

*\*\*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

**February 3, 2025**

**6:00 P.M.**

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

**2. Minutes for Approval**

Minutes of January 6, 2025 – Council Meeting

**Presentations and Introductions**

**Unfinished Business**

**Reports of Council Committees**

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

**Proposed Ordinance 25-O-01**, an ordinance appropriating Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) from the Riverboat Gaming Fund to the 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 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

**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

**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

3. **New Business**

a) **Ordinances on First Reading**

**Proposed Ordinance 25-O-03-R**, an ordinance appropriating Four Million Six Hundred Fifty Thousand Three Hundred Thirty-Seven Dollars (\$4,650,337.00) in matching funds for the Bristol Street Widening Project

**Proposed Ordinance 25-O-04**, an ordinance amending Section 5.5 of Ordinance No. 5746, as amended, to update the Local Pollutant Limitations as Proscribed by the United States Environmental Protection Agency

**Proposed Ordinance 25-O-05**, an ordinance amending the Zoning Map created pursuant to Ordinance No. 4370, the “Zoning Ordinance of the City of Elkhart, Indiana” as amended, to rezone 2807 Cassopolis Street, Elkhart, Indiana from B-3, Services Business District and M-1, Limited Manufacturing District to B-3, Services Business District

**Proposed Ordinance 25-O-06**, an ordinance vacating the East/West Alley located between Thomas Street and Fremont Street and the North/South Alley between Indiana Avenue and Lafayette Street, a Public Way within the City of Elkhart, Indiana

6. **Resolutions**

**Proposed Resolution 25-R-01**, a resolution of the Common Council of the City of Elkhart, Indiana honoring Firefighter Adam J. Kuspa for his dedication, service, and contribution to the Elkhart City Fire Department and Community

7. **Vacation Hearings**

There are no vacation hearings.

8. **Other New Business**

Re-appointment for Redevelopment Commission & Aurora Capital Development Commission

Re-appointment for Elkhart Urban Enterprise Association Board

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

10. **Neighborhood Association Report**

11. **Privilege of the Floor**

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

12. **Scheduling of Committee Meetings**

**13. Acceptance of Communications**

Minutes of December 10, 2024 – Aurora Capital Development Corporation  
Minutes of December 10, 2024 – Board of Public Safety  
Minutes of January 14, 2025 – Board of Public Safety  
Minutes of December 27, 2024 – Board of Public Works  
Minutes of January 7, 2025 – Board of Public Works  
Minutes of November 14, 2024 – Board of Zoning Appeals  
Minutes of November 21, 2024 – Elkhart Historic & Cultural Preservation  
Commission  
Minutes of December 10, 2024 – Elkhart Redevelopment Commission  
Minutes of October 21, 2024 – Elkhart Urban Enterprise Zone  
Minutes of December 16, 2024 – Elkhart Urban Enterprise Zone  
Minutes of December 11, 2024 – Lerner Theatre Board  
Report – Month End December 2024 –Elkhart Communication Center

**Adjournment**

# DRAFT

## MINUTES OF THE REGULAR COMMON COUNCIL MEETING OF JANUARY 6, 2025

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.

**Assistant Fire Chief Kristi Sommers** led the assembly in the Pledge of Allegiance. President Dawson asked for a moment of silent reflection.

President Dawson asked the clerk to call the roll.

### NOMINATIONS OF 2025 COUNCIL OFFICERS

**Council President, Arvis Dawson opened the nominations for council president.**

Councilwoman Hines nominated Arvis Dawson. Second by Councilman Mishler.

President Dawson asked if there were any other nominations, there were none.

President Dawson asked the clerk to do a roll call vote for Arvis Dawson as the 2025 Council President.

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

**By a vote of 8-1, Arvis Dawson is the new 2025 Council President.**

**President Dawson opened the nominations for Vice President.**

Councilman Curry nominated Councilman Fish. Second by Councilman Holtz.

President Dawson asked if there were any other nominations, there were none.

President Dawson asked the clerk to do a roll call vote for Dwight Fish for the 2025 Council Vice President.

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

**By a vote of 8-1, Councilman Dwight Fish is the new 2025 Council Vice President.**

### **APPROVAL OF MINUTES**

President Dawson asked for a motion and second to approve the minutes from the December 16, 2024, Council Meeting.

Motion made by Councilman Henke, second by Councilwoman Hines.

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

### **PRESENTATIONS AND INTRODUCTIONS**

Presentations begin at 37 minutes and 45 seconds of the audio recording.

**Dr. Breanna Allen, Executive Director, Tolson Center** said they are grateful to be able to give an overview of the past year for the Tolson Center for Community Excellence. There are 4,000 members who are mostly from the Elkhart area and they see about 200 people a day who are participating in their programs. (They have over 35 program partners in various areas that help serve the community with a large variety of programs.) They are working on Phase II of the Tolson Center, which will include a soccer field, basketball courts, an ADA accessible playground and other structures. They anticipate Phase II to cost approximately \$3.1 Million Dollars of which the Tolson Center will cover the cost. They will be having a fundraiser on February 14, Valentine's Day entitled, *Falling in Love with Tolson Soiree*, which will be held at the Tolson Center and all proceeds will support the operations and programs of the Tolson Center. Their goal is to raise \$40,000 from this event. A handout was passed out that is included in the minutes of this meeting which shows statistics and some of the highlights of the successes of the Tolson Center.

**President Dawson** asked if there were any questions.

**Councilman Henke** asked what the operational overhead was for 2024. **President Dawson** replied, the information that is requested can be obtained by himself or Councilman Fish.

**Councilman Henke** said if they can provide the revenue amount for 2024 and the projected revenue amount for 2025 and the total operational cost for 2024 and the projected operational cost for 2025, it would let them know how things are going.

**Councilman Mishler** said as a public health nurse the Tolson Center has been very gracious in allowing the Indiana Department of Health to operate out of the Center on several occasions to help provide vaccinations for the community, for which they are thankful. They are also looking forward to seeing how the Tolson Center will grow and thrive as the Benham Neighborhood Plan starts coming together.

**Dr. Breana Allen** said in October of 2024, the Tolson Center was submitted to the state of Indiana, Accelerated Indiana Municipalities hereafter AIM for a state level recognition award and they received the Program Innovation Award, which is a true testament to the collaborative spirit that is within the community.

**Mayor Rod Roberson** said Breana articulated clearly the kind of collaborative spirit that Tolson has demonstrated over the last year and this award is representative of that collaboration. AIM gives a Program Innovation Award every year to Class One, Class Two and Class Three Cities. Elkhart won the award for Tolson’s innovative relationship that it has the community for the Class Two Cities. There is only one given across the state for Class Two Cities. He said that Elkhart always “punches above its weight” and this is a perfect example. The Tolson Center is a catalyst for the kind of redevelopment and the activities they are looking to achieve with the Benham Neighborhood Plan. This is similar to the model that they have created in the River District with the Aquatic Center. This is a perfect opportunity to move multiple different relationships to a space that allows them to redevelop and grow the community as a whole. He thanked those from the Tolson that were in the audience. This is only the start of what it is going to become going forward and he is thankful for the hard work that is being done at the Tolson Center to further that goal.

**President Dawson** said the information Councilman Henke is requesting is something that can be provided in their monthly packet so the Council can be informed of what is going on. The leadership at the Tolson Center with Breana and their staff is outstanding. The connections that have been made with the community and collaboration with other non-profits have been phenomenal and everyone who is not a member of the Tolson Center should become a member, it is free to join.

Presentation ends at 53 minutes and 11 seconds of the audio recording

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **REPORTS OF COUNCIL COMMITTEES**

There were no reports.

### **ORDINANCES ON SECOND-THIRD READING**

There were no ordinances on second-third reading.

### **ORDINANCES AND RESOLUTIONS REFERRED TO COMMITTEES**

There are no ordinances or resolutions referred to committees.

**TABLED ORDINANCES AND RESOLUTIONS**

There are no tabled ordinances or resolutions.

**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**

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

*Proposed Ordinance 25-O-02*

**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**

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

*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**

President Dawson asked the clerk to read the proposed ordinance by title only. If there are no objections this will move to second reading.

There was no objection; proposed ordinance moved on to second reading.

**RESOLUTIONS**

There are no resolutions.

## VACATION HEARINGS

There are no Vacation Hearings.

## OTHER NEW BUSINESS

President Dawson opened the discussion starting at 55 minutes and 07 seconds of the audio recording.

**Councilman Henke** said all Council members received a letter from Mr. Mark Troyer and they are aware of his concerns. He said he had talked with Mike Huber from Development Services and they went out and looked at the property and the site and they believe there are options. It is a large property and there is legal access to be aware of, but it would be nice to take into consideration the issues the Troyer's mentioned and let them be a part of the planning in that area. He also wanted the Council to know that he did speak with Chief Milanese and the Chief has the information that he requested. He is still waiting on information on the Middlebury Street school and what is happening there as the promise of development there has not occurred. He alerted the Mayor's office and other officials in regards to issues at the Concord Mall. He also said he has not received information yet on the number of infants delivered by police and fire departments and would like to receive that information.

**Councilman Mishler** said the weather is getting colder and he wanted to make sure the community knows if they need shelter to visit Faith Mission as they offer emergency shelter during the cold weather. The City has decided to allow the community to participate in naming of their new Zamboni. The information on how to participate is on the Parks Department Facebook page. He hopes people participate as it is a fun activity for the community.

New Business discussion ends at 57 minutes and 49 seconds of the audio recording.

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

There were no reports.

## NEIGHBORHOOD ASSOCIATION REPORTS

President Dawson opened the Neighborhood Association Reports starting at 57 minutes and 51 seconds of the audio recording.

**Councilman Curry** said the Pierre Moran Neighborhood Association met on January 5, 2025 at the Pierre Moran Park Pavilion at 5:00 p.m. The Neighborhood Association discussed maintaining the property values by keeping up with the maintenance of the neighborhood. They discussed parking during the winter months so the streets are clear to be plowed effectively. They also discussed the planning of the changes at Woodland Crossing. Having served on the Redevelopment Commission for 16 years he understand how the process works and knows the plans are not a done deal yet and things can change.

Neighborhood Association discussion ends at 59 minutes and 22 seconds of the audio recording.



**PRIVILEGE OF THE FLOOR**

There was no one who spoke.

**SCHEDULING OF COMMITTEE MEETINGS**

There are no meetings to schedule.

**ACCEPTANCE OF COMMUNICATIONS**

- Minutes 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

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

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

**ADJOURNMENT**

President Dawson asked for a motion to adjourn. Motion made by Councilman Mishler, second by Councilwoman Hines.

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

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

\_\_\_\_\_  
Arvis L. Dawson  
President of the Elkhart City Council




---

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

---

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

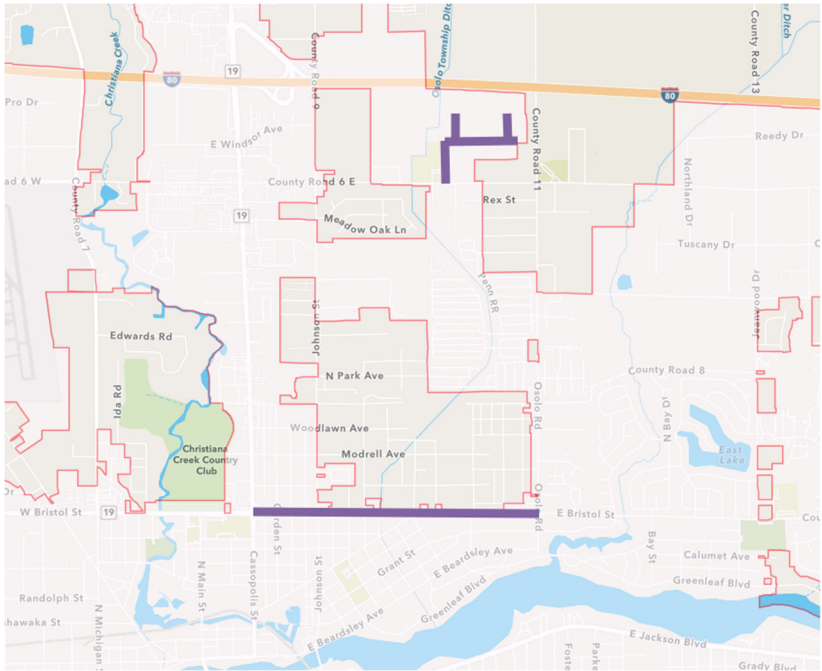
This appropriation request is for the 2025 Grant-Funded Contract Paving project. In 2024 the City was awarded 2 Phases of Community Crossing Matching Grant (CCMG). The spring phase did not exhaust the entire allotment that was allowed, due to bids coming back lower than expected. Engineering then applied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

---

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
------------------------------	----------------	--------------

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




---

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

---

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

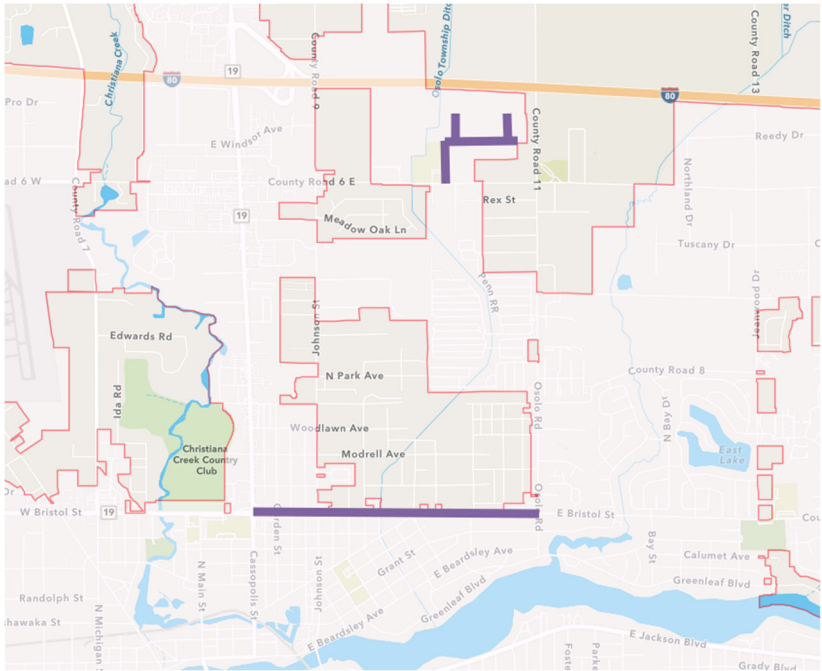
This appropriation request is for the 2025 Grant-Funded Contract Paving project. In 2024 the City was awarded 2 Phases of Community Crossing Matching Grant (CCMG). The spring phase did not exhaust the entire allotment that was allowed, due to bids coming back lower than expected. Engineering then applied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




---

**MEMORANDUM**

---

**DATE:** Original December 12, 2024  
*Revised January 8, 2025*

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

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

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

---

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 \$11,311,285.

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.

This is an LPA project. The project was originally awarded \$6,672,000 in Federal Highway funds for Construction and Construction Engineering. ***In late December 2024, MACOG secured an additional \$1,592,934 in Federal Highway funds for Construction and Construction Engineering, for a total Federal contribution of \$8,264,934.***

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

Construction Contract	\$11,311,285	Rieth-Riley Bid
Construction Contingency	\$791,790	7% of Bid
Construction Engineering	\$1,246,948	ASI Contract
Federal Highway Funds	(\$8,264,934)	MACOG
Remaining Previously Appropriated Funds	(\$434,752)	PO #24-00721
<b>Local Match and Appropriation Request</b>	<b>\$4,650,337</b>	

Under the LPA process, the Local Match is paid to INDOT; INDOT then manages the project and pays the Contractor.

Date: 12/11/2024



**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  
 Description: AUXILIARY LANES, TWO-WAY LEFT TURN LANES Engineer's Estimate: \$11,486,016.65  
 Call 150 Route: Fort Wayne District  
 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. Lettings-SouthBend@rieth-riley.com	SOUTH BEND IN	(574)288-8321	\$11,311,284.87	R
35-1489621	HRP CONSTRUCTION INC estimating@hrpconstruction.com	SOUTH BEND IN	(574)271-7800	\$13,637,661.09	R
35-1717563	C & E EXCAVATING INC estimating@candeexcavating.com	ELKHART IN	(574)262-4346	\$13,968,900.00	R
35-1917625	MILESTONE CONTRACTORS LP sbestimating@milestonelp.com	South Bend IN	(574)544-5509	\$14,547,480.00	R

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

**AN ORDINANCE APPROPRIATING FOUR MILLION SIX HUNDRED FIFTY THOUSAND THREE HUNDRED THIRTY-SEVEN DOLLARS (\$4,650,337.00) IN MATCHING FUNDS FOR THE BRISTOL STREET WIDENING PROJECT**

---

WHEREAS, the Indiana Department of Transportation (INDOT) informed the City of Elkhart Department of Engineering that the apparent low bidder for the Bristol Street widening project is Reith-Riley Construction Company, Inc. on a bid of Eleven Million Three Hundred Eleven Thousand Two Hundred Eighty-five Dollars (\$11,311,285.00); and

WHEREAS, the City of Elkhart previously received 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 (USDOT FHA) through the Michiana Area Council of Governments (MACOG) for the Bristol Street Widening Project; and

WHEREAS, in December 2024, the Michiana Area Council of Governments (MACOG) informed the City that MACOG secured an additional amount of One Million Five Hundred Ninety-Two Thousand Nine Hundred Thirty-Four Dollars (\$1,592,934.00) in USDOT FHA funds for a total federal contribution of Eight Million Two Hundred Sixty-Four Thousand Nine Hundred Thirty-Four Dollars (\$8,264,934.00) for the project; and

WHEREAS, the terms of the in USDOT FHA grant, the City must fund, no less than twenty percent (20%) of the construction costs, and must fund all non-construction project costs, which, after deducting the remaining balance of previously appropriated monies, leaving a local obligation of Four Million Six Hundred Fifty Thousand Three Hundred Thirty-Seven Dollars (\$4,650,337.00); and

WHEREAS, under the grant terms, the FHA requires that all project funds be paid to the Indiana Department of Transportation which manages the project, including the payment of all project contractors;

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

Section 1. The amount Four Million Six Hundred Fifty Thousand Three Hundred Thirty-Seven Dollars (\$4,650,337.00), be and hereby is, appropriated from the Elkhart Capital Outlay Fund and applied to the following account line:

Account No. 4650-5-000-4430000    Infrastructure    \$4,650,337.00

Section 2. The City Controller is hereby authorized to pay the local obligation 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.

*[Balance of page is intentionally blank.]*

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

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

ATTEST:

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

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

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

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

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

ATTEST:

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



---

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

---

Date January 2, 2024  
To Common Council  
From Bryan Cress, Regulatory Compliance Manager  
RE Local Pollutant Limitations Update

---

The City operates a sewer system and wastewater treatment plant for the benefit of the citizens of Elkhart. As part of operating this system, the City is required to impose limitations on the amount of certain chemicals that are discharged into the sewers. The limits are calculated to ensure the sewer system and wastewater treatment plant operate correctly. The United States Environmental Protection Agency is requiring the proposed changes and has reviewed and approved the limits.

Accordingly, the Public Works and Utilities Department requests the Common Council amend Section 5.5 of the Wastewater Utility Use Ordinance, entitled Local Pollutant Limitations.

A redline version of the proposed changes is included on the next page.

**Rod Roberson**  
Mayor

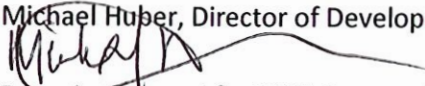
**Michael Huber**  
Director of Development Services



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

DATE: January 6, 2025

TO: City of Elkhart Common Council

FROM: Michael Huber, Director of Development Services  


RE: Rezoning request for 2807 Cassopolis Street – (20-02-20-454-018.000-027)

At its regular meeting on Monday, January 6, 2025, the Plan Commission recommended approval of Petition 24-Z-08. The Plan Commission provided a 'Do Pass' recommendation to the Common Council by a vote of 5-0.

The petitioner is requesting a rezoning to allow the hotel site to be redeveloped as a drive thru coffee shop. The current zoning has the parcel split with two separate zoning districts – B-3, Service Business District at the east end and the west end being M-1, Limited Manufacturing District. The reason for the request is the mix of zoning found on the site; with B-3, Service Business District being requested as the zoning classification for the entire site.

