind Notice of Violation Norfolk Southern Permit #85-27

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board rescinded Norfolk Southern Permit #85-27 violation and penalty of \$250.00 that was approved by the Board of Works on December 3, 2024.

Rescind Notice of Violation Liftco Permit #2005-01

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board rescinded Liftco Permit #2005-01 violation and penalty of \$250.00 that was approved by the Board of Works on December 3, 2024.

Notice of Violation Hydro Extrusion USA LLC Permit #97-04 (tabled)

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board removed the Notice of Violation Hydro Extrusion USA LLC Permit #97-04 from the table for consideration.

A motion was made by Jamie Arce and seconded by Ron Davis to find Hydro Extrusion USA LLC in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Hydro Extrusion USA, LLC Permit #97-04. Steve Brown explained the violation to the Board. They submitted their self-monitoring report two days late. Tom Christophol represented Hydro Extrusion. Tom said his whole point of contention when he was here two weeks ago was that the previous language all dealt with the idea of the results. Frankly, we can't submit the report until we have the results. On the Notice of Violation it says "Ordinance 5746" which has



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the same language in it self monitoring sampling results conducted in a calendar month shall be summarized and reported to the Pretreatment Office in the following month. It is in the Ordinance as well regardless of what my permit language was changed to. Under the new permit there was a difference, and Tom said he does not know how they can be held accountable. He said the sampling event is sometimes difficult to schedule. In June, it took the sampling company a month to get us the results. The last time they were late they told them they could not get the proper reagents on time. There was a shortage for their contract at the lab. He told the Board it is a very difficult situation for the regulated entities. Mike asked him what he suggested the language say? Tom said the old language was feasible, report on the 25<sup>th</sup> of the month following the results. Bryan Cress explained some of the confusion is because the fact sheet language was different than the language in the permit itself. When the Board took action to update the permits earlier in the meeting, we made the language in the fact sheet and the permit the same in regards to this issue. Mike asked Bryan what the Ordinance says. Bryan said the 40CFR which is the Federal Regulation 40CFR403 that deals with this specifies that DOPW needs to determine when things are due. In our Ordinance it essentially says that the due dates need to go into the permit, and in the permit is where we have the modified language cleaning up things like that. Jamie Arce said what he understood was that if there was a gap in our local Ordinance, Federal rule trumps our Local Ordinance good or bad, and that is what we work from when developing our due dates in the permits. Is that a fair understanding? Bryan responded he thinks he is on the right track, but clarified the 40CFR says determine the due dates, and the Ordinance says put the due dates in the permits. The Federal 40CFR does not specify what the due dates need to be. Mike suggested tabling the matter to later in the meeting so Maggie, Steve, Bryan and Tom can try to clear that up. Bryan said they had that conversation, but they will step outside and clarify it again. On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board tabbed the matter to later in the meeting.

6. Engineering

(A.) Administration

BOW Resolution 24-R-34 2025 Wage Resolution

Tory Irwin asked the Board to table the 2025 Wage Resolution and the Budget to the December 27, 2024 meeting to allow them time to review the material. On motion by Andy Jones, seconded by Rose Rivera and carried 5-0, the 2025 Wage Resolution was tabled.

2025 Water, Wastewater, Stormwater Utilities and Aquatics Operating and Capital Budgets

On motion by Andy Jones, seconded by Rose Rivera and carried 5-0, the 2025 Water, Wastewater, Stormwater Utilities and Aquatics Operating and Capital Budgets were tabled.

Control Measure 3 WWTP Upgrades Full Operation

On motion by Andy Jones, seconded by Rose Rivera and carried 5-0, the Board accepted and placed on file Control Measure 3 WWTP Upgrades Full Operation notification.



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Control Measure 5 Oakland Avenue Control Bid Date Compliance

On motion by Andy Jones, seconded by Rose Rivera and carried 5-0, the Board accepted and placed on file Control Measure 5 Oakland Avenue Control Bid Date Compliance.

Accept Plans for the Hively Avenue Overpass Project

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board accepted the plans for the Hively Avenue Overpass Project.

Reconstruction of Technical Review Application 41-2024 Norco Industries 2924 CR 6 East Proposed Industrial Driveways

A motion was made by Jamie Arce and seconded by Rose Rivera to affirm the decision of the technical review committee to deny approval of technical review site plan application 41-2024 for proposed industrial driveways on the west side of Northland Drive, north of County Road 6 East. Jeff Schaffer said the applicant is present. Norco Industries submitted a site plan application (41-2024) with the Technical Review Committee to construct two driveways, each 25' in width on the west side of Northland Drive approximately 315' north of CR 6, and reduce the size of the existing driveway from 64' to 50'. Jeff said the Technical Review committee struggled with this application. The parcel has 370' of frontage on Northland and this would be 100' of driveway, nearly 1/3 of the frontage. The applicant showed us a traffic movement plan which concerned us because it showed a lot of diagonal movements. We don't believe there is a hardship because the applicant owns or controls the property to the north, and we think there is an alternative alignment. They asked if they could come before the Board, and since it is a driveway matter we thought this Board made more sense than the Plan Commission.

Debra Hughes, PE from Surveying and Mapping, Inc. represented the petitioner Norco Industries. Ron Belschner the Director of Maintenance and Fixed Assets for Norco Industries said they are a family-owned business employing 700 people at the facilities in Elkhart. The importance of this driveway is they will gain a 30% through-put in their production. Norco will be adding roughly 30 jobs to their employment. The way they assemble their frames is they build them all in an assembly line type function. With the fifth wheels they assemble, they eat up a lot of their time. With this building, they will move the main part of the fifth wheel frame into this facility. They would have roughly 4-5 loads/day going in and out of the building. In this building they will attach the fifth wheel box to the frame and then pull it out and deliver it to their customer. With the gains in production this becomes very important to us. Thank you. Debra said coming at this from an Engineering standpoint, she told Ron this would be tough to get three driveways for one facility. As they talked about it and she saw the need from their production a couple things jumped out to her. First, the whole south end of Northland Drive is Norco Facilities. There is a building at the northwest corner where the road turns that is also Norco. Everyone on Reedy Drive goes east out to CR 13 down to the traffic signal. The west end of Northland Drive is a driveway for the company. She said she understands the industrial park on the south side, and the possibility of a traffic signal for that, but she does not think there is equal demand on the north side. The majority of the day there is very little traffic, except when there is shift change there is significant traffic at dismissal time. The ability for the company to drive across the road using pickup trucks to tow the frames from the



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east facility to the west facility and turn around inside the building, there is no turning out on the road is a reasonable request. The company is being very transparent of what their intention is, 4-5 movements/day which is pretty minor. The reason they suggested decreasing the existing driveway was to offer something back, but still demonstrate they could still use the truck dock that they have without turning around out in the right of way which is an important feature for safety. Mike said he is a little nervous because they could sell the facility or change production. Mike asked if there were other options like a revocable permit to assure the numbers in the future don't change. Jeff Schaffer said he was not aware of a driveway permit with a termination on it. Jeff said he would want to talk to Legal about a conditional driveway permit. He discussed the possibility of vacating the street, and that would go to City Council. Andy asked how soon they wanted to expand production and hire new employees. Ron said they wanted to start in January. Time is of the essence for us and it is very important to their business model. Jamie asked with winter approaching if they could get this going or if they need to wait for spring. Ron said they opted for concrete so they can get them poured. Ron said they already made a significant investment in the building with a \$200,00.00 crane system and widened the door. These driveways line right up with the doors they installed. Mike offered to table the item and revisit later in the meeting if they wanted to try to solve the issue today, if not they can take it up again on 12-27-25 at the next meeting. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the item was tabled.

