

CITY OF ELKHART
BOARD OF PUBLIC WORKS MEETING
AGENDA

Common Council Chambers

9:00 A.M., Tuesday, June 21, 2022

<https://coei.webex.com/coei/j.php?MTID=m4600e8bc41c5331dae60871e54c44ed0>

Join by phone: 1-415-655-0001

Meeting Number (access code): 2301 376 5339 Meeting password: BOW22

I. Roll Call

II. Approve Agenda

III. Open Quotes

- #22-11 Manhole Replacement Fulton & Plum

IV. Claims & Allowance Docket

V. Minutes Regular Meeting June 7, 2022

VI. Utilities

- a.) Administration
 - Water Utility MRO May 2022
 - Lucity Solutions Agreement Amendment
- b.) Summary
 - Water Assessment Applications
 - Sewer Assessment Applications
 - Driveway Permits
 - Release of Bonds
 - Revocable Permits

VII. Engineering

- a.) Right of Way
 - Request Bid #22-17 East Industrial Area Resurfacing

VIII. New Business

- BOW Resolution 22-R-13 Bird Rides, Inc.
- Small Business Continuity Program Awards

IX. Use & Event Permits

- 9-14 Rio's Rainbow 5k- Central Green Park, ESS, Public Assembly, Noise Exception
- 7-2 Robbin Miller Family Gathering- Special Exception from Noise, Temporary Street Closure (Alley)
- 6-26, 7-31, & 8/28 Is there Not a Cause Community Prayer Events- Central Green Stage, Public Assembly, Special Exception from Noise Ordinance
- 8-5 & 8-6 The Elkhart Thor River Walk Grand Prix-Central Green Stage, Temporary Street Closures, Special Exception from Noise, Public Assembly, ESS, EPD, EFD, Golf Carts, Fencing, NIBCO Park & Skate Building

- 8-12 Lighthouse Worship Night – Central Green Stage, Special Exception from Noise, Public Assembly
- 6-25 Rio's Rainbow Motorcycle Ride- ESS, Parade & Public Assembly, Special Exception from Noise Ordinance
- 8-9 Elkhart County Health Department Community Block Party- EPD, Temporary Street Closure, Public Assembly, Special Exception from Noise
- 9-18 Walk to End Alzheimer's- Central Green Park, ESS, Public Assembly, Noise Exception, Bridge Banners, Plaza Sign
- 8-13 St. Vincent Bike Parade ESS Parade & Public Assembly
- 6-25 Michiana Master Gardeners Garden Tour- ESS, Plaza Sign
- 7-24 Mennonite Worship- Central Green Stage, Public Assembly, Special Exception from Noise Ordinance
- 6-22, 7-6, 7-20, 8-3, 8-17, 8-31 Town Green Social, Event Fencing, Public Assembly, Special Exception from Noise Ordinance, Plaza Sign
- City Wide Revival 6-21,22,23,24 Special Exception from Noise
- Harris Birthday 6-18 Special Exception from Noise, Temporary Street Closure
- 7/9 DAV 4th of July Fireworks Special Exception from Noise

X. Public Participation

XI. Adjournment



M E M O R A N D U M

DATE: June 21, 2022
TO: Board of Public Works
FROM: *MAN* Martin Noffsinger, Network Supervisor
RE: **Award Manhole Replacement Fulton Ave & Plum St - Quote #22-11**

On June 21, 2022, bids were opened for the Manhole Replacement Fulton Ave & Plum St at the regular Board of Works meeting. _____ () bids were received at that time and given to the City's Engineering Department for review.

The bids have been reviewed and the results are as follows:

Contractor	Total Bid

There were/were no discrepancies with any of the bids. _____ was the lowest responsive and responsible bidder.


There are sufficient appropriated sewer funds for this project.

It is recommended the Board of Public Works:

Award the Manhole Replacement Fulton Ave & Plum St, Quote #22-11, to _____, who was the lowest, responsive and responsible bidder with a contract price in the amount of \$_____.

Board of Public Works
CLAIM AND ALLOWANCE DOCKET

I HEREBY CERTIFY THAT EACH OF THE ABOVE LISTED VOUCHERS AND INVOICES OR BILLS ATTACHED THERETO ARE TRUE AND CORRECT AND I HAVE AUDITED SAME IN ACCORDANCE WITH IC 5-11-10-1.6. I ALSO HEREBY CERTIFY THAT THESE VOUCHERS AND INVOICES REPRESENT GOODS AND/OR SERVICES THAT ARE FOR THE BENEFIT OF THE CITY OF ELKHART AND THAT APPROPRIATIONS FOR THESE EXPENDITURES HAVE BEEN DULY MADE OR OTHERWISE AUTHORIZED BY THE CITY COUNCIL AND OTHER APPROPRIATE AUTHORITY.

June 15th, 2022 
ERIN KOONS - DEPUTY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF \$11,823,551.79, AS LISTED ON THE REGISTER ATTACHED HERETO CONSISTING OF 29 PAGES, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

EXECUTED THIS 21st DAY OF June 2022 BY:

PRESIDENT _____
MICHAEL C. MACHLAN

VICE PRESIDENT _____
CHAD CRABTREE

MEMBER _____
JAMIE ARCE

MEMBER _____
RON DAVIS

MEMBER _____
ROSE RIVERA

ORIGINAL COPY MUST BE RETAINED IN THE CONTROLLER'S OFFICE

Board of Public Works

Accounts Payable Summary
June 21, 2022

Individual Claims Over \$25,000 each:

Fund	Vendor	Description	Amount
1101	YODER OIL COMPANY INC	GASOLINE	46,991.22
1101	R & B SALES	NEW SQUAD EQUIPMENT	113,278.40
1101	ADVANCED ELECTRONICS DESIGN INC	RHINOTAB FOR NEW SQUADS	66,248.56
1101	AXON ENTERPRISE, INC	AXON DYNAMIC BUNDLE	679,031.20
1101	AXON ENTERPRISE, INC	AXON EQUIPMENT	485,901.60
2201	ENNIS-FLINT, INC	PAINT	43,120.00
2201	YODER OIL COMPANY INC	GASOLINE	25,763.36
2202	RIETH-RILEY CONSTRUCTION	ASPHALT	49,723.15
2202	RIETH-RILEY CONSTRUCTION	ASPHALT	25,950.47
2248	AMERICAN CONSULTING, INC	BRISTOL ST WIDENING	30,772.55
4436	BORDEN WASTE-AWAY SERVICE	TRASH SVC	187,816.86
4450	SELGE CONSTRUCTION CO	JOHNSON ST SEWER EXTENSION	585,069.47
6203	HRP CONSTRUCTION COMPANY	EDGEWATER EXTENSION REPLACEMENT	118,013.56
7704	BERKLEY LIFE & HEALTH INSURANCE	JUNE HEALTH INS	80028.33
Total Claims over \$25,000			2,537,708.73
Regular Claims under \$25,000:			768,116.58
Total Regular Departmental Claims:			3,305,825.31