Staff supports the request. The manufacturing zoning is no longer appropriate for this corridor and the rezoning will make the redevelopment of the site easier. Approving the rezoning would allow for the reuse of the property to a desired use and provide for new investment along this critical corridor. Redevelopment of the site will improve the sense of welcome and Elkhart community image as discussed in the Comprehensive Plan. City staff welcomes this new development.



Rod Roberson  
Mayor



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

January 7, 2025

The Common Council  
City of Elkhart  
Elkhart, IN 46516

**RE: Petition 24-Z-08**  
**2807 Cassopolis St.**

Dear Council Members:

This letter certifies that the Elkhart City Plan Commission at its regular meeting on **Monday, January 6, 2025**, heard the above petition as prescribed by Section request details.

The Plan Commission **voted 5 to 0 in favor** of this rezoning petition and thus it is sent to the Common Council with a "Do Pass" recommendation.

Sincerely,

A handwritten signature in black ink that reads "Carla Lipsey". The signature is written in a cursive, flowing style.

Carla Lipsey  
Plan Commission Recording Secretary

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

**AN ORDINANCE AMENDING THE ZONING MAP CREATED PURSUANT TO ORDINANCE NO. 4370, THE “ZONING ORDINANCE OF THE CITY OF ELKHART, INDIANA” AS AMENDED, TO REZONE 2807 CASSOPOLIS STREET, ELKHART, INDIANA FROM B-3, SERVICES BUSINESS DISTRICT AND M-1, LIMITED MANUFACTURING DISTRICT TO B-3, SERVICES BUSINESS DISTRICT**

WHEREAS, on July 20, 1998, the Common Council of the City of Elkhart, Indiana (the “Common Council”) adopted Ordinance No. 4370 (the “Zoning Ordinance of the City of Elkhart, Indiana”), creating the zoning map that established the zoning districts for all real estate located within the corporate boundaries of the City of Elkhart (commonly referred to as the “Zoning Map”); and

WHEREAS, the real estate located at 2807 Cassopolis Street; Elkhart IN 46514 (the “Real Estate”), is zoned both, B-3, Services Business District, and M-1, Limited Manufacturing District; and

WHEREAS, the owner of the Real Estate petitioned the Elkhart City Plan Commission, requesting an amendment to the Zoning Map to zone the entirety of the Real Estate as, B-3, Business Services, for redeveloped as a drive thru coffee shop; and

WHEREAS, the intended use of the Real Estate is not a permitted use, unless that portion of the subject Real Estate that is currently zoned, M-1, Limited Manufacturing District, is rezoned B-3, Services Business District, and thereby allowing the owner’s intended use; and

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

WHEREAS, on January 6, 2025, the Elkhart City Plan Commission conducted a public hearing on the petition to amend the Zoning Map for the purpose stated herein and voted to forward to this Council, the Commission’s “Do Pass” recommendation.

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

Section 1. The zoning map created pursuant to and incorporated into Ordinance No. 4370, as amended, the Zoning Ordinance of the City of Elkhart, Indiana, is hereby amended to rezone as B-3, Business Services District, the entirety of the real estate, commonly known as 2807 Cassopolis Street, in the City of Elkhart, County of Elkhart, State of Indiana, said property being particularly described in Exhibit A, attached hereto and incorporated herein.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

*[Balance of page is intentionally blank.]*

**Exhibit A**

**Description of Real Property**

**Address(s):**

2807 Cassopolis Street; Elkhart IN 46514

**Parcel Identification Number(s):**

20-02-20-454-018.000-027

**Legal Description:**

A PART OF THE SOUTHEAST QUARTER (1/4) OF SECTION TWENTY (20), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE FIVE (5) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE WEST LINE OF SAID QUARTER SECTION AT A POINT ONE HUNDRED FIFTY-SEVEN (157) FEET NORTH OF A STONE AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTWARDLY, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, TO A POINT THAT IS FOUR HUNDRED NINETY-TWO (492) FEET WEST OF THE CENTERLINE OF THE CASSOPOLIS ROAD FOR THE BEGINNING POINT OF THIS DESCRIPTION; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, ONE HUNDRED FIVE AND TWENTY-FOUR HUNDREDTHS (105.24) FEET TO THE SOUTH LINE OF COMET AVENUE; THENCE EASTWARDLY, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION AND ALONG THE SOUTH LINE OF COMET AVENUE, TO THE CENTERLINE OF CASSOPOLIS ROAD; THENCE SOUTHWARDLY ALONG THE CENTERLINE OF SAID CASSOPOLIS ROAD, ONE HUNDRED FIVE AND THIRTY-NINE HUNDREDTHS (105.39) FEET; THENCE WESTWARDLY PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, FOUR HUNDRED NINETY-TWO (492) FEET TO THE PLACE OF BEGINNING. SUBJECT TO PUBLIC HIGHWAYS.

EXCEPTING THEREFROM THE FOLLOWING: A PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 5 EAST, ELKHART COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 07 MINUTES 14 SECONDS EAST 262.24 FEET (DISTANCE DEDUCED FROM DEED RECORD 251, PAGE 146) ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE SOUTH BOUNDARY OF COMET AVENUE; THENCE SOUTH 89 DEGREES 27 MINUTES 46 SECONDS EAST 800.37 FEET ALONG THE BOUNDARY OF COMET AVENUE TO THE POINT OF BEGINNING OF THIS DESCRIPTION, WHICH POINT OF BEGINNING IS ON THE WEST BOUNDARY OF S.R. 19 (CASSOPOLIS ROAD); THENCE SOUTH 2 DEGREES 30 MINUTES 46 SECONDS EAST 105.39 FEET ALONG THE

BOUNDARY OF SAID S.R. 19 TO THE NORTH LINE OF  $\frac{3}{4}$  ACRE TRACT OF LAND SHOWN ON THE PLAT OF LAKE DRIVE A SUBDIVISION IN SAID QUARTER SECTION RECORDED IN PLAT BOOK 3, PAGE 24, IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE NORTH 89 DEGREES 27 MINUTES 46 SECONDS WEST 20.24 FEET ALONG SAID NORTH LINE; THENCE NORTH 2 DEGREES 40 MINUTES 26 SECONDS WEST 85.32 FEET; THENCE NORTH 41 DEGREES 36 MINUTES 36 SECONDS WEST 27.05 FEET TO THE SOUTH BOUNDARY OF SAID COMET AVENUE; THENCE SOUTH 89 DEGREES 27 MINUTES 46 SECONDS EAST 37.56 FEET ALONG THE BOUNDARY OF SAID COMET AVENUE TO THE POINT OF BEGINNING.

*[Balance of page is intentionally blank.]*

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

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

ATTEST:

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

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

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

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

\_\_\_\_\_  
Rod Roberson, Mayor for the City of Elkhart

ATTEST:

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



# Staff Report

Planning & Zoning

---

**Petition:** 24-Z-08

**Petition Type:** Rezoning

**Date:** January 6, 2025

**Petitioner:** Vashu Motels, Inc.

**Site Location:** 2807 Cassopolis Street; Parcel 20-02-20-454-018.000-027

**Request:** Per Section 29.11.B, Map Amendments, a request to rezone 2807 Cassopolis Street (02-20-454-018) which has two zoning classifications, from B-3, Service Business District and M-1, Limited Manufacturing District to B-3, Service Business District for the entire parcel.

**Parcel I.D. Number(s):** 20-02-20-454-018.000-027

**Existing Zoning:** B-3, Service Business District and M-1, Limited Manufacturing District

**Size:** +/- 1.037 Acres

**Thoroughfares:** Cassopolis Street

**School District:** Elkhart Community Schools

**Utilities:** Available to site

**Surrounding Land Use & Zoning:**

The property is located amongst a mix of manufacturing and commercial uses zoned B-3, Service Business District and M-1, Limited Manufacturing District. To the south is a commercial Planned Unit Development and other commercial uses zoned B-2, Neighborhood Business District.

**Applicable Sections of the Zoning Ordinance:**

See enumerated in request.

**Comprehensive Plan:**

The Comprehensive Plan calls for this area to be developed with commercial uses.

**Plan Commission Action:** Recommendation to Common Council.



## Staff Analysis

---

The petitioner is requesting a rezoning to allow the hotel site to be redeveloped as a drive thru coffee shop. The reason for the request is the mix of zoning found on the site. The current zoning has the parcel split with two separate zoning districts – B-3, Service Business District at the east end and the west end is M-1, Limited Manufacturing District.

Staff supports the request. The manufacturing zoning is no longer appropriate for this corridor and the rezoning will make the redevelopment of the site easier. Approving the rezoning would allow for the reuse of the property to a desired use and provide for new investment along this critical corridor. Redevelopment of the site will improve the sense of welcome and Elkhart community image as discussed in the Comprehensive Plan. City staff welcomes this new development.

The parcel is surrounded by other long established commercial uses. A conceptual site plan of the drive thru is included in the packet. The project will still need to be submitted for review and approval for Technical Review as well as approval from the Indiana Department of Transportation (INDOT).



# Recommendation

---

The Staff recommends **approval** of the rezoning request based on the following findings of fact:

- 1) The proposed rezoning is compatible with the Future Land Use map, which calls for the area to be developed with commercial uses;
- 2) Current conditions and the character of current structures and uses in each district will not be impacted because the proposed use will blend well with the surrounding commercial and restaurant uses;
- 3) The B-3, Service Business District does allow for the most desirable uses for which the land can be adapted;
- 4) The proposed rezoning will preserve the conservation of property values throughout the City because it is adjacent to other commercial uses;
- 5) The rezoning of the property to B-3, Service Business District is compatible with the surrounding properties and does reflect responsible growth and development, because the redevelopment as a drive thru coffee shop is permitted within the B-3 District.

# Photos





PETITION #: 24-2-08

FILING FEE: \$ 400 -

**PETITION to the PLAN COMISSION**

**PETITION TYPE: REZONING**

Property Owner(s): Vashu Motels, Inc.

Mailing Address: 2807 Cassopolis St. Elkhart, IN 46514

Phone #: (574) 849-3434 Email: jkpat1227@gmail.com

Contact Person: Ben Hidalgo – Net Lease Properties, LLC

Mailing Address: 1000 Forest Park Blvd., Suite 401

Phone #: 214-914-8822 Email: bh@netleaseproperties.com


**Subject Property Address:** 2807 Cassopolis Street

Zoning: B-3, Service Business District and M-1, Limited Manufacturing District

Present Use: Budget Inn Motel Proposed Use: Drive-Thru Coffee Shop

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Vashu Motels, Inc. by Jagmohandas K. Patel, President

SIGNATURE(S):  DATE: December, 2024

**STAFF USE ONLY:**

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

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)  
SCHEDULE A**

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

**EXHIBIT "A"  
LEGAL DESCRIPTION**

A part of the Southeast Quarter (1/4) of Section Twenty (20), Township Thirty-eight (38) North, Range Five (5) East, more particularly described as follows:

Commencing on the West line of said Quarter Section at a point One Hundred Fifty-seven (157) feet North of a stone at the Southwest corner of said quarter section; thence Eastwardly, parallel with the South line of said quarter section, to a point that is Four Hundred Ninety-two (492) feet West of the centerline of the Cassopolis Road for the beginning point of this description; thence North parallel with the West line of said quarter section, One Hundred Five and Twenty-four Hundredths (105.24) feet to the South line of Comet Avenue; thence Eastwardly, parallel with the South line of said quarter section and along the South line of Comet Avenue, to the centerline of Cassopolis Road; thence Southwardly along the centerline of said Cassopolis Road, One Hundred Five and Thirty-nine Hundredths (105.39) feet; thence Westwardly parallel with the South line of said quarter section, Four Hundred Ninety-two (492) feet to the place of beginning. Subject to public highways.

EXCEPTING THEREFROM THE FOLLOWING: A part of the Southeast Quarter of Section 20, Township 38 North, Range 5 East, Elkhart County, Indiana, described as follows:

Commencing at the Southwest corner of said quarter section; thence North 0 degrees 07 minutes 14 seconds East 262.24 feet (distance deduced from Deed Record 251, Page 146) along the West line of said quarter section to the South boundary of Comet Avenue; thence South 89 degrees 27 minutes 46 seconds East 800.37 feet along the boundary of Comet Avenue to the point of beginning of this description, which point of beginning is on the West boundary of S.R. 19 (Cassopolis Road); thence South 2 degrees 30 minutes 46 seconds East 105.39 feet along the boundary of said S.R. 19 to the North line of  $\frac{3}{4}$  acre tract of land shown on the plat of Lake Drive a subdivision in said quarter section recorded in Plat Book 3, Page 24, in the Office of the Recorder of said county; thence North 89 degrees 27 minutes 46 seconds West 20.24 feet along said North line; thence North 2 degrees 40 minutes 26 seconds West 85.32 feet; thence North 41 degrees 36 minutes 36 seconds West 27.05 feet to the South boundary of said Comet Avenue; thence South 89 degrees 27 minutes 46 seconds East 37.56 feet along the boundary of said Comet Avenue to the point of beginning.

*This page is only a part of a 2021 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

**Copyright 2021 American Land Title Association. All rights reserved.**

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use.

All other uses are prohibited. Reprinted under license from the American Land Title Association.

File No. 01219-22732

ALTA Commitment for Title Insurance Schedule A (07-01-2021)

Page 2 of 2



24-2-08

DATE: November 18, 2024

TO: Honorable Member of the Plan Commission and City Council

RE: Rezoning City of Elkhart, Indiana

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, Ben Hidalgo with Net Lease Properties, am the owner under contract of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit:

***Legal Description Attached***

***2807 Cassopolis Street Elkhart, IN 46514***

2. The above-described real estate presently has a zoning classification of PMZ (Possible Multiple Zones) under the City of Elkhart's zoning ordinance. Per the Assistant Director of Planning and Zoning, the property is zoned B-3 Service Business District and M-1 Limited Manufacturing District.
3. Petitioner proposes to purchase the property that currently operates as a Budget Inn motel and redevelop the property with a new drive-thru coffee shop.
4. Petitioner desires to rezone said real estate to be solely B-3, Service Business Zoning District.
5. Standards that must be considered for Rezoning:
  1. The Comprehensive Plan  
The property is shown as Commercial on the Comprehensive Plan. The proposed rezoning is concurrent with the City's intended land use of the property.
  2. Current Conditions and the character of current structures and uses in each district  
The proposed zoning and use are consistent with the surrounding uses. The new development will refresh the existing motel property's appearance.
  3. The most desirable use for which the land in each district is adapted  
Due to the age of the existing development, the existing property is encumbered with multiple zoning districts. The rezoning of the property is an effort to provide consistent zoning for the property. The proposed use is very desirable based on the location.
  4. The conservation of property values throughout the jurisdiction  
The rezoning of the property will fix an unnecessary zoning issue on the property, improving value and encouraging redevelopment.
  5. Responsible growth and development  
The proposed rezoning and development take place at a location that will benefit greatly from a fresh new business. A professional team will be leading the redevelopment efforts.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning the above described parcel of land located in the City of Elkhart.

Applicant: Be Hidalgo

Name: Benito J Hidalgo

Address: 1000 Forest Park, Suite 401, Fort Worth, TX 76110

Phone Number where you can be reached: 214-914-8822

Email: BH@netleaseproperties.com



---

## MEMORANDUM

---

**DATE:** January 9, 2025

**TO:** Common Council

**FROM:** Corporation Counsel John M. Espar

**RE:** Proposed Ordinance No. 25-O-06  
Vacation Petition No. 24-V-02  
Department of Public Works & Utilities for the City of Elkhart, Petitioner

AN ORDINANCE VACATING THE EAST/WEST ALLEY LOCATED BETWEEN THOMAS STREET AND FREMONT STREET AND THE NORTH/SOUTH ALLEY BETWEEN INDIANA AVENUE AND LAFAYETTE STREET, A PUBLIC WAY OF WITHIN THE CITY OF ELKHART, INDIANA

---

Petitioner, Department of Public Works & Utilities for the City of Elkhart, filed a petition to vacate the East/West alley located between Thomas Street and Fremont Street and the North/South alley between Indiana Avenue and Lafayette Street, a public way.

This Council received the petition and acknowledged receipt at the public meeting held on December 2, 2024.

Proposed Ordinance No. 25-O-06 presents to the Council for its consideration, an ordinance to grant the petition, vacate the public way, while preserving any easements for any public utilities situated within the vacated property.

A public hearing is required on the proposed ordinance, which, allowing sufficient time for publication of notice of the public hearing, may be conducted, on March 3, 2025, in conjunction with the second reading of the proposed ordinance.

For your consideration, I have included with this packet item, the property owner's petition and related materials which were previously provided to the Council by the City Clerk. I have also included the City Clerk's notice to all interested parties of the petition for vacation, together with any written responses received by the Clerk in connection with the petition.



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

**AN ORDINANCE VACATING THE EAST/WEST ALLEY LOCATED BETWEEN THOMAS STREET AND FREMONT STREET AND THE NORTH/SOUTH ALLEY BETWEEN INDIANA AVENUE AND LAFAYETTE STREET, A PUBLIC WAY WITHIN THE CITY OF ELKHART, INDIANA**

---

WHEREAS, a municipality has the exclusive right to vacate any street, alley or other public way within its corporate boundaries; and

WHEREAS, Indiana Code 36-7-3-12, permits a person who owns or has an interest in any lot or partial lot, and who wants to vacate all or part of a public way or public place contiguous to the lot, to file a petition for vacation with the legislative body of a municipality within whose corporate boundaries all or any part of the public place or way is located; and

WHEREAS, Department of Public Works & Utilities for the City of Elkhart, (the “Petitioner”) is the owner of the real property which is contiguous to all or part of the public way generally described as the East/West alley located between Thomas Street and Fremont Street and the North/South alley between Indiana Avenue and Lafayette Street, a public way within the City of Elkhart, Indiana; and

WHEREAS, Petitioner filed Vacation Petition No. 24-V-02 with the Common Council of the City of Elkhart (the “Common Council”) requesting that the Council vacate the public way generally described as the East/West alley located between Thomas Street and Fremont Street and the North/South alley between Indiana Avenue and Lafayette Street, in the City of Elkhart, Indiana, and

WHEREAS, Indiana Code 36-1-11-4.3 provides that a sale or transfer of a land containing a public easement or right of way does not deprive a public utility of the use of all or part of the public easement or right of way that is sold or transferred if, at the time of the sale or transfer, the public utility is occupying and using all or part of that public easement or right of way for the location and operation of its facilities; and

WHEREAS, pursuant to Indiana Code 36-7-3-12, the Common Council held a public hearing on March 3, 2025, at which time information was presented by the Petitioner supporting the petition to vacate said public way and by any interested parties, including any aggrieved persons objecting to it.

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

Section 1. After considering the information presented at the public hearing, together with the information submitted to the Council in connection with the petition and any other information presented at the public hearing and any subsequent public meeting of the Council, the Common Council hereby finds and determines:

- A. That the vacation will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous; and

B. That the vacation will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient; and

C. That the vacation will not hinder the public's access to a church, school, or other public building or place; and

D. That the vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and

E. That one or more public utilities are currently occupying and using all or part of area; and

F. That this proposed vacation shall neither diminish nor deprive such public utilities' right to use all or part of the vacated area and an easement for the same shall continue, the vacation notwithstanding.

Section 2. Subject to any public utility easements, the public property specifically described in Exhibit A and depicted in Exhibit B, attached hereto, is hereby vacated.

Section 3. Pursuant to Indiana Code 36-7-3-14 (a), the vacated area being part of platted land, the descriptions of the lots and parcels of that land shall be preserved as set forth in the plat, with the proportionate parts of the vacated area added to the adjacent lots and parcels, as provided by law, unless all the owners of land in the vacated area consent in writing to the description of the area by:

(1) the method used before the plat was made;

(2) metes and bounds; or

(3) other appropriate description.

Section 4. The Clerk shall furnish a copy of this Ordinance to the Elkhart County Recorder for recording and to the Elkhart County Auditor.

Section 5. This Ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor according to law.

*[Exhibits to follow:]*

**Exhibit A**

**Description of Real Property**

**Legal Description:**

The 16-1/2 foot-wide alley lying between Lafayette street and Indiana Avenue, running from the east line of Thomas Street east to the west line of Fremont Street, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana.