Award Bid #24-21 City Hall HVAC Improvements

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board awarded Bid #24-21 City Hall HVAC Improvements to G&L Corporation who submitted the lowest responsive bid, and accept both alternates, for a contract price in the amount of \$1,343,640.22.

(B.) Utility

Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II-QA7634 (tabled)

No action was taken.

7. New Business

Request to Advertise the Evidence/Property Auction

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the request to advertise the evidence and property auction in January, 2025.

Pareto Health Stop Gap Insurance Contract

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Pareto Health Stop Gap Insurance Contract.

Amendment #1 with Rundell Ernstberger: Zoning Ordinance Update

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved Amendment #1 for Professional Services with Rundell Ernstberger for the Zoning Ordinance Update for an amount not to exceed \$68,300.00.

Request to Send Units to Broylin and Brightstar Auctions

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board declared the fixed asset units as scrap and authorized the Central Garage Fleet Manager to send them to the Broylin and Brightstar Auctions.



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Research Contract with the Institute for Entrepreneurial Communities

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved a research contract with the Institute for Entrepreneurial Communities in an amount not to exceed \$150,000.00.

Contract with the Chamber of Commerce for Benham Neighborhood Plan Implementation

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board approved a Contract Agreement in the amount of \$75,000.00 with the Chamber of Commerce for the Benham Neighborhood Plan Implementation.

Reject the Bid from Vista Technologies for Bid #24-23

On motion by Andy Jones, seconded by Rose Rivera and carried 5-0, the Board rejected the bid received from Vista Technologies for Bid #24-23, Council Chamber Audio Video Upgrades because the bid was not responsive.

Award Bid #24-23 Council Chamber Audio Video Upgrades to TPC Technologies

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board awarded the bid received from TPC Technologies who was the lowest, responsive and responsible bidder with a contract price in the amount of \$287,258.77 for Bid #24-23 Council Chamber Audio Video Upgrades.

Block by Block Contract

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved a Contract Amendment to the existing Agreement with Block by Block in the amount of \$449,843.03 plus additional services of \$36.82 at straight time.

Oaklawn Crisis Center Grant

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Grant Agreement between the City of Elkhart and the Oaklawn Crisis Center in the amount of \$203,918.89.

8. Tabled Items

Notice of Violation Hydro Extrusion USA LLC Permit #97-04 (tabled)

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Hydro Notice of Violation was taken off the table for consideration. A motion was made by Jamie Arce and seconded by Ron Davis to find Hydro Extrusion USA LLC in violation of its Industrial Wastewater Discharge Permit and assign a penalty of \$250.00 to Hydro Extrusion USA, LLC Permit #97-04. Maggie Marnocha, Attorney for Public Works and Utilities explained the Permit to the Board. When a Permit is issued it is binding to the Industrial User. We also issue a Fact Sheet. The language in the Fact Sheet did not exactly mirror the Industrial Permit for Hydro Extrusion. The word "results" is in there. After the previous Board meeting, Laura Kolo, Steve Brown, myself, and Bryan Cress got together and went through the language. Great minds can disagree. We have determined that as part of our Ordinance revision we are going to do a better job at making sure there is no misunderstanding like what is going on here because the date of when the Self-Monitoring Report is due is on the 25<sup>th</sup> of the month following the sampling event, but in the Fact Sheet it says the Sampling Event results. There was some disagreement, but the intent was the 25<sup>th</sup> of the following month after the sampling event. The Board has heard twice now the concerns of the Hydro representative regarding their process. They have a company



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that comes in and does the monitoring for them, and they were out of supplies and they couldn't do the monitoring until later, and they got the results back after 5:00 p.m. on the 25<sup>th</sup> of the following month of the Self-monitoring event, so he could not provide them to the City. At this point, Maggie advised the Board they have three choices of actions the Board can take. First of all, you can move forward with the violation and penalize them. Second of all, you can move forward with the violation and issue no penalty. Thirdly, you can rescind the violation if you determine that he has provided credible evidence. He's indicated that these problems can continue to arise, and her suggestion to him was that is why he can come to the Board and have the Board look at it. If this same circumstance arises for any of our SIU's, they can come to the Board, that is why every violation comes here. Mike said the Ordinance, the Permit, and the Federal Language technically agree. Maggie responded, the Code of Federal Regulations says that the City, the POTW decides when the self-monitoring results are due. They have a sample template of a permit, and the sample template says the 15<sup>th</sup> day of the month following the sampling month. We pushed that back ten days, which we can do, because we wanted to give our Significant Industrial Users (SIU's) a little more time, because what if somebody can't sample until the end of the month and we thought this way they will have three weeks to get the results. Our Ordinance says the permit makes the determination. The permit makes the determination but the Fact Sheet had the term "results" in it. Even without the term "results" in there, in this particular case, he was going to get it to us a few days late. Mike said his concern, he feels for Tom, and he personally is going to vote for no fine, but his struggle is when you have to hire somebody to do something they still need to be able to perform. He said he sympathizes with them not being able to get the reagent. It makes him nervous opening the door to saying it's hard on that contractor to get this done, so we're not going to hold our Users to compliance. It's complicated. Maybe the local businesses should be looking for another company. Tom responded for Hydro and said he was in contact with the contractor because the report was late. It was a month late. Usually it takes 10 days-2 weeks. They sent it three different times. When he received it on the 25<sup>th</sup> at 5:30 p.m., Tom thought he had another month and he still thought he was early. His contractor has taken on additional staff and assured him it will not happen again. Jamie said the Fact Sheet could lead to some misunderstanding in this particular situation with Hydro. The Permit itself clearly stated the deadline, but the Fact Sheet provided an opportunity for misinterpretation of the rules. Maggie said that is accurate. She said the Fact Sheet is not controlling. The Permit is controlling. A Permit can be more stringent but not less stringent than the Ordinance, and in this case it is because it lays out the due date. The Ordinance can't be less stringent than the State or Federal Regulations, and in our case it is more stringent. You have Federal Regulations, State Regulations, our Ordinance, and then the individual Permit. Those are the controlling documents. Mike reminded everyone the Board has not seen these before because they didn't have a monetary penalty before. They may have been in violation, but they didn't receive a monetary penalty so they didn't show up. Rose asked if the Fact Sheet is going to be changed so this doesn't happen again, and Maggie said yes, it is. Jamie stated for the record that the Board recognizes the unique situation to Hydro's circumstances and the hurdles they had to deal with. Mike called for the vote and the



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motion failed 0-5. The Board did not find Hrdro in violation or assess a penalty.