Pre-Approved Claims Over \$25,000 each: (a)

1101	CITY OF ELKHART	TRANSFER TO CAPITAL OUTLAY	6,500,000.00
1101	INDIANA MICHIGAN POWER	ELECTRICITY- CONSOLIDATED	32,848.76
1101	THE TRAVELERS INDEMNITY CO.	TORT CLAIM FOR KEITH COOPER- LEGAL	25,000.00
2543	ELKHART COUNTY TREASURER	2022 INTERLOCAL AGREEMENT	69,575.00

Total Pre-Approved over \$25,000:	6,627,423.76
Regular Claims under \$25,000:	50,086.50
Total Pre-Approved Claims:	6,677,510.26

American Rescue Plan Claims:

2474	BURKHART ADVERTISING	COVID ADVERTISING	1,500.00
2474	IB COMMUNICATION LTD	COVID ADVERTISING	3,500.00
2474	DLZ INDIANA, LLC	N MAIN WATER	139,140.00
2474	PATHFINDER COMMUNICATION	COVID ADVERTISING	900.00
2474	PATHFINDER COMMUNICATION	COVID ADVERTISING	570.00
2474	PATHFINDER COMMUNICATION	COVID ADVERTISING	1,275.00
2474	PARTNERSHIP RADIO	COVID ADVERTISING	375.00
Total American Resuce Plan Claims:			147,260.00

UTILITY REFUNDS

2,177.07

Payroll and Pension Payments:

Fire & Police Pension

Bi-weekly Payroll

1,692,956.22

RETRO PAY

-

1,695,133.29

Total Payroll: 1,692,956.22

Total All Claims, Internal Payments, and Payroll: \$ 11,823,551.79

(a) Claims with rigid payment deadlines. As provided for in the Elkhart Municipal Code §33.415, certain payments may be made prior to review and approval by the Board of Public Works. Typically such payments include utility bills, credit card bills, central services, association dues, employer-paid benefits, training, and employee reimbursements. Unusual items in excess of \$25,000 are noted in detail.

BOARD OF PUBLIC WORKS
Tuesday, June 7, 2022

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, June 7, 2022. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Rose Rivera, Jamie Arce, and Ron Davis attended in person. Chad Crabtree was absent. Mike noted the time was after 9:00 am and no more bids or quotes would be accepted.

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 4-0, the agenda was amended by adding a noise permit for Snappers. The amended agenda carried 4-0.

2. Open Bids

Bid #22-09 Central Park Lighting

The Clerk Nancy Wilson noted for the record no bids were received for #22-09 Central Park Lighting.

Bid #22-16 The Lerner Theatre HVAC Equipment

Proof of publication was presented which appeared in The Elkhart Truth on May 21 and May 28, 2022. The following bids were received:

Wagner Minor, LLC submitted a signed and certified bid summary form with all items checked. The base bid was \$627,488.00.

On motion by Rose Rivera, seconded by Ron Davis and unanimously carried 4-0, the Board referred the bids to the staff for their review and recommendation at the next meeting.

3. Claims & Allowance Docket

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the claims & allowance docket was approved in the amount of \$6,669,703.28 consisting of 35 pages as prepared on June 2, 2022 at 8:18 a.m.

4. Minutes Regular Meeting May 17, 2022

On motion by Ron Davis, seconded by Jamie Arce and carried 4-0, the minutes from May 17, 2022 were adopted.

5. Utilities

(A.) Administration

Request to Engage GME Testing

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a contract with GME Testing in an amount not to exceed \$3,850 to perform geotechnical engineering exploration and evaluation for improvements to the Nadel Ave. ground water lift station.

Wastewater Utility MRO for April 2022

On motion by Rose Rivera, seconded by Jamie Arce and carried 4-0, the Board accepted and placed on file the Wastewater Utility MRO for April 2022.

(B.) Regulatory Affairs

ATS Specialized, LLC Crane Testing

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a contract with ATS Specialized, LLC in an amount not to exceed \$5,750.00 to complete mobile crane operator testing.

BOARD OF PUBLIC WORKS
Tuesday, June 7, 2022

Industrial Safety and Environmental Services Noise Dosimeter Monitoring

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved a contract with Industrial Safety and Environmental Services in an amount not to exceed #3,850.00,

(C.) Environmental Compliance

New FOG Variance Susanna's Kitchen

A motion was made by Jamie Arce and seconded Rose Rivera to approve a new FOG Variance for Susanna's Kitchen. Megan Kolaczyk explained the variance request to the Board. They are moving to a new site at Grace Lutheran Church on Marion Street. The kitchen there has two three-compartment sinks. They are installing a properly sized grease trap on one of the sinks, but there is not enough room under the other sink to install one. They are asking for a Variance to allow them to install a grease trap on one of the three-compartment sinks. Eric Trotter represented Grace Lutheran Church on behalf of Susanna's Kitchen. They have two three-compartment sinks. They will install a properly sized grease trap in one, and the other will not be used for food preparation or dishwashing at all. They will have signage to help all of the volunteers. Mike thanked his church for opening their doors to Susanna's Kitchen. Megan explained they do not have a control manhole, so they do recommend annual visual monitoring. On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board amended the motion to include annual visual monitoring at the expense of the FSE. The amended motion carried 4-0.

New FOG Variance Healthy on 17

A motion was made by Rose Rivera and seconded by Jamie Arce to approve a new FOG Variance for Healthy on 17 and require annual visual monitoring. Megan Kolaczyk explained the variance to the Board. Healthy on 17 is a new FSE. They have requested a variance from having to install a properly sized grease trap. They are concerned about the cost of installation, and they feel the type of operation which is primarily a powdered shake, they are not contributing fats oils and grease to the City system. They have plenty of room, so staff does not support the request. Megan explained they always recommend they follow the Ordinance and install the properly sized grease trap. They are low risk for fats, oils, and grease, but other herbal life businesses have been compliant. Paola Sopraseduth, the owner of the new FSE came forward to speak. She explained that Healthy on 17 is a new FSE. She said they only have powder and water. She said they have already spent \$12,000 because of confusion with the Health Department. They can get a grease trap or they can open, but not both. Mike asked if they had a year to install if that would help them, and she said yes, it would help them. Megan explained they make shakes and do no cooking at all. She talked about the point system that determines the Category for FSE's. On motion by Jamie Arce, seconded by Rose Rivera and carried, the Board granted a 12-month variance with visual monitoring to give them time to install a grease trap.