**TOGETHER WITH:**

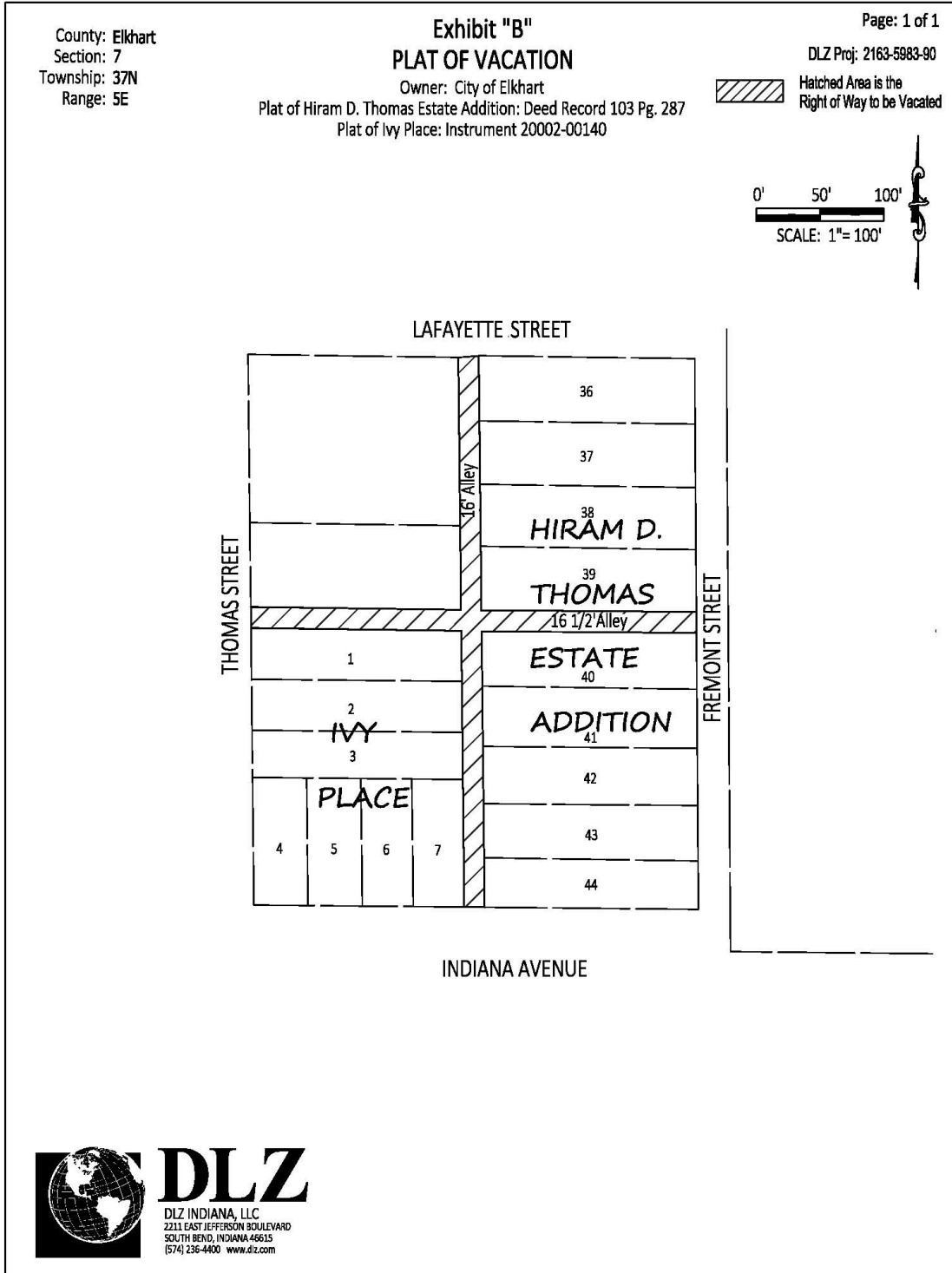
The 16 foot-wide alley lying west of and adjacent to Lots 36 through 44, both inclusive, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County.

**Parcel Identification Number(s) Adjacent to Vacated Public Way:**

- 20-06-07-282-001.000-012**
- 20-06-07-282-002.000-012**
- 20-06-07-282-003.000-012**
- 20-06-07-282-009.000-012**
- 20-06-07-282-011.000-012**
- 20-06-07-282-012.000-012**
- 20-06-07-282-013.000-012**
- 20-06-07-282-014.000-012**
- 20-06-07-282-015.000-012**
- 20-06-07-282-016.000-012**
- 20-06-07-282-017.000-012**
- 20-06-07-282-018.000-012**
- 20-06-07-282-019.000-012**

Exhibit B

Depiction of Public Way of Vacation Ordinance



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

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

ATTEST:

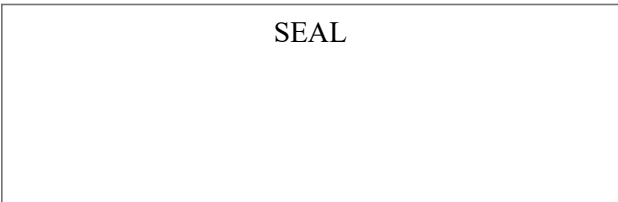
By: \_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Arvis Dawson in his capacity as President of the Elkhart Common Council and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. \_\_\_\_\_ as the duly authorized act of the Common Council of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030



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

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

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

\_\_\_\_\_  
Rod Roberson, Mayor for the City of Elkhart

ATTEST:

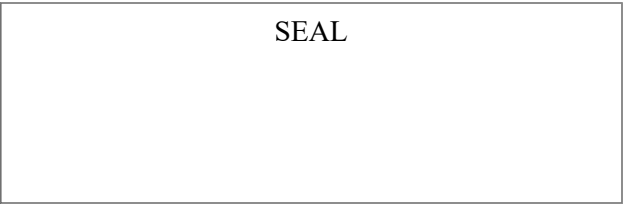
\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
                                  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, on this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_, personally appeared Rod Roberson in his capacity as Elkhart  
City Mayor and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the  
execution of the foregoing Ordinance No. \_\_\_\_\_ as the duly authorized act of the Mayor of the  
City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030





EXECUTED AND DELIVERED in my presence:

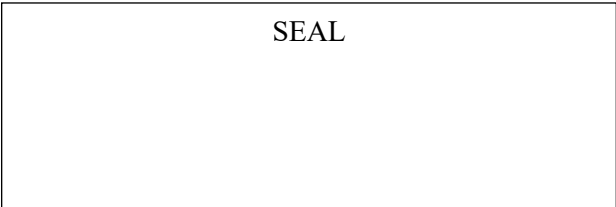
\_\_\_\_\_  
Debra D. Barrett, Elkhart City Clerk

STATE OF INDIANA        )  
                                  ) §  
COUNTY OF ELKHART    )

Before me, Angela McKee, Notary Public in and for said County and State, personally appeared Debra D. Barrett in her capacity as Elkhart City Clerk, who being personally known to me as the Elkhart City Clerk, and whose name is subscribed as a witness to the foregoing instrument, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Arvis Dawson, as President of the Elkhart Common Council and Rod Roberson, as Mayor of the City of Elkhart, in the above-named subscribing witness's presence, and that the above-named subscribing witness is a disinterested person as defined by law.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Angela McKee, Notary Public  
Resident of Elkhart County  
My Commission Number: NP0738730  
My Commission Expires: January 25, 2030



This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. John M. Espar

**ALLEY/STREET VACATION PETITION**

Vacation # 24 -v- 02

Elkhart, Indiana

Date: 11.21.24

TO: THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA

*(Please indicate below what is to be vacated and how your property relates to or abuts upon said alley or street.)*

The undersigned, owners of real estate commonly known as: The northwest, northeast and southeast quadrants of the area bound by Thomas Street (on the west), Lafayette Street (on the north), Fremont Street (on the east) and Indiana Avenue (on the South). Lot numbers are provided in Attachment A  
(Lot Numbers or Other Identification)

and abutting upon alley or street proposed for vacation, respectfully petition(s) for the passage or an ordinance providing for the vacation of: The E/W alley located between Thomas Street and Fremont Street (between Indiana Avenue and Lafayette Street), and the N/S alley located between Indiana Avenue and Lafayette Street (between Thomas Street and Fremont Street).  
(E/W or N/S) street or alley or public right-of-way/or a more lengthy legal description may be attached)

Reasons for request: The alleys are located on the Oakland B: CSO Storage Facility and Lift Station site, and the historical function of each alley is no longer applicable.


*Please provide names and addresses of each property owner who owns property abutting upon the alley or street to be vacate. Please Print-and attach separate sheet if necessary.*

<u>Property Owner's Name</u>	<u>Addresses</u>	<u>Lot Numbers</u>
<u>See Attachment A</u>		

*Please provide names and addresses of any party who would be directly affected by this vacation even though their property might not abut upon the property being vacated-attach separate sheet if necessary.*

SEND NOTICE TO:

<u>See Attachment B</u>		
(Name)	(Address)	(Phone No.)
(Name)	(Address)	(Phone No.)
(Name)	(Address)	(Phone No.)

	Tory Irwin, City Engineer, 1201 S. Nappanee Street, Elkhart, IN 46516	574-296-2572
<b>Petitioner's Signature</b>	<b>Mailing Address</b>	<b>Phone:</b>

**Attach to Petition Application:**

1. Drawing showing area of proposed vacation (including parcel identification numbers)
2. Location of buildings (access to garages and/or off street parking areas)
3. **List** of names and addresses of property owners whose property abuts this property proposed to be vacated
4. Legal Description of proposed vacation
5. \$100.00 Filing Fee for certified mailing and advertising

Petitioner owns the parcels abutting the alleys requested to be vacated:

City of Elkhart Board of Public Works (Parcel # 20-06-07-282-001.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-002.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-003.000-012)

City of Elkhart Wastewater Utility (Parcel # 20-06-07-282-011.000-012)  
City of Elkhart Public Works (Parcel # 20-06-07-282-012.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-013.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-014.000-012)  
City of Elkhart Board of Public Works (Parcel # 20-06-07-282-015.000-012)  
City of Elkhart Public Works (Parcel # 20-06-07-282-016.000-012)  
City of Elkhart Public Works (Parcel # 20-06-07-282-017.000-012)  
City of Elkhart Indiana (Parcel # 20-06-07-282-018.000-012)  
City of Elkhart Indiana (Parcel # 20-06-07-282-019.000-012)

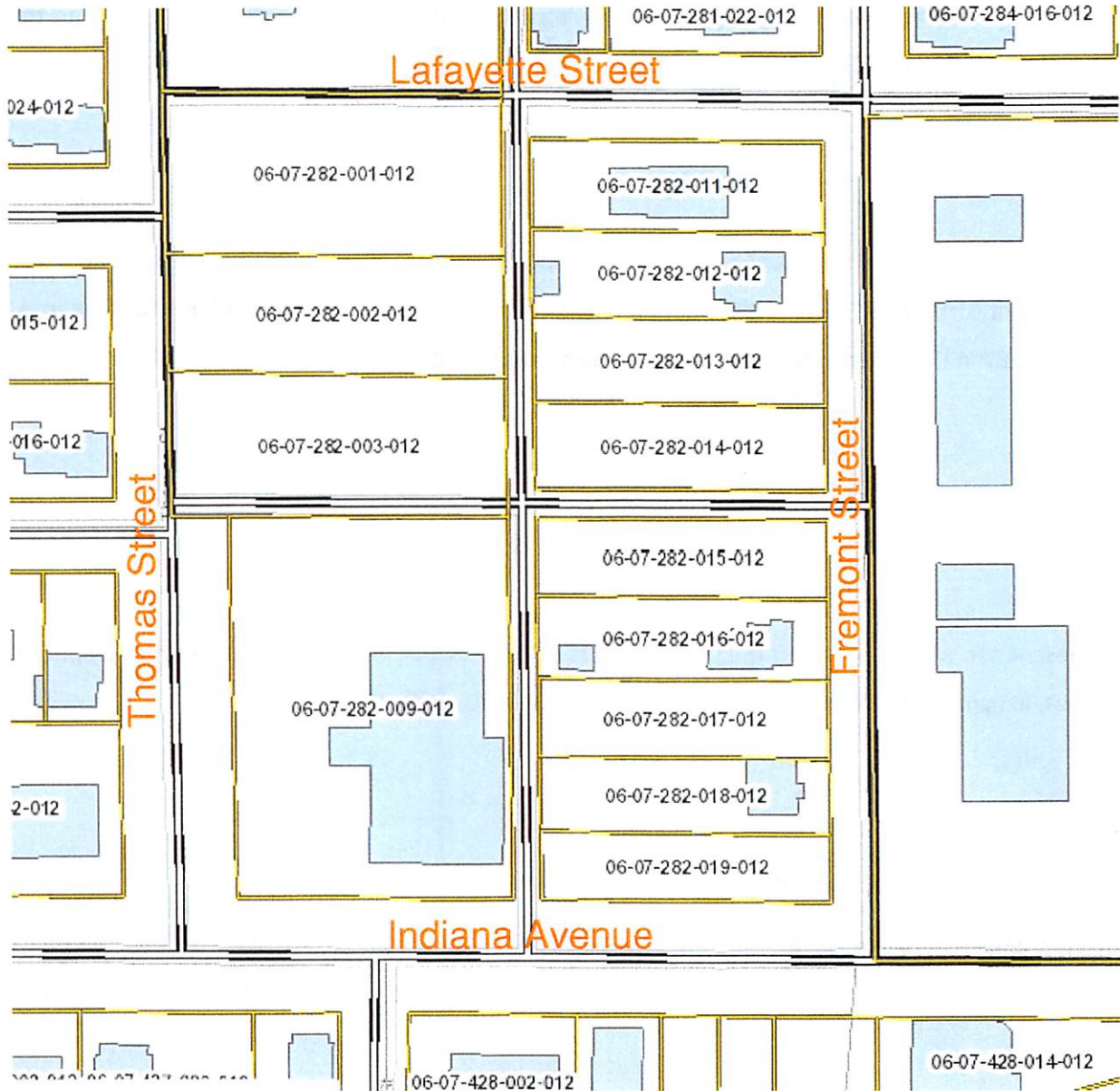
City of Elkhart Board of Public Works  
1201 S. Nappanee Street  
Elkhart, IN 46516

City of Elkhart Board of Public Works  
229 S. 2nd Street  
Elkhart, IN 46516

City of Elkhart Wastewater Utility  
1201 S. Nappanee Street  
Elkhart, IN 46516

City of Elkhart, Indiana  
1201 S. Nappanee Street  
Elkhart, IN 46516

Additional abutting/adjacent parcel:  
Hole of Elkhart LLC (Parcel # 20-06-07-282-009.000-012)  
414 W. Wolf Ave  
Elkhart, IN 46516



Send Notice to:

Waylan Higgins  
ZAYO  
722 North High School Road  
Indianapolis, IN 46256

Emanuel Clark  
Lumen / OCM Engineering, LLC  
1728 Churchman Ave  
Indianapolis, IN 46203

Don Santerre  
AEP  
3340 Old US 20 East  
Elkhart, IN 46516

Henry Cooks  
Frontier  
112 W. Broad St  
Angola, IN 46703

Jordan Bontrager  
Nipsco  
1039 Pennsylvania Ave  
South Bend, IN 46601

-

EXHIBIT "A"

Sheet 1 of 1

The 16-1/2 foot-wide alley lying between Lafayette street and Indiana Avenue, running from the east line of Thomas Street east to the west line of Fremont Street, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana.

TOGETHER WITH:

The 16-foot-wide alley lying west of and adjacent to Lots 36 through 44, both inclusive, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana.

This description was prepared for the City of Elkhart, Indiana by DLZ Indiana, LLC and certified by Steven A. Jones, Indiana Professional Surveyor, License No. 20200010, on May 22, 2024.



Steven A. Jones, PS CFedS

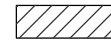


County: Elkhart  
Section: 7  
Township: 37N  
Range: 5E

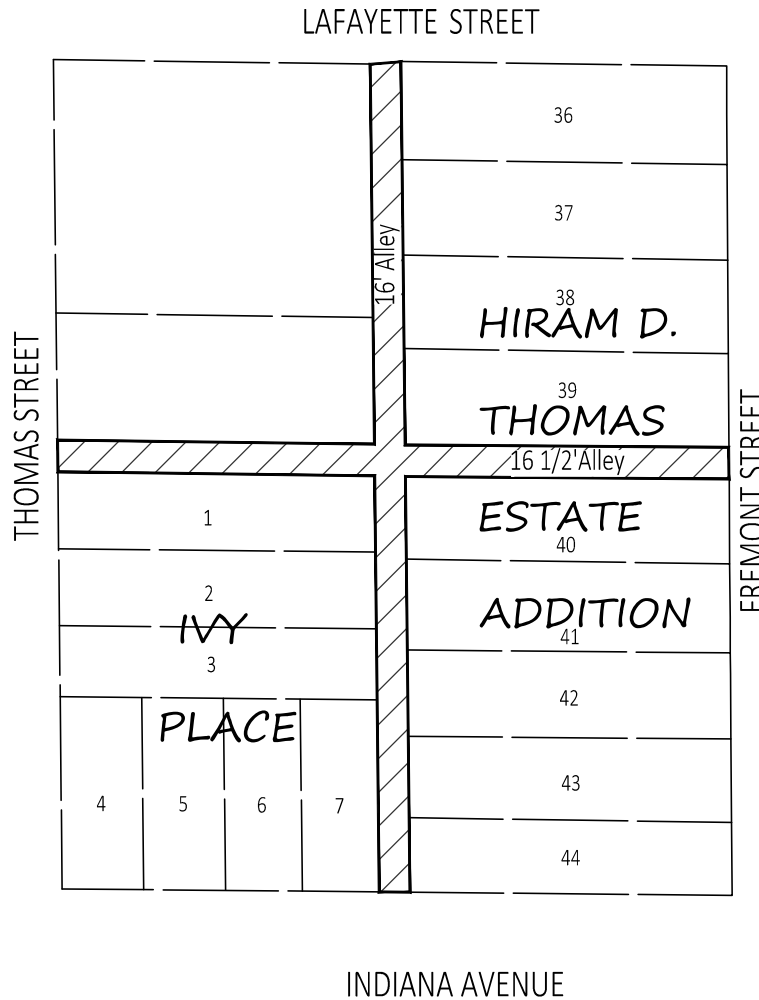
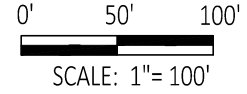
# Exhibit "B" PLAT OF VACATION

Owner: City of Elkhart  
Plat of Hiram D. Thomas Estate Addition: Deed Record 103 Pg. 287  
Plat of Ivy Place: Instrument 20002-00140

DLZ Proj: 2163-5983-90



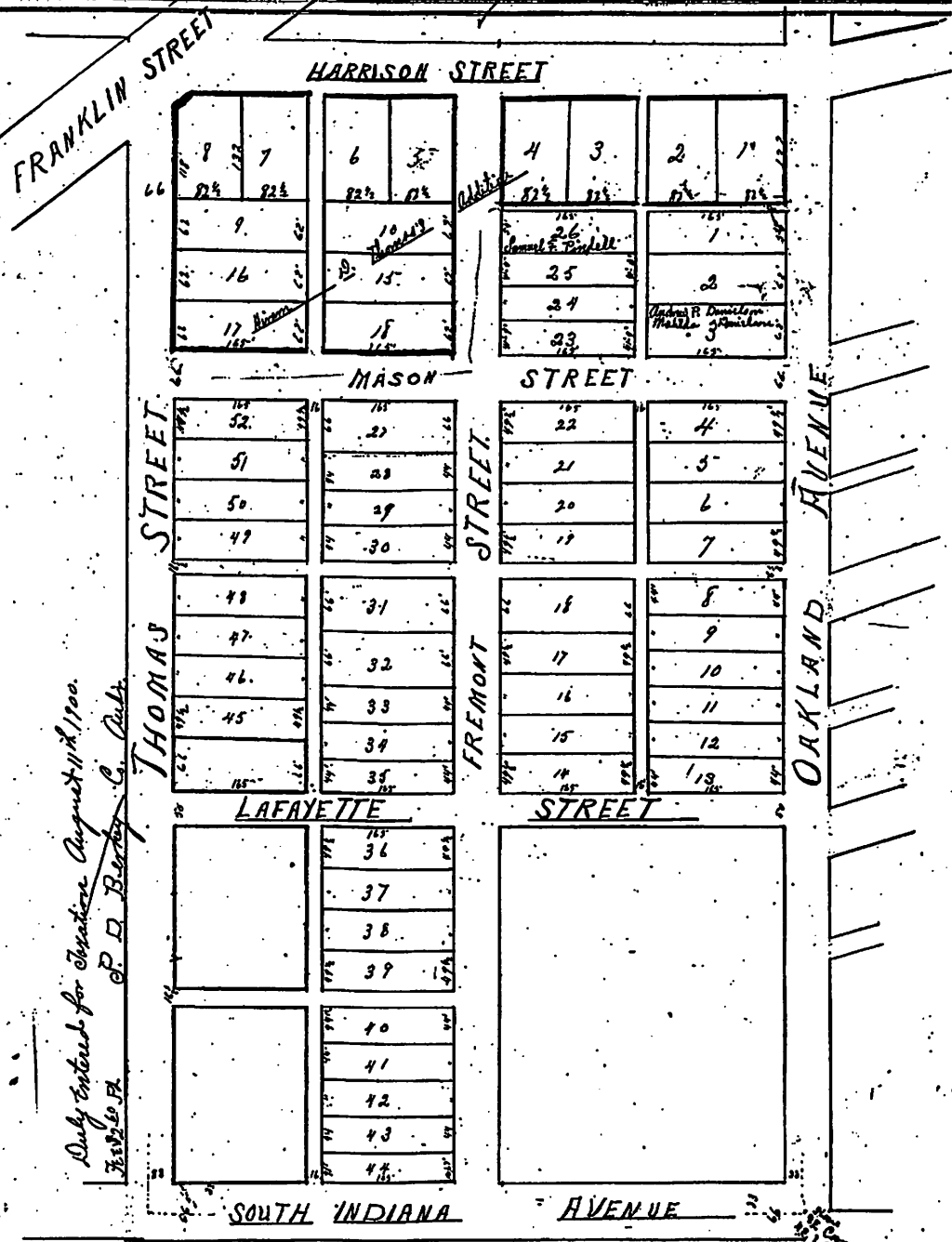
Hatched Area is the  
Right of Way to be Vacated



# DLZ

DLZ INDIANA, LLC  
2211 EAST JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46615  
(574) 236-4400 www.dlz.com

For Affidavit see Misc. 27, page 478  
 Date 2-7-46  
 For Affidavit see Misc. 31, page 367  
 Date 10-14-46



Map of the Hiram D. Thomas Estate Addition to the City of Elkhart Indiana,  
 May 4th. 1900. D.F. Cordrey C.E.

