

**CITY OF ELKHART  
BOARD OF PUBLIC WORKS MEETING  
AGENDA**

**Common Council Chambers**

**9:00 A.M., Tuesday, August 2, 2022**

<https://coei.webex.com/coei/j.php?MTID=m565dfffb9921b293c84985a6fb14f3040>

Join by phone: 1-415-655-0001

Meeting Number (access code): 2312 581 6861 Meeting password: BOW22

- I. Roll Call**
- II. Approve Agenda**
- III. Open Bids & Quotes**
  - Bid #22-15 Plymovent Purchase & Installation
- IV. Claims & Allowance Docket**
- V. Minutes Regular Meeting July 19, 2022**
- VI. Utilities**
  - a.) Administration
    - Wastewater Utility MRO June 2022
  - b.) Environmental Compliance
    - Notice of Violation Grease Control Device Not Operational: Comfort Suites 27838 CR 24 (F2015-013)
    - Notice of Violation 25% Rule Hardee's 2620 Cassopolis St. (F2019-026)
    - Notice of Violation 25% Rule La Esperanza 601 E. Jackson Blvd. (F2015-193)
- VII. Engineering**
  - a.) Administration
    - Release of Temporary Easement G&G Oil Company
  - b.) Stormwater
    - PSA with Christopher B. Burke Engineering LLC to Develop a Comprehensive Stormwater Ordinance and Technical Standards Document
  - c.) Utility
    - LaSalle McKinley Benham Lift Station and Force Main Project Appropriation Request
    - LaSalle McKinley Benham Stormwater Lift Station and Force Main Project PSA with DLZ Indiana, LLC
    - CSO Basin 13 Long Term Control Plan Control Study PSA with DLZ, Indiana LLC
  - d.) Right of Way
    - Benchmark and Hoffman Road Extensions: PSA with American Structurepoint for Design

**VIII.**

**New Business**

- Elkhart Sister Cities Association, Inc. Fundraising Approval for Hispanic Heritage Festival
- Ratification and Approval of Time Matters Case Management Software
- License & Indemnification Agreement with INOVA for Grand Prix Event
- Professional Services Agreement with Next Level Manufacturing Institute for Entrepreneurship Center
- Contract with Shi International Corp. for Monday.com Software

**IX.**

**Use & Event Permit**

- 8/13-Prairie Street Mennonite Church Neighborhood Party & Garage Sale- Temporary Alley Closure, Special Exception from Noise

**X.**

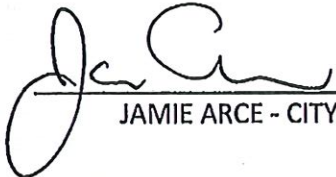
**Public Participation**

**XI.**

**Adjournment**

**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.

July 28, 2022   
JAMIE ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF **\$3,634,318.98**, AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 31 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

**EXECUTED THIS 2ND DAY OF AUGUST 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  
August 2, 2022

**Individual Claims Over \$25,000 each:**

Fund	Vendor	Description	Amount
2226	CHARLIE BOOKS	801 HAIWATHA REHAB	46,625.00
2502	RIGGS MOWERS	TRACTOR W/IMPLEMENTS - EEC	47,000.00
4402	RICOH	RANSOMWARE RENEWAL	33,510.00
4425	HOOSIER FIRE EQ	NEW RESCUE RIG	71,665.00
4428	PREMIUM CONCRETE	ALMAC CT	33,350.00
4436	AMERICAN CONSLUTING	DESIGN SERVICES	107,733.47
4436	UNITED STATES AUTO CLUB	2022 GRANDPIX	50,000.00
4450	C & E EXCAVATING	ARLINGTON RD IMPROVEMENTS	112,253.73
6101	NUGENT	ADVANCED MODULE ANNUAL	36,872.58
6103	BURGESS & NIPLE	HIVELY AVE RAILROAD OVERPASS	34,645.31
6105	NIBLOCK EXCAVATING	WATER MAIN EXT	30,334.45
7704	BERKLEY LIFE & HEALTH	JULY	78,213.00
7704	HEALTH RESOURCES	DENTAL/VISION JULY	36,505.06
Total Claims over \$25,000:			<u>718,707.60</u>
Regular Claims under \$25,000:			<u>917,464.62</u>
Total Regular Departmental Claims:			<u>1,636,172.22</u>

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

Total Pre-Approved over \$25,000:	-
Regular Claims under \$25,000:	158,001.89
Total Pre-Approved Claims:	<u>158,001.89</u>

**American Rescue Plan Claims:**

COVID ADVERTISING	3,500.00
SMALL BUSINESS CONTINUITY	49,333.06
	-
	-
Total American Resuce Plan Claims:	<u>52,833.06</u>

**UTILITY REFUNDS**

Total Refunds:	<u>241.51</u>
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**Payroll and Pension Payments:**

Fire & Police Pension		
BI-weekly Payroll	7.22.2022	1,787,070.30
RETRO PAY		-
Total Payroll:		<u>1,787,070.30</u>

Total All Claims, Internal Payments, and Payroll: \$ 3,634,318.98

(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, July 19, 2022

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, July 19, 2022. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Chad Crabtree, and Jamie Arce attended in person. Ron Davis was absent. Rose Rivera joined the meeting after roll call.

1. Approve Agenda

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve the agenda. On motion by Chad Crabtree, seconded by Jamie Arce and carried 3-0, the agenda was amended by adding the Economic Development Partnership Grant award to the United Auto Club to New Business and the Elkhart Public Library Curbside Concerts to Use and Event Permits. The amended agenda carried 3-0.

2. Claims & Allowance Docket

On motion by Chad Crabtree, seconded by Jamie Arce and carried 3-0, the claims & allowance docket was approved in the amount of \$4,988,546.54 consisting of 26 pages as prepared on July 13, 2022 at 1:30 p.m.

3. Minutes Regular Meeting July 5, 2022 and Special Meeting July 8, 2022

On motion by Chad Crabtree, seconded by Jamie Arce and carried 3-0, the minutes from July 5 and July 8, 2022 were adopted.

4. Utilities

(A.) Administration

Water Utility MRO for June 2022

On motion by Chad Crabtree, seconded by Jamie Arce and carried 3-0, the Board accepted and placed on file the Water Utility MRO for June 2022.

(B.) Regulatory Affairs

Approval of Updates to Guide to Water Utility Policies

On motion by Chad Crabtree, seconded by Jamie Arce and carried 3-0, the Board approved the changes to the Water Utility Policies as outlined in a memo from Bryan Cress, Regulatory Compliance Manager.

\*\*\*Mike noted for the record member Rose Rivera joined the meeting.