Reconstruction of Technical Review Application 41-2024 Norco Industries 2924 CR 6 East Proposed Industrial Driveways (tabled)

On motion by Jamie Arce, seconded by Rose Rivera and carried, the Reconstruction of Technical Review Application 41-2024 Norco Industries 2924 CR 6 East Proposed Industrial Driveways was removed from the table for consideration. Jeff Schaffer told the Board they received some additional information, and he does not believe the Board needs to take any action. First, the staff misunderstood the traffic pattern. There are not going to be any diagonal movements across the roadway. Jeff said he going to ask the applicant to add a couple stop signs at the outgoing. Vehicles will be moving with traffic just like any other traffic and that eliminates a significant concern. Jeff said they like the idea of evaluating this for a year, and that will let them decide if they do want to vacate the street. The conclusion they reached with the applicant is they will go back to Tech Review and sign off on the Tech Review, and issue a driveway permit for a year to then be reviewed by the Board. Mike asked Norco Industries if they are OK with all of this, and Debra Hughes said yes they are. On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Reconstruction of Technical Review Application 41-2024 Norco Industries 2924 CR 6 East Proposed Industrial Driveways communication was accepted and placed on file.

\*\* Mike took a brief recess.

9. New Business (Continued)

USI Property & General Liability Policy Renewal

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0 the Board approved the USI Property and General Liability Policy.

Property Insurance Chase Building

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board approved the Property Insurance for the Chase Building with USI .

Gibson Risk Management Services

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0 the Board approved the Gibson Risk Management Services Agreement for OSHA & Risk Management training and consultation services.

USI Cyber Liability Policy Renewal

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0 the Board approved the USI Cyber Liability Policy Renewal.

Communication and Promotion Agreement with Stephanie Krol Public Relations

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0 the Board approved the Agreement between the City of Elkhart and Stephanie Krol Public Relations for communications and promotions, noting the Agreement is for an annual fee of \$60,000.00.

10. Public Participation

Tory Irwin said Bradley Tracy announced his retirement from the City. He thanked him on behalf of Public Works, the Board of Public Works, and the Utility for all of the work he created for them, but also assisted them with. Thank you Bradley, you will be sorely missed. Bradley said it has been a pleasure working with this Board



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and an honor working for the City of Elkhart. This City truly has a heart, and it is the people here who really care about it, people like you here on this Board that volunteer and make this City work so well. Thank you for your support of me and your support of the City. I appreciate all you do as well.


11. Award Bid #24-24 Walker Park Restroom Facility

Jeff Schaeffer asked the Board to table the award. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Award of Bid #24-24 was tabled.

12 Adjournment

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board of Works adjourned at 11:21 a.m.

 Mike Machlan, President

Attest:  Nancy Wilson, Clerk of the Board

**BOARD OF ZONING APPEALS  
-MINUTES-**

Thursday, October 10, 2024 - Commenced at 6:04 P.M. & adjourned at 7:03 P.M.  
City Council Chambers – Municipal Building

**MEMBERS PRESENT**

Ron Davis  
Phalene Leichtman  
David Osborne (Proxy)

**MEMBERS ABSENT**

Doug Mulvaney  
Janet Evanega Rieckhoff

**REPRESENTING THE PLANNING DEPARTMENT**

Eric Trotter, Assistant Director for Planning  
Jason Ughetti, Planner II

**LEGAL DEPARTMENT**

Maggie Marnocha

**RECORDING SECRETARY**

Hugo Madrigal

**APPROVAL OF AMENDED AGENDA**

Davis moves to approve an amended agenda and withdraws 24-BZA-24.  
Osborne makes motion to approve; Second by Leichtman. Voice vote carries.

**APPROVAL OF MINUTES FOR AUGUST 8, 2024**

Osborne makes motion to approve; Second by Leichtman. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Osborne makes motion to approve; Second by Leichtman. Voice vote carries.

**OPENING STATEMENT**

Welcome to the October 10, 2024 meeting of the Elkhart City Board of Zoning Appeals. The purpose of this meeting is to review and consider all requests for relief from any standard in the Zoning Ordinance including variances, use variances, special exceptions, conditional use requests, and administrative appeals. All of the cases heard tonight will have a positive, negative, or no decision made by the Board. If no decision is made, the petition will be set for another hearing.

If a decision is made that you disagree with, either as the petitioner or an interested party, you must file for an appeal of the Board's decision in an appropriate court no later than 30 days after the decision is made. If you think you may potentially want to appeal a decision of this Board, you must give this Board a written appearance before the hearing. Alternatives: A sign-in sheet is provided which will act as an appearance. You should sign the sheet if you want to speak, but also if you do not wish to speak but might want to appeal our decision. Forms are provided for this purpose and are available tonight. A written petition that is set for hearing tonight satisfies that requirement for the petitioner. If you file your appeal later than 30 days after the decision of this Board or give no written appearance tonight you may not appeal the Board's decision. Because the rules on appeal are statutory and specific on what you can do, the Board highly suggests you seek legal advice. If you are the petitioner, in addition to filing an appeal, you may first file a motion for rehearing within 14 days of the Board's decision.



**OLD BUSINESS**

**24-UV-04 PETITIONER IS HERG INC**  
**PROPERTY IS LOCATED AT 106 & 108 BOWERS CT**  
TABLED FOR ONE MONTH

**NEW BUSINESS**

**24-BZA-22 PETITIONER IS REX MARTIN**  
**PROPERTY IS LOCATED AT 2505 GREENLEAF BOULEVARD**

To vary from the requirements found in Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.' To allow for a perimeter fence that is four (4) feet in height. The in ground pool will have an automatic pool cover.

Davis calls the petitioner forward.

Jay Kinney, a representative of Martin Brothers Contracting, located at 26262 County Road 40, appears in person on behalf of the petitioner. Kinney says the property is undergoing an interior and exterior renovation, including an in-ground pool. The pool is being installed by Bontrager Pools and is expected to be completed the following spring. Kinney says a fence around the property is in working condition and has locking gates. The wall is about 260 feet long and spans the property's East, West, and South ends. The request for the variance is to allow the petitioner to keep the current fence instead of replacing it with a new six-foot fence as required by the zoning ordinance. As the request was considered, Kinney stated he believed the safety and general well-being would be protected as the existing fence already protects the pool. He added an automatic cover to ensure the pool is secure while not in use. The pool cover would only be opened with a programmed code using a digital keypad. Kinney says the use and value of the adjacent area would not be impacted adversely and would not interfere with the comprehensive plan. He states that while other variances may present more significant hardships, they would be required to dispose of a fence in working condition and expand the project scope, adding to the construction time and expense.

Davis asks for questions from the Board.