The Hiram D. Thomas Estate Addition to the City of Elkhart is Located in the North East Quarter of Sec. 7 Twp. 37 R.V.E. and is situated South of and adjoining Hiram D. Thomas' Addition to the City of Elkhart as designated on the above Plat. Lots are numbered from 1 to 52 inclusive. Sizes of lots and widths of streets and alleys are marked on the plat. The east line of the addition is located 33 feet west of and parallel with the east line of said sec. 7.

Caroline M. Thomas  
 Ada Jones

Samuel F. Pindell  
 Cora Pindell



David K. Jones  
Fremont Thomas  
Charlotte Thomas  
Mayo Thomas

his  
A.P.X. Danielson  
mark her  
Matilda X. Danielson  
mark  
attest: Emily Danielson.

Elsie Thomas. State of Indiana, Elkhart County, ss:

Before me Ethan L. Arnold a Notary Public in and for said County, on this nineteenth (19) day of June 1900 personally came Caroline M. Thomas, Ada Jones, David K. Jones, Fremont Thomas, Charlotte Thomas, Mayo Thomas, Elsie Thomas, Samuel F. Pindell, Cora Pindell, Andrew P. Danielson and Matilda Danielson and acknowledged the execution of the above Platt. Witness my hand and Notarial seal. My commission expires Jan. 25<sup>th</sup> 1904.

L.S. \$0.10 I.R. Ethan L. Arnold. Notary Public.

State of Indiana, Elkhart County, ss: I, Kit McKean, clerk of the City of Elkhart, Indiana, hereby certify that the annexed plat has been presented to the Common Council of said City and duly approved by a committee of said Council who examined the same, which approval was adopted by said council on the first day of August 1900; and the recorder of said County is hereby authorized the same in the records of his office. Witness my hand and the seal of said City this second day of August 1900.

L.S. Kit McKean-City Clerk.

Recorded 8/11/1900, at 1-30 P.M. W.F. Peddycord-recorder.

1  
K  
+  
This Indenture Witnesseth, That Fredrick J. Zettler of Elkhart County and State of Indiana, Convey and Warrant to Cathrine Zettler his wife of Elkhart County in the State of Indiana, for the sum of One dollar and Love and affection Dollars the following Real Estate, in Elkhart County, in the State of Indiana, to-wit: So much of the south west corner of the west half of the North west quarter 1/4 of Section thirty four (34) in Township thirty six (36) North of Range Six (6) East as lays West of the Center of the Logansport and Goshen state road being a triangular tract of land lying in south west corner of said west half North west quarter section (34) and being the same tract of land conveyed by James M. Latta to Abraham Flora and by Flora to Nancy Blaesser the said tract containing Seven acres more or less. In Witness Whereof, The said Fredrick J. Zettler has hereunto set his hand and seal this 1st day of May 1899.

Fredrick J. Zettler (seal).

State of Indiana, Elkhart County, ss: Personally appeared before me George W. Farrell a Justice of the Peace of Elkhart Township in and for said County and State, Indiana Fredrick J. Zettler who acknowledged the execution of the annexed DEED to be his voluntary act and deed. Witness my hand and Justice seal, this 1st day of May 1899.

George W. Farrell-a Justice of the Peace.

\$0.50 I.R. Recorded 8/11/1900, at 4 P.M. W.F. Peddycord-recorder.

1  
K  
+  
This Indenture Witnesseth, That Mary A. Slabaugh and husband Henry A. Slabaugh of Elkhart County and State of Indiana, Convey and Warrant to George Reed of Elkhart County, in the State of Indiana, for the sum of Fourteen Hundred Dollars the following

VACATION OF PROPERTY

**Alley/Street Vacation Petition No. 24-V-02**

Petitioners:    **The City of Elkhart Board of Public Works**  
                  **The City of Elkhart Wastewater Utility**  
                  **The City of Elkhart**  
                  1201 S. Nappanee Street  
                  Elkhart, IN 46516

FROM:            Elkhart City Common Council

TO:              Building Department                            Tory Irwin, Public Works and Utilities  
                  Building Dept./Electrical                    Laura Kolo, Utility Services Manager  
                  Council Members                              Tim Reecer, Public Works Office Mgr.  
                  Fire Chief                                        Eric Trotter, Asst. Director for Planning  
                  Legal Department                              Elkhart County Auditor  
                  Parks & Recreation  
                  Planning Department  
                  Police Chief  
                  Street Commissioner  
                  Paul Wunderlich, Utility Engineer

Alley and Street Locations to be Vacated:

The 16 ½ foot-wide alley lying between Lafayette Street and Indiana Avenue, running from the east lone of Thomas Street east to the west line of Fremont Street, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana

TOGETHER WITH:

The 16-foot-wide alley lying wet of and adjacent to Lots 36 through 44, both inclusive, as shown on the Plat of Hiram D. Thomas Estate Addition in the City of Elkhart, said plat being recorded in Deed Record 103, Page 287 in the Office of the Recorder of Elkhart County, Indiana.

The attached petition was referred to the Elkhart City Common Council for the vacation of property. Please study said vacation petition, how it may affect your department, and notify the Council Clerk in writing prior to the date of **December 31, 2024.**

Utility easements are maintained under any vacation action taken by the City.

ELKHART COMMON COUNCIL

BY: Debra D. Barrett  
Debra D. Barrett, Elkhart City Clerk

*Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.*

**Alley Vacation No. 24-V-02**

**The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility and the City of Elkhart**

Date: December 9, 2024

FROM:	Building Department	Tory Irwin, Public Works and Utilities
	Building Dept./Electrical	Laura Kolo, Utility Services Manager
	Council Members	Tim Reecer, Public Works Office Mgr.
	Fire Chief	Eric Trotter, Asst. Director for Planning
	Legal Department	Elkhart County Auditor
	Parks & Recreation	AEP
	Planning Department	Borden Waste Away Services
	Police Chief	Comcast Cable
	Street Commissioner	NIPSCO
	Paul Wunderlich, Utility Engineer	Frontier

NO OBJECTION \_\_\_\_\_

OBJECTION \_\_\_\_\_ (Explain below)

---

---

---

---

---

---

---

---

**12-9-2024 – SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO:**

**AEP – Don Santerre  
3340 U.S. 20  
Elkhart, IN 46517**

**NIPSCO – Jordan Bontrager  
1039 E. Pennsylvania Avenue  
South Bend, IN 46601**

**Comcast Cable  
C/O CT Corporation System  
334 N. Senate Avenue  
Indianapolis, IN 46204**

**Frontier – Henry Cooks  
112 W. Broad Street  
Angola, IN 46703**

**Borden Waste Away Services  
610 N. Wildwood Ave  
P.O. Box 1278  
Elkhart, IN 46514**

**Patricia A. Pickens  
Elkhart County Auditor  
117 N. Second Street  
Goshen, IN 46526**

**cc:**

**DLZ of Indiana – Steven A. Jones  
2211 E. Jefferson Blvd.  
South Bend, IN 46615**

**ZAYO – Waylan Higgins  
722 North High School Road  
Indianapolis, IN 46256**

**Lumen/OCM Engineering, LLC – Emanuel Clark  
1728 Churchman Avenue  
Indianapolis, IN 46203**

Rod Roberson  
Mayor

Debra D. Barrett  
City Clerk



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

574.294.5471 ext. 1080

---

## MEMORANDUM

---

Date: January 7, 2025

To: Arvis Dawson, Elkhart City Council President

From: Angie McKee, Council Clerk 

RE: Responses from Departments Heads and Corporations for Alley Vacation

I was asked after the last alley vacation to provide the Council with the responses from Department Heads and Corporations.

There were 20 request sent and responses were due back to me by December 31<sup>st</sup>. Out of the 20 responses I received 9 responses back. 8 of the responses were no objections and 1 stated they were not an agent of the city's.

I have attached those responses to this memo.



*Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.*

**Alley Vacation No. 24-V-02**

**The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility and the City of Elkhart**

Date: December 9, 2024

FROM:	Building Department	Tory Irwin, Public Works and Utilities
	Building Dept./Electrical	Laura Kolo, Utility Services Manager
	Council Members	Tim Reecer, Public Works Office Mgr.
	Fire Chief	<input checked="" type="checkbox"/> Eric Trotter, Asst. Director for Planning
	Legal Department	Elkhart County Auditor
	Parks & Recreation	AEP
	Planning Department	Borden Waste Away Services
	Police Chief	Comcast Cable
	Street Commissioner	NIPSCO
	Paul Wunderlich, Utility Engineer	Frontier

NO OBJECTION  \_\_\_\_\_ OBJECTION \_\_\_\_\_ (Explain below)

---

---

---

---

---

---

---

---

**Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.**

**Alley Vacation No. 24-V-02**

**The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility and the City of Elkhart**

Date: December 9, 2024

FROM:	Building Department	Tory Irwin, Public Works and Utilities
	Building Dept./Electrical	Laura Kolo, Utility Services Manager
	Council Members	Tim Reecer, Public Works Office Mgr.
	Fire Chief	Eric Trotter, Asst. Director for Planning
	Legal Department	Elkhart County Auditor
	Parks & Recreation	AEP
	Planning Department	Borden Waste Away Services
	Police Chief	Comcast Cable
	Street Commissioner	NIPSCO
	Paul Wunderlich, Utility Engineer	Frontier

NO OBJECTION  \_\_\_\_\_

OBJECTION \_\_\_\_\_ (Explain below)

---

---

---

---

---

---

---

---



*Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.*

**Alley Vacation No. 24-V-02  
The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility  
and the City of Elkhart**

Date: December 9, 2024

FROM: Building Department  
Building Dept./Electrical  
Council Members  
Fire Chief  
Legal Department  
Parks & Recreation  
Planning Department  
Police Chief  
Street Commissioner  
Paul Wunderlich, Utility Engineer

Tory Irwin, Public Works and Utilities  
Laura Kolo, Utility Services Manager  
Tim Reecer, Public Works Office Mgr.  
Eric Trotter, Asst. Director for Planning  
Elkhart County Auditor  
AEP  
Borden Waste Away Services  
Comcast Cable  
NIPSCO  
Frontier

NO OBJECTION  \_\_\_\_\_ OBJECTION \_\_\_\_\_ (Explain below)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.***

**Alley Vacation No. 24-V-02**

**The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility and the City of Elkhart**

Date: December 9, 2024

FROM:	Building Department	Tory Irwin, Public Works and Utilities
	Building Dept./Electrical	Laura Kolo, Utility Services Manager
	Council Members	Tim Reecer, Public Works Office Mgr.
	Fire Chief	Eric Trotter, Asst. Director for Planning
	Legal Department	Elkhart County Auditor
	Parks & Recreation	AEP
	Planning Department	Borden Waste Away Services
	Police Chief	Comcast Cable
	<u>Street Commissioner</u>	NIPSCO
	Paul Wunderlich, Utility Engineer	Frontier

NO OBJECTION  \_\_\_\_\_

OBJECTION \_\_\_\_\_ (Explain below)

---

---

---

---

---

---

---

---

***Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.***

**Alley Vacation No. 24-V-02**

**The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility and the City of Elkhart**

Date: December 9, 2024

FROM:	Building Department	Tory Irwin, Public Works and Utilities
	Building Dept./Electrical	Laura Kolo, Utility Services Manager
	Council Members	Tim Reecer, Public Works Office Mgr.
	Fire Chief	Eric Trotter, Asst. Director for Planning
	Legal Department	Elkhart County Auditor
	Parks & Recreation	AEP
	Planning Department	Borden Waste Away Services
	Police Chief	Comcast Cable
	Street Commissioner	NIPSCO
	Paul Wunderlich, Utility Engineer	Frontier

NO OBJECTION   X  

OBJECTION \_\_\_\_\_ (Explain below)

---

---

---

---

---

---

---

---



Please complete below and return this page only to the City Clerk's Office, 229 S. Second Street, Elkhart, IN 46516, by December 31, 2024.

**Alley Vacation No. 24-V-02**

**The City of Elkhart Board of Public Works, the City of Elkhart Wastewater Utility and the City of Elkhart**

Date: December 9, 2024

FROM:	Building Department	Tory Irwin, Public Works and Utilities
	Building Dept./Electrical	Laura Kolo, Utility Services Manager
	Council Members	Tim Reecer, Public Works Office Mgr.
	Fire Chief	Eric Trotter, Asst. Director for Planning
	Legal Department	Elkhart County Auditor
	Parks & Recreation	AEP
	Planning Department	Borden Waste Away Services
	Police Chief	Comcast Cable
	Street Commissioner	NIPSCO
	<del>Paul Wunderlich, Utility Engineer</del>	Frontier

**Jeff Schaffer, Engineering**

NO OBJECTION  \_\_\_\_\_

OBJECTION  \_\_\_\_\_ (Explain below)

---

---

---

---

---

---

---

---

December 16, 2024

**Notice of Rejected Service of Process – Log# 547983939**

Agent Served: C T Corporation

Party Served: Comcast Cable

Jurisdiction Served: Indiana

Date of Service: December 16, 2024

Title of Action: THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA vs. Comcast Cable

Case No. 24V02

Dear Sir/Madam:

We have received documents from you in the above-referenced matter, but we are not able to forward the documents to any party due to the reason indicated below.

**Not Agent:** According to our records and/or the records of the Secretary of State, we are not the registered agent for the party you are attempting to serve.

**Documents Do Not Correctly Identify the Intended Recipient:** The name of the party that you are trying to serve appears to be incomplete and/or there are other errors in how you have identified the party that you are trying to serve. Our company is the registered agent for service of process for hundreds of thousands of entities, and because of your errors in identifying the party that you are trying to serve, we are unable to determine the identity of the party that you are attempting to serve.

**Inactive Entity:** The entity that you are attempting to serve is either discontinued on our records and/or inactive with the Secretary of State. Accordingly, we no longer have any active agreement with the entity to operate as its registered agent for service of process, and we no longer have current delivery instructions on file.

To be clear, for the aforementioned reason(s), we have not been able to forward the documents that you are attempting to serve to any party. We are writing this letter to you so that you can take action to address the problems that we have identified. If you do not correct the errors identified herein, the party you are trying to serve will not receive notice of these documents.

Please email [SOPInquiries@wolterskluwer.com](mailto:SOPInquiries@wolterskluwer.com) if you believe that you have received this letter in error or if you need further assistance.

**(Returned To)**

CITY OF ELKHART  
CITY COUNCIL  
229 S 2ND ST,  
ELKHART, IN 46516-3112



City of Elkhart, Indiana  
*the city with a heart*

---

**MEMORANDUM**

---

**DATE:** January 29, 2025.

**TO:** Common Council

**FROM:** John M. Espar, Corporation Counsel

**RE:** Proposed Resolution No. 25-R-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA  
HONORING FIREFIGHTER ADAM J. KUSPA FOR HIS ACHIEVEMENTS AND HIS  
CONTRIBUTIONS TO THE ELKHART COMMUNITY

---

Proposed Resolution No. 25-R-01 has been prepared at the request of Council President Dawson for consideration by the full Council to honor firefighter Adam J. Kuspa for his service, dedication and contributions to the firefighting profession and community of the City of Elkhart.

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

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA  
HONORING FIREFIGHTER ADAM J. KUSPA FOR HIS DEDICATION, SERVICE, AND  
CONTRIBUTION TO THE ELKHART CITY FIRE DEPARTMENT AND COMMUNITY**

---

WHEREAS, Captain Adam J. Kuspa passed away on January 6, 2025, an active member of the City of Elkhart, Indiana, Department of Fire; and

WHEREAS, Captain Kuspa was a dedicated firefighter with more than twenty-six (26) years of experience, serving fire departments of Portage Township, Warren Township, Clay Fire Territory, and the University of Notre Dame, before joining the City of Elkhart Fire Department, in 2006; and

WHEREAS, during his tenure with the Elkhart City Fire Department Captain Kuspa was instrumental in establishing and leading the technical rescue team. He served as a shift trainer for all front-line firefighters and was a lead instructor at the training academy. He was promoted through the ranks of the Elkhart Fire Department merit system from Firefighter to Engineer, Engineer to Lieutenant, ultimately being promoted to the rank of the Captain of Rescue 1; and

WHEREAS, Captain Kuspa's contribution to the fire fighter profession was not limited to the City of Elkhart. As a member of the Mutual Aid Box Alarm System (MABAS) 201, he was deployed to Henryville, Indiana, and Havelock, North Carolina, to assist those communities in their time of need. He taught at O'Byrne Fireground Training, where he conducted courses in forcible entry, engine and truck operations, and machine extrication across the country. In Illinois, he presented training programs for Duty, Pride, and Traditions, focusing on rescuing firefighters from hazardous environments; and.



WHEREAS, Adam was pivotal to the success of the Lake Effect Fire Conference, held in South Bend, and served as Vice-President of the Michiana Fraternal Order of Leatherhead Society.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, that the Common Council hereby recognizes the dedication, service, and contributions of Captain Adam J Kuspa to the City of Elkhart, Indiana, the community of Elkhart, and the firefighting profession.

The foregoing is passed and adopted by the Common Council this 3<sup>rd</sup> day of February 2025.

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

\_\_\_\_\_  
Councilman Alex Holtz

\_\_\_\_\_  
Councilman Chad Crabtree

\_\_\_\_\_  
Councilman Brent Curry

\_\_\_\_\_  
Councilman Aaron Mishler

\_\_\_\_\_  
Councilman Dwight Fish

\_\_\_\_\_  
Councilwoman LaTonya King

\_\_\_\_\_  
Councilwoman Tonda Hines

\_\_\_\_\_  
Councilman David Henke

ATTEST:

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

Presented to the Mayor by me this 3<sup>rd</sup> day of February 2025.