(C.) Environmental Compliance

Consent Order with Compliance Schedule: Rico's at the Bulldog

For purposes of discussion, a motion was made by Chad Crabtree and seconded by Jamie Arce to approve the Consent Order with Compliance Schedule for Rico's at the Bulldog. Lynn Brabec explained the process to the Board. On May 4, 2022, the Board extended a FOG Variance for Rico's for six months. The Utility needed to put them under a Consent Order with Compliance schedule so there are milestones to meet. They met in person with Rico lavagnilio on June 30, 2022 and came up with the milestones. He and his business partner are both comfortable with the agreement. Rico signed it and the utility is requesting Board approval. Lynn explained they made it very clear if they had any issue meeting the milestones they needed to contact us in advance, if not, the penalties for not meeting the milestone would apply. Most of the challenge is getting a contractor and the materials. Jamie asked what the definition of contacting in advance was, and Lynn said a phone call followed up with an email at least a week in advance. Mike called for the vote and the motion carried 4-0.

BOARD OF PUBLIC WORKS  
Tuesday, July 19, 2022

Notice of Violation Discharging Without a Valid FOG Certificate- Cracker Barrel #113 110 Northpointe Blvd. (F2015-100)

For purposes of discussion, a motion was made by Chad Crabtree and seconded by Jamie Arce to approve the NOV: discharging without a valid FOG Certificate for Cracker Barrel and assess a penalty of \$1,090.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. Megan said they have not submitted their renewal FOG application and have not responded to many attempts to contact them via email and in person. On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the motion was amended to triple the penalty to \$3,270.00. The amended motion carried 4-0.

Notice of Violation Discharging Without a Valid FOG Certificate- Papa John's Pizza #570 1532-C Cassopolis St. (F2015-248)

For purposes of discussion, a motion was made by Chad Crabtree and seconded by Jamie Arce to approve the NOV: discharging without a valid FOG Certificate for Papa John's Pizza and assess a penalty of \$790.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. Megan said they have not submitted their renewal FOG application and have not responded to many attempts to contact them via email and in person. On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the motion was amended to triple the penalty to \$2,370.00. The amended motion carried 4-0.

Failure to Submit FOG Renewal Application Hardy's Bar 610 S. Main St. (F2015-157)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG renewal application for Hardy's Bar and assess a total penalty of \$395.00. Megan Kolaczyk explained the violation. The FSE was not present. They have submitted the application. Mike called for the vote and the motion carried 4-0.

Failure to Submit FOG Renewal Application El Rosal 2693 S. Main St. (F2015-121)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG renewal application for El Rosal and assess a total penalty of \$805.00. Megan Kolaczyk explained the violation. The FSE was not present. They have not submitted the application or responded. On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the motion was amended to triple the penalty to \$2,415.00. The amended motion carried 4-0.

Failure to Submit FOG Renewal Application Brothers Express Mart 3901 S. Main St. (F2015-062)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG renewal application for Brothers Express Mart and assess a total penalty of \$500.00. Megan Kolaczyk explained the violation. The FSE was not present. They have not submitted the application or responded. On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the motion was amended to triple the penalty to \$1500.00. The amended motion carried 4-0.

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Tuesday, July 19, 2022

Failure to Submit FOG Renewal Application New Star Enterprise 1226 S. Main St (F2016-021)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG renewal application for New Star Enterprise and assess a total penalty of \$475.00. Megan Kolaczyk explained the violation. The FSE was present. They did submit the application in June, however, they did not respond to the notice. The owner Ajmar Sinkh came forward to speak. Mike encouraged him to call the staff if he receives a letter and has trouble understanding. On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the motion was amended to cut the penalty in half to \$237.00. The amended motion carried 4-0.

Failure to Submit FOG Renewal Application Hardee's 2620 Cassopolis St. (F2019-026)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG renewal application for Hardee's and assess a total penalty of \$375.00. Megan Kolaczyk explained the violation. The FSE was not present. They have submitted the application. Mike called for the vote and the motion carried 4-0.

Failure to Submit New FOG Application Which Wich 5230 Beck Drive Suite 2-C (F2022-003)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG application for Which Wich 5230 Beck Drive and assess a penalty of \$120.00. Megan Kolaczyk explained the violation to the Board. The FSE was present. The owner Jason Patel came forward to speak. He said Megan was very helpful and they just didn't know about the FOG application. On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, the Board cut the penalty in half to \$60.00. The amended motion carried 4-0.

Failure to Submit New FOG Application Hay Huey 27751 CR 26 (F2022-008)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG application for Hey Huey and assess a penalty of \$100.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. Mike called for the vote and the motion carried 4-0.

Failure to Submit New FOG Application Rocket Science 27751 CR 26 (F2022-004)

A motion was made by Chad Crabtree and seconded by Jamie Arce to approve a violation for failure to submit a FOG application for Rocket Science and assess a penalty of \$155.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. Mike called for the vote and the motion carried 4-0.

5. Engineering

(A.) Utility

Agreement with Barnes & Thornburg: Oakland Ave. Force Main Phase A Sewage Works Revenue Bonds

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved an Agreement with Barnes & Thornburg for the Oakland Ave. Force Main Phase A Sewage Works Revenue Bonds. Tory Irwin, City Engineer, noted for the Board our Preliminary Engineering Reports were ranked 11 on the sewer side,

BOARD OF PUBLIC WORKS  
Tuesday, July 19, 2022

and the fundable number is up to 6. They are funding projects 1-6, our ranking was 11. Jamie added by funding we are referring to using SRF vs. usage and issuance of sewage revenue bonds. Tory said we are going to work with our financial advisors and IFA to see if there are other avenues of funding. Jamie said the benefit of using SRF funding is the lower rate so the cost of the debt is a lot more affordable. On the Water Utility side, there were only 6 projects and all six were fundable.

(B.) Stormwater

Indemnification Agreement with Community Missionary Baptist Church

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved an License, General Release and Indemnification Agreement with Community Baptist Church of Elkhart, Indiana, LLC to discharge stormwater runoff into the City's storm sewer.

(C.) Right of way

Award Quote #22-10 Washington Street Sidewalk Project

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board awarded Quote #22-10 Washington Street Sidewalk to Selge Construction Company, Inc. who was the lowest, responsive and responsible bidder with a contract price of \$41,515.00.

Award Bid #22-17 East Industrial Area Resurfacing Project

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board awarded the East Industrial Area Resurfacing Project to Niblock Excavating who was the lowest, responsive, and responsible bidder with a contract price of \$797,981.40.