Davis opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

**STAFF ANALYSIS**

The existing single-family residence on this property is currently under renovation through city permit #24-0834. Petitioner is requesting a variance to allow a 4-foot fence, where 6-foot is required, on the east, west, and south side of a new swimming pool. A self-closing, automatic pool cover will be provided and installed for the new pool.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variance to vary from Section 26.1.C.3, Swimming Pools, which states 'A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, six (6) feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking,' based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because a fence is proposed along with a self-closing, automatic pool cover that will ensure safety;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance, which is to ensure safety of swimming pools;
4. Special conditions and circumstances do exist in that the petitioner will provide the required safety with the automatic pool cover;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because the Ordinance does not account for safety measures provided by automatic pool covers;

6. The special conditions and circumstances do not result from any action or inaction by the applicant;
7. This property does not lie within a designated flood area.

Trotter states there were 18 letters mailed with three returned in favor with one comment stating that they do not want a six foot high fence along the property.

Davis asks if there are questions from the Board for Staff.

Davis asks Trotter if the petitioner has met all requirements.

Trotter answers yes.

Davis calls for a motion.

Leichtman makes motion to approve 24-BZA-22 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Osborne.

Osborne – Yes

Leichtman – Yes

Davis – Yes

Motion carries.

**24-BZA-25 PETITIONER IS LAZARD JALADER**  
**PROPERTY IS LOCATED AT 506 WEST LEXINGTON AVENUE**

To vary from Section 8.5, Yard Requirements to allow for a property with an established lot size of 5,535 square feet and lot frontage of 45 feet variance to be used as a three family dwelling. The minimum lot size for the conversion to a three family dwelling is 10,000 square feet and a lot frontage of 60 feet, a variance of 4,465 square feet for the lot area and 15 feet for the lot frontage.

The petitioner would like to convert the structure from a one family dwelling to a three family dwelling – this proposed use is permitted.

Davis calls the petitioner forward.

Rocio Ortega, located at 1514 S Main St, appears in person on behalf of the petitioner. Ortega says the petitioners invest in revitalizing homes to help the community. The house would be a three-unit home and will not be expanded. There will be two new entrances with two new units and a small studio that can house one to two people.

Davis asks for questions from the Board.

Leichtman asks Ortega if she knows the square footage size of each apartment unit.

Ortega answers that it would be 14x6x24 feet.

Ortega states that she would like to mention that the house is not expanding and would not be taking up any additional space. All the petitioner wants to do is add two entrances, divide the property from the inside, and remodel the home after it fell into disrepair after homeless people lived there. Ortega says that the petitioner has already put a little bit of work into the home.

Osborne asks Ortega what the parking situation is like for the property.

Ortega answers that there is parking in the back. It's a driveway that can park up to four vehicles, so it's almost a double driveway. The petitioner plans to replace the worn-down pavement. Ortega says there would not be an issue.

Osborne asks Ortega if there is room for four parking spaces.



Ortega answers yes.

Davis opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

**STAFF ANALYSIS**

Lazaro Valdez, the owner of the subject property, is requesting variances to lot size from 10,000 square feet to 5,535 square feet and from 60 feet lot frontage to 45 feet. The petitioner requests to convert the current vacant home to a three-family dwelling. Dwellings of up to 6 units are already permitted by right within this district. The neighborhood currently includes a mix of multiple housing types, including an existing three-family dwelling across the street. Approval of the variance would increase housing choices for the residents of Elkhart, which is consistent with the comprehensive plan.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variances: To vary from Section 8.5, Yard Requirements to allow for a property with an established lot size of 5,535 square feet and lot frontage of 45 feet variance to be used as a three family dwelling. The minimum lot size for the conversion to a three family dwelling is 10,000 square feet and a lot frontage of 60 feet, a variance of 4,465 square feet for the lot area and 15 feet for the lot frontage based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the approval of the variances would allow for the reinvestment into a currently vacant home;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because a mix of housing types is consistent with the existing neighborhood;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it would allow for the use of the property on an existing lot.
4. Special conditions and circumstances do exist as the subject property is a smaller older lot in one of the oldest parts of the City;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property because denying the variance would prohibit a permitted use of the property due to historic conditions of the lot;
6. The special conditions and circumstances do not result from the applicant because the lot was already existing;
7. This property does not lie within a designated flood area.

Ughetti states that 46 letters were mailed, with one returned not in favor, with a comment stating that they have no issue with the setbacks. However, the parking in the area was built in the 1900s, so there is typically not enough parking in the area. At most, they can support a duplex.

Davis asks if there are questions from the Board for Staff.

Osborne asks Ughetti if conditions can be added to the request since there appears to be a fair amount of remodeling. The Board would want the necessary building permits and a certificate of occupancy after the petitioner is done with the remodeling.

Ughetti states that the petitioner has a building and zoning clearance application they intend to submit.

Osborne asks Ughetti if that would include a certificate of occupancy.

Ughetti answers yes.

Leichtman asks Ughetti if the square footage only applies in the downtown area or if it is on buildings.

Trotter answers that the Ordinance applies to apartment complexes; there is no minimum for studios in existing buildings.

Osborne asks Trotter if conditions need to be added, given that an application is already on file.

Trotter answers that the Board has the prerogative to add conditions if it chooses, but it needs to specify the conditions. He says that nothing out of the ordinary would already be required of them.

Davis calls for a motion.

Leichtman makes motion to approve 24-BZA-25 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Osborne.

Osborne – Yes  
Leichtman – Yes  
Davis – Yes

Motion carries.

**24-UV-11 PETITIONER IS LUMAAN LLC**  
**PROPERTY IS LOCATED AT 707 CHRISTIAN AVENUE**

To vary from Section 6.4, Yard Requirements, Front Yard setbacks, to allow the front porch to be enclosed which alters the average front yard setback for the block. The average front yard setback for the block is 15.38 feet. To allow the front porch to be enclosed that would have a new setback of 11 feet, a variance of four and thirty eight hundredths (4.38) feet.

Davis calls the petitioner forward.

Gustavo Andres and Claudia Rainoldi, located at 2564 Treadway Dr., appear in person as the petitioners. Andres says that he and his wife currently live in Atlanta. He states that he bought the property in Elkhart in 2022 in a Sheriff's sale because they want to remodel it and move to Elkhart. Andres says that he realized the home on the property was badly damaged by a fire, and the City requested the house be demolished. He says the house was destroyed, and now it's vacant land. Andres says the purpose of the request is to move to Elkhart because he likes the area. He states he wants to rebuild the house from scratch, however it would be a duplex so his son can live there separately. Currently, the house is zoned as R-2, so he requests that it be zoned as R-3 to allow for the duplex.

Davis asks for questions from the Board.

Osborne asks Andres if the property will be owner-occupied and if Andres's son will live next door.

Andres says yes, and his family will move there; however, his son will live separately since he is 27, and they want their independence.

Osborne asks Andres if the proposed house is a duplex, where Andres will live in one unit and their son will live in another.

Andres answers yes.

Leichtman asks Andres if a wall will be shared.

Andres answers yes, and that there will be one wall. However, there will be two trash cans, two garages, and so on.

Osborne asks Andres if he owned the house previously.

Andre answers that the property was bought via sheriff's sale, so they did not know the house was damaged. He says that he realized the house was destroyed when he arrived in Elkhart, so he started discussions with the building department. He stated that he wanted to repair the house; however, since the foundation was completely damaged, his only other option was to demolish it. Currently, it is a vacant lot, so nothing is currently there.