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

Approved by me this 3<sup>rd</sup> day of February 2025.

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

\_\_\_\_\_  
ATTEST:

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



Aurora Capital Development Corporation  
Meeting Minutes  
Tuesday, December 10, 2024

Present: Sandi Schreiber, Dina Harris, Gerry Roberts, Wes Steffen, Willie Brown, Gary Boyn, Sherry Weber (Recording Secretary), Adam Fann, and Steve Watts

Present via Webex: Chris Pottratz and Mary Lou Timmons

**Call to Order:**

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

**Approval of Regular Meeting Minutes:**

Mrs. Schreiber asked for a motion to approve the November 12, 2024 Regular Meeting Minutes. The motion was moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote carried with all in favor, non-opposed. Minutes are approved.

**October 2024 ACDC Expense Report**

Mrs. Schreiber asked for a motion to approve the November 2024 ACDC Expense Report in the amount of \$723.68. The motion was moved by Mr. Brown. Seconded by Mr. Steffen. Voice vote carried with all in favor, non-opposed. Motion approved.

**Aurora Capital Tax Filing Procedures**

Mrs. Schreiber asked for a motion to approve and ratify tax filing procedures for Aurora Capital. The motion was moved by Ms. Harris. Seconded by Mr. Roberts. Voice vote carried with all in favor, non-opposed. Motion approved.

**Other Business: Bookworm Recommendation from Steve Watts**

Mr. Steve Watts addressed the Board regarding the current Aurora loan for the Bookworm. Mrs. Schreiber asked for a motion to authorize Mr. Watts to proceed with further discussions and negotiations with Bookworm. The motion was moved by Mr. Steffen. Seconded by Mr. Brown. Voice vote carried with all in favor, non-opposed. Motion approved.

Adjournment

There being no further discussion, Mrs. Schreiber asked for a motion to adjourn the meeting. Moved by Mr. Brown. Seconded by Ms. Harris. Voice vote carried with all in favor, non-opposed. Motion approved. Meeting adjourned at 3:43 pm.



Sandi Schreiber, President

BOARD OF PUBLIC SAFETY  
Tuesday, December 10, 2024

Chairman Dr. Kara Boyles called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, December 10, 2024. Clerk Nancy Wilson called the roll. Kara Boyles, Laesha Black, Dacey Davis, and Anthony Coleman were present. There is one vacancy on the Board of Safety.

1. APPROVE AGENDA

On motion by Laesha Black, seconded by Anthony Coleman and carried 4-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting November 26, 2024

On motion by Laesha Black, seconded by Dacey Davis and carried 4-0, the minutes from November 26, 2024 were approved as presented.

3. POLICE

Chief Milanese presented an Agreement with Flock Safety to add hardware and software to the current Flock Safety platform. On motion by Laesha Black, seconded by Anthony Coleman and carried 4-0, the Board approved the Flock Safety Agreement amendment to the current platform as presented.

Chief Milanese presented the current Elkhart County Regional SWAT Team Memorandum of Understanding for ratification. On motion by Laesha Black, seconded by Anthony Coleman and carried 4-0, the Board ratified the Elkhart County Regional SWAT Team Memorandum of Understanding that covers the Elkhart Police Department, the Elkhart County Sheriff's Department, the Goshen Police Department, and the Goshen Fire Department.

Chief Milanese presented an Agreement with Central Square to add Crimeview Analytics to the current Central Square Platform. On motion by Laesha Black, seconded by Dacey Davis and carried 4-0, the Board approved an Agreement with Central Square to add Crimeview Analytics to the current Platform.

4. COMMUNICATIONS CENTER

911/Communications Department Head Dustin McLain presented the October Month End Report for approval. On motion by Dacey Davis, seconded by Laesha Black and carried 4-0, the Board accepted the October Month End Report and placed it on file.

Dustin McLain presented a contract with INDigital for approval. INDigital, our 9-1-1 service provider, requires regular refreshing of our 9-1-1 hardware every five years. On motion by Laesha Black, seconded by Dacey Davis and carried 4-0, the Board approved the INDigital Agreement to update the 9-1-1 hardware and authorized Dustin McLain to sign the Agreement on behalf of the Board.

5. OTHER PUBLIC SAFETY MATTERS

Request for a Grievance Hearing: Firefighter Ryan Billings

Kara noted for the record the grievance was withdrawn. No action was taken.

Police and Fire Merit Commission Minutes

On motion by Anthony Coleman, seconded by Dacey Davis and carried 4-0, the Police Merit Commission minutes from August 12, 2024 were accepted and placed on file. On motion by Laesha Black, seconded by Anthony Coleman and carried 4-0, the Fire Merit Commission minutes from October 28, 2024 were accepted and placed on file.

Election Results- Police Merit Commission Appointment

On motion by Dacey Davis, seconded by Laesha Black and carried 4-0, the

BOARD OF PUBLIC SAFETY  
Tuesday, December 10, 2024

Board accepted and placed on file the election results that appointed James Rieckhoff to the Police Merit Commission.

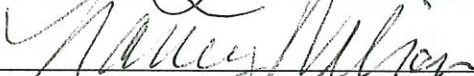
Election Results- Fire Merit Commission

On motion by Dacey Davis, seconded by Laesha Black and carried 4-0, the Board accepted and placed on file the election results that appointed Jim Rodino to the Fire Merit Commission.

6. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 9:16 a.m.

 Laesha Black, Vice-Chairman

Attest:  Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC WORKS  
Friday, December 27, 2024

President Mike Machlan called a regular meeting of the Board of Public Works to order at 10:00 a.m., Friday, December 27, 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 Jamie Arce and seconded by Ron Davis to approve the agenda. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the agenda was amended by adding a contract with Office Interiors to New Business. The amended agenda carried 5-0.

2 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 \$5,644,198.08, consisting of 26 pages as prepared on December 20, 2024 at 9:19 a.m.

3. Minutes Regular Meeting December 17, 2024

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the Minutes of the Regular Meeting December 17, 2024.

4. 2025 Water, Wastewater, Storm Water Utilities and Aquatics Operating and Capital Budgets (tabled)

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the 2025 Water, Wastewater, Stormwater Utilities and Aquatics Operating and Capital Budgets were taken off the table for consideration. A motion was made by Jamie Arce and seconded by Ron Davis to approve the 2025 Water, Wastewater, Storm Water Utilities and Aquatics Operating and Capital Budgets.

Mike started the budget hearing with the Water Utility. The Board discussed the Water Utility Budget with Tory Irwin, Tim Reecer, Daragh Deegan, Donn Neff, Martin Noffsinger, Doug Reecer, Joseph Feathers, and Laura Kolo. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the motion was amended by including a Water Utility Budget amount of \$8,740,468.03 noting a reduction in 6101-5-734-4440800 of (\$125,000.00).

The Board discussed the Wastewater Utility Budget with Tim Reecer, Tory Irwin, Laura Kolo, Daragh Deegan, Martin Noffsinger, and Matt Hogrebe. On motion by Rose Rivera, seconded by Ron Davis and carried 5-0, the motion was amended by including a Wastewater Utility Budget amount of \$17,901,303.46.

The Board discussed the Storm Water Utility Budget with Tory Irwin, Tim Reecer, and Martin Noffsinger. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the motion was amended by including a Storm Water Utility Budget amount of \$1,100,238.00.

The Board discussed the Aquatics Budget with Daragh Deegan. On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the motion was amended by including an Aquatics Budget amount of \$100,912.00.

Mike opened the floor to public comment. Seeing none, he called for the vote for the amended motion for the Water Utility Budget of \$8,740,468.03, Wastewater Utility Budget of \$17,901,303.46, Storm Water Utility Budget of \$1,100,238.00, and an Aquatics Budget of \$100,912.00. The motion carried unanimously.

BOARD OF PUBLIC WORKS  
Friday, December 27, 2024

5. Utilities

(A.) Administration

Wastewater MRO for November 2024

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

BOW Resolution 24-R-35 Establishing the Interest Rate to be Charged to Utility Customers in 2025

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board adopted Board of Works Resolution 24-R-35, a Resolution of the Board of Public Works of the City of Elkhart, Indiana establishing the Interest Rate to be charged to Utility Customers in 2025.

(B.) Summary

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board ratified the following permits:

Water Assessment: Allen Edwin Homes  
2186 E. Centre Ave  
Portage, MI. 49002  
Property: 1613 Autumn Ridge Ct.  
Paid in full, \$1089.00

Allen Edwin Homes  
2186 E. Centre Ave.  
Portage, MI. 49002  
Property: 1619 Autumn Ridge Ct.  
Paid in Full, \$1089.00

Allen Edwin Homes  
2186 E. Centre Ave.  
Portage, MI. 49002  
Property: 1625 Autumn Ridge Ct.  
Paid in Full, \$1089.00

Brad Martin  
21400 Sylvan Ct.  
Bristol, IN. 46507  
Property: 1128 Parkway Ave.  
Paid in Full, \$5244.00

Star Scott  
2220 Roys Ave  
Elkhart, IN. 46516  
Property: 2220 Roys Ave.  
Paid in Full, \$1247.70



BOARD OF PUBLIC WORKS  
Friday, December 27, 2024

Sewer Assessment: Allen Edwin Homes  
2186 E. Centre Ave.  
Portage, MI. 49002  
Property: 1613 Autumn Ridge Ct.  
Paid in Full, \$4900.00

Allen Edwin Homes  
2186 E. Centre Ave.  
Portage, MI. 49002  
Property: 1619 Autumn Ridge Ct.  
Paid in Full, \$4900.00

Allen Edwin Homes  
2186 E. Centre Ave.  
Portage, MI. 49002  
Property: 1625 Autumn Ridge Ct.  
Paid in Full, \$4900.00

Brad Martin  
21400 Sylvan Ct.  
Bristol, IN. 46507  
Property: 1128 Parkway Ave.  
Paid in Full, \$22,800.00

Lizbeth Alvarado  
2400 S. 6<sup>th</sup> St.  
Elkhart, IN. 46517  
Property: 2400 S. 6<sup>th</sup> St.  
Paid in Full, \$4960.00

Revocable Permit:

#6593, Placed by: Unlimited Dumpsters  
Property: 620 Middlebury St.  
Permit Holder: Betty Price  
Description: Dumpster (40') placed in the parking lot.

#6594, Placed by: Borden  
Property: 730 Middlebury St.  
Permit Holder: Chrissie Bracken  
Description: Dumpster

#6595, Placed by: Kidders  
Property: 1101 Princeton Blvd  
Permit Holder: Beverly Miller-Stamper  
Description: Dumpster on the roadside.

BOARD OF PUBLIC WORKS  
Friday, December 27, 2024

6. Engineering

(A.) Administration

BOW Resolution 24-R-34 2025 Wage Resolution(tabled)

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the 2025 Wage Resolution was removed from the table for consideration. On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, Board of Works Resolution 24-R-34, a Resolution of the Board of Works of the City of Elkhart Indiana to establish Pay Schedules for the hourly-rate and certain salaried personnel for the calendar year 2025 was approved.

(B.) Utility

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

No action was taken.

Ratify Partial Payment Request #48 to American Structurepoint: Oakland Avenue Project C Harrison Street

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request SRF #48 of SRF loan WW22162005 in the amount of \$61,775.00 to American Structurepoint from the allocated SRF loan for professional services on the Oakland Avenue Project C Harrison Street Design.

Ratify Partial Payment #18 to C&E Excavating: Oakland Avenue Forcemain Phase A SA 7878

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board ratified partial payment request #18 in the amount of \$355,359.00 to C&E Excavating from SRF loan WW22162005, and \$19,251.00 from loan DW22232001 for construction on the Oakland Avenue Forcemain Phase A project.

Change Order Request #3 Oakland Avenue Forcemain Phase A SA 7878

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved Change Order #3 for the Oakland Avenue Forcemain Phase A project for an increase of \$63,065.00, bringing the current Contract price to \$12,345,046.38.

Change Order #3 CSO 39 Sewer Separation SA 7913/ WA 7914

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved Change Order #3 for the CSO 39 Sewer Separation Project for an increase of \$28,964.50, bringing the current Contract price to \$5,278,625.65.

7. New Business

Transfer of Fixed Assets

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board approved the transfer of Police Department Rhino Tablets to the Fire Department.

Award Bid #24-24 Walker Park Restroom Facility

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board removed the Award of Bid #24-24 from the table for consideration.

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board awarded Bid #24-24 Walker Park Restroom Facility including Bid Alternates, to J.A. Wagner Construction, Inc. who was the lowest responsive bid with a contract price of \$318,600.00.

Uniform Conflict of Interest Disclosure- Tom Shoff

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the

BOARD OF PUBLIC WORKS  
Friday, December 27, 2024

Board accepted and placed on file the Uniform Conflict of Interest Disclosure from Tom Shoff.

New Age Telecom Security Cameras- Elkhart Fire Department

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board approved a Contract Agreement in the amount of \$107,000.00 with New Age Telecom, pending final Legal approval, and authorized the Elkhart Fire Department Chief or Assistant Chief to sign the agreement on behalf of the Board.

Purchase of 2024 3500 HR Cargo RWD- Elkhart Fire Department

On motion by Andy Jones, seconded by Rose Rivera and carried 5-0, the Board approved the purchase of a 2024 3500 HR Cargo RWD Ford for \$55,352.00, pending Legal Department final approval, and authorized the Elkhart Fire Department Chief or Assistant Chief to sign the agreement on behalf of the Board.

Purchase of 2024 Chevy Silverado 3500 HD Crew Long Bed- Elkhart Fire Department

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved the purchase of a 2024 Chevy Silverado 3500 HD Crew Cab Long Bed, and authorized the Elkhart Fire Department Chief or Assistant Chief to sign the agreement on behalf of the Board.

Purchase of Public Education Safety Trailer- Elkhart Fire Department

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved the purchase of a Public Education Trailer for the Fire Safety Programs in the amount of \$13,835.00.

Office Interiors Agreement


On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board approved the contract between the City of Elkhart and Office Interiors, pending final Legal approval, and authorized the Controller to execute the contract on behalf of the Board.

8. Adjournment

On motion by Jamie Arce, seconded by Andy Jones and carried 5-0, the Board of Works adjourned at 12:29 p.m.



Mike Machlan, President

Attest: 

Nancy Wilson, Clerk of the Board



BOARD OF PUBLIC WORKS  
Tuesday, January 7, 2025

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, January 7, 2025. Clerk of the Board Nancy Wilson called the roll. Andy Jones, Rose Rivera, Ron Davis, and Mike Machlan attended in person. Jamie Arce was absent.

1. Approve Agenda

A motion was made by Rose Rivera and seconded by Ron Davis to approve the agenda. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the agenda was amended by removing the Notice of Violation for Simonton Lake Conservancy from VII. Utilities Pretreatment. The amended agenda carried 4-0.

2 Election of 2025 Board of Works Officers

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board retained Mike Machlan as President and Jamie Arce as Vice-President for the Board of Works officers in 2025.

3. Public Hearing on Preliminary Engineering Report (PER) Addendum to Clean Water State Revolving Fund Program

Mike Machlan opened the Public Hearing. Samantha Rouhselang from DLZ introduced the PER. This addendum is the second one for the Oakland A Loan which was the first project in the Oakland Long Term Control Plan. This is the Addendum to add in Oakland B as a project which has gone out to bid and the low bidder was Selge Construction. This is to ensure that Change Orders can occur during this project if need be, and that we don't have to do this process any faster during construction and it is all ready to go. Samantha explained the process. Once the Board approves the PER they will send it with proof of publication to the Indiana Finance Authority to be reviewed. When they approve it they will include Oakland B in the Oakland A Loan. A letter was previously sent it IFA to add this to the project. Mike asked Maggie Marnocha, Attorney for the Utilities and the Board of Works if there were any formal steps to take during the hearing. Maggie said they need to allow the public to speak. Mike opened the floor to questions from the Board. Seeing none, he opened the floor to the public for comments on the PER addendum in the council chambers or on line on Webex. Seeing none, Mike closed public comment and returned the matter to the Board. There were no more comments and Mike closed the Public Hearing.

4. Minutes Regular Meeting December 27, 2024

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Minutes of the Regular Meeting December 27, 2024.

5. Engineering

(A.) Administration

Oakland Avenue Project A PER Amendment #2

Election of 2025 Board of Works Officers

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Amendment #2 revising the Oakland A Preliminary Engineering report to include Oakland B Construction.

Award Bid #25-02 2025 On-call Street and Drainage Construction

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #25-01, Street Materials 2025 Bid, to the various contractors who

BOARD OF PUBLIC WORKS  
Tuesday, January 7, 2025

submitted the lowest responsive bids at the unit prices included in their respective bids as presented in the Bid Tabulation included with this memorandum.

Award Bid #25-02 2025 On-call Street and Drainage Construction

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #25-02 2025 On-call Street and Drainage Construction, to the contractor who submitted the lowest responsive bids at the unit prices included in their respective bid as presented in the Bid Tabulation included with this memorandum.

Award Bid #25-03 2025 Utility Materials Bid

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #25-03, Utility Materials 2025 Bid, to the various contractors who submitted the lowest responsive bids at the unit prices included in their respective bids as presented in the Bid Tabulation included with this memorandum.

Change Order #1 and Final for Quote #24-21, Hunters Pond to Brookwood Drive Drainage Project

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #1 and Final for Quote #24-21, Hunters Pond to Brookwood Drive Drainage Project, increasing the contract by \$3,409.67, resulting in a contract price of \$68,989.60.

Change Order #1 and Final for Quote #24-22 Worthmore Avenue Drainage Improvements

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #1 and Final for Quote #24-22 Worthmore Avenue Drainage Improvements, increasing the contract value by \$857.75, resulting in a contract price of \$69,278.50.

Change Order #1 and Final for Quote #24-28 Wolf Avenue Drainage Improvements

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #1 and Final for Quote #24-28 Wolf Avenue Drainage Improvements, increasing the contract value by \$10,143.00, resulting in a contract price of \$99,965.00.

PSA with United Consulting for Indiana Avenue Underpass Assessment

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board authorized the Board President to execute the Professional Services Agreement with United Consulting for the Indiana Avenue Underpass Assessment with a fee not to exceed \$30,000.00.

6. Utilities

(A.) Pretreatment

Notice of Violation: Norfolk Southern Permit #85-27

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board found Norfolk Southern Permit #85-27 in violation for failing to respond to Notice of Violations issued on November 13, 2024 and assigned a penalty of \$750.00. Steve Brown explained the three violations to the Board. Norfolk Southern was not present.

Delisting of Atlas Chem Milling Permit #85-16

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the delisting Atlas Chem Milling Industrial Wastewater Discharge Permit #85-16, located at 1627 W. Lusher Avenue.

BOARD OF PUBLIC WORKS

Tuesday, January 7, 2025

7. New Business

Professional Services Agreement with Barnes & Thornburg LLP for Legal Consultation Services

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved a Professional Services Agreement with Barnes & Thornburg for Legal Consultation Services. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the motion was amended authorizing Corporation Counsel to sign on behalf of the Board. The amended motion carried 4-0.

8. Adjournment

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board of Works adjourned at 9:28 a.m.



Mike Machlan, President

Attest: 

Nancy Wilson, Clerk of the Board





**BOARD OF ZONING APPEALS  
-MINUTES-**

**Thursday, November 14, 2024 - Commenced at 6:01 P.M. & adjourned at 7:06 P.M.  
City Council Chambers – Municipal Building**

**MEMBERS PRESENT**

Doug Mulvaney  
Ron Davis  
Janet Evanega Rieckhoff  
Phalene Leichtman

**MEMBERS ABSENT**

None

**REPRESENTING THE PLANNING DEPARTMENT**

Mike Huber, Director of Development Services  
Jason Ughetti, Planner II

**LEGAL DEPARTMENT**

Maggie Marnocha

**RECORDING SECRETARY**

Carla Lipsey

**APPROVAL OF AMENDED AGENDA**

Mulvaney moves to approve an amended agenda and tabling 24-UV-04.  
Davis makes motion to approve; Second by Evanega Rieckhoff. Voice vote carries.