Change Order #1 & Final Doral Lane Stormwater Pipe Replacement Quote #22-07

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved Change Order #1 for a decrease of \$14,015.50, bringing the contract price to \$25,546.50. Ryan Clussman, Right of Way Engineer asked the Board to not release retainage. At the time he wrote the change order, it was the final, but since then, they discovered a homeowner that connected their sump directly to the old style motor pipe, which we do not allow. When the work was done to change the sump pump pipe, the pipe disconnected by the house and when it settled, it backed into their house. We went back and reconnected that pipe. Everything is flowing now. There will be one more change order to reflect that work.

(D.) Summary

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board ratified the following permits:

Water Assessment Application: MB Construction

2809 A Ferndale Dr

Elkhart, IN 46517

Property: 56865 Virginia Dr

Paid in full, \$731.40

Property: 30715 Cynthia Dr

Paid in full, \$690.00

Property: 1827 CR 6

Paid in full, \$2,958.00



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Sewer Assessment Application: MS Investment Corp  
57157 Raider Dr  
Elkhart, IN 46516  
Property: 1827 CR 6  
Paid in full, \$11,095.00

Driveway Permit: #5044, Owner: Andrew Myers  
Property: 2009 Woodland Estates Dr  
Contractor: MB Construction  
\$600.00 bond by contractor

#5045, Owner: Francisco Sesmes  
Property: 210 W Wolf  
Contractor: Owner  
\$2,000.00 bond by owner

Release of Bond: #5040, Homeowner: Jorge De La Rosa  
Property: 2600 S 6<sup>th</sup> St

#5044, Owner: Andrew Myers  
Property: 2009 Woodland Estates Dr

#5045, Owner: Francisco Sesmes  
Property: 210 W Wolf Ave

Revocable Permits: #6521, Property Owner: Michael Markley  
Property: 1516 E Jackson Blvd  
Permit Holder: Four Wind Heating & Air  
Blocking one lane of traffic to install HVAC unit

#6522, Property Owner, EOZ Business  
Property: 240 E Jackson Blvd  
Permit Holder: EOZ Business  
Closing street for half hour for a ribbon cutting

#6523, Property Owner: City of Elkhart  
Property: East Jackson from 2<sup>nd</sup> St to Goshen Ave  
Permit Holder: Mastec  
Temporarily blocking turning lanes to install fiber

#6524, Property Owner: City of Elkhart ROW  
Property: W Indiana Ave, ROW  
Permit Holder: Frontier Communications  
Temporary closure of lanes

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Tuesday, July 19, 2022

#6525, Property Owner: Katherine Scukanec  
Property: 165 Simpson Ave  
Permit Holder: Katherine Scukanec  
Temporarily place container on street in front of house

7. New Business

Small Business Continuity Program Awards

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board awarded American Rescue Plan Act dollars to the following small businesses: Hair Nation Salon and Spa \$5,390.00, Ana's Beauty Salon \$1,500.00, S&S Hair Salon \$1,300.00, and Eleven21 \$1,200.00.

Economic Development Partnership Grant Award: United States Auto Club

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board awarded the United States Auto Club an Economic Development Partnership Grant in the amount of \$50,000.00.

8. Use & Event Permits

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board approved the following Use & Event Permits:

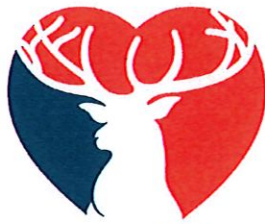
- Leroy Robinson Southern Soul & Jazz on the Green 8/27- Central Green Park & Civic Plaza, Special Exception from Noise, Public Assembly, Electric, Water, Plaza Sign
- DAV #19 Annual Corn & Sausage Roast 8/6- Special Exception from Noise
- DAV #19 Annual Picnic 8/20 - Special Exception from Noise
- DAV #19 Building Fundraiser 7/30- Special Exception from Noise
- McKnight Graduation 7/30- Special Exception from Noise, Temporary Street Closure
- Wellfield Taste of the Gardens 8/28- ESS
- Martin Wedding 10/1- Special Exception from Noise
- Rally for Women's/ Human Rights 8/3- Civic Plaza, Public Assembly, Special Exception from Noise, Electric
- Hispanic Heritage Festival Celebrating Elkhart's Sister City 10/1- Central Green Park & Civic Plaza, Special Exception from Noise, Public Assembly, Electric, Water, Plaza Sign
- 8/2- Night Out Against Crime- Central Green Park & Civic Plaza, Special Exception from Noise, Public Assembly, Electric, ESS, EPD, EFD, Parks, Street Closure
- Elkhart Public Library Curbside Concerts 9/9, 9/16/ 9/23, 9/30, 10/7, 10/14- Special Exception from Noise, Plaza Sign

9. Adjournment

On motion by Chad Crabtree, seconded by Jamie Arce and carried 4-0, the Board of Works adjourned at 10:01 a.m.

\_\_\_\_\_  
Mike Machlan, President

Attest: \_\_\_\_\_ Nancy Wilson, Clerk of the Board



City of Elkhart  
*Public Works and Utilities*

Date Jul 26, 2022  
Memo To Board of Public Works  
Memo From Laura Kolo, Utility Services Manager *LK*  
Subject Wastewater Utility Monthly Report of Operations  
for the month of June, 2022

**Wastewater MRO Highlights**

Parameter	Monthly Avg	Permit Limit
Suspended Solids mg/L	4	30
cBOD5 mg/L	1	25
Phosphorus mg/L	0.6	1.0
Ammonia mg/L	0.15	4.4 (Dec-Apr) 4.2 (May-Nov)
Avg Daily Flow MGD	14.83	Design - 20
Total Monthly Flow MGD	445	Report

NPDES Permit E. coli violation in June, 5 days exceedance of 235 MPN< limit is 3.

**Incident Reports Filed**

Date	Location	Volume (gal)	Cause
6/13/22	206 Glendale	unknown	debris
6/18/22	CSO 20, Bridge St.	50,600	power outage
6/26/22	923 Richmond	793	grease

**Wet Weather Overflows**

Number of Events	Total Overflow Volume (MG)
4	12.185



# FATS, OILS AND GREASE Grease Control Device Not Operational

Name of FSE: Comfort Suites Elkhart Facility Number: F2015-013  
Physical Address: 27838 CR 24

Violation Date: 05/20/2022 How not operational: Hose installed to bypass trap.  
Offense # 1 in 12-month period. Penalty Matrix recommendation\*: \$ 100

NOV Delivered to FSE: 06/27/2022 FSE NOV Response Due: 7/12/2022  
NOV Response Submitted: No Response Complete  Incomplete   
Response Missing: All items Completed Date: No Response  
Offense # 1 in 12-month period. Penalty Matrix recommendation\*\*: \$ 100

Penalty Matrix recommendation in combined penalties: \$ 200

Board of Works total assessed penalty: \$

Approved this \_\_\_\_\_ of \_\_\_\_\_, 2022

\_\_\_\_\_  
Michael Machlan  
\_\_\_\_\_  
Chad Crabtree  
\_\_\_\_\_  
Jamie Arce  
\_\_\_\_\_  
Ronnie Davis  
\_\_\_\_\_  
Rose Rivera