New FOG Variance Heart City Nutrition

A motion was made by Rose Rivera and seconded by Jamie Arce to approve a new FOG Variance for Heart City Nutrition and require annual visual monitoring. Megan Kolaczyk explained the request to the Board. This is a similar case, except they are new owners of the existing FSE. They are required to have a 43GPM grease trap. They are requesting a variance from that requirement. Megan explained

BOARD OF PUBLIC WORKS

Tuesday, June 7, 2022

the difference in required grease trap capacity is directly related to the sink size. On motion by Rose Rivera, seconded by Jamie Arce and carried 4-0, the motion was amended to allow them to have 12 months to install a properly sized grease trap. Paola Sopraseduth, the owner of the new FSE, came forward to speak. She told the Board she turned in all of the required paperwork to the Elkhart County Health Department for her license in November 2020, and it wasn't until the end of last year when someone came in to do a random inspection that they noticed it was a new different person. She said she learned about the grease trap when they came to do a random health check. She said she spoke with a plumber to do the installation and he ordered 20 GPM which is not even close. She is waiting for the plumber to reorder. Mike called for the vote on the amended motion and it carried 4-0.

Notice of Violation 25% Rule Tradewinds 3147 Northview Drive (F2019-017)

A motion was made by Rose Rivera and seconded Ron Davis to approve a Notice of Violation 25% Rule for Tradewinds 3147 Northview Drive (F2019-017), and assess a penalty of \$200.00. Megan Kolaczyk explained the violation to the Board. It was discovered during a random inspection. It was 31% full of grease and solids. Unfortunately, they have not received a response to the violation. Jason Reynolds came forward to speak to the Board. He agreed with the accuracy of Megan's statement. They switched companies in 2021 to Lincoln, and they thought they were getting the same service but they were not. They were jetting the lines to the grease interceptor, but not actually cleaning the grease interceptor out. They called A&R to come out in February and had everything thoroughly cleaned out. Now they are on a 3-month program with A&R. They have service logs and they had training with the staff. Jamie said the Board likes to see corrective action and being serious about eliminating fats, oils, and grease from the sewer. On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board amended the motion to charge no penalty as long as there are no violations in the next year. The amended motion carried 4-0.

Notice of Violation 25% Rule Noodles & Company 405 W CR 6 Suite C (F2016-002)

A motion was made by Jamie Arce and seconded by Rose Rivera to approve a Notice of Violation 25% Rule for Noodles & Company 405 W CR 6 Suite C (F2016-002) and assess a penalty of \$200.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. During a routine inspection, their pumping records indicated a violation of the 25% Rule. They have not responded to date, so the violation includes \$100.00 for the 25% Rule, and \$100.00 for not responding. Mike called for the vote and the motion carried 4-0.

Notice of Violation 25% Rule Happy North Garden 2900 Cassopolis St. (F2019-033)

A motion was made by Rose Rivera and seconded by Ron Davis to approve a Notice of Violation for the 25% Rule for Happy North Garden and assess a penalty of \$800.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. This is the fourth 25% Rule violation in one year. To date, Happy North Garden has not sent a written response to the violation, and that is the third time not responding in one year. The grease control device was 44% full. The penalties, \$300 for the 25% Rule and \$500.00 for not responding are based on the Penalty Matrices. They have a new grease interceptor outside, but they are in violation of the

BOARD OF PUBLIC WORKS
Tuesday, June 7, 2022

inside grease traps that need to be removed or properly maintained. On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board amended the motion by increasing the penalty to \$1,800.00, \$300.00 for the 25% Rule and tripling the fee for not responding to \$1,500.00. The amended motion carried 4-0.

6. Engineering

(A.) Administration

Award Bid #22-14 2022 Utility Materials

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board awarded each line item to the lowest, responsive, and responsible bidder for each item in the 2022 Utility Materials-2 Bid #22-14 as shown on the 2022 Utility Materials Bid-2 tab summary.

Payment #43 to Donohue & Associates Elkhart WWTP Capacity Upgrades Phase 2

On motion by Ron Davis, seconded by Jamie Arce and carried 4-0, the Board approved partial payment #43 in the amount of \$76,961.00 to Donohue & Associates, Inc. from the allocated SRF loan for professional services on the Elkhart WWTP Capacity Upgrades- Phase 2 project.

Payment #44 to Donohue & Associates Elkhart WWTP Capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved partial payment #44 in the amount of \$72,480.00 to Donohue & Associates, Inc. from the allocated SRF loan for professional services on the Elkhart WWTP Capacity Upgrades- Phase 2 project.

Change order #3 Edgewater Lift Station project Bid #21-11

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved Change Order #3 for the Edgewater Lift Station project Bid #21-11 in the amount of \$25,873.66.

Payment #1 to Bowen Engineering Corp.: Elkhart WWTP Capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved partial payment #1 in the amount of \$744,865.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Payment #2 to Bowen Engineering Corp.: Elkhart WWTP Capacity Upgrades Phase 2

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved partial payment #2 in the amount of \$414,072.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Payment #3 to Bowen Engineering Corp.: Elkhart WWTP Capacity Upgrades Phase 2

On motion by Rose Rivera, seconded by Jamie Arce and carried 4-0, the Board approved partial payment #3 in the amount of \$269,638.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades Phase 2 project.

BOARD OF PUBLIC WORKS

Tuesday, June 7, 2022

Change Order #2 & Final 605 Mason Street Sewer Repair- Quote #21-09

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the release of all retainage and Change Order #2 & Final for the 605 Mason Street Sewer Repair Quote #21-09, for a decrease of \$6,603.80, bringing the final Contract price to \$66,292.00.

(B.) Right of Way

Revoke Encroachment along Benchmark Drive

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board revoked permission for the encroachment along Benchmark Drive for Alliance RV.

RB Realty Lexington Minor Subdivision Right of Way Dedication

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board accepted the right of way adjacent to the site on CR 3 regarding RB Realty Lexington Minor Subdivision.

7. New Business

Contract with Wilderness Inquiry for Educational Canoe Rides during EnviroFest 8-20-22

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved a service agreement with Wilderness Enquiry to provide canoe rides at the EnviroFest for \$2,500.00.

Board of Works Resolution 22-R-09 Transfer of Real Estate to City of Elkhart Department of Redevelopment

On motion by Ron Davis, seconded by Jamie Arce and carried 4-0, the Board approved Board of Works Resolution 22-R-09 transferring Real Estate to the City of Elkhart Department of Redevelopment known as 1033 Hubbard, 1923 Lane Avenue, and 1108 W. Blaine.