**APPROVAL OF MINUTES FOR AUGUST 8, 2024, AND SEPTEMBER 12, 2024**

Evanega Rieckhoff makes a motion to approve the August 8, 2024 Minutes, Second by Davis. Voice vote carries.  
Davis makes a motion to approve the September 12, 2024 Minutes, Second by Evanega Rieckhoff. Voice vote carries.

**APPROVAL OF PROOFS OF PUBLICATION**

Evanega Rieckhoff makes a motion to approve; Second by Davis. Voice vote carries.

**APPROVAL OF 2025 CALENDAR**

Leichtman makes a motion to approve; Second by Evanega Rieckhoff . Voice vote carries.

**OPENING STATEMENT**

Welcome to the November 14, 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-11 PETITIONER IS LUMAAN LLC  
PROPERTY IS LOCATED AT 707 CHRISTIAN AVENUE**

To vary from Section 5.2, Permitted Uses to allow for a two family dwelling. Two family dwellings are not permitted in the R-2 district.

Mulvaney calls the petitioner forward.

Gustavo Andres and Claudia Rainoldi, located at 2564 Treadway Dr., appear in person as the petitioners. Andres says he is attempting to move to Elkhart, as he and his family live in Atlanta, Georgia. Andres states that he bought the home through a sheriff's sale. However, the house was burned, and the city of Elkhart ordered the demolition of the home. So, currently, it is vacant land, and he says he plans to build a two-family home to allow his son and wife to move in. Andres says it's a mess, but he does it to build a house for his entire family. Regarding parking, there will be eight parking lots in each driveway property. Andres says that in the last meeting, he asked Eric Trotter what the problem was and was told that the quantity of the parking lot would be an issue. So, to address that, Andres says that the article drew eight parking spots, but they would remain unused since he only owns two cars.

Mulvaney asks for questions from the Board.

Mulvaney asks Andres if he does not plan on renting the property on either side.

Andres answers no. He plans on moving in there with his son. He lives under one roof with four people and cannot continue living like that.

Leichtman wants to know what will happen to the property once the petitioner is no longer the owner.

Evanega Rieckhoff states that, like any duplex, she is sure it will be sold separately. However, she is glad to hear that Andres and his wife will live there as the owners and with family.

Mulvaney asks Andres if the lot is vacant since the house had to be demolished.

Andres answers that the lot is currently vacant, and the house was completely demolished.

Raoinoldi states that before requesting the variance, they researched the neighborhood. A couple of houses were rezoned, so she thought their project would be possible and benefit the neighborhood.

Evanega Rieckhoff states that the petitioners' plans look nice; it's just that the area is zoned R-2, and people usually do not have duplexes.

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.

Huber wants to address the questions raised before reading the staff analysis. Huber says it is a single lot with a single structure, so both units would be bought under a single structure unless whoever is purchasing the property decides to replat and separate the lot into two lots, which would require additional replatting and other approvals. Huber says living in one and selling the other would be impossible.

Davis asks Huber if it would have only one address.

Huber says it could be addressed as unit A and unit B.

**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 with out 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."

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

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

Leichtman asks Huber if the house was originally a single-family home.

Huber answers that it was.

Evanega Rieckhoff asks Andres if the property owners will park their cars in the two-car garages.

Andres answers that the blueprint is for two garages for two cars, with the garage attached to the house and two more cars parked in the driveway for four. Andres says cars will not be an issue since sufficient parking is on the driveway.

Mulvaney asks Huber if the letter with the comment was the only one returned that did not favor the request.

Huber answers yes that others returned not in favor but left no comment.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-UV-11 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 Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

**NEW BUSINESS**

**24-X-08 PETITIONER IS MARIA TORRES  
PROPERTY IS LOCATED AT 2022 BENHAM AVENUE**

A Special Exception per Section 5.3, Special Exception Uses in the R-2, One-Family Dwelling District, to allow for a Day Care Center

Mulvaney calls the petitioner forward.

Maria Torres and Fransico Sesmas, located at 2018 Benham Ave., appear as petitioners via Webex. Torress says they are before the Board to switch the numbers outside from 2022 and 2022 A to a number she believes is 101A to 101B.

Sesmas says it's going to convert to a daycare center.

Mulvaney states that it's his understanding that there was a special exception for a daycare home; however, since no one lived there, it had to be changed to a daycare center.

Sesmas says that that is correct and that it was, at one point, a daycare home, but it was just switching to a daycare center.

Evanega Rieckhoff asks Torres and Sesmas if they are willing to live by the conditions listed by Staff.

Sesmas answers yes.

Mulvaney asks for questions from the Board.

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**

The petitioners are submitting an application for a daycare center at 2022 Benham Avenue this month. There are an existing six other daycares on the same block of Benham Avenue also owned and operated by the petitioners. They have been able to expand and fill their childcare openings in part because of the demonstrated need for daycare in Elkhart.

The house at 2022 Benham Avenue is 1560 square feet and built in 1950, according to Elkhart County Assessor records. The lot is .18 acres. At the writing of this report, Staff had not yet visited the site.

In 2013 an inspector for the city inspected the home for new gas service at the request of the owner and it was reported to zoning staff at the time that it appeared that the home was being used or prepared as a day care home or had been converted into a day care center. After confirmation that the home was being used as a day care home a fine was issued and a petition for a special exception for a child care home was submitted. In April 2013 the special exception was presented to the Board of zoning appeals and the plan commission. One of the criteria to classify a land use as a day care home under the zoning ordinance is that it must be the primary residence of the provider. The special exception was approved for a child care home in 2013 because at that time the commission found that the home was the primary residence of the child care provider with two conditions attached to the approval.

The petitioner has since informed city staff that no one lives at the home of 2022 Benham Avenue which would classify it as a day care center as defined in the zoning ordinance. In 2023 a letter was sent to the petitioner informing them that they were no longer considered a day care home due to the vacancy of residency and that they would need to re-apply for a special exception for a day care center. This prompted the petitioner to file for a new special exception to change from the classification of child care home to the classification of child care center.

They plan to apply for a Class II license with the state's Family and Social Services Administration (FSSA), which allows for up to 24 children. They desire to provide daycare services Monday to Friday from 05:00AM to 04:00PM. Pick up and drop off for the facility will be handled from the alley rear of building. There is ample parking in the rear for employees. Based on information provided in the petition, they plan on enrolling in the Child and Adult Care Food Program (CACFP) to provide healthy meals. They also become members of The National Association for Family Child Care (NAFCC).

In terms of space, the house is adequate. The state requires a minimum of 560 square feet for a Class II license.

**STAFF RECOMMENDATION**

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

**CONDITIONS**

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

1. All children shall be restricted to the building and fenced-in play area except when arriving and leaving or on supervised walks or outings.
2. The facility and grounds shall be kept clean at all times.
3. The facility shall be subject to inspection upon reasonable notice, by the zoning administrator during hours of operation.
4. There shall be no exterior display, signs, or other forms of advertising on the premises.
5. A copy of the child care home license shall be submitted to the Department of Planning and Zoning upon receipt from the Indiana Family and Social Services Administration.
6. If the day care ceases to operate for more than one (1) year, or the license is revoked, the Special Exception becomes null and void.
7. Any violation of the terms of this Special Exception as determined by the City Zoning Administrator shall render the Special Exception invalid.
8. There shall be a maximum sixteen (24) children.
9. Pickup and drop-off shall be from the alley at the rear of the property.
10. The Special Exception is for two (2) years and shall be reviewed as a staff item by the Board of Zoning Appeals by November 12, 2026.

Ughetti states that 21 letters were mailed, with one returned in favor and one returned not in favor with no comments.

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

Mulvaney calls for a motion.

Davis makes a motion to approve 24-X-08, and adopt the petitioner's documents and presentation as the findings of fact in the present petition, and adopt all conditions listed on the staff report; seconded by Leichtman.

- Davis – Yes
- Evanega Rieckhoff – Yes
- Leichtman – Yes
- Mulvaney – Yes

Motion carries.

**24-BZA-26 PETITIONER IS GATEWAY MILE PROPERTIES LLC  
PROPERTY IS LOCATED AT 101 S MAIN STREET**

To vary from Section 26.10.D – Table 1, Wall signs in the CBD for single tenant buildings that limits the size to 50% of the signable area to a maximum of 50 square feet to allow for a wall sign that is 115 square feet, a variance of 65 square feet.

Mulvaney calls the petitioner forward.

David Mikel, located at 6001 Nimitz Parkway, appears in person on behalf of the petitioner. Mikel states that the sign will have the same letter height as the previous tenant, Key Bank. The new business, Kruggel Lawton CPA, will have a longer name, with the same letter height, but as one can see in the drawings, it fits on the façade very well. Mikel says the façade is much larger than most other buildings in the area, so this would allow for a bit more signage for a larger building. It will make it look more seamless.

Mulvaney asks for questions from the Board.

Evanega Rieckhoff states that the sign would look nice based on the drawings submitted.

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

The petitioner is requesting a variance to allow for a sign that is 115 square feet when the maximum allowed is 50 square feet. The requested sign is of similar height as the previous Key Bank sign, but is larger due to the longer name of the tenant that is currently occupying the building, Kruggel Lawton CPA. The proposed sign is being located on a façade that is much larger than the surrounding buildings which are allowed a sign of the same 50 square feet. The petitioners are making efforts to respect the character of the commercial corridor while covering up the damage caused by the previous Key Bank sign.

The strict application of the Ordinance would deprive this tenant, with a longer name, of a sign that would have a similar visual impact as the previous tenant. These types of wall signs are typical within central business districts and would not feel out of place. Staff recommends approval of this variance.

#### STAFF RECOMMENDATION

The Staff recommends approval of the developmental variance to vary from 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 as a wall sign of this size is typically found in central business districts;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the sign is of the same manner and external effect as the previous sign;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because it allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved as the building façade on which the sign will be located is larger than neighboring buildings that are allowed a sign of the same size;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by depriving the tenant that has a significantly longer name a sign of similar height and manner;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the current building is existing and the signable area on the building will not change as a result of this request;
7. This property does not lie within a designated flood area.

Huber states that 36 letters were mailed, with one returned in favor, one not in favor with no comment, and another returned with no opinion.

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

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-BZA-26 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 Davis.

Davis – Yes  
Evanega Rieckhoff – Yes  
Leichtman – Yes  
Mulvaney – Yes

Motion carries.

24-BZA-29 PETITIONER IS WDX LLC

PROPERTY IS LOCATED AT 1210 GOSHEN AVENUE AND 1623 TOLEDO ROAD

To vary from Section 26.4 Fence Requirements, where the height limit for fences in the front yard is four (4) feet, to allow for a fence that is six (6) feet in height, a variance of two (2) feet.

Mulvaney calls the petitioner forward.

Octavio Maya, located at 1210 Goshen Avenue, appears in person as the petitioner. Maya states he wants a four-foot fence on the front and a six-foot fence on the back. He says he wants the fences for security since people have broken in through the back or front at night. This happens when people walk through his property and sometimes steal things from the cars.

Mulvaney asks for questions from the Board.

Mulvaney asks Maya if people are cutting through his parking lot to get around the corner.

Maya answered yes, and people do it, especially around 3 or 4 PM when there is a lot of traffic.

Evanega Rieckhoff asks Maya if the oil barrels on the property will be removed if he installs the fence.

Maya answers yes.

Leichtman asks Maya if the fence on the property will be replaced or stay the same.

An unknown member of the public states that it will be replaced.

Leichtman asks Maya if the business is a car lot or a mechanic shop.

Maya says it's a Mechanic shop.

Mulvaney opens for public comments to speak in favor. Seeing none, he opens for opposition.

Jeannette Radford, located at 1232 Goshen Avenue, appears in person opposing the petition. Radford says that she believes that a fence there would look much better. However, her only concern would be that in the picture of the proposed variance, it has an open fence on the Goshen Avenue side, and to the right, it has a more closed fence. Radford says she is opposed to the closed fence because it looks like a junkyard, and she is hoping for a more residential look around there since the rest of the neighborhood is residential. Since the fence is not secured in the front, there would not be any variance in the fencing security for the petitioner. It would look more open and more bucolic. Radford says she spoke to Maya and said the fence would go to the utility pole on the right instead of the property line.

Evanega Rieckhoff states that the fence is shown in the picture going all the way.

Radford says that it is.

Radford states that she believes there was another proposed fence where it was scratched out. Radford says she spoke with Maya in the morning and agreed it would work for her and the petitioner.

Leichtman asks Radford if Radford would prefer for the fence to be closed or open.

Radford answers that along the street, she would prefer the fence to be open and six feet high, the entire street length. The height is not a problem.

Evanega Rieckhoff asks Radford if she wants the fence to look more residential.

Radford answers yes, so if her fence came up to Maya's fence, hers could only be four feet and would have to be open according to city ordinances. She states that she agrees that she would like the property to be more secure and that the neighbors on the other side have beefed up their security, and now that that is done, she is having more of a problem in her direction. If it's not one thing, it's another.

Seeing none, he closes the public portion of the meeting and calls Staff forward.

**STAFF ANALYSIS**

The petitioner is requesting a variance to allow for a 6 foot fence to be located where a maximum of 4 feet is allowed. The business is a used car dealership and the petitioners are requesting the fence to secure their display vehicles, parts, and hide unsightly features like the trash bins from the sight of the public way and surrounding residential properties. The petitioners have stated that drivers are cutting across their property to avoid the light and parts theft as the need to better secure their property.

Staff recommends approval of this variance. A hardship exists as the lot is a corner lot with a large amount of road frontage exposing multiple surrounding residential properties to the unsightly features of a commercial use, which would benefit from being screened.

**STAFF RECOMMENDATION**

The Staff recommends approval of the developmental variance to vary from 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;
2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the fence will help screen the unsightly features of this commercial use;
3. Granting the variance would be consistent with the intent and purpose of this Ordinance because its allows a measure of relief when uniquely warranted;
4. Special conditions and circumstances do exist that are peculiar to the land involved because the lot is a corner lot with a large amount of road frontage;
5. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property by creating opportunities for theft on the property;
6. The special conditions and circumstances do not result from any action or inaction by the applicant because the lot existed before the petitioner was located there;
7. This property does not lie within a designated flood area.

Huber states that 23 letters were mailed, with one returned in favor with no comment and one returned without a comment, saying they favor an open six-foot-high fence.

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

Leichtman asks Huber if the Board is approving the height of the fence, not its material. Given that it's on a corner lot, the fence must be opened, and the back of the property could be closed.

Huber answers that he must verify that with Eric Trotter or if Jason Ughetti could clarify that for the Board.

Jason states... (unintelligible, off mic).

Leichtman states that the renderings submitted are not correct.

Evanega Rieckhoff says that she would like to ask the petitioner a question about his request.

An unknown member of the public states that the property being a corner lot means that the backyard is on both streets. So, where does the backyard start, and where could Maya put a six-foot fence? She says Maya could place the fence where the dumpster is located and some other things that she says Maya was trying to make neater.

Leichtman states that it could be closed along the back.



An unknown member of the public says that if Maya were to go from the area on the open street but from the building corner, Maya would install a fence there.

An unknown member of the public says that is not the intent. Maya has been working on cleaning up everything around the property. She says Maya wants things to be neater.

Evanega Rieckhoff asks the unknown member of the public why the petitioner wants the fence, given that it doesn't look very residential, and if installing a six-foot fence could be the solution.

An unknown member of the public says the property is not residential; it is commercial, and the dumpster is right behind it, so the petitioner is also attempting to hide what is currently in place.

Leichtman states that she understands that.

An unknown member of the public says that installing an open fence would be cheaper if the petitioner were to install it, but the dumpster would be visible. Any other trash or tires would be visible until someone comes and picks up the tires for disposal. She states that the U.S. 20 side has an entrance; however, there is no room for the dumpster vehicle that picks up the dumpster to get in there.

Leichtman says... (unintelligible, off mic).

Huber states that he would have to go back into the Ordinance, but he believes there are landscaping requirements where there are commercial accidents on residential properties. Huber says the Board could add as a condition that any zoning ordinance requirements related to landscaping required for the fencing be followed as of the granting of the variance.

An unknown public member says the petitioner could propose leaving the four-foot open along the road and then the right edge of where the building starts, going from there with the closed six-foot fence.

Leichtman states that the Board is prepared to vote on the six-foot fence. Still, if the petitioner wants to return before the Board to tell them what kind of fence, that is the part in which there is uncertainty because to have a closed fence is a separate variance, according to her understanding.

Mulvaney states that all the Board will vote on is the height variance, not the composition of the fence, just the height.

Evanega Rieckhoff states that the Board can place a condition, saying that the Board is OK with the six-foot fence but that the petitioner must meet the zoning requirements for the materials of that fence. So, the petitioner could look at what the zoning Ordinance says about the materials for that six-foot fence and follow those.

Maya says the fence will be almost like a screen. If they get close, people can still see inside.

Leichtman says she knows the city has pictures of what is approved. Most must be opened along a road, and the back portion can be closed. The city offers a list of materials that can be chosen.

Mulvaney states that the Board has a lot of questions, so the variance should probably be tabled for a month. The petitioner can get more specifics on the type of fence for the six-foot fence so the Board can see what the fence is actually made out of. If the petitioner is revising the distance or location of the fence, the petitioner can revise it so the Board knows precisely where the fence will be going.

Mulvaney asks Maya if there was a discussion about shortening the six-foot area.

Maya answered that he could bring a sample of the fence next time so that the Board knows what material is being used. It will all be the same, with the only difference being the fence.

Evanega Rieckhoff states that the screen fence will likely not be allowed. She says if he works with the city, the city will let them know what kind of fence can be allowed and if the petitioner could return in about a month and show the Board what he has decided for that portion of the fence.

Leichtman believes it would be best to vote on the six-foot issue. If the petitioner figures out the material, he would not have to come back, but if he wants to modify it, he can come back before the Board.

Mulvaney states that the fencing must comply with the landscaping composition if the Board approves the six-foot variance.

Evanega Rieckhoff states that the Board will vote on allowing the fence to be six feet, but an added condition would be to follow what the city will tell them are the materials for a fence on the road.

Leichtman states that if the petitioner requests special permission to modify that, the petitioner would have to return before the Board, but that can be figured out by then.

Maya states that he is okay with the four and six-foot fence.

Evanega Rieckhoff says that the petitioner would not have to pay another fee if he followed the zoning ordinance requirements.

Mulvaney calls for a motion.

Evanega Rieckhoff makes motion to approve 24-BZA-29 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 and adopt the following condition that materials used to build the fence have to comply with city zoning materials and any landscaping requirements; Second by Davis.

Davis – Yes

Evanega Rieckhoff – Yes

Leichtman – Yes

Mulvaney – Yes

Motion carries.

**24-X-09 PETITIONER IS CITY OF ELKHART  
PROPERTY IS LOCATED AT VAC-LOT ADA DRIVE 20-02-26-126-026.000-027, 20--02-26-126--019.000-027, AND 20-  
02-26-126-027.000-027**

To vary from Section 19.3.A, Special Exception Uses, in the M-2, General Manufacturing District, which states 'All special exception uses permitted in the M-1, Limited Manufacturing District' to allow a Public Utilities and public services use (Section 18.3.J) for the construction of a new fire station

Huber states that the request highlights three parcels associated with the petition. However, there are five related parcels attached to the petition. Huber says he did verify that all parcels were included in official publications, postings, and mailings. It is just the agenda that is missing the two. After consulting with legal counsel, acknowledging the statement, and informing the Board, the Staff processed all five parcels appropriately. Action can be taken tonight.

Mulvaney asks Huber if the request applies to all five parcels.

Huber answered that it applies to all five parcels.

Mulvaney calls the petitioner forward.

Stephen Kromkowski, located at 2211 E Jefferson, appears in person on behalf of the petitioner. Kromkowski says the new fire station would be a 13,000 sq. ft. single-story fire station. The land right now is vacant, but it has been cleaned. There is manufacturing around it. The fire station would increase fire safety service in the community. There are no residents around the area. Its request is to allow for a fire station in an M-1 zoning.

Mulvaney asks for questions from the Board.

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**

The petitioner is requesting a special exception to allow for the construction of a new fire station. The request is part of the City of Elkhart's plan to construct a new Station #6. The new Station #6 will replace the current Station #6 at the intersection of Osolo Road and Bristol Street. The new facility on Ada will be in the same sector, Sector 6. The new station will allow for improved fire protection in the north east area of the city that has experienced much industrial growth around the CR 17 corridor. Sector 6 has several high hazard occupancy facilities within the sector. Those include four (4) nursing homes and three (3) schools. The new 13,000 square foot station will have capacity for larger apparatus bay for three bays, living quarters, sleeping quarters and administration spaces.