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Date  
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Date

\*According to the "FSE FOG Penalty Guideline Table" contained in the Elkhart Public Works and Utilities "Guide to Wastewater Utility Policies", July 2019 revision, the following penalty is recommended for a 25% Rule violation:

Offense	First offense	Second offense	Third offense	Fourth & subsequent offense(s)
15.9.3 Failure to operate or maintain FOG control device in proper working order (Ord. No. 5434 as amended)	\$100	\$200	\$250	\$300

\*\*According to the guidance in the Enforcement Response Plan Penalty Matrix, Section, 9.3.3, Failure to respond to a Notice of Violation:

Offense	First offense	Second offense	Third & subsequent offense(s)
9.3.3 Failure to respond to Notice of Violation :	\$100	\$200	\$500



# FATS, OILS AND GREASE 25% Rule Violation

Name of FSE: Hardee's Facility Number: F2019-026  
Physical Address: 2620 Cassopolis St.

25% Rule Violation Date: 04/12/2022 FOG + Solids Measurement: 48%  
*Based on a submitted pumping record.*

Offense # 1 in 12-month period. Penalty Matrix recommendation\*: \$ 100

NOV Delivered to FSE: 06/28/2022 FSE NOV Response Due: 7/13/2022  
NOV Response Submitted: No Response Complete  Incomplete   
Response Missing: All items Completed Date: No Response

Offense # 2 in 12-month period. Penalty Matrix recommendation\*\*: \$ 200

Penalty Matrix recommendation in combined penalties: \$ 300

Board of Works total assessed penalty: \$

Approved this \_\_\_\_\_ of \_\_\_\_\_, 2022

\_\_\_\_\_  
Michael Machlan  
\_\_\_\_\_  
Chad Crabtree  
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Jamie Arce  
\_\_\_\_\_  
Ronnie Davis  
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Rose Rivera

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\*According to the "FSE FOG Penalty Guideline Table" contained in the Elkhart Public Works and Utilities "Guide to Wastewater Utility Policies", July 2019 revision, the following penalty is recommended for a 25% Rule violation:

Offense	First offense	Second offense	Third offense	Fourth & subsequent offense(s)
15.9.3 Failure to operate or maintain FOG control device in proper working order (Ord. No. 5434 as amended)	\$100	\$200	\$250	\$300

\*\*According to the guidance in the Enforcement Response Plan Penalty Matrix, Section, 9.3.3, Failure to respond to a Notice of Violation:

Offense	First offense	Second offense	Third & subsequent offense(s)
9.3.3 Failure to respond to Notice of Violation :	\$100	\$200	\$500



# FATS, OILS AND GREASE 25% Rule Violation

Name of FSE: LA ESPERANZA Facility Number: F2015-193  
Physical Address: 601 E. JACKSON BLVD.

25% Rule Violation Date: 05/12/2022 FOG + Solids Measurement: 100%

Offense # 1 in 12-month period. Penalty Matrix recommendation\*: \$ 100

NOV Delivered to FSE: 06/27/2022 FSE NOV Response Due: 7/12/2022  
NOV Response Submitted: 7/5/2022 Complete  Incomplete   
Response Missing: Complete Completed Date: 7/5/2022

Offense # N/A in 12-month period. Penalty Matrix recommendation\*\*: \$ N/A

Penalty Matrix recommendation in combined penalties: \$ 100

Board of Works total assessed penalty: \$

Approved this \_\_\_\_\_ of \_\_\_\_\_, 2022

\_\_\_\_\_  
Michael Machlan

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jamie Arce

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronnie Davis

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rose Rivera

\_\_\_\_\_  
Date



\*According to the "FSE FOG Penalty Guideline Table" contained in the Elkhart Public Works and Utilities "Guide to Wastewater Utility Policies", July 2019 revision, the following penalty is recommended for a 25% Rule violation:

Offense	First offense	Second offense	Third offense	Fourth & subsequent offense(s)
15.9.3 Failure to operate or maintain FOG control device in proper working order (Ord. No. 5434 as amended)	\$100	\$200	\$250	\$300

\*\*According to the guidance in the Enforcement Response Plan Penalty Matrix, Section, 9.3.3, Failure to respond to a Notice of Violation:

Offense	First offense	Second offense	Third & subsequent offense(s)
9.3.3 Failure to respond to Notice of Violation :	\$100	\$200	\$500

Rod Roberson  
Mayor

Laura Kolo  
Environmental Resources

Tory Irwin, P.E.  
Engineering Services



Public Works &  
Utilities Department


Administration, Engineering  
& Laboratory  
574.293.2572

Utility Billing  
574.264.4273

1201 S. Nappanee St.  
Elkhart, Indiana 46516

## Memorandum

To: Board of Public Works

From: Maggie Marnocha 

Date: July 20, 2022

Re: Release of Temporary Easement

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In 2018, the City of Elkhart was granted a temporary easement by G & G Oil Company of Indiana, Inc. in order to perform work incidental to the Cassopolis Street project. That project is now complete and the temporary easement should be released.

Please authorize the Board President to sign the Release of Recorded Temporary Highway Easement, attached hereto, so that it may be recorded.

**RELEASE OF RECORDED TEMPORARY HIGHWAY EASEMENT**

**RELEASING PARTY:**

**RETURN RECORDED RELEASE TO:**

City of Elkhart  
229 S. Second Street  
Elkhart, Indiana 46516

G & G Oil Company of Indiana, Inc.  
c/o Plews Shadley Racher & Braun LLP  
1346 North Delaware Street  
Indianapolis, Indiana 46202-2415

The City of Elkhart hereby releases that certain *Temporary Highway Easement Grant* recorded in the Office of the Recorder of Elkhart County, Indiana, on August 14, 2018, as Document No. 2018-16616, and in so doing, hereby extinguishes all rights and privileges, heretofore granted to the City of Elkhart, under said instrument.

IN WITNESS WHEREOF, the City of Elkhart executes this release this \_\_\_\_ day of \_\_\_\_\_ ,

\_\_\_\_\_.

CITY OF ELKHART BOARD OF PUBLIC WORKS

By: \_\_\_\_\_

Mike Machlan  
President of the Board of Public Works

STATE OF INDIANA        )  
  )       §  
COUNTY OF ELKHART    )

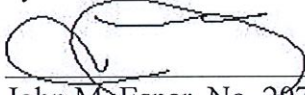
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mike Machlan, as President of the City of Elkhart Board of Public Works and acknowledged the execution of the foregoing deed to be his duly authorized act on behalf of the City of Elkhart by and through the Board of Public Works.