Board of Works Resolution 22-R-11 Transfer of Real Estate to City of Elkhart Department of Redevelopment

On motion by Rose Rivera, seconded by Jamie Arce and carried 4-0, the Board approved Board of Works Resolution 22-R-11 transferring Real Estate to the City of Elkhart Department of Redevelopment known as 209 North Second Street.

Lease Agreement with Office H20 for Ice/Water Dispenser in the Municipal Building Break Room

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a lease agreement with Office H20 in the amount of \$115.00 per month and a one-time start-up fee of \$100.00.

Lease Agreement Pitney Bowes for Postage Machines

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a lease agreement with Pitney Bowes for postage machines located at the Controller's Office and the Police Department.

Contract with Monday.com Ltd. for project Management

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a contract with Monday.com to set up Project Management control with all departments and authorized Richard Warfield to e-sign the document in an amount not to exceed \$9,123.84.

BOARD OF PUBLIC WORKS

Tuesday, June 7, 2022

Contract with Kone Inc. for Municipal Building Elevator

On motion by Rose Rivera, seconded by Jamie Arce and carried 4-0, the Board approved Contract EV2516 between the City of Elkhart and Kansas City, Missouri, a constitutionally chartered municipal corporation ("City") and KONE, Inc. ("Contractor") to modernize the elevator in the Municipal Building, as amended pending final Legal Department review and approval, in the amount of \$139,717.00. The Board discussed the ADA requirements and standards.

Board of Works Resolution 22-R-12 Policy for the Subaward and Monitoring of Subrecipient Expenditures of American Rescue Plan Act: Coronavirus State and Local Fiscal Recovery Funds

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved Board of Works Resolution 22-R-12, a Resolution adopting the policy for the Subaward and monitoring of subrecipient expenditures of American Rescue Plan Act: Coronavirus State and Local Fiscal Recovery Funds.

8. Use & Event Permits

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved the following permits:

- Open Air Tent Revival June 10, 11, and July 15, 29, & 30 Special Exception from Noise
- Snappers 2022 Outside Music Events Special Exception from Noise Ordinance (applicant came in person)

9. Public Participation

Patricia Knight, 2023 Greenleaf Blvd., Elkhart came forward to express her concerns regarding the recent placement of three sets of stop signs on Greenleaf Blvd. She agreed the traffic is too fast. If you go speed limit on Greenleaf you will be tail-gated and they will go around you on a double yellow line day after day. She has lived on Greenleaf Blvd. for 35 years and she has never had a stop sign in the middle of her front yard. Would you like a stop sign in the middle of your front yard? There are several things involved here. 1. It demeans the property. 2. It is not solving the problem. Patricia said she would like to solve the problem, and thinks we all would. We talked about speed bumps and those were ruled out because of snow plowing. We talked about the signs that flicker and tell you what speed you are going. That doesn't slow them down because nobody checks on them. You have got to have a check back. In Florida, if you don't stop they take your picture and send you a ticket. Patricia suggests that we adopt that system. If they don't go the speed limit, they get their picture taken and the Clerk sends them a ticket. She said she doesn't know how else to do it, but today, people are very angry. The stop signs are not solving it. What it is doing to the people who live there is we are almost rammed in the back when we drive into our driveway because the stop sign is right there and there is our drive right there. If you come off Broadmoor, twice I have almost been broad-sided, because from the east, there are not two markers, there is only one stop sign and they drive right on through. Most of them have a warning sign and then a stop sign, but on that one they only have a stop sign. The other problem is the noise. The cars stop and rev up their engines and break the noise ordinance late at night and early in the morning. It's hard to sleep with that noise. The noise ordinance is a crucial problem. She told the Board the problem and said she hopes they can somehow

BOARD OF PUBLIC WORKS
Tuesday, June 7, 2022

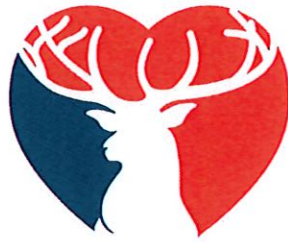
change it. Mike thanked her for coming in. He asked her to put her name, address, and phone number on the form. Patricia said Carol McDowell and Liz Borger said they would sign a petition. Mike said they would ask someone to look into this and get back to her.

10. Adjournment


On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board of Works adjourned at 11:18 a.m.

_____Mike Machlan, President

Attest: _____Nancy Wilson, Clerk of the Board



City of Elkhart
Public Works and Utilities

Memo To Board of Works
Memo From Laura Kolo, Utility Services Manager 
Date Jun 09, 2022
Subject Water Utility Monthly Report of Operations
for the month of May, 2022

Water Produced

	Monthly Total MG	Daily Avg MGD	Daily Min MGD	Daily Max MGD
North Main	189.795	6.122	3.437	8.682
Northwest	110.465	3.563	1.791	20.928
South	47.898	1.545	0.926	2.330
System	348.16	11.23		

Finished Water Quality Information (Monthly Averages)

	Iron mg/l	Manganese mg/l	Fluoride mg/l	Chlorine mg/l	Orthophosphate mg/l
North Main	0.02	0.032	0.84	1.27	1.35
Northwest	0.07	0.031	0.89	1.29	0.87
South	0.15	0.040	0.86	1.35	1.07
Secondary Std / Target	0.30	0.050	0.8 - 1.0	0.9 - 1.5	0.5 - 1.0



M E M O R A N D U M

DATE: June 15, 2022
TO: Board of Public Works
FROM: Joseph Feathers, Asset Manager
RE: **Lucity Solutions Agreement Amendment** JF

Attached is the CentralSquare's Sales Order to amend the Lucity Solutions Agreement approved by the BOWs on June 18, 2019.

The amendment is for the implementation of the Streets Module and additional licenses needed for bringing the Street Department onboard the CentralSquare's Enterprise Asset Management, formerly Lucity.

CentralSquare's Sales Order has been submitted to legal for review and approval.

It is requested the Board of Public Works:

approve the CentralSquare Sales Order to amend the Lucity Solutions Agreement



SALES ORDER
PURSUANT TO EXISTING AGREEMENT

Order Number: []

This Sales Order is intended as a binding Agreement between the City of Elkhart, IN and Tritech Software Systems, a successor in interest to Lucity, Inc. (a CentralSquare company) and shall be effective as of the date of the last signature herein.

Quote Number: Q-62075 is attached hereto as Exhibit "A". The Quote contains a description of all products and services sold pursuant to this Sales Order. The Quote is hereby incorporated by reference as a term of this Sales Order.

Payment Terms.

- License fees are due upon signature.
Service Fees are due as incurred on a time and material basis.

Master Agreement. This Sales Order shall be governed by the terms and conditions of the existing Agreement between the parties, more specifically described as: Solutions Agreement dated June 18, 2019 (the "Master Agreement"). NO OTHER TERMS OR CONDITIONS OF THE MASTER AGREEMENT ARE NEGATED OR CHANGED AS A RESULT OF THIS DOCUMENT.