Osborne asks Andre if he has the financing for the proposed structure.

Andre answers yes.

Osborne states that the request is unusual since it concerns a single-family residential area, and the petitioner wants to build a two-family structure where there are only single-family residences.



Andres states that he wants to build a new house not for three people but for himself and his son.

Davis opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

### STAFF ANALYSIS

LUMAAN LLC is the owner of the subject property and they are requesting a use variance to allow for a two family dwelling. The property was damaged in a fire and the petitioner is using this opportunity to construct a new housing type for the neighborhood. While the comprehensive plan states the need for new investments in existing neighborhoods and vacant lots, there are no other two family dwellings in the neighborhood. The petitioner states that without approval of the variances the project becomes unfeasible.

### STAFF RECOMMENDATION

The Staff has no recommendation of the use variance based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the project will redevelop a blighted and damaged home, improving the character of the neighborhood. The use would provide more diverse housing options for the community;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because two family homes have very similar character to single family homes;
3. The need for the variance arises from some condition peculiar to the property involved because without board action the use would not be permitted;
4. The strict application of the terms of this Ordinance does not constitute an unnecessary hardship as this use is allowed in other districts;
5. The approval does comply with the Comprehensive Plan which calls for the area to be developed for low density residential uses. It is consistent with the neighborhood goal: "Direct investment, amenities, and new housing development to established residential areas within the City's boundaries to create additional opportunities for diverse ages, income levels, and stages of life in neighborhoods of choice."

Trotter states there were 44 letters mailed, with four returned not in favor, with one comment saying that they are against the variance because when driving down Christian Avenue, it is difficult enough navigating through all the vehicles parked on the street. With the addition of a two-family home, it would only add to the problem.

Davis asks if there are questions from the Board for Staff.

Osborne asks Trotter if he knows if the petitioner has submitted a site plan with the proper setbacks showing where the proposed house will be placed.

Trotter answers that he believes the petitioner did; however, when the case was taken in, it was done as a use variance first because if the petitioner does not have use variance, there is no need for a developmental variance. In looking at the plot plan, Trotter says he believes it does meet setback requirements, however, if it doesn't, it was not advertised as that because Staff is only focusing on the use since it is the higher burden that needs to be met first, but Trotter says he does believe it meets setback requirements.

Leichtman asks Trotter if any other houses in the area currently have a similar use variance.

Trotter answers no. He says the area was developed by a local developer who is no longer around. He guesses that there are several hundred single-family homes, including bi-levels, single-levels, and newer tri-level homes. He says he is not aware of any other use variances in that area, roughly from the west of the mall from Hively down to Lusher Avenue. There is a mix of styles, but they are all one-family homes.

Osborn states that there is just a three-person Board, and Osborn says the current Board believes it should be voted on when all board members are present.

Trotter states that if the Board wishes to table the request, it would have to call for a motion to table it for one month.

Davis calls for a motion.

Osborn makes motion to table the request for one month; Second by Leichtman.

Osborn – Yes  
Leichtman – Yes  
Davis – Yes

Motion carries.

**24-BZA-27 PETITIONER IS COMMUNITY WIDE FEDERAL CREDIT UNION  
PROPERTY IS LOCATED AT 2110 CASSOPOLIS STREET**

To vary from Section 26.10.D, Sign Regulations – Table 1, that permits a free standing sign up to 50 square feet in area with up to 50% of the sign area as changeable copy, to allow for a new monument sign that is 32 square feet with a changeable copy (LED screen) that is 27 square feet in area, variance of 11 square feet for the changeable copy. To also vary from Section 26.10.D.4.c.ii, Free Standing Sign Increases, which states in part, "The permitted height of a free-standing sign may be increased at the rate of one (1) foot for every two (2) feet the sign is located in excess of the required five (5) feet minimum distance from the right of way," to allow for a sign that is 7'11" in height at the minimum five (5) foot setback where six (6) feet is allowed, a variance of 1'11".

Davis calls the petitioner forward.

Tim Overmyer, located at 16154 Menominee Dr, appears in person with Vanadco Signs on behalf of the petitioner. He says Community Wide is attempting to update its signage at all locations. He says what is currently in place is a pylon sign with a height of 17 feet. Overmyer says that the petitioner wishes to install smaller digital signs at all of their nine locations. It would have a 20-second hold sign, and the height of the logo is higher, so the requirement was missed by one foot 11 inches. He says the size of the message center is 11 square feet too big, and the height is one foot 11 inches over.

Davis asks for questions from the Board.

Davis opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

**STAFF ANALYSIS**

CommunityWide Federal Credit Union is the owner of the subject property. Present and proposed use is as a Credit Union (no change). The request is for a variance to allow installation of a sign that does not meet developmental standards. The petitioner desires to replace an existing pylon sign that is 17-feet tall and 8-feet wide overall, with a monument style sign that is proposed to be 7-feet, 11-inches tall and 11-feet, 1-inch wide overall. Primary signface is proposed to be 32 square feet, with an integrated message board (LED screen) at 27 square feet mounted on the same supporting structure. The new sign is proposed to be located at the same location as the existing sign to take advantage of existing steel and electric infrastructure.

Variances are requested for the following sections of the Sign Regulations:

- Section 26.10.D, Table 1, Free-Standing Signs in B-3 District, to allow an integrated changeable copy (LED screen) message board to be 84% of the size of the principal sign, where a maximum of 50% is allowed.
- Section 26.10.D.4.c.ii, Free Standing Sign Increases, to allow a sign height of 7-feet, 11-inches, where 6-feet is allowed.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variances requested to the Sign Regulations, based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the proposed sign will replace a larger, taller existing sign;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance;
4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the proposed sign will replace an existing sign;



5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property;
6. The special conditions and circumstances do not result from any action or inaction by the applicant, as the existing sign was installed prior to current ordinance requirements for location to be centered on the property;
7. This property does not lie within a designated flood area.

**CONDITIONS**

If the Board chooses to approve the requested developmental variances, Staff recommends that the following conditions be placed upon the approval:

1. The variances related to sign area, height, and location shall apply to both signs/faces.
2. Movement, including video, flashing, and scrolling, is prohibited.
3. Message sequencing, where content on one message is related to content on the next message, is prohibited.
4. The minimum time duration of each message shall be 20 seconds.
5. The sign must be equipped with a sensor and programmed to automatically dim in response to changes in ambient light.
6. The maximum brightness shall not exceed three-tenths (0.3) foot candles over ambient light levels.
7. Light trespass shall not exceed one-tenth (0.1) foot candles as measured at the property line of any residential district.
8. The sign must either stay fixed on one message or go blank if there is a malfunction that would not permit the sign meeting the above conditions.
9. No sign message may depict, or closely approximate, official traffic control signage

Ughetti states there were 12 letters mailed with zero returned.

Davis asks if there are questions from the Board for Staff.

Davis asks Ughetti...(unintelligible, off mic).

Ughetti answers that several of the conditions listed will be in the new unified developmental Ordinance.