Witness, my hand and seal this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Nancy A. Wilson, Notary Public  
Elkhart County ~ State of Indiana  
Commission No. NP0665890

Commission Expires May 8, 2023

The undersigned attorney, who prepared this instrument, affirms under the penalties for perjury, that he has taken reasonable care to redact each Social Security Number in this document, unless required by law.



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John M. Espar, No. 20758-46

Corporation Counsel for the City of Elkhart, Indiana

229 S. Second Street

Elkhart, Indiana 46516

574-322-4433

[john.espar@coei.org](mailto:john.espar@coei.org)

2018-16616

ELKHART COUNTY RECORDER  
JENNIFER L. DORIOT  
FILED FOR RECORD ON  
AS PRESENTED  
08/14/2018 03:20 PM

THIS DOCUMENT IS PROVIDED FOR SOLICITING TITLE AND NOT ELIGIBLE FOR RESALE UNDER IC 36-2-7

**TEMPORARY HIGHWAY EASEMENT GRANT  
(GENERAL)**

Form T-3  
Revised 07/2014

Project:	<u>1400712</u>
Code:	<u>NA</u>
Parcel:	<u>85A</u>
Page:	<u>1 of 3</u>

**THIS INDENTURE WITNESSETH**, That G & G Oil Company of Indiana, Inc., and Indiana Corporation, the Grantor(s) of Delaware County, State of Indiana Grant(s) to the **CITY OF ELKHART**, the Grantee, for and in consideration of the sum of eighty and 00/100 Dollars (\$80.00) (of which said sum \$0.00 represents land improvements acquired and \$80.00 represents land temporarily encumbered and damages) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have possession of the Real Estate of the Grantor(s) for the purpose of Sidewalk Construction, which said work is incidental to the construction of the highway facility known as Cassopolis Street and as Project 1400712, which said Real Estate situated in the County of Elkhart, State of Indiana, and which is more particularly described in the legal description(s) attached hereto as Exhibit "A" which is incorporated herein by reference, which said temporary easement shall be extinguished, become void and revert to the Grantor(s) and/or the Grantor(s) successor(s) in title upon completion of the said Project. Said extinguishment shall be evidenced by a release document, which shall be executed and recorded by the Grantee, at no cost to the Grantor(s).

kkj

Part Of

Interests in land acquired by the City of  
Elkhart  
Grantee mailing address:  
1201 South Nappanee Street  
Elkhart, IN 46516  
I.C. 8-23-7-31

DM

NO SALES DISCLOSURE REQUIRED - LM

Form T-3  
Revised 07/2014

Project:	<u>1400712</u>
Code:	<u>NA</u>
Parcel:	<u>85A</u>
Page:	<u>2 of 3</u>

The undersigned represents and warrants that he is a duly elected officer of the Grantor; that the Grantor is a corporation validly existing in the State of its origin and, where required, in the State where the subject real estate is situated; that the Grantor has full corporate capacity to convey the real estate interest described; that pursuant to resolution of the board of directors or shareholders of the Grantor or the by-laws of the Grantor he has full authority to execute and deliver this instrument on its behalf and that said authority has not been revoked; that he is therefore, fully authorized and empowered to convey to the State of Indiana real estate of the Grantor, and that on the date of execution of said conveyance instruments he had full authority to so act; and that all necessary corporate action for the making of this conveyance has been duly taken.

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the State of Indiana except:

NONE

The said Grantor(s) acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor(s), for the purpose of inducing the State of Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantor(s) is the owner(s) in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens (except current real estate taxes and assessments) of any kind or character which would be inconsistent with the temporary rights granted herein.

THIS DOCUMENT IS PROVIDED FOR YOUR USE ONLY AND NOT ELIGIBLE FOR RESALE UNDER IC 36-2-7

Form T-3  
Revised 07/2014

Project:	1400712
Code:	NA
Parcel:	85A
Page:	3 of 3

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument  
 this 22 day of JUNE, 2018.  
 G & G Oil Company of Indiana, Inc. and Indiana Corporation  
 \_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
 Signature Signature  
 Shane A. Neal, President \_\_\_\_\_  
 Printed Name Printed Name  
 \_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
 Signature Signature  
 \_\_\_\_\_  
 Printed Name Printed Name

STATE OF: Indiana

SS:

COUNTY OF Delaware

Before me, a Notary Public in and for said State and County, personally appeared Shane A Neal, President of G & G Oil Company of Indiana, Inc., and Indiana Corporation, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 22 day of JUNE, 2018.

Signature \_\_\_\_\_

Printed Name CLIFTON DICKERSON

My Commission expires 8/27/2023

I am a resident of Allen County.



CLIFTON DICKERSON, Notary Public  
Allen County, State of Indiana  
My Commission Expires August 27, 2023  
Commission No. 671065

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.  
Lawrence J. Meteiver Attorney at Law

This instrument was prepared by Lawrence J. Meteiver #10452-98, Attorney at Law, Address 229 S. 2nd Street Elkhart, IN 46516

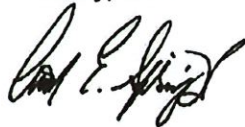
**EXHIBIT "A"**

Project: 1400712  
Des: 1400712  
Parcel 833 Temporary Right of Way for Sidewalk Construction  
Form T-3

Sheet 1 of 1

A part of the Northeast Quarter of Section 32, Township 38 North, Range 5 East, Elkhart County, Indiana, described as follows: Commencing at a point in the center of Bristol Street and Cassopolis Street (S.R. 19) in the City of Elkhart; thence South 89 degrees 36 minutes 33 seconds East 190.00 feet (distance quoted from Instrument 2013-25884) along the centerline of said Bristol Street to the prolonged east line of the grantor's land; thence North 1 degree 4 minutes 10 seconds West 40.01 feet (distance derived from Instrument 2013-25884) along said prolonged east line to the north boundary of said Bristol Street; thence North 89 degrees 36 minutes 33 seconds West 99.98 feet along said north boundary to the POINT OF BEGINNING of this description; thence North 89 degrees 36 minutes 33 seconds West 1.33 feet along said boundary; thence North 79 degrees 21 minutes 54 seconds West 5.87 feet; thence North 62 degrees 22 minutes 08 seconds East 2.87 feet; thence South 89 degrees 41 minutes 24 seconds East 4.52 feet; thence South 1 degree 04 minutes 44 seconds East 2.40 feet to the POINT OF BEGINNING, and containing 12 square feet, more or less.

This description was prepared for the City of Elkhart, Indiana, by DLZ Indiana, LLC and certified by Aaron E. Springer, Indiana Registered Land Surveyor, License No. LS20000228, on the 9<sup>th</sup> day of January, 2018.