Purchase Order. Customer may provide CentralSquare with a valid purchase order, upon execution of this Sales Order. Notwithstanding anything to the contrary herein, purchase orders are to be used solely for Customer's accounting purposes and any terms and conditions contained therein shall be deemed null and void with respect to the parties' relationship and this Sales Order. Any such purchase order provided to CentralSquare shall in no way relieve Customer of any obligation entered into pursuant to this Sales Order including, but not limited to, its obligation to pay CentralSquare in a timely fashion.

Acceptance of Order Terms. By signing this Sales Order below, Customer represents and warrants that: (a) it has read and understands the Master Agreement and Quote that are incorporated by reference into this Sales Order and agrees to be bound by the terms thereof, and (b) it has full power and authority to accept this Sales Order.

Table with 2 columns: Tritech Software Systems (a CentralSquare company) and City of Elkhart ("Customer"). Rows include address, By, Print Name, Print Title, and Date Signed.

Exhibit A
(Attached)



Quote prepared on:

February 28, 2022

Quote prepared by:

Keegan Wetzel

keegan.wetzel@centralsquare.com

Quote #: Q-62075

Primary Quoted Solution: Enterprise Asset Mgmt

Quote expires on: March 31, 2022

Quote prepared for:

Joseph Feathers

City of Elkhart

1201 South Nappanee Street

Elkhart, IN 46516

5743224821

Thank you for your interest in CentralSquare. CentralSquare provides software that powers over 8,000 communities. More about our products can be found at www.centralsquare.com.

WHAT SOFTWARE IS INCLUDED?

	PRODUCT NAME	QUANTITY	UNIT PRICE	TOTAL
1.	Asset Management - Assets License Fee	2	2,400.00	4,800.00
2.	Asset Management - Work License Fee	1	2,400.00	2,400.00
			Software Total	7,200.00 USD

WHAT SERVICES ARE INCLUDED?

	DESCRIPTION	TOTAL
1.	Public Administration Consulting Services - As Incurred	5,220.00
2.	Public Administration Data Conversion Services - As Incurred	2,160.00
3.	Public Administration GIS Services - As Incurred	2,340.00
4.	Public Administration Project Management Services - As Incurred	3,240.00
5.	Public Administration Technical Services - As Incurred	3,060.00
6.	Public Administration Training Services - As Incurred	3,060.00
	Services Total	19,080.00 USD

QUOTE SUMMARY

Software Subtotal	7,200.00 USD
--------------------------	--------------

Services Subtotal	19,080.00 USD
--------------------------	---------------

Quote Subtotal	26,280.00 USD
-----------------------	---------------

Quote Total	26,280.00 USD
--------------------	----------------------

WHAT ARE THE RECURRING FEES?

TYPE	AMOUNT
FIRST YEAR MAINTENANCE TOTAL	1,200.00
FIRST YEAR SUBSCRIPTION TOTAL	0.00

The amount totals for Maintenance and/or Subscription on this quote include only the first year of software use and maintenance. Renewal invoices will include this total plus any applicable uplift amount as outlined in the relevant purchase agreement.

This Quote is not intended to constitute a binding agreement. The terms herein shall only be effective once incorporated into a



Quote prepared on:

February 28, 2022

Quote prepared by:

Keegan Wetzel

keegan.wetzel@centralsquare.com

definitive written agreement with CentralSquare Technologies (including its subsidiaries) containing other customary commercial terms and signed by authorized representatives of both parties.

BILLING INFORMATION

Fees will be payable within 30 days of invoicing.

Please note that the Unit Price shown above has been rounded to the nearest two decimal places for display purposes only. The actual price may include as many as five decimal places. For example, an actual price of \$21.37656 will be shown as a Unit Price of \$21.38. The Total for this quote has been calculated using the actual prices for the product and/or service, rather than the Unit Price displayed above.

Prices shown do not include any taxes that may apply. Any such taxes are the responsibility of Customer. This is not an invoice.

For customers based in the United States or Canada, any applicable taxes will be determined based on the laws and regulations of the taxing authority(ies) governing the "Ship To" location provided by Customer on the Quote Form.

PURCHASE ORDER INFORMATION

Is a Purchase Order (PO) required for the purchase or payment of the products on this Quote Form? (Customer to complete)

Yes [] No []

Customer's purchase order terms will be governed by the parties' existing mutually executed agreement, or in the absence of such, are void and will have no legal effect.

PO Number: _____

Initials: _____

B.O.W. SUMMARY
June 21, 2022

Water Assessment Application: North End Cycle
2426 Cassopolis St
Elkhart, IN 46514
Property: 2426 Cassopolis St
Paid in full, \$2,788.00

Ignacio Perez
57805 9th St
Elkhart, IN 46517
Property: 2308 Morehouse Ave
Paid in full, \$345.00

DVS LLC
70397 Hilltop
Union, MI 49130
Property: 5320 Beck Dr
Paid in full, \$2,704.80

Sewer Assessment Application: North End Cycle
2426 Cassopolis St
Elkhart, IN 46514
Property: 2426 Cassopolis St
Paid in full, \$8,455.00

DVS LLC
70397 Hilltop
Union, MI 49130
Property: 5320 Beck Dr
Paid in full, \$12,415.00

Driveway Permit: #5038, Owner: Jinder Singh
Property: 2632 S 6th St
Contractor: Javier Soto
\$600.00 bond by contractor

#5040, Owner: Raul Rivera
Property: 2600 S 6th St
Contractor: Homeowner
\$600.00 bond by owner

#5046, Owner: LaCasa
Property: 117 Park Ave
Contractor: Modway Homes
\$400.00 bond by contractor

Release of Bond: #5038, Contractor: Javier Soto
Property: 2632 S 6th St

#5040, Homeowner: Raul Rivera
Property: 2600 S 6th St

#5046, Contractor: Modway Homes
Property: 117 Park Ave

Revocable Permits:

#6514, Property Owner: SBH1 LLC
Property: 3027 Peoria
Permit Holder: Berkshire Hathaway
Placing dumpster in the street in front of house

#6515, Property Owner, Patrick Industries
Property: Alley behind 107 W Franklin St
Permit Holder: Patrick Industries
Temporary HVAC chiller placed in alley for 30 days

#6516, Property Owner: Joel Machorro
Property: 300 Crescent St
Permit Holder: Joel Machorro
Placing fence in the right of way

#6517, Property Owner: St Vincent de Paul Church
Property: 1108 S Main St
Permit Holder: Bulley & Andrews Masonry Restoration
Partial road closure

#6518, Property Owner: Janice Nichols
Property: 178 S Shore Dr
Permit Holder: Janice Nichols
Temporarily placing trailer in front of house

#6519, Property Owner: Elkhart General Hospital
Property: Southeast and Southwest corners of Beardsley & West
Permit Holder: Elkhart General Hospital
Placing to new hospital signs to the light poles

#6520, Property Owner: Elkhana LLC
Property: 601 S Main St
Permit Holder: Elkhana LLC
Gate opens out into the sidewalk/right of way



MEMORANDUM

DATE: June 16, 2022

TO: Board of Public Works

FROM: Ryan Clussman, Right-of-Way Engineer

RE: **Permission to Advertise for Bid #22-17 East Industrial Area Resurfacing Project**

The Department of Public Works requests approval of the specifications and permission to advertise the East Industrial Area Resurfacing Project.