Davis calls for a motion.

Leichtman makes a motion to approve 24-BZA-27 and adopt the petitioner's documents and presentation, together with the Staff's findings of fact, as the Board's findings of fact in the present petition and adopt all conditions listed in the staff report; Second by Osborn.

Leichtman – Yes

Osborn – Yes

Davis – Yes

Motion carries.

**24-BZA-28 PETITIONER IS CSC PROPERTIES LLC  
PROPERTY IS LOCATED AT VACANT LOT NORTH RIVERSIDE DRIVE – 700 BLOCK**

To vary from Section 4.4, Yard Requirements to allow a new residential structure be built with a rear yard setback of thirty-one (31) feet where the established average setback for the block is sixty (60) feet, a variance of twenty-nine (29) feet. The Ordinance requires the established setback for the block be calculated to determine the rear yard setback if adjacent to river or creek.

Mulvaney asks for questions from the Board.

Jon Whiswell, located at 223 W Beardsley Ave, appears in person as the petitioner, along with Andy Poe, the purchaser of the property.

Poe states he wants to erect a small 850-square-foot home with an open basement, adding 850 square feet. The house would have an upstairs; however, it would only be a single story. Poe says the house would have a living room and a kitchen, and the main floor would have a main bedroom and a bathroom. He states that he wants to build a tiny house. Poe then says that the setbacks for

the house are okay except for the back part; however, it will not block anyone's view as the house will be in line with everybody else's house.

Leichtman asks Poe if the house is a completely new build.

Poe answers that there is nothing there right now.

Osborne asks Poe if the house will have a lower-level walkout.

Poe answers that it would be a living space to walk out.

Osborn says the river bank is pretty high since it is relatively steep. He then asks Poe if he will cut into the property to lower the level.

Poe answers that the lower level has a retaining wall to block off and fill as far as that goes.

Osborn states the property might be in a potential flood hazard area and asks Poe if there are any documented cases of flooding.

Poe answers that the house is pretty close. Based on his discussion with Eric Trotter, he says it will be 8 feet from the sidewalk. That would allow enough space to not go down near the steep river bank. Poe says there will be a retaining wall that goes in the back.

Osborn asks Poe if flooding is not an issue.

Poe answers no, flooding is not an issue.

Whiswell states that the property is already terraced so that Poe will be building on the first terrace up from 3.5 feet above the river's standard edge. Whiswell says that the only time he has seen flooding on the property was a flood across the way, where the water was into the park. He states that the water typically never goes up the natural seawall that is already there.

Daryle Lambright appears in person on behalf of the petitioner. Lambright says the FEMA floodplain map only comes two feet from the river's edge. According to the 100-year floodplain map that FEMA uses, the area is designated as low risk, so it's doubtful that floodplain insurance will be required.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition. Seeing none, he closes the public portion of the meeting and calls Staff forward.

#### **STAFF ANALYSIS**

CSC Properties, LLC, is the owner of the subject property. The property is un-improved and petitioner would like to build a residential home. The property has frontage of +/- 58.36 feet. Lot depth varies from +/- 81 feet to +/- 89 feet. The established average setback for the block 60 feet. Petitioner is requesting a developmental variance to allow a rear yard setback of 31 feet.

The City of Elkhart Comprehensive Plan supports future single-family, detached residential development to occur in existing residential neighborhoods as "infill" development on vacant lots to complete the neighborhood residential block pattern rather than in undeveloped, "greenfield" areas. The proposed development is consistent with this stated desire.

#### **STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variance requested to the Yard Requirements for a residence in the R-1 District, based on the following findings of fact:

1. The approval will not be injurious to the public health, safety, morals or general welfare of the community because the proposed use is consistent with the R-1 District and the surrounding properties;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed setback still allows visibility of the river from adjacent residences;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because the requested setback is no more than would be allowed on other R-1 properties that are not adjacent to the river;



4. Special conditions and circumstances do exist which are peculiar to the land involved and which are not applicable to other lands or structures in the same district because the property was platted before current setback requirements;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property in that development of the property would be limited to a smaller size than other residences on the block;
6. The special conditions and circumstances do not result from any action or inaction by the applicant;
7. A portion of this property does lie within a designated flood hazard area; however, the variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, or conflict with existing laws or ordinances, as the proposed residence will be built outside of the flood hazard area.

Ughetti states there were 23 letters mailed with zero returned.

Davis asks if there are questions from the Board for Staff.

Davis calls for a motion.


Leichtman makes motion to approve 24-BZA-28 and adopt the petitioner's documents and presentation, together with the Staff's finding of fact, as the Board's findings of fact in the present petition; Second by Osborne.

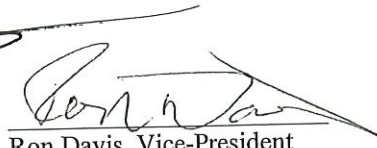
Osborne – Yes  
Leichtman – Yes  
Davis – Yes

Motion carries.

**ADJOURNMENT**

Osborn makes motion to adjourn; Second by Leichtman. All are in favor and meeting is adjourned.

  
\_\_\_\_\_  
Doug Mulvaney, President

  
\_\_\_\_\_  
Ron Davis, Vice-President

# CITY OF ELKHART

## STORMWATER BOARD MEETING

### MINUTES

1201 S. Nappanee Street

3:40 p.m., Thursday, August 15<sup>th</sup>, 2024

In attendance: Corinne Straight, Jim Boyles, Joe Foy & Sara VanBelle in person; Thomas McNicholas via telephone

#### 1. APPROVE MINUTES – June 27, 2024

Thomas made a request to update the date under the IDDE Ordinance from 6/8 to 6/18.

Jim motioned to approve & Corinne seconded.

#### 2. STORMWATER UTILITY

##### a. Construction Site Inspections

32 active sites, 16 are in review/approved, 7 sites are stabilizing and 2 permits were closed (NOT). A summary of completed inspection was given. Joe gave a timeline for Victory Drive Away. Corinne expressed concern due to the lack of seeding but everyone agreed there was no need for them to come back in. Joe will follow up with contractor.

##### b. IDDE Cases

-Brass Elk grease spill into a SW catch basin- the City did the clean up to ensure it was done properly and will be invoicing the owner for the cost of clean up.

-A diesel spill was discovered at the back gate of the EEC. City staff will be excavating and replacing with fresh material

-Leaky vehicle in residential area- once this was discovered, a warning letter went out. The issue was followed up on and the car was gone.

##### c. Post-Construction Plans – update

A new account line was created in order to process recording fees collected for post-construction plans starting January 1<sup>st</sup>.

##### d. Public Education Events

Joe displayed the floodplain model for Green Day at the Elkhart County 4-H Fair as well as at EnviroFest

##### e. Partnership update

- o Contractor Workshop

Pay Dirt on 8/22/24

- o Impervious surface update

We are working with the County to create a new layer in GIS. Access has been limited but should be available soon to edit impervious surfaces.

#### 3. OTHER BUSINESS/COMMUNICATION

Joe to reach out to Victory Driveaway to get their seeding schedule.