Aaron E. Springer, P.S  
Indiana Registered Land Surveyor No. LS20000228







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## MEMORANDUM

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**DATE:** August 2, 2022

**TO:** Board of Public Works

**FROM:** Joe Foy, Stormwater Manager 

**RE:** **Professional Services Agreement with Christopher B. Burke Engineering, LLC to Develop a Comprehensive Stormwater Ordinance and Technical Standards Document**

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Attached is the Standard Form of Agreement for Professional Services (PSA) between the City and CBBE to develop a comprehensive stormwater ordinance and technical standards document to help us comply with the new MS4 Permit requirements.

The tasks that CBBE will complete for this Project include the following:

- Meet with City staff and Stormwater Board members to identify the process that will be utilized to develop these documents.
- Develop the initial draft customized to Elkhart's needs utilizing the LTAP stormwater ordinance and technical standards templates.
- Meet with staff and Stormwater Board members to discuss comments/remarks about each draft and provide revised documents based on information collected at these meetings. This will happen a couple of times by the end of 2022.
- Provide a digital version of the final documents for presentation to City staff and the City Council by January 20, 2023.

This agreement has been reviewed and approved by Legal.

Funding for this project will be provided using budget line 6501-5-931-7360000 (Stormwater Contractual).

Engineering requests the Board of Public Works:

**Approve the Professional Services Agreement with Christopher B. Burke Engineering, LLC to develop a Comprehensive Stormwater Ordinance and Technical Standards Document for a total not-to-exceed amount of \$11,000.**



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

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**DATE:** August 2, 2022

**TO:** Board of Public Works

**FROM:** Paul Wunderlich, Utility Engineer *PW*

**RE:** **LaSalle McKinley Benham Lift Station and Force Main Project  
Appropriation Request**

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Benham has been experiencing flooding in their streets during heavy rainfall events. The Engineering Department has enlisted the assistance of DLZ to perform the design for this project. The project includes a new lift station and force main to convey Stormwater from the existing Stormwater sewer network near the Benham Avenue/Martin Luther King Drive intersection, to an existing outfall sewer near the Lafayette Street/12<sup>th</sup> Street intersection. The existing outfall sewer will convey the Stormwater to the St Joseph River. This project is in conjunction with a city designed project to extend storm sewer.

If funding is secured and the PSA is approved, the design will commence in August of 2022, with construction started by April of 2023.

The cost of the design is \$369,000. An appropriation of \$194,000 from the Stormwater Capital Fund is being requested to fund the design.

This appropriation request has been approved by the Utility Accountant.

It is requested the Board of Public Works:

**appropriate \$194,000 to the Stormwater Capital fund 6504-5-999-7999999 for the  
LaSalle, McKinley, & Benham Lift Station and Force Main Project**



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

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**DATE:** August 2, 2022

**TO:** Board of Public Works

**FROM:** Paul Wunderlich, Utility Engineer *PW*

**RE:** **LaSalle McKinley Benham Stormwater Lift Station and Force Main Project Professional Service Agreement - DLZ**

---

Benham has been experiencing flooding in their streets during heavy rainfall events. The Engineering Department has enlisted the assistance of DLZ to perform the design for this project. The project includes a new lift station and force main to convey Stormwater from the existing Stormwater sewer network near the Benham Avenue/Martin Luther King Drive intersection, to an existing outfall sewer near the Lafayette Street/12<sup>th</sup> Street intersection. The existing outfall sewer will convey the Stormwater to the St Joseph River. This project is in conjunction with a city designed project to extend storm sewer.

The design will commence upon approval of this PSA in August of 2022, with construction started by April of 2023. The PSA includes a route study, full design, permitting, survey, etc. It does not include construction inspection, as we will evaluate our ability to perform that work in-house as the project moves closer.

The design will be funded through Stormwater Funds.

This PSA has been approved by legal.

It is requested the Board of Public Works:

**approve the Professional Service Agreement between the City and DLZ Indiana, LLC for the LaSalle McKinley Benham Stormwater Lift Station and Force Main in an amount not to exceed \$369,000.**



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

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**DATE:** August 2, 2022  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *PW*  
**RE:** **CSO Basin 13 LTCP Control Study - DLZ**

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Per the City's CSO Consent Decree and the Long Term Control Plan LTCP, Elkhart has continued to meet the critical milestones outlined in the LTCP. One of these milestones is the partial separation of CSO Basin 13 as part of the Upper St Joseph River CSO Control. The aim of this project is first, to partially separate CSO Basin 13. Additionally the project seeks to mitigate groundwater intrusion in the Lawndale neighborhood, and replace sanitary sewer and laterals on Beardsley Avenue between Osolo Road and Johnson Street.

The design will be funded through 2022 Budgeted Wastewater Funds.

This PSA has been approved by legal.

It is requested the Board of Public Works:

**approve the Professional Service Agreement between the City and DLZ Indiana, LLC for the CSO Basin 13 LTCP Control Study in an amount not to exceed \$167,500.**

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

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**DATE:** July 26, 2022

**TO:** Board of Public Works

**FROM:** Ryan Clussman, Right-of-Way Engineer RC

**RE:** **Benchmark and Hoffman Road Extensions – Professional Services Agreement**

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Attached is a Professional Services Agreement for American Structurepoint to perform a design engineering project for the City of Elkhart. Part of the design process will be performing detailed surveys along the project route, provide up to 3 alignment alternatives and a preliminary plan set, as well as an in-depth drainage analysis and wetland delineation.

American Structurepoint will complete the preliminary design of Benchmark and Hoffman Extension project by December 2, 2022.

The cost for the professional service agreement of this portion of the project is not to exceed **\$500,000.00**. This cost will be paid from civil city appropriations.

Our legal department has approved this Professional Service Agreement.