This project is a standard 2" Mill and HMA Overlay of the Eastern Industrial Area and Richmond Street. These streets were identified as needing maintenance in the 2021 PASER evaluation of the City. The State has granted funds for this project through their Community Crossing Matching Grant fund.

The action requested by the Board of Public Works is as follows:

Approve the specifications and grant permission to advertise Bid #22-17 East Industrial Area Resurfacing Project.

Department of Law

John M. Espar
Corporation Counsel

Rose Rivera
City Attorney

Randall Arndt
Deputy City Attorney

Dasha Slater
Paralegal

Yadira Fernandez
Legal Assistant



City of Elkhart

City with a Heart

Rod Roberson
Mayor

City Hall

229 S. Second St.
Elkhart, Indiana 46516

Fax: 574.522.6794
Tel: 574.294.5471 Ext. 1057

www.elkhartindiana.org

June 13, 2022

To: BOARD OF PUBLIC WORKS

RE: Resolution and MOU between City of Elkhart, Indiana and Bird Rides, Inc.

Please find attached an MOU and Resolution for approval by the Board of Public Works.

The Resolution allows Bird Rides to use certain portions of City owned public right of way for parking of e-scooters.

The MOU contains the following items:

- 1) Makes Bird Rides electronic scooters available to the public at no monetary cost to the City.
- 2) The City will receive .10 per ride.
- 3) Bird Rides will pay to the City an initial licensing fee.
- 4) Bird Rides has agreed that the City shall not be liable for damage to any Bird Rides scooter, aside from any intentional damage by the City.
- 5) Bird Rides has agreed to indemnify the City for any claims not resulting from the City's negligence as regards City infrastructure.

As such, the City respectfully requests that the Board approve the Resolution and MOU.

Thanks,

Rose Rivera
City Attorney

RESOLUTION NO. 22-R-13

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF ELKHART, INDIANA, SUPPORTING AND AUTHORIZING CERTAIN DESIGNATED AREAS OF CITY-CONTROLLED RIGHT-OF-WAY FOR PARKING STAND-UP ELECTRIC SCOOTERS WHICH ARE OWNED BY BIRD RIDES, INC. AND AVAILABLE FOR USE BY RENTERS OF THE STAND-UP ELECTRIC SCOOTERS

WHEREAS, the City of Elkhart, Indiana (City) by and through its Board of Public Works (Board) maintains and supervises City owned and controlled right-of-ways pursuant to I.C. 36-9-6-2, and has custody over city owned property pursuant to I.C. 36-9-6-3; and

WHEREAS, Bird Rides, Inc., is a company with a mission that is to create a more liable future by reducing cars trips, traffic and carbon emissions by renting shared e-scooter services; and

WHEREAS, Bird Rides e-scooter sharing services (1) provides the public with a more efficient, eco-friendly, green energy transportation, (2) ensures compliance with all applicable environmental laws and regulations, (3) advances the UN's Sustainable Development Goals, and (4) make sustainable transportation safer for everyone; and

WHEREAS, the Mayor and his administration want to support Bird Ride in its effort to establish a safe eco-friendly public stand-up electric scooter transportation service within the City for the reasons stated herein; and

WHEREAS, the Board believes it is in the best interests of the City and its residence to have a public stand-up e-scooter program.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF ELKHART, INDIANA, as follows:

- 1 The Board hereby supports Bird Rides public stand-up e-scooter sharing program in the City and authorizes the City Engineer or his designated representative to designate certain areas of city controlled public right-of-ways for parking the Bird Ride's stand-up e-scooter which will be used in Bird Rides e-scooter services program.
- 2 The President of the Board is hereby authorized to take any necessary action on behalf of the City of Elkhart, Indiana, to support Bird Rides in its efforts to establish stand-up e-scooter services within the City, and to do all acts deemed necessary and reasonable to accomplish this purpose.
- 3 The Resolution shall be in effect upon it adoption by the Board.

ADOPTED at the meeting of the Board of Public Works of the City of Elkhart, Indiana held on the ____ day of _____, 2022.

**CITY OF ELKHART, INDIANA
BOARD OF PUBLIC WORKS**

Michael Machlan, President

Chad Crabtree, Vice President

Ronnie Davis, Member

Jamie Arce, Member

Rose M. Rivera, Member

ATTEST:

Nancy Wilson, Clerk

Memorandum of Understanding

City of Elkhart will permit Bird Rides, Inc. to provide services under the following terms and limitations. This agreement shall remain in effect until December 31, 2022 unless either party provides written notice to the other of its intention not to renew at least thirty (30) days prior to the end of the then-current term, or unless terminated as set forth below.

AGREEMENT

- 1) Scope: This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within City of Elkhart's jurisdictional boundaries.
- 2) Stand-up electric scooters shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Users of Stand-up electric scooters who violate these provisions may be fined by City of Elkhart consistent with fines for cyclists.
- 3) Bird Rides, Inc. shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) Hours of operation: Stand-up electric scooters will be made available to rent 24 hours per day. City of Elkhart may choose to limit operational hours from 4 a.m. to midnight (local time).
- 5) Safety Education: Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 6) Data sharing: Bird Rides, Inc. will provide data to the City of Elkhart as necessary to assist with monitoring program usage.
- 7) Indemnification: Bird Rides, Inc. agrees to indemnify, defend and hold harmless City of Elkhart (and City of Elkhart's employees, agents and affiliates) from and against all actions, damages or claims brought against City of Elkhart arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of City of Elkhart's (or City of Elkhart's employees', agents' or affiliates') negligence or willful misconduct. Bird Rides, Inc. acknowledges that the City of Elkhart will not be liable for any damage caused to any Bird Rides' scooters except for damages due to the City of Elkhart's willful misconduct. Bird Rides, Inc.'s indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by the City of Elkhart's negligent construction or maintenance of public infrastructure. City of Elkhart's right to indemnification shall be contingent on City of Elkhart notifying Bird Rides, Inc. promptly following receipt or notice of any claim; Bird Rides, Inc. shall have sole control of any defense; City of Elkhart shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird Rides, Inc.