#### 4. PUBLIC PARTICIPATION: N/A

#### 5. ADJOURNMENT: 4:10

Next Stormwater Board meeting is October 17, 2024 at 3:30 pm.



# CITY OF ELKHART

## STORMWATER BOARD MEETING

### AGENDA

Office of Public Works  
1201 S. Nappanee Street

**3:35 p.m., Thursday, October 17<sup>th</sup>, 2024**

In attendance: Corinne Straight, Jim Boyles, Thomas McNicholas, Joe Foy and Kayla Jewell. Guests: Karl Keuning (BCI Construction), Jeff Bonadies and Jason Minnie (C&E Excavating).

#### 1. STORMWATER UTILITY

##### a. Storage Rentals of America – Construction BMP Non-compliance

After reviewing the timeline of events in regards to the deficient BMPs on this construction project with the attending parties, the Board decided not to assess a penalty at this time. The Board felt it would be appropriate for the Stormwater Manager to send a letter to Overholt Masonry in regards to the unacceptable work that was left on site and offer assistance in avoiding this situation on future projects. All parties came to a conclusion there must also be better communication between the general contractor and the sub-contractors on projects in regards to who is responsible for concrete washout measures.

##### b. Construction Site Inspections

Joe summarized the current construction projects in the area by initial stage of permitting, active construction, construction awaiting stabilization and NOT approved projects. He also went over the list of sites that were inspected in August and September.

##### c. General Updates

###### o Facility Inspections – 3<sup>rd</sup> quarter

3<sup>rd</sup> quarter inspections were completed 9/24-25 and much improvement was noted. Joe plans to set up the 4<sup>th</sup> quarter inspections with the facilities on 11/20-21.

###### o Proposed 2025 Stormwater Utility Budget – in process

Joe will provide a draft for the upcoming 2025 Utility Budget and e-mail to board members.

###### o Tracking Software

Joe discussed “Smart Suite” with the board members and how this will be used to track measureable goals for the stormwater permit.

###### o Additional Outfall Inventory work this fall

Joe stated he will be focusing on the lower St. Joe and Elkhart River this fall.

##### d. Partnership update

###### o Contractor Workshop – Pay Dirt In Field

Pay Dirt In-field event was a big success and the indoor portion (Pay Dirt) will be returning next spring, March 4<sup>th</sup> and 5<sup>th</sup>, at the Elkhart County Fair Grounds

#### 2. OTHER BUSINESS/COMMUNICATION

#### 3. PUBLIC PARTICIPATION

#### 4. ADJOURNMENT

Meeting concluded at 4:26pm.

**Next Stormwater Board meeting is February 20, 2025 at 3:30 pm.**



City of Elkhart  
*Redevelopment Commission*

**REGULAR MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2 ND FLOOR, COUNCIL CHAMBERS**  
**Tuesday, November 12, 2024**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Wes Steffen, Willie Brown, Gary Boyn, Sherry Weber (Recording Secretary), Mike Huber, Adam Fann, Jacob Wolgamood, Mary Kaczka, Joshua Hofer, Drew Wynes, Dwight Fish, Dave Osborn, Andy Jones, Brad Hunsberger, and Alex Holtz

**PRESENT BY WEBEX:** Chris Pottratz, Gerry Roberts, Corinne Straight, Griffin Eaton at Juke Entertainment, Ambrose Kamyra and Mary Lou Timmons

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:00 p.m. by Mr. Steffen, Vice-President.

**AMENDMENT TO THE AGENDA**

Mr. Steffen asked for a motion to amend the agenda for November 12, 2024. Moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote all in favor. Motion approved

**APPROVAL OF REGULAR MEETING MINUTES**

Mr. Steffen asked for a motion to approve the October 8, 2024 Regular Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote, all in favor. Motion approved

**NEW BUSINESS**

**A. OPENING OF BIDS**

Mr. Jacob Wolgamood addressed the commission stating we did receive three bids for the Freight Street demolition project. Pelley Excavation in the amount of \$48,551.00, Jerry Reed Excavating in the amount of \$54,550.00 and Russell Cross in the amount of \$71,223.75. Mr. Steffen asked for a motion to have staff review the bids and report back



once they have confirmed everything is included and are ready to make a recommendation. Moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote, all in favor. Motion approved.

#### **B. 420 SOUTH SECOND STREET LEASE**

Mr. Adam Fann addressed the commission and answered questions. Mr. Steffen asked for a motion to approve the lease agreement of real estate to Addiction Recovery Center (ARC) on the terms set forth in the attached agreement. Moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote, all in favor. Motion approved.

#### **C. LACASA RIVER VISTA PARCELS**

Mr. Adam Fann addressed the commission and answered questions. Mr. Steffen asked for a motion to accept the offer to sell the real estate (River Vista parcels) to the commission for \$67,400, approving the terms and conditions of the purchase agreement and appropriate \$46,800 from Downtown Allocation Area No. 1 Special Fund and \$25,600 from Consolidated South Elkhart Economic Development/Redevelopment Area Allocation Special Fund. Moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote, all in favor. Motion approved.

#### **D. GROVE COURT PROPERTY**

Mr. Adam Fann addressed the commission and answered questions. Mr. Steffen asked for a motion to accept the offer from Abrams to buy the Grove Court property for \$200 and approve the terms and conditions set forth in the attached purchase agreement. Moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote, all in favor. Motion approved.

#### **E. AIRPORT HANGAR**

Mr. Adam Fann and Mr. Andy Jones (Director of Elkhart Airport) addressed the commission and answered questions. Mr. Steffen asked for a motion finding that the economic development of the Municipal Airport's purpose and project of the commission for which the Aeroplex funds may be spent and appropriate \$275,000 from Aeroplex Allocation Area Special Fund to reimburse the City for expenditures made for this project with any unspent funds being returned to the appropriate account. Moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote, three in favor, one abstained. Motion approved.

#### **F. JUKE PROPOSAL**

Mr. Mike Huber and Griffin Eaton from Juke Entertainment addressed the commission and answered questions. Ms. Harris made a motion to table this agenda item until the December RDC meeting. Seconded by Mr. Brown. Roll call vote, three in favor, one opposed. Motion passes.

#### **G. TIF SPENDING PLANS**

Mr. Mike Huber addressed the commission and answered questions. Mr. Steffen asked for a

motion to open a public meeting and continue it through the special meeting later this month. Moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote, all in favor. Motion approved.

#### **H. AWARD FREIGHT STREET DEMO BID**

Mr. Jacob Wolgamood addressed the commission and recommended awarding the Freight Street Demolition bid to the lowest bid of Pelley Excavating in the amount of \$48,551.00. Mr. Steffen asked for a motion to accept the proposal of Pelley Excavating in the amount of \$48,551.00. Moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote, three in favor, one abstained. Motion approved.

#### **STAFF UPDATES**

Mr. Adam Fann addressed the commission with updates on projects around the city.

