

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

Common Council Chambers

9:00 A.M., Tuesday, September 6, 2022

<https://coei.webex.com/coei/j.php?MTID=m3b97fe41f815ef31eea95f79737f0f0f>

Join by phone: 1-415-655-0001

Meeting Number (access code): 2312 308 5743 Meeting password: BOW22

- I. Roll Call**
- II. Approve Agenda**
- III. Open Bid #22-18 Main Street Concrete Repairs**
- IV. Claims & Allowance Docket**
- V. Minutes Regular Meeting August 16, 2022**
- VI. Utilities**
 - a.) Administration
 - Wastewater Utility MRO for July 2022
 - Request for Credit 2731 Pleasant Plain Ave.
 - b.) Regulatory Compliance
 - Public Works and Utilities Policy for Mercury-Free Purchasing
 - CSO Long-Term Control Plan Six-Month Status Report
 - c.) Environmental Compliance
 - Notice of Violation Failure to Submit FOG Renewal Application- Murphy USA #7512 (F2015-231)
- VII. Engineering**
 - a.) Administration
 - Appropriation Request
 - Change Order 1 & Final Quote #22-11 Fulton Ave & Plum St Manhole Replacement Project
 - Change Order #4 Edgewater Lift Station Bid #21-11
 - Request Bid #22-19 Lerner HVAC Installation
 - b.) Right of Way
 - Request Bid #22-18 South Main Street Streetscape Phase 3 Lusher to Indiana
 - PSA with Lochmueller Group, Inc. for Bridge Inspections and Inventory
 - PSA with Abonmarche Consultants, Inc. for Feasibility Study for Prairie Street Bridge and Railroad Bridge Pedestrian Underpass
 - c.) Stormwater
 - PSA with Xylem Vue, Inc. for CSO Monitoring and Maintenance

VIII.**New Business**

- Economic Development Partnership Grant- Northern Indiana Business Center- dba Center for Business Excellence
- Economic Development Partnership Grant- Elkhart Festivals, Inc. Elkhart Jazz Festival
- Board of Works Resolution 22-R-16 Transfer of Real Estate to City Department of Redevelopment
- Release Liens at 2328 Stark Avenue
- Disposal of Fixed Assets- Elkhart Fire Department
- Small Business Continuity Program Awards
- Addendum to Boostlingo Contract for Translation/Interpretation Services
- Contract with JPR, Inc. for Dewatering and Storm Water Pollution Prevention Plan Preparation, Zone 3, River District, E


IX.**Use & Event Permits**

- Robinson Community Celebration 9/10- Temporary Street Closure, Special Exception from Noise Ordinance
- Moyao-Acatitlan Party 9/17- Special Exception from Noise Ordinance

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.

August 31st _____, 2022  _____
JAMIE ARCE - CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF \$4,263,161.46, AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 34 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

EXECUTED THIS 6TH DAY OF SEPTEMBER 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 September 6, 2022

Individual Claims Over \$25,000 each:

Fund	Vendor	Description	Amount
6106	IN DEPARTMENT OF REVENUE	IN SALES TAX- JULY	35,516.93
8806	INDIANA PUBLIC RETIREMENT	POLICE PENSION	