- 8) Insurance: Bird Rides, Inc. shall provide City of Elkhart with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Bird Rides, Inc. employs persons within the City of Elkhart, Workers' Compensation coverage of no less than the statutory requirement.
- 9) Notices: All notices and communications to the City of Elkhart from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.
- 10) Bird Rides, Inc. shall provide City of Elkhart with a license fee of \$750 (seven hundred and fifty). While this Agreement is effect, Bird Rides, Inc. shall also pay the City of Elkhart a fee of \$0.10 (ten cents) per ride. Bird Rides, Inc. shall pay the fee to the City of Elkhart on a quarterly basis, in arrears within 30 days from the end of the preceding month.
- 11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.
- 12) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.
- 13) The parties acknowledge that Bird Rides, Inc. may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this Agreement, and Bird Rides, Inc. remains responsible for all obligations and requirements under this Agreement.
- 14) This agreement shall be governed by and construed in accordance with the laws of the state of Indiana

City of Elkhart, Indiana

Bird Rides, Inc.

Signed By:

Signature: _____

Print Name: _____

Title: _____

Email: _____

Signature: Austin Marshburn

Print Name: Austin Marshburn

Title: Director, City & University Partnerships

Email: birdlegal@bird.co

**CERTIFICATION REGARDING INVESTMENT WITH IRAN, EMPLOYMENT
ELIGIBILITY VERIFICATION AND NON-DISCRIMINATION COMMITMENT**

When the prospective Contractor is unable to certify to any of the statements below, it shall attach an explanation to this Affidavit.

STATE OF California)
COUNTY OF Sonoma) §

The undersigned Contractor, being duly sworn upon his/her/its oath, affirms under the penalties of perjury that:

1. Contractor has not, nor has any successor to, nor an affiliate of, Contractor, engaged in investment activities in Iran.
 - a. For purposes of this Certification, "Iran" means the government of Iran and any agency or instrumentality of Iran, or as otherwise defined at Ind. Code § 5-22-16.5-5, as amended from time-to-time.
 - b. As provided by Ind. Code § 5-22-16.5-8, as amended from time-to-time, a Contractor is engaged in investment activities in Iran if either:
 - i. Contractor, its successor or its affiliate, provides goods or services of twenty million dollars (\$20,000,000) or more in value in the energy sector of Iran; or
 - ii. Contractor, its successor or its affiliate, is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person for forty-five (45) days or more, if that person will (i) use the credit to provides goods and services in the energy sector in Iran; and (ii) at the time the financial institution extends credit, is a person identified on list published by the Indiana Department of Administration.
2. Contractor does not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the Contractor subsequently learns is an unauthorized alien. Contractor agrees that he/she/it shall enroll in and verify the work eligibility status of all of Contractor's newly hired employees through the E-Verify Program as defined by I.C. 22-5-1.7-3. Contractor's documentation of enrollment and participation in the E-Verify Program shall be included or provided upon request; and
3. Contractor shall require his/her/its subcontractors performing work under this public contract to certify that the subcontractors do not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the subcontractor subsequently learns is an unauthorized alien, and that the subcontractor has enrolled in and is participating in the E-Verify Program. The Contractor agrees to maintain this certification throughout the term of the contract with the City of Elkhart, and understands that the City may terminate the contract for default if the Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by the City.

4. Persons, partnerships, corporations, associations, or joint venturers awarded a contract by the City of Elkhart through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age, gender expression, gender identity, sexual orientation or disability that does not affect that person's ability to perform the work. Breach of this provision may be regarded as material breach of contract.

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing affidavit are true and correct.

Dated this 10th day of June, 2022

Bird Hikes, Inc.

Contractor



Signature of Person Authorized to sign on behalf of Contractor

Austin Mansbourn, Director City of

Printed Name and Title

University Partnerships



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/27/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MARSH RISK & INSURANCE SERVICES FOUR EMBARCADERO CENTER, SUITE 1100 CALIFORNIA LICENSE NO. 0437153 SAN FRANCISCO, CA 94111 CN120046401-x-ALL-21-23	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:		FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Bird Rides, Inc. 406 Broadway #369 Santa Monica, CA 90401-2314	INSURER A : Apollo Syndicate Management Ltd		15580
	INSURER B : Scottsdale Indemnity Ins Co		11991
	INSURER C : National Casualty Company		N/A
	INSURER D : N/A		
	INSURER E :		
INSURER F :			

COVERAGES **CERTIFICATE NUMBER:** SEA-003729140-14 **REVISION NUMBER:** 4

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> SIR: \$250,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BOWCN2250539	06/01/2022	06/01/2023	EACH OCCURRENCE \$ 5,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ N/A PERSONAL & ADV INJURY \$ 5,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> AUTOS ONLY			NGI0000017	09/01/2021	09/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WCC600025A	08/25/2021	09/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Elkhart is included as additional insured (except workers' compensation) where required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Elkhart 229 S Second St Elkhart, IN 46516	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Marsh Risk & Insurance Services</i>
---	---

0000280 SP 0184 -C01-P00280-1

City of Elkhart
229 S Second St
Elkhart, IN 46516



Rod Roberson
Mayor

Development Services
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.970.1361



June 21, 2022

Michael Machlan
Chad Crabtree
Ronnie Davis
Jamie Arce
Rose Rivera

RE: SMALL BUSINESS CONTINUITY PROGRAM
Economic Development Incentive Programs
Elkhart, IN

Dear Board:

The City of Elkhart values our small business community as a key component to a healthy local economy. Many of our small businesses have been challenged throughout the COVID-19 pandemic with closings, supply-chain disruptions, labor shortages and more. This has increased the vulnerability of small businesses who often do not have the cash reserves or technical assistance to weather these unexpected disruptions, sometimes leading to permanent closings. The Small Business Continuity Program was designed to create a more resilient small business community by providing the funding to relieve some immediate needs and/or for tools that build capacity to better position businesses to overcome the unexpected challenges brought on by the COVID-19 pandemic.

The City has appropriated \$400,000 of American Rescue Plan Act dollars to fund the Small Business Continuity Program. These funds will be awarded in 2 rounds of \$200,000 each. The deadline to apply for funding from the first round was January 31, 2022. Notification of award from the first round was February 28, 2022. There are two primary goals of the program. The first is to provide relief where needed for immediate routine expenses like rent/mortgage and utilities. The second is to help small businesses build the capacity needed to adjust and rebound from unexpected challenges. Examples of permissible uses for capacity building are technology upgrades, training, technical assistance, signage or façade upgrades, supply change diversification, space expansion or reconfiguration, and marketing.