**STAFF RECOMMENDATION**

Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare will be protected because all structures will be located within the same Sector 6 and be built per all applicable local building codes;
2. The Special Exception will not reduce the values of other properties in its immediate vicinity because the new station will provide improved fire response and will not impact the adjacent uses;
3. The Special Exception shall conform to the regulations of the zoning district in which it is to be located because the equipment will not generate adverse effects on adjacent properties with noise, emissions or vibrations.

Huber states there were 7 letters mailed with zero returned.

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

Mulvaney calls for a motion.


Davis makes motion to approve 24-X-09 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 Leichtman.

- Davis – Yes
- Evanega Rieckhoff – Yes
- Leichtman – Yes
- Mulvaney – Yes

Motion carries.

**ADJOURNMENT**

Evanega Rieckhoff makes motion to adjourn; Second by Davis. All are in favor and meeting is adjourned.



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



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

**Elkhart Historic & Cultural Preservation Commission**

**Meeting Thursday, November 21, 2024**

**Call to Order:**

Ann Linley called to order the Elkhart Historic & Cultural Preservation Commission Meeting for Thursday, November 21, 2024 at 7:03 pm.

**Roll Call:**

Present: Bobby Glassburn, JA Whitmer, Ann Linley and Bill Zimmerman. Eric Trotter with the City of Elkhart and Deb Parcell with Indiana Landmarks.

Absent: N/A

**Approval of Agenda:**

Linley asked the board if there were any amendments to the agenda.

Linley asked for a motion to approve the agenda as presented. Motion made by Bill Zimmerman, seconded by JA Whitmer; motion carried unanimously.

**Approval of Minutes:**

Linley gave everyone a minute to look over the minutes for September 19, 2024 to see if there were corrections, amendments or additions that needed to be made to the minutes.

Linley said she would accept a motion to approve the minutes as presented. Motion made by JA Whitmer, seconded by Bobby Glassburn; motion carried with roll call vote 4-4.

**Financial Report:**

Linley asked if there was a financial report and Eric Trotter responded that there were no changes to it.

**Hearing of Visitors:**

N/A

**Old Business:**

N/A

**New Business:**

**A: Approval of 2025 Meeting Calendar**

Trotter said that it is the same cycle that the Historic Commission typically has with the left column: file by date which is two weeks before the meeting date and the meeting date is the third Thursday of every month with the exception of June because the 19<sup>th</sup> of that month is a holiday and the meeting has been moved to June 18<sup>th</sup> 2025.

Linley asked Trotter to send reminders to the board members in advance.

Linley said she would accept a motion to approve the calendar for 2025 as presented. Motion made by Glassburn, seconded by Whitmer; motion carried with roll call vote 4-4.

**Announcements:**

Trotter announced that he will be representing the City of Elkhart in the Indiana Landmark holiday gathering in Wabash which is the area of Paul Hayden, Indiana Landmark staff. Trotter hoped and asked the board member if anyone would like to join him Wednesday December 11 since he already rsvp. Linley said that she would check since she may be able to go with him. Trotter mentioned that it is a forty five minute drive. Linley said that an audit got cancelled and confirmed her assistance to the holiday gathering at Wabash. Trotter added that she can rsvp through the email she received.

Trotter announced that they are nearing the end of the UDO draft and there would be a special meeting to introduce the document to the various boards at the end of December 2024 beginning of January 2025. Trotter said that he does not have the details of the meeting.

Trotter shared that it is a big fat document with lots of text in for the zoning ordinance, subdivision and preservation all wrapped into one. Trotter announced that he will be meeting with Parcell the following week about a potential interest to establish a separate new district for a couple properties downtown. Trotter said that they are looking at restoration of the exterior on a couple of the buildings and they are working on their financing and stacking up and he believed that it would not be much of a stretch since those are largely unaltered buildings.

Linley asked Parcell if she had any announcements. Parcell gave the board an update on what Whitmer had asked in the last meeting for property on Division Street. Parcell shared that they are doing their yearly rounds and inspecting buildings that they have covenants and easements and that property is in their list of higher ups within Indiana landmarks and it is still on discussion.

Parcell announced that this Saturday they are having a workshop in La Porte talking about hazards materials like lead paint and asbestos given by Paul Hayden. Parcell had a conversation with Trotter about having a workshop like that in Elkhart for next year not just for homeowner or Historic District but for everyone and get it in video to be accessible by others on demand.

Trotter said that he reached out to the community development department and they are willing to partner with the commission on helping to get the word out to various homeowners and neighborhoods and their list of contractors to participate in that as well. Linley shared that they were emailing back and forth ideas since it's been her passion since her house had lead and perhaps it could be done in March after the bad weather but before the season of tearing into houses and somehow record it and make it available in the city website to make it available as community outreach.

Parcell asked the board members to start thinking about an educational session they may be interested in since it has been a long time since they had one and it should be a priority. Parcell heard great staff at camp about making legally defensible motions, how to organize your meetings, and they did deep dive on alternative materials. Parcell said that they could talk about it a little bit more in January to get something definite since it is part of their contract with the city and Indiana

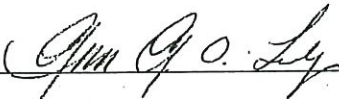
Landmarks. Parcell said that she wants to make sure that they do some education and it is important for the CLG.

Trotter shared that he did go to the state preservation conference in Madison at the same time with Parcell and it was incredible. Trotter encourage the board members to visit Madison since it is the largest contiguous historic direct district in the United States as far as area. Trotter shared that he will learn how to Airbnb and him and his family will stay at Madison after the beginning of the year to try it out. Whitmer recommended Trotter to stay in the lower Madison which is the historic district and added that upper Madison is Walmart.

Linley asked if anyone in the commission had anything for the good of the order. Glassburn said that he emailed Linley the Indiana Landmarks email.

**Adjournment:**

Linley said that she would accept a motion to adjourn the meeting at 7:17 pm. Motion made Glassburn, seconded by Whitmer; motion approved unanimously.

  
\_\_\_\_\_  
Ann Linley, Chair



REGULAR MEETING  
ELKHART REDEVELOPMENT COMMISSION  
LOCATION: CITY HALL, 2<sup>ND</sup>. FLOOR, COUNCIL CHAMBERS  
Tuesday, December 10, 2024  
4:00 p.m.

---

PRESENT: Dina Harris, Sandi Schreiber, Wes Steffen, Willie Brown, Gerry Roberts, Gary Boyn, Sherry Weber (Recording Secretary), Mike Huber, Adam Fann, Mary Kaczka, Griffin Eaton (Juke), Jon Hunsberger (ECCVB) and Diana Lawson (Lerner)

PRESENT BY WEBEX: Chris Pottratz and Mary Lou Timmons

---

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 Ms. Schreiber, President.

AMENDMENT TO THE AGENDA

Ms. Schreiber asked for a motion to amend the agenda for December 10, 2024. Moved by Mr. Brown. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

APPROVAL OF MEETING MINUTES

Ms. Schreiber asked for a motion to approve the November 12, 2024 Regular Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

Ms. Schreiber asked for a motion to approve the November 20, 2024 Special Meeting Minutes. Moved by Ms. Harris. Seconded by Mr. Brown. Voice vote, all in favor. Motion approved.

NEW BUSINESS

A. OPENING OF BIDS

Mr. Adam Fann addressed the commission stating we did not receive any bids.

#### B. RFP FOR CITY OWNED PROPERTY MAINTENANCE

Mr. Adam Fann addressed the commission and answered questions. Ms. Schreiber asked for a motion to grant permission to release the RFP to local businesses for maintenance of City owned properties. Warrick & Boyn posted in the Elkhart Truth. Moved by Ms. Harris. Seconded by Ms. Steffen. Voice vote, all in favor. Motion approved.

#### C. JUKE

Mr. Mike Huber and Griffin Eaton from Juke addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the employment of Juke Technologies, Inc. at a fee not to exceed \$125,000 to be allocated among various TIF allocations area and appropriated there from as indicated in the resolution and approve the form of collaboration agreement attached. Moved by Mr. Roberts. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

#### D. WOODLAND CROSSING LEASE

Ms. Mary Kaczka addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the lease form for lots 1, 3, 5 and 6 in Woodland Crossing. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

#### F. APPLEWHITE UPDATE

Mr. Adam Fann and Mr. Collin Applewhite from Applewhite Construction addressed the commission and answered questions. Ms. Schreiber asked for a motion to authorize an extension of the contract to provide for beginning construction by August 2025 and completion of construction within twelve months of that date with detail to be worked out with staff. Moved by Mr. Roberts. Seconded by Mr. Steffen. Voice vote, all in favor. Motion passed.

#### E. ELKHART COUNTY & CONVENTION VISITOR'S BUREAU (ECCVB) EXIT 19 STUDY AND DO DOWNTOWN PROMOTION

Mr. Jon Hunsberger from the ECCVB addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the Exit 92 strategy, the agreement update and appropriate \$160,000 from Cassopolis Street Corridor Allocation Area fund for implementation in 2025. Moved by Mr. Brown. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.

Mr. Jon Hunsberger from the ECCVB addressed the commission and answered questions. Ms. Schreiber asked for a motion to approve the strategy for Do Downtown promotions that has been presented and the terms of updating the agreement and appropriating \$85,000 from Downtown Allocation Area No. 1 Special Fund for implementation in 2025 which includes funding for the Lerner 100<sup>th</sup> Anniversary Celebration. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.



## STAFF UPDATES

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

- **Roundhouse –**  
Ms. Schreiber asked for a motion to approve stockpiling snow on the Roundhouse site over the winter. Moved by Mr. Brown. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved.
- **Clean Soil Storage –**  
Ms. Schreiber asked for a motion to authorize Public Works to remove clean soil from construction site and store it on the Sixth and Indiana property that the Commission owns. Public Works will make sure to restore site to original condition. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved
- **Car Wash –**  
Ms. Schreiber asked for a motion to authorize a real estate agent to submit an offer of \$271,100 for the car wash property on South Main and to negotiate with the owner, if necessary, and bring back any counter offer if one is made. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved
- **IEDC –** Received a letter through South Bend Regional Partnership staff that the IEDC will be investing in the Benham Plan through the LEI initiative. We will be starting those negotiations on a project by project basis to determine the final amounts of investment in each projects. We are very excited that we were able to be chosen and think the projects are very impactful and prove themselves worthy of IEDC investments.

## OTHER BUSINESS

Ms. Schreiber asked for a motion to approve the Warrick and Boyn invoice in the sum of \$20,112.92. Moved by Mr. Steffen. Seconded by Ms. Harris. Voice vote, all in favor. Motion approved.

The commissioners have the TIF Report.

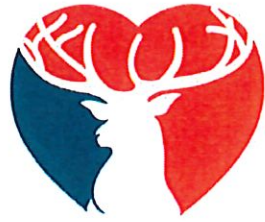
## PUBLIC COMMENT

Ms. Diana Lawson from the Lerner 100 Year Anniversary Celebration gave the Commission an update on events happening and thanked them for their support.

## ADJOURNMENT

There being no further discussion, Ms. Schreiber asked for a motion to adjourn the meeting. Moved by Ms. Harris. Seconded by Mr. Steffen. Voice vote, all in favor. Motion approved. The meeting adjourned at 4:37 p.m.

  
Sandra Schreiber, President



City of Elkhart  
*Redevelopment Commission*

Elkhart Redevelopment Commission  
Pre-Agenda Meeting Summary  
For December 6, 2024

---

PRESENT: Willie Brown, Dina Harris, Sandi Schreiber, Wes Steffen, Gary Boyn, Mike Huber, Adam Fann Jacob Wolgamood, Sherry Weber, and Mary Kaczka

PRESENT BY WEBEX: Chris Pottratz and Gerry Roberts

---

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 December 10, 2024.

## MINUTES

October 21, 2024 3:00 pm - City Annex Building Conference Room

**Members present:** James Gardner, Therese Geise, Bill Lavery, Jeff Whisler, Arvis Dawson, Kristen Smole and Sherry Weber (Recording Secretary)

**Also present:** Mike Huber, Ambrose Kamya, and Josh Hofer

### **Call to Order**

This meeting was held in-person and via Webex. Mr. Garner called the meeting to order at 3:01 p.m.

### **Approval of Minutes**

Mr. Gardner asked for a motion to approve the Regular Meeting Minutes for September 16, 2024. Moved by Mr. Dawson and seconded by Ms. Geise. Voice vote, all in favor. Minutes approved.

### **New Business**

The board reviewed and discussed the EUEA 990 tax return form completed by Kruggel Lawton

### **Financials:**

Members were given a copy of the September 30, 2024 INOVA Bank statement and the Community Foundation statement from September 30, 2024. Mr. Lavery made a motion to approve the financial statements. Seconded by Mr. Dawson. Voice vote, all in favor. Motion approved.

### **Other Business:**

Mr. Gardner asked for a motion to approve the Warrick & Boyn invoice #187401 for \$3,416.00. Moved by Mr. Lavery. Seconded by Ms. Smole. Motion approved.

Mr. Gardner asked for a motion to approve the 2025 EUEA Meeting Schedule. Moved by Ms. Smole. Seconded by Mr. Dawson. Motion approved.

### **Old Business**

Mr. Kamya updated the board noting Warrick & Boyn submitted our 1023 documents. The Board discussed the options of EUEA acting as a receivership administrator and/or acting as a receiver. The board will continue to work through these options with legal.

**Adjournment:**

Mr. Gardner asked for a motion to adjourn the meeting. Moved by Mr. Dawson and seconded by Mr. Lavery. Voice vote, all in favor. Meeting adjourned at 3:29 p.m.

**Next Meeting:**

Next Board meeting will be held on Monday, 11/12/2024 at 3:00 p.m. in the Annex Conference Room.



---

Jim Gardner, President

**MINUTES**

**December 16, 2024 3:00 pm - City Annex Building Conference Room**

**Members present:** Jeff Whisler, Arvis Dawson, Kristen Smole, Mike Huber, Sherry Weber (Recording Secretary), Joshua Hofer and Drew Wynes

**Call to Order**

This meeting was held in-person and via Webex. Mr. Garner called the meeting to order at 3:35 p.m.

**Approval of Minutes**

Mr. Huber asked for a motion to approve the Regular Meeting Minutes for October 21, 2024. Moved by Ms. Smole and seconded by Mr. Dawson. Voice vote, all in favor. Minutes approved.

**New Business**

**Financials:**

Members were given a copy of the October 31, 2024 and November 30, 2024 INOVA Bank statement and the Community Foundation statement. Mr. Dawson made a motion to approve the financial statements. Seconded by Ms. Smole. Voice vote, all in favor. Motion approved.

**Other Business:**

Ms. Smole made a motion to approve the Warrick & Boyn invoice #189433 for \$165.00. Seconded by Mr. Dawson. Voice Vote, all in favor. Motion approved.

Ms. Smole made a motion to approve the Kruggel Lawton invoice #382716 for \$1,500.00. Seconded by Mr. Dawson. Voice Vote, all in favor. Motion approved

**Old Business**

The Board continues to work with legal regarding the EUEA acting as a receivership administrator and/or acting as a receiver.

**Adjournment:**

Mr. Huber asked for a motion to adjourn the meeting. Moved by M. Smole and seconded by Mr. Dawson. Voice vote, all in favor. Meeting adjourned at 3:39 p.m.

  
\_\_\_\_\_  
Jim Gardner, President

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

President Gary Boyn called the Regular Meeting of the Lerner Theatre Board to order at 10:00 a.m. on Wednesday, December 11, 2024. The Clerk of the Board, Nancy Wilson called the roll. Gary Boyn, Diana Lawson, Jamie Arce, and Dina Harris attended in-person. Carrie Berghoff attended on Webex. Dallas Bergl was absent.

1. AGENDA

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the agenda was approved as presented.

2. MINUTES: Regular Meeting November 13 2024

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the minutes from November 13, 2024.

3. TREASURER'S REPORT

Financials October 31, 2024

Michelle Adams of Kruggel, Lawton and Co. attended in person. The October 31, 2024 financial report was submitted to the Board for review. Total operational expenses of \$1,469,979 were covered by a City contribution of \$784,083 (53%) and a Lerner contribution of \$685,896 (47%). This compared with 2023 City's contribution of 61% and the Lerner's contribution of 39%. The net income from Theatre operations only (shown as Gross Profit) at the end of the period was \$616,719 which was an increase of \$118,281 from 2023. The YTD net income for all Lerner operations (including City expenses) at the end of the period was \$49,250 which was an improvement of \$154,582 from the net loss on last year's statement of (\$105,332). On budgeted City Operational Expenses alone we were under-budget by \$603,147 year-to-date. On motion by Diana Lawson, seconded by Dina Harris and carried 5-0, the Financials from October 31, 2024 were approved.

Claims and Allowance Docket

On motion by Jamie Arce, seconded by Diana Lawson and carried 5-0, the Board approved the claims and allowance docket totaling \$157,870.64 as listed on the register consisting of 5 pages, prepared on December 9, 2024 at 9:16 a.m.

4. PRESIDENT'S REPORT

Diana Lawson gave an update on the kick off of the 100-year celebration that took place on November 24 with a Silent Movie Organ Concert showing of "The Navigator". 800 people attended and the committee was thrilled with that turnout! It was fun to see all of the people enjoy the silent film and the talent of Clark Wilson on the organ. She thanked Premier Arts for setting up a photo opportunity in the lobby with staff dressed in 1920's to add to the experience. Their holiday windows were also ready for the crowd to enjoy representing the history of the Lerner Theatre when it was the Warner, the Elco, and the Lerner. As they were leaving, thanks to Bill Murray, the downtown was lit up with twinkle lights and so magical. When so many people help lift a community, it all comes together in such a special way. The committee is putting some final touches on the plans as we continue to celebrate the 100-year anniversary of the Lerner in 2025.

5. CRYSTAL BALLROOM CATERING

Kurt Janowsky presented the November Month End report. November was a big month for The Ballroom with revenue of \$128,000 compared to \$120,000 in 2023. Concessions revenue was \$41,000 which was the best month this year,

LERNER THEATRE BOARD  
 Wednesday, December 11, 2024

adding room rent for a total of \$176,700, compared to \$152,000 in November 2023. November is historically a very good month. We have a couple of big events every year in November. YTD we are at \$948,800 vs. \$814,100 last year, so we are up \$134,700 which is up 15%. This has been a fantastic year and will be the best year in 13 years for us. Kurt said we talk a lot about weddings, but fund raisers are the biggest piece of the Ballroom business. We are thrilled to partner with the community non-profits in Elkhart County to do so many fundraisers. It is a point of pride for our company. Gary Boyn commented that the fact you are pulling them in as well as you are says a great deal about the service they are getting when they come to you, which we appreciate greatly. Kurt said he appreciates that as well, thank you.

6. PREMIER ARTS

Stephanie Krol gave Craig's report. He was busy with the "Elf" production. Craig said he was proud to be a part of the 100-year kick-off celebration. "Elf" kicks off Friday morning with a very exciting sold out field trip show. Many times these are a first experience at the Lerner for children. We also have schools from St. Joe County coming to visit the Lerner. Buy your tickets for "Elf"!

7. GENERAL MANAGER REPORT

Conway Entertainment Group

Scott Welch and Sherry May attended on Webex. Sherry said the 100<sup>th</sup> Anniversary event was wonderful! The staff has been really busy in November and December. They are focusing on January and February and cleaning up some things, doing some management training, and making sure everyone is trained on the Emergency Response Plan. Sarah Macer is in charge of finding a few more floor managers and getting them trained. In regards to the Ticketmaster contract we spoke about in the last meeting, we are in compliance, we can sell tickets over the phone, however, we are not totally in compliance with their advertising requirements that all advertising should be forwarding the recipients to Ticketmaster.com. instead of the Lerner.com. The Marketing team is aware of that now, so we will be in compliance moving forward. Sherry said she is working with Wayne Belock in the City HR to provide some management training in January and early February. Gary Boyn said it looks like a lot of the SOP's are being updated, and he assumed that would be a key component in staff training, and when we bring in new people to help them know what their duties are. Sherry said she will meet with each person and go over their job descriptions so they know what they are doing and have a plan moving forward.