**It is requested the Board of Public Works approve the Professional Services Agreement between the City and American Structurepoint for the preliminary design of the Benchmark and Hoffman Road Extension, this portion not to exceed \$500,000.00.**

*Department of Law*

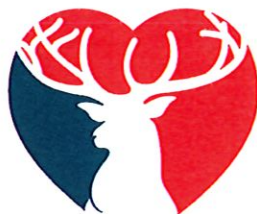
John M. Espar  
*Corporation Counsel*

Rose Rivera  
*City Attorney*

Kevin Davis  
*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](http://www.elkhartindiana.org)

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MEMO

July 28, 2022

Dear Board of Public Works,

Elkhart Sister Cities Association, Inc., is in the process of planning a Hispanic Heritage Festival for October 1, 2022 at Central Green from 12pm to 8pm and is requesting permission to fundraise to support our expected costs:

Port a Potties	1 ADA plus 5 port a potties	\$985
Hand Wash Stations	2 hand washing stations	\$360
Hotel for Officials from Apan, Mexico	2 rooms	\$384
Jumbo Tron	1 Jumbo Tron	\$2,800
Entertainment	1 hour 20 minutes	\$7,950
T-shirts for volunteers	Quantity?	\$ 300
Banner		\$ 300
Production Costs		\$4,500
<b>Total</b>		<b>\$17,579</b>

**Request: Authorize Sister Cities to fundraise to be able to cover the costs associated with the Hispanic Heritage Festival: Celebrating Elkhart's Sister City, Apan, Hidalgo, Mexico.**

Thanks,

Rose Rivera  
City Attorney



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

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## MEMORANDUM

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**DATE:** 7/25/2022  
**TO:** Board of Public Works  
**FROM:** Corporation Counsel John Espar  
**RE:** Ratification and Approval of Purchase of Time Matters Case Management Software

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Dear Members of the Board:

Attached to this memorandum are the purchase orders associated with Time Matters®, the case management software used by the Department of Law, the City Clerk, the Police Department and the Utilities Department for work in we share responsibilities.

The purchase orders involve the renewal of five (5) licenses and the purchase of an additional four (4) licenses to be shared among the named departments.

In order to place all licenses on the same renewal calendar and avoid any lapse in licensing, the purchase and renewal needed to occur before July 31, 2022, and in advance of your next scheduled meeting. For this reason, I approved the purchase orders and now request your ratification of the purchases. The various licenses and associated costs will be shared as follows:

Department of Law: five (5) licenses;  
City Clerk: two (2) licenses;  
Police Department: one (1) license; and  
Utilities Department: one (1) license.

Thank you for your consideration of this request.



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

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**MEMORANDUM**

---

**DATE:** 7/25/2022  
**TO:** Board of Public Works  
**FROM:** Corporation Counsel John Espar  
**RE:** Ratification and Approval of Purchase of Time Matters Case Management Software

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Department of Law: five (5) licenses;  
City Clerk: two (2) licenses;  
Police Department: one (1) license; and  
Utilities Department: one (1) license.

Thank you for your consideration of this request.





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

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**DATE:** July 28, 2022  
**TO:** Board of Public Works  
**FROM:** Corporation Counsel John Espar  
**RE:** Approval of License and Indemnification Agreement

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Dear Members of the Board:

The attached License and Indemnification Agreement arises from the use of INOVA Credit Union's lawn for race spectators and pedestrians attending the upcoming Elkhart Grand Prix event.

Under the agreement INOVA Credit Union will grant a license to the City of Elkhart and the United States Auto Club Inc. (USAC) to permit the City and USAC to use INOVA lawn for Grand Prix spectators to occupy during the race and to a lesser extent at other times during two-day event.

In exchange for INOVA's license, the City and USAC agree to indemnify INOVA from any liability or adverse claims arising out the license granted in connection with the Grand Prix Event.

It is worth noting that the license agreement with INOVA does not modify or otherwise disturb the indemnification agreement that this Board previously approved between the City of Elkhart and the USAC, and through which the USAC as a grant recipient and primary event organizer, has agreed to indemnify the City against claims arising out of the Grand Prix Event.

## LICENSE AND INDEMNIFICATION AGREEMENT

INOVA FCU, whose address is 358 S. Elkhart Avenue, Elkhart, Indiana 46516 (“Licensor”), and the City of Elkhart, a municipal corporation of the State of Indiana, whose address is 229 S. Second Street, Elkhart, IN 46516 and United States Auto Club Inc., whose address is 4910 W. 16th Street, Indianapolis, IN, 46224 (jointly, “Licensee”), enter into this Agreement upon the following terms:

1. Background. Licensor, INOVA, FCU, is the owner of real property located at 358 S. Elkhart Avenue, Elkhart, Indiana. Licensee has requested, and Licensor is willing to grant Licensee a temporarily revocable license to erect barrier fencing along the lawn of Licensor’s property which is adjacent to Licensee’s S. Elkhart Avenue pedestrian right-of-way.
2. Grant of the License. The limited purpose of the license is to maintain a barrier fencing to restrict persons from entering upon the right-of-way adjacent to Licensor’s property during the 2022 Elkhart Grand Prix event, held August 5-6, 2022.
3. Repairs and Maintenance. Licensee covenants to return Licensor’s property to its pre-licensing condition upon conclusion of the Grand Prix event, held August 5-6, 2022.
4. Indemnification and Waiver. Licensee agrees to indemnify the Licensor against any claims, actions, damages, liability, arising by reason of Licensee’s use of the land or this license, including any claims arising against Licensor by reason of person entering upon Licensor’s described property (whether invited or uninvited) in connection with the Grand Prix event. Licensee also waives any right of recovery he may have, now or later, against the Licensor for any loss or damage arising out of this license or the use of the property.
5. Duty to Defend. Licensee further agrees that it has the Duty to Defend Licensor and a Duty to Indemnify and save and hold Licensor harmless from any and all claims, demands, judgments, losses, fines, penalties, costs, expenses, and attorneys’ fees for damages to persons or property, or for loss of life arising from Licensee’s holding of the Grand Prix event to take place August 5-6, 2022, (“Grand Prix Event”) which may occur upon Licensor’s property, whether occurring inside of or outside of the temporarily erect barrier fencing described above as well as Licensor’s common areas or licensed areas.
6. Insurance. Licensee represents that each Licensee has adequate insurance coverage for the above-described Grand Prix Event to cover any losses incurred by Licensor as a result of the Grand Prix Event.
7. Revocation. This License Agreement may be revoked by Licensor at any time, upon written notice to Licensee at the addresses below.
8. Limitation of Indemnification Agreement. Nothing in this License and Indemnification Agreement is intended to limit or modify the duty of indemnification which exist between United States Auto Club Inc. and for the benefit of the City of Elkhart.
9. Effective Date. This License Agreement shall become effective when all the parties listed below have signed this Agreement.

LICENSOR:

INOVA FCU

By: \_\_\_\_\_  
Dallas W. Bergl, President

Dated: August, \_\_\_\_\_, 2022

LICENSEE:

CITY OF ELKHART BOARD OF PUBLIC WORKS

By: \_\_\_\_\_  
Michael Machlan, President of the Board

Dated: August, \_\_\_\_\_, 2022

LICENSEE:

UNITED STATES AUTO CLUB, INC.