More information about the grant program is outlined below:

Eligibility and Selection Criteria

Applicants could request funds up to 10% of total revenue from 2019. If the business was not open a full year in 2019, you may use 2020. Requested funds may not exceed \$25,000. In order to be eligible for the Small Business Continuity Program a businesses must:

- Have a physical location within the City of Elkhart
- Currently have on-going business activity
- Have \$500,000 or less in annual revenue
- Employ 25 or fewer employees
- Be able to demonstrate financial harm **due to the COVID-19 pandemic**. Examples include:

- The business being forced to close for a week or more due to a consequence of the pandemic like public health requirements, supply chain disruption, or labor shortages
- Decrease in profit/increase in losses in 2020 and/or 2021 due to the pandemic
- Submit all required reports
 - Required reporting include but may not be limited to
 - 2019 and 2020 tax returns (only 2020 if you were not open in 2019)
 - Payroll documents to demonstrate payroll levels (ex W-3 or 941)
 - Estimates from vendors
 - Other documents that may demonstrate economic harm as requested

Allowable Uses

There are two primary goals of the program. The first is to provide relief where needed for immediate routine expenses. The second is to help small businesses build the capacity needed to adjust and rebound from unexpected challenges.

Examples of permissible uses include:

- Rent/Mortgage
- Utilities
- Technology upgrades that increase resiliency
 - Website and/or App Development
 - Inventory Tracking System
- Training and Technical Assistance
- Signage or Façade Upgrades
- Expand or Diversify Product Offering
 - Additional Supplies and Materials
 - Expand or Reconfigure Space
- Marketing and Promotion

Applicants Could Request:

- Up to 10% of total revenue from 2019 or 2020 if you were not open the entire year of 2019 but not to exceed \$25,000
- Applicants could request funds for a combination of any of the allowable uses

Payment of funds will be made directly to the vendor of the product or the service provider chosen by the business owner.

Chosen Awardees

Name of Business	Amount of Award	Planned Use of Funds
Revolution Salon	\$5,165.00	Rent, update website, marketing/promotions, equipment and signage
Milano's Pizza	\$13,955.00	Expand or Diversify Product Offering -additional equipment and reconfigure space
Mario's by Lynda	\$15,200.00	Expand or Diversify Product Offering-additional equipment and reconfigure space
Reveille Transpo	\$11,160.00	Technology upgrades and Marketing/Promotion
Letitis Get Fit	\$4,200.00	Rent and Marketing/Promotions
Bethza MakeUp Studio	\$6,118.00	Expand or Diversify Product Offering-additional supplies and materials
Twisted String	\$2,130.00	Expand or Diversify Product Offering-additional supplies and material and Marketing/Promotions
TaigMarks	\$10,000.00	Rent, and Expand or Diversify Product Offering-additional supplies and material

Name of Business	Amount of Award	Planned Use of Funds
4 th Street Purveyors (Electric Brew)	\$16,500.00	Technology upgrades that increase resiliency-Website and inventory tracking system
4 Sight Inspection	\$12,000.00	Rent, Utilities, Marketing/Promotion
Juxtapose	\$1,100.00	Signage and Façade Upgrades
Tipsy Biscuit	\$21,830.00	Expand or Diversify Product Offering -additional equipment and reconfigure space

BOW previously approved businesses highlighted in yellow.

Name of Business	Amount of Award
Sergio's	\$20,099
Elements Hair Studio	\$3,309
Executive Cleaners	\$25,000
Jennifer Marie Skincare	\$10,612
Old Style Deli	\$14,653
That Guy's Ribs	\$12,416
Bella's Boutique	\$8,434
Revolution Salon	\$5,165
Milano's Pizza	\$13,955
Mario's By Linda	\$ 15,200.00
Reveille Transpo	\$ 11,160.00
Letitis Get Fit	\$ 4,200.00
Bethza MakeUp Studio	\$ 6,118.00
Twisted String	\$ 2,130.00
TaigMarks	\$ 10,000.00
4th St. Purveyors	\$ 16,500.00
4 Sight Inspection	\$ 12,000.00
Juxtapose	\$ 1,100.00
Tipsy Biscuit	\$21,830
Total Awarded	\$213,881
Total Grant	\$ 400,000.00
Balance	(\$186,119)

Several business expressed their gratitude:

- **Mario's by Lynda** - Such great news. Thank you so much.
- **The Electric Brew** - We are grateful for this program and how it can help so many with important projects.
- **Revolution Salon** – Thank you to the City of Elkhart. This grant is going to make a difference in my business
- **Bella Boutique** – Thank you. We appreciate the support.
- **Juxtapose** – Thank you so much City of Elkhart

Please consider our request to grant the awardees the above funds upon receiving their vendor of choice's invoices or bills of service. Applications are available upon request.

Respectfully,

Trina M. Harris

Use & Event Permits 6-14-22

- 9-14 Rio's Rainbow 5k- Central Green Park, ESS, Public Assembly, Noise Exception
- 7-2 Robbin Miller Family Gathering- Special Exception from Noise, Temporary Street Closure (Alley)
- 6-26, 7-31, & 8/28 Is there Not a Cause Community Prayer Events- Central Green Stage, Public Assembly, Special Exception from Noise Ordinance
- 8-5 & 8-6 The Elkhart Thor River Walk Grand Prix-Central Green Stage, Temporary Street Closures, Special Exception from Noise, Public Assembly, ESS, EPD, EFD, Golf Carts, Fencing, NIBCO Park & Skate Building
- 8-12 Lighthouse Worship Night – Central Green Stage, Special Exception from Noise, Public Assembly
- 6-25 Rio's Rainbow Motorcycle Ride- ESS, Parade & Public Assembly, Special Exception from Noise Ordinance
- 8-9 Elkhart County Health Department Community Block Party- EPD, Temporary Street Closure, Public Assembly, Special Exception from Noise
- 9-18 Walk to End Alzheimer's- Central Green Park, ESS, Public Assembly, Noise Exception, Bridge Banners, Plaza Sign
- 8-13 St. Vincent Bike Parade ESS Parade & Public Assembly
- 6-25 Michiana Master Gardeners Garden Tour- ESS, Plaza Sign
- 7-24 Mennonite Worship- Central Green Stage, Public Assembly, Special Exception from Noise Ordinance
- 6-22, 7-6, 7-20, 8-3, 8-17, 8-31 Town Green Social, Event Fencing, Public Assembly, Special Exception from Noise Ordinance, Plaza Sign
- City Wide Revival 6-21,22,23,24 Special Exception from Noise
- Harris Birthday 6-18 Special Exception from Noise, Temporary Street Closure
- 7/9 DAV 4th of July Fireworks Special Exception from Noise