8. DIRECTOR OF EVENTS REPORT

The Director of Events Report has been inserted in the minutes as presented.

<b>Activity (December- February)</b>	<b>(December- February)</b>	<b>As % of 90 days</b>	
<b>25 Events</b>		<b>28%</b>	<b>Activity in theatre</b>
<b>12 Ticketed Events</b>		<b>13%</b>	<b>Ticketed events</b>
<b>5 Non-Ticketed Events</b>		<b>6%</b>	<b>Non-Ticketed events</b>
<b>8 Rehearsal Dates</b>		<b>9%</b>	<b>Rehearsal Space</b>

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

**Compare to 2023 Board Report Ticketed Events: 12**  
**Compare to 2023 Board Report Non-Ticketed Events +Rehearsals:**  
**13**

**DIRECTOR OF EVENTS**  
PREPARED BY: SARAH MACER

**Accomplished in November:**

- The Facility Occupancy numbers were sent off to the city departments for life safety of those visiting The Lerner. Prism has been updated based off from conversations with Sherry, Blake and Scott.
- Facilitating shows has officially kicked off and oh, are we busy. I've been planning out multiple shows at one time. I'm grateful for some of the newer practices we have in place; more of the team is included in the process rather than one person having all of the information and I think it's been a great process so far.
- 100 year meetings are up and running and we've set up meetings for our individual committees along with meetings with the full committee. The 100 year kick off was a great turnout with around 800 patrons attending.
- Per usual, all of the usual tasks associated with my position have been completed; Show Closings sheets have been completed for each show and the show closing schedule for the month was sent to KL.

**Updates for November:**

**Prism:**

I have officially reached back out to our Prism representative to get some meetings scheduled for the upcoming year. Prism is our calendar app that we use in limited doses that I am excited to start using in a broader scope. They are working on collaborating with TicketMaster so we can have accurate counts on shows and, once all of our contracts and user fees are updated, we can plug those in and work on closings and over all show management. I'm hoping this will help me keep things streamlined and the rest of the team on board with information. This will take more than just a few months and officially I don't start these meetings until end of December but I'm excited nonetheless.

**Show Closings and Building Procedures:**

Rachel has been doing show closings and has been great at assisting with the process. She has done an amazing job connecting with the Controller's Office and working through some of the more nuanced procedures with me. We're cleaning up some aspects and getting the rest of the team ready for the season!

**Event Planning:**

We are busy. I've been working more with Sherry on setting up details for the future and Rachel and I have been knocking out the closings. We are almost set for the month and then we'll be headed for the New Year. Night Ranger was a lot of work to plan and it will be a lot of fun to see how everything works out after so much time



LERNER THEATRE BOARD  
Wednesday, December 11, 2024

was put in place for our event along with Winterfest downtown. Thanks to all of the different departments; we appreciate all of the help and communication making everyone's events amazing.

**TECHNICAL AND FACILITIES DIRECTOR**  
PREPARED BY: DEEN TUGGLE

Overview:

Full steam ahead in November! We kicked off the month with Premier Arts and Premier Arts Academy putting on Finding Nemo. For a second, I thought we would never find nemo! It was a great event with four great crowds and lots of local children gracing The Lerner stage. After that, we moved right into a very busy week of back-to-back shows with A Taste of Ireland, Swan Lake, Jeremy Camp, and Ginger Billy. All the shows went off well and though it was a long week, it was a great week. Swan Lake brought some new challenges to the tech department as we were required to rehang a lot of our lighting which for the most part never get moved throughout the year. With the other shows surrounding Swan Lake, we had to pull a couple of late nights to get this accomplished, but in the end, the client was happy. The following week we had the Elkhart County Symphony in which they rehearsed on stage for two days prior to their concert. They brought in a very grand piano for their guest artist, and it was a crowd hit! Afterwards, we welcomed back Joe Gatto who is always a pleasure to work with and then moved straight into our 100-year kickoff event with The Navigator and Clark Wilson. The organ was working beautifully, and Clark was more than pleased. To round out the month, we hosted my favorite annual event, The Contemporary Nutcracker from the Aurinko Ballet. It was a busy month, but the train keeps moving ahead at full speed.

Accomplished in November:

- Technical assistance for shows.

Upcoming tasks:

- 17 days of non-stop fun!
- Vacation

**COMMUNICATIONS & MARKETING COORDINATOR**  
PREPARED BY: JENNA BROUILLETTE

November has been a busy month for events in the Theatre, especially with turning 100! We've had lots of great events from local groups like Premier Arts all the way to National Shows like Joe Gatto and Jeremy Camp.

Throughout November, I worked on several projects relating to the 100<sup>th</sup> anniversary, and can excitedly say that the Kickoff Silent Film on the 24th saw more than 700 attendees. I've also heard from several guests that the experience far exceeded their expectations for the day. It was great to see the support of so many different community groups and members coming together to celebrate the history of this building.

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

We also have the initial branding materials for the Lerner 100 celebration, featuring the historic "Dancing Lady" emblem. A full-color version of the logo and additional graphics are expected soon, allowing us to begin updating materials for a cohesive look for the year. Looking ahead, Eyedart Creative Studio will begin working with Holly and I to incorporate our new 100-year branding.

Here is a snapshot of The Lerner Theatre's Socials as of 12/2/24:

	September 2024	October 2024	November 2024	1-Month Change
Total Audience	36,425	36,591	36,835	0.6% Increase
Total Impressions	394,357	492,900	842,664	47.3% Increase
Total Engagement	16,539	12,452	14,300	7.8% Increase

**Additional Social Context:** *Beginning June 2024, The City of Elkhart announced the following regarding meetings and social platforms. "The City of Elkhart utilizes its Facebook pages to share information and engage with our constituents. We will continue to use all city pages with that goal in mind, however, commenting on future posts will not be allowed."*

As a City-Owned building, this policy affects our pages as well, effectively impacting show announcements, promotions, information sharing, and interaction with patrons (positive or negative). We are currently navigating this constraint and seeing significant long-term challenges to our social data as this limits engagement with our posts and impressions as well.

**Done in November**

- Kicked off the Lerner Theatre's 100<sup>th</sup> Anniversary!
- Continued as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications.
- Worked with promoters to market upcoming shows

**Goals for December**

- Develop the 2025 Marketing Plan for The Lerner
- Continue as a liaison to the Lerner's 100 year celebration committees in the areas of History+Renovation and Communications.
- Continue updating the Docent Manual for historic tours

**MEDIA SPECIALIST**

PREPARED BY: HOLLY COWAN

In the month of November, my main focus was on creating assets for the 100 Year Anniversary Kickoff. I was able to create some invitations that went out to members of the city and also created vintage tickets as souvenirs for those who attended.

The kickoff seemed to be a great success and we had hundreds of people attend! During the event I also helped with taking photographs in front of our back drop with

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

the Premier Arts ambassadors and getting video of some of the speeches during the event. We also unveiled the new branding for the year that was created by Eyedart. I will begin to start utilizing this design in the coming weeks for our year-long celebration.

As we move into the month of December we are starting to move into a busy show week. I'll be floor managing shows for Charlie Berens and Night Ranger. The show for Night Ranger will be interesting as this will be the same day of Winterfest in downtown and we're expecting a large crowd. Jenna and I have been working with Sherry to reserve some parking for Lerner guests downtown. With this I've also been working on creating some maps and some communication that will go out to ticket holders for the event letting them know of closures for the parade route and some recommendations for parking spots.

### **Accomplishments in November**

- Working on graphics and announce emails for upcoming shows
- Approved budget for working with Eyedart on updating our web page to have accessibility features and be mobile friendly
- Completed graphics to use for the 100 Year Anniversary Kickoff

### **Upcoming Goals for December**

- Create a new page for the website about our accessibility
- New page for the website about artwork on display in The Lerner
- Ongoing – update The Lerner Website and Friends of The Lerner Website information
- Continue working with Eyedart on accessibility features for our websites
- Design a new Know Before You Go social graphic and email

### **BOX OFFICE MANAGER**

PREPARED BY: BRITTANY WEINGART

Box Office Manager:

Accomplishments:

1. Trained Kina on Box Office Audits
2. Successfully built 4 Black Friday offers
3. Built one show from start to finish alone

Goals:

1. Train Kina on show building
2. Build Premier Arts show/subscriptions
3. Finish a unique build one of Jazz Fest show headliners

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

4. Get each Box Office staff a TM1 sales log in

Box Office Assistant:

For the month of November I have accomplished the following:

1. How to the monthly schedule
2. Count do the bags and do the audits
3. How to do the bank deposits and paperwork that needs to go to Rachel

My goals for December:

1. learn how to build shows
2. Learn the administration side of Archits
3. Learn more in TM1 Sales

Date	Time	Event Name	On Date	Sale Sold	Net Revenue	Hist. Fee	Total Revenue
11/1/2024	7:30 PM	Finding Nemo Jr	3/27/2024	53	\$976.00	\$159.00	\$1,135.00
11/2/2024	10:00 AM	LERNER THEATRE BOARD Premier Arts Academy: Finding Nemo Jr	9/9/2024	230	\$2,490.00	\$690.00	\$3,180.00
11/2/2024	2:00 PM	Finding Nemo Jr	3/27/2024	67	\$1,312.00	\$201.00	\$1,513.00
11/2/2024	6:00 PM	Premier Arts Academy: Finding Nemo Jr	9/9/2024	267	\$2,769.00	\$801.00	\$3,570.00
11/6/2024	7:30 PM	A Taste of Ireland	8/29/2024	113	\$6,141.00	\$339.00	\$6,480.00
11/7/2024	7:00 PM	World Ballet Series: Swan Lake	4/2/2024	89	\$5,651.20	\$267.00	\$5,918.20
11/8/2024	7:00 PM	Jeremy Camp Deeper Waters Tour	8/22/2024	401	\$11,669.00	\$1,203.00	\$12,872.00
11/9/2024	7:00 PM	Ginger Billy	6/21/2024	271	\$10,268.40	\$813.00	\$11,081.40
11/17/2024	4:00 PM	ECS Slavic Masterworks	7/24/2024	285	\$7,606.00	\$855.00	\$8,461.00
11/23/2024	7:00 PM	Joe Gatto: Let's Get Into It	6/21/2024	561	\$18,378.25	\$1,683.00	\$20,061.25
11/30/2024	3:00 PM	Nutcracker	10/16/2024	423	\$9,065.50	\$1,269.00	\$10,334.50
11/30/2024	1:00 PM	Nutcracker Tea	10/16/2024	31	\$1,627.50	\$93.00	\$1,720.50
12/4/2024	7:00 PM	Christmas in the Air	8/15/2024	258	\$9,665.00	\$774.00	\$10,439.00
12/5/2024	7:00 PM	Charlie Berens: Good Old Fashioned Tour	6/21/2024	329	\$13,029.00	\$987.00	\$14,016.00
12/6/2024	7:30 PM	The Rat Pack is Back for The Holidays	3/1/2024	135	\$7,436.00	\$405.00	\$7,841.00
12/7/2024	6:00 PM	Hometown Jams: Night Ranger	8/14/2024	235	\$14,796.37	\$705.00	\$15,501.37
12/13/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	226	\$4,540.00	\$678.00	\$5,218.00
12/14/2024	2:00 PM	Premier Arts: Elf the Musical All-Youth Performance	1/1/2024	375	\$7,401.00	\$1,125.00	\$8,526.00
12/14/2024	7:30 PM	Premier Arts: Elf the Musical	1/1/2024	237	\$4,876.00	\$711.00	\$5,587.00
12/15/2024	2:00 PM	Premier Arts: Elf the Musical	1/1/2024	322	\$6,210.00	\$966.00	\$7,176.00
2/2/2025	4:00 PM	Elkhart County Symphony - Mahler Symphony Number 2	7/24/2024	13	\$324.00	\$39.00	\$363.00
2/11/2025	7:30 PM	Price is Right Live!	10/4/2024	24	\$1,012.00	\$72.00	\$1,084.00
2/22/2025	3:00PM	Aurinko Ballet Presents: Cinderella and Repertory	10/16/2024	10	\$164.00	\$30.00	\$194.00
3/30/2025	4:00 PM	ECS Passion and Poetry	7/24/2024	9	\$305.00	\$27.00	\$332.00
5/3/2024	7:00 PM	Justin Willman	11/1/2024	102	\$5,203.50	\$306.00	\$5,509.50
5/18/2025	4:00 PM	Elkhart County Symphony - Rebel Symphnoire	7/24/2024	13	\$387.00	\$39.00	\$426.00
6/7/2025	10:00 AM	Conservatory of Dance: Student Concert	10/16/2024	3	\$74.50	\$9.00	\$83.50
6/13/2025	7:00 PM	A Toast to Bread	11/8/2024	43	\$2,122.00	\$129.00	\$2,251.00
11/16/2025	3:00 PM	Snow Queen	9/18/2024	4	\$294.00	\$12.00	\$306.00

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

<b>Total Ticket Revenue</b>	<b>\$171,180.22</b>
-----------------------------	---------------------

**LERNER SERVICES COORDINATOR**  
PREPARED BY: DIANA GALVES

November had Lerner Services preparing for the winter season with the Lerner Theatre performances and Ballroom events,

Accomplished in November:

- Lerner Services staff throughout the month had to do major mopping of the auditorium/balcony under all seats and isles due to heavy beverage spills.
- Lerner Services staff cleaned walls and underneath all hand dryers due to heavy usage at more than several large Lerner Theatre performances and Ballroom events.
- Lerner Services staff with the help of the Facility manager cleaned the inside/outside covers of the hand dryers with a disinfectant cleaner including around and under the base of the hand dryers.

Upcoming Tasks:

- Preparing for a busy December with Christmas Lerner performances and Ballroom Christmas party events.
- Continued daily cleaning and maintenance throughout the Lerner.

**FACILITIES MANAGER**  
PREPARED BY: TIM GARDNER

November

Normal PM Initiatives performed

Damage on house right stage front discovered and fixed.

Changed a number of can lights and florescent lights in main lobby to help prepare for events prior to 100<sup>th</sup>.

A good number of appointments with vendors for end of the year checks and some repairs. WMI was here to help with repairs in both organ chambers. Hoosier crane inspections went well.

Kone was called in twice this month for elevator repairs. One was damaged caused by Pepsi vendor, the other was a block fail from someone not using the freight mode when loading.

Moved Historical wall pictures to elevator wall in hallway. Repaired and painted Historical wall.

Repaired some upholstery piping on decorative lobby chairs.

Made and installed filter frames for inside North and South Organ Chambers to help in total filtration control.

Contacted Jack Cittadine about some repairs needed for the clock. He approved me to make whatever case repairs needed and to condition the wood.

**Goals for Dec.**

Will test paints needed for basement hallway floors, ready stage left concrete

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

painting. Find color for theatre floor paint touch up. Test dressing room bathroom paint. Get ready for complete tile removal in all dressing room bathrooms and Ballroom kitchen.

Ready snow removal equipment.

9. NEW BUSINESS

Contract Signature Authorization

Deputy City Attorney Kevin Davis presented a Resolution authorizing the Lerner Board President to execute contracts on behalf of the Lerner Theater for events in connection with the Lerner Theater's 100<sup>th</sup> Anniversary Celebration. On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board adopted a Resolution of the Lerner Governing Board of the City of Elkhart, Indiana and designated and authorized the Lerner Governing Board President to execute contracts for the Theater's 100<sup>th</sup> Anniversary Celebration, provided said contracts are approved by the Board's Attorney and the City Controller.

Crystal Room Catering Management Agreement

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the 2025 Lerner Governing Board approved the Agreement between the City of Elkhart and Crystal Room Catering, LLC effective January 1, 2025.

Facility Rental Fees

On motion by Diana Lawson, seconded by Dina Harris and carried 5-0, the Facility Rental Fees were adopted as presented. Scott Welsh pointed out this is a base rate and subject to negotiations.

Event Contract

On motion by Diana Lawson, seconded by Dina Harris and carried 5-0, the Board approved the Event Contract as revised.

2025 Emergency Response Procedures

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the 2025 Emergency Response Procedures were approved as presented.

Stephanie Krol Public Relations Contract for Services

On motion by Dina Harris, seconded by Diana Lawson and carried 5-0, the Board approved the Stephanie Kroll Public Relations Contract and authorized President Gary Boyn to sign the final contract as revised.

10. PUBLIC PARTICIPATION

Blake McDaniel joined on Webex. Scott asked him to give an update on booking. He said they are in active negotiations with a major promoter to be a preferred promoter with a minimum of 15-30 shows. He said they are still discussing the details of an agreement, but they are not ready to present that to the Board quite yet. He is talking to five or six promoters and if they each put one or two shows in it will help us considerably. Blake said he has been reaching out to promoters he has relationships with, and he is letting them know they are involved with the Lerner. The response has been positive. Diana asked if they use our website, and Blake said yes, the website has good photos. We send them the website link, and have a google one drive link we send them with other photos and tech information and the rate card. Then we talk to them and walk them through everything. Scott added there are only 25-30 players in this space, so it is very hands on, talk to them, hold their hand, and walk them through it. Blake said we know who the legitimate

LERNER THEATRE BOARD  
Wednesday, December 11, 2024

promoters are and we are going after them. Gary asked what kind of talent they are capable of giving us. Blake said national talent for sure. Talent you hear on the radio and see on tv. Blake said top tier talent that makes financial sense to put in there. Diana asked Blake about the discussion the Board had about pulling out seats and creating a standing area. Scott said he and Sherry asked Deen to give them a feel on what that would cost us. There is a labor issue, and there is also a storage issue. If we do a GA floor we have to store the seats in the ballroom. Diana said that is not going to work. That is not an answer. Scott said we haven't sorted that out yet. Blake said some artists out there like a GA pit, but there are theatres out there that do not have the GA pit that do fine. He said he is not sure if the cost is worth the additional business we would hope to generate from it.

Council Appointment- Frances Bouie

Clerk Nancy Wilson let the Board know the Elkhart Common Council appointed Frances Bouie to finish Ashley Martin's term. She will join the Lerner Board on January 8, 2025.

Bradley Tracey, Chief of Staff Mayor's Office

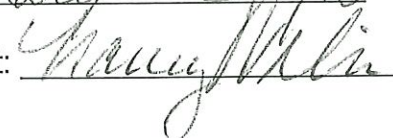
Bradley reminded everyone that tomorrow, December 12, 2024 is the Mayor's holiday open house her in the Council Chambers from 11:30-3:00 p.m. and the Board is invited as well as the public.

He let the Board know the funds have been approved and the contract is in place to begin the first phase of the Engineering study to replace the roof over the Crystall Ballroom at the Lerner. He told the Board he would make sure they are kept informed.

11. ADJOURNMENT

On motion by Jamie Arce seconded by Diana Lawson and carried 5-0, the Lerner Theatre Governing Board was adjourned at 10:58 a.m.

 Gary Boyn, President

Attest:  Nancy Wilson, Clerk of the Board





**Rod Roberson**  
Mayor

**Dustin McLain**  
Department Head



574.293.2175  
Fax: 574.294.5530

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

Date: January 15, 2025

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

From: Dustin McLain, Department Head  
Elkhart Communications Center

Re: **December 2024 Month End Report**

We processed 7,178 incoming & outgoing emergency and non-emergency phone calls. This was a decrease of 701 calls from December of 2023. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 *This includes Landlines, Wireless, VoIP, TexTTY, and abandoned.* (as reported by INDigital State reporting online)	Administrative (non-emergency)	<b>TOTAL</b> (including outbound)
	<b>1826</b>	<b>5352</b>	<b>7178</b>
<b>2023 TOTALS</b>	1950	5929	7879

By shift, we entered 7,251 calls into the CAD, an increase of 922 calls from December of 2023. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	<b>TOTALS</b>
Day Shift	2198	349	346	2893
Afternoon Shift	1876	387	301	2564
Midnight Shift	1522	173	99	1794
<b>All Shifts</b>	<b>5596</b>	<b>909</b>	<b>746</b>	<b>7251</b>
<b>2023 Totals</b>	4790	822	717	6329

\*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 December 2023 we handled 29 AUDIO REQUESTS for the Prosecutor’s Office and Police Dept. We provided 10 (FOIA) Public Records Requests to individuals.