By: \_\_\_\_\_  
Kevin Smith, President\CEO

Dated: August, \_\_\_\_\_, 2022

Approved by:

John M. Espar, Id. No. 20758-46  
Corporation Counsel  
City of Elkhart, Department of Law  
229 S. Second St  
Elkhart, IN 46516  
574-322-4433  
[john.espar@coei.org](mailto:john.espar@coei.org)

Rod Roberson  
Mayor



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

July 28, 2022

Michael Machlan  
Chad Crabtree  
Ronnie Davis  
Jamie Arce  
Rose Rivera

RE: PROPOSAL FOR ENTREPRENEURSHIP CENTER  
Economic Development  
City of Elkhart, IN

Dear Board:

The Department of Development Services is diligently working to support our business and manufacturing community within the City of Elkhart. One of our primary goals within Economic Development is to support initiatives to diversify our economy so we are not as dependent on the ebbs and flows of the RV industry. A step toward that goal is to support an entrepreneurship center within the City. To begin this project we have engaged with Next Level Manufacturing Institute, leaders in this space within the State of Indiana. They have agreed to provide services related to site selection, pre-engineering and design, stakeholder engagement, feasibility analysis and facility acquisition.

For the services offered, Next Level Manufacturing Institute agrees that the City shall not pay more than \$900,000. If the services should exceed the estimated price, the Department of Development Services will come back to the Board to make it aware of the change.

The City is requesting that a motion be made to approve the agreement with Next Level Manufacturing Institute which limits the amount the City will pay for services to \$900,000. Services will begin immediately upon the Board's approval. Please consider our request to execute this agreement as presented.

Respectfully,

Kristen Smole

# MEMORANDUM

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**TO:** BOARD OF PUBLIC WORKS

**FROM:** TONY NEWTON, INTERIM DIRECTOR OF IT

**SUBJECT:** APPROVAL OF AGREEMENT WITH SHI INTERNATIONAL CORP.

**DATE:** 7/28/2022

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The Department of Information Technology requests approval of the contract with Shi International Corp. for the use of Monday.com project management software.

The prior agreement had to be modified because of the company's international headquarters and legal has requested a new agreement with a third party service provider.

The software will be used for the Development Services team and is intended to be used citywide to collaborate across different departments on projects. The cost for the first year is \$9,123.84 and an additional \$2,500 for initial setup and support for a total of \$11,623.84. This software will replace Teamwork for the city and the funding for the software has already been budgeted.

**It is requested that the Board of Public Works grant approval of the agreement.**



# ELKHART BOARD OF WORKS 2022 USE & EVENT PERMIT APPLICATION

*Valid*  
229 South 2<sup>nd</sup> Street  
Elkhart, IN 46516  
Phone: (574) 294-5471

Date Received: \_\_\_\_\_

INSTRUCTIONS: Please carefully read the "Event Procedures & Guidelines" sections before completing this application.  
Incomplete applications and/or applications without the required application fee will not be processed.

EVENT NAME: Neighborhood Party/ Garage Sale DATE(S) REQUESTED Aug. 13, 2022  
LOCATION/VENUE REQUESTED 1316 Prairie St., Elkhart IN, 46516  
LOCATION/VENUE 2<sup>ND</sup> CHOICE REQUESTED N/A

OFFICE USE: DATE/VENUE AVAILABLE  No  Yes

### APPLICANT INFORMATION

NAME OF APPLICANT Carolyn Hunt  
NAME OF EVENT ORGANIZER/PRODUCER  
Prairie Street Mennonite Church  
PRODUCTION COMPANY/ORGANIZATION \_\_\_\_\_  
STREET ADDRESS 1316 Prairie St. APT/UNIT/SUITE \_\_\_\_\_  
CITY Elkhart STATE IN ZIP CODE 46516  
E-MAIL ADDRESS HuntCG@aol.com  
DAYTIME PHONE 574-295-8738 FAX N/A CELL PHONE 574-350-6285  
EVENT DAY ON-SITE CONTACT \* REQUIRED Quinn Brenneke, pastor DAYTIME PHONE 574-293-0377 CELL PHONE 260-385-2657

EVENT SPONSOR: Are you, the applicant, organizing this event on behalf of another organization?  
(Please check No or Yes Below)

No  Yes → Name of Organization: \_\_\_\_\_

NAME OF SPONSORING ORGANIZATION CONTACT \_\_\_\_\_ SPONSORING ORG. CONTACT PHONE \_\_\_\_\_

ADDRESS OF SPONSORING ORGANIZATION \_\_\_\_\_ CITY \_\_\_\_\_ ZIP CODE \_\_\_\_\_

Additional Documentation Required: If you checked "Yes" above, please submit an endorsement letter from the organization (on their official Letterhead) on whose behalf you are organizing this event.

Is the sponsoring organization a 501(c) (3)?  
(Please check No or Yes below.)

No  Yes → Please attach current verification of 501(c) (3) status

Does the sponsoring organization have an ST-105, General Sales Tax Exemption Status?  
(Please check No or Yes below.)

No  Yes → Please attach current verification of ST-105 status

|                                      |
|--------------------------------------|
| FEDERAL TAX ID #<br><u>350876350</u> |
|--------------------------------------|

**EVENT INFORMATION**

ACTUAL EVENT TIMES (NOT INCLUDING SETUP or TAKE DOWN)

Start Time: 9A Finish Time: 6P

Additional Information Required: If your event includes multiple days and/or varying times, please attach a schedule.

|                                             |                              |
|---------------------------------------------|------------------------------|
| SET-UP TIME(S)<br>From: 8A To: 9A           | TEAR-DOWN<br>From: 6P To: 8P |
| EXPECTED NUMBER OF PARTICIPANTS: 100 people |                              |

If event is reoccurring, please submit past number of participants below.

|                              |                              |
|------------------------------|------------------------------|
| 2021 NUMBER OF PARTICIPANTS: | 2020 NUMBER OF PARTICIPANTS: |
|------------------------------|------------------------------|

PREVIOUS YEAR DATE/LOCATION: Has this event been previously held?  
(Please check No or Yes below.)

No  Yes

Event Name: \_\_\_\_\_  
Location: \_\_\_\_\_ Date: \_\_\_\_\_

**EVENT DESCRIPTION**

Please check what type of event this is (Check all that apply) and write a brief description of your event.

- Walk/Run
- Cultural Event
- Art Fair/Festival
- Public Rally/March
- Concert/Performance
- Bike Ride
- Service

Other event, please describe:  
 "FREE Garage Sale" sharing excess furnishings with neighbors. A chance for people around our church block to become acquainted and strengthen ties in neighborhood.

Brief Description of Event: see above ↗

We have invited 2 food vendors. Church youth will sell lemonade DJ/music to create festive atmosphere.  
 People are invited to take what they need / share what they don't use anymore from their own homes, in a central location.

Please provide a detailed description of your event. Document(s) with this information or other materials describing this event may be attached.

**PROHIBITED ACTIVITIES IN CITY PARKS (By Ordinances)**

- No Fundraising Allowed
- No Bounce Houses Allowed
- No Admission Fees Allowed