- **RFI for Windsor sidewalk improvements** - we received two RFI's and are anticipating a couple more.
- **State Road 19** - the section between the Toll Road and County Road 4 should be finished this week. The west side signs should be installed sometime around the week of Thanksgiving.
- **Roundhouse** - removing the stockpile of soil from the site currently. Once complete, they will demobilize and remove the fence. Staff has a walk through with the EPA, Robert's Environmental, the Railroad Museum and Leah from MACOG tomorrow to do some site assessment on the conditions, what was found while EPA was out there and discuss how to move forward with an application for a cleanup grant through the EPA.
- **Conn Site** - monitoring wells and injection wells have been installed and are currently being tested. Injections to start at the beginning of December. While the injections are going on, Robert's Environmental will be writing the excavation documents to go out and bid so we can start excavation in the spring.
- **1000 Block Freight Street** - meeting regularly with the developer. Working through the purchase and development agreement.
- **1701 Sterling** - waiting on the amended ERC from IDEM. Testing came back favorably so it should not be an issue to modify the ERC for residential development and the developer is finalizing some designs for the site.

#### **OTHER BUSINESS**

Mr. Steffen asked for a motion to approve the Warrick and Boyn invoice in the sum of \$25,392.39. Moved by Ms. Harris. Seconded by Mr. Brown. Roll call vote, all in favor. Motion approved.

The commissioners have the TIF Report.



**PUBLIC COMMENT**

No one from the public was there at address the Commission.

**ADJOURNMENT**

There being no further discussion, Mr. Steffen asked for a motion to adjourn the meeting. It was moved by Mr. Brown. Seconded by Ms. Harris. Roll call vote, all in favor. Motion approved. The meeting adjourned at 4:58 p.m. Next meeting is on Tuesday, December 10, 2024 at 4:00 p.m. in Council Chambers.

  
Sandra Schreiber, President



City of Elkhart  
*Redevelopment Commission*

Elkhart Redevelopment Commission  
Pre-Agenda Meeting Summary  
For November 8, 2024

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PRESENT: Dina Harris, Sandi Schreiber, Wes Steffen, Gary Boyn, Adam Fann  
Jacob Wolgamood, Sherry Weber, Mary Kaczka, Corinne Straight,  
Drew Wynes and Joshua Hofer

PRESENT BY WEBEX: Chris Pottratz, Willie L. Brown, and Gerry Roberts

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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 November 12, 2024.







**City of Elkhart**  
*Redevelopment Commission*

**SPECIAL MEETING**  
**ELKHART REDEVELOPMENT COMMISSION**  
**LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS**  
**Wednesday, November 20, 2024**  
**4:00 p.m.**

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**PRESENT:** Dina Harris, Gerry Roberts, Sandi Schreiber, Wes Steffen, Willie Brown, Dorisanne Nielsen, Gary Boyn, Sherry Weber (Recording Secretary), Mike Huber, Jacob Wolgamood, Mary Kaczka, Joshua Hofer, Jamie Arce and Drew Wynes

**PRESENT BY WEBEX:** Chris Pottratz and Mary Lou Timmons

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**CALL TO ORDER**

This meeting was held in-person, telephonically, and virtually through WEBEX. The meeting was called to order at 4:03 p.m. by Ms. Schreiber, President.

**AMENDMENT TO THE AGENDA**

Ms. Schreiber asked for a motion to amend the agenda for November 20, 2024. Moved by Mr. Steffen. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

**NEW BUSINESS**

**A. FREIGHT STREET DEMOLITION CONTRACT**

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the proposal and award the demolition contract to Pelley Excavating, approve the form and content of the contract and appropriate \$48,551.00 from Downtown Allocation Area No. 1 Special Fund. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, four in favor, one abstain. Motion approved.

**B. WOODLAND CROSSING USE AND EVENT PERMITS**

Mr. Joshua Hofer addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve holding the Winter Wonderland at Woodland Crossing event as scheduled in December. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, four in favor, one abstain. Motion approved.



Mr. Joshua Hofer addressed the commission and answered questions. Ms. Schreiber asked for a motion to authorize the Board of Public Works and its staff to receive, review and process all special use and event requests for the real estate Woodland Crossing and issue all permits there on it deems necessary and appropriate. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, four in favor, one abstain. Motion approved.

#### C. 2025 TIF SPENDING PLANS

Mr. Mike Huber addressed the commission and answered questions. Ms. Schreiber asked for a motion approve the 2025 TIF Spending Plan as presented with flexibility for adjustments as needed. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

#### D. WOODLAND CROSSING ROOF REPLACEMENT

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the funding Woodland Crossing roof replacement as requested and continue to request that the Board of Public Works enter into all contracts and take all action necessary to supervise and complete the project and appropriate \$27,503.06 from Special Fund 2560 (Woodland Crossing Operating Fund) to help cover the cost of the project. Moved by Mr. Steffen. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

#### E. FREIGHT STREET ASBESTOS REMOVAL

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the proposal from A&G Environmental Solutions and authorize Development Services to instruct A&G to proceed with asbestos removal services and appropriate \$7,135.00 from the Downtown Allocation Area No. 1 Special Fund. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

#### PUBLIC COMMENT

No one from the public was there at address the Commission.

#### ADJOURNMENT

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. Moved by Mr. Steffen. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved. The meeting adjourned at 4:26 p.m. Next meeting is on Tuesday, December 10, 2024 at 4:00 p.m. in Council Chambers.

  
Sandra Schreiber, President

**Rod Roberson**  
Mayor

**Dustin McLain**  
Department Head



574.293.2175  
Fax: 574.294.5530

**Elkhart City Communications**  
135 East Franklin Street  
Elkhart, Indiana 46516

Date: December 19, 2024

To: Mayor Rod Roberson  
Elkhart City Board of Public Safety  
Common Council

From: Dustin McLain, Department Head  
Elkhart Communications Center

Re: **November 2024 Month End Report**

We processed 8,142 incoming & outgoing emergency and non-emergency phone calls. This was an increase of 208 calls from November of 2023. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 *This includes Landlines, Wireless, VoIP, TextTTY, and abandoned.* (as reported by ECats State reporting online)	Administrative (non-emergency)	<b>TOTAL</b> (including outbound)
	<b>2076</b>	<b>6066</b>	<b>8142</b>
<b>2023 TOTALS</b>	1798	6136	7934

By shift, we entered 7647 6069 calls into the CAD, an increase of 1,578 calls from November of 2023. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	<b>TOTALS</b>
Day Shift	2244	370	392	3006
Afternoon Shift	1915	321	322	2558
Midnight Shift	1783	192	108	2083
<b>All Shifts</b>	<b>5942</b>	<b>883</b>	<b>822</b>	<b>7647</b>
<b>2023 TOTALS</b>	4573	814	682	6069

\*Other Calls refers to calls made to communications that either required a response by other departments, such as Parks Dept., Street Dept., etc. This also includes calls that are dispatched out as attempts to locate, repossessions and/or private impounds.

**OTHER BUSINESS**

- For the month of November 2024 we handled 35 AUDIO REQUESTS for the Prosecutor's Office and Police Dept. We provided 5 (FOIA) Public Records Requests to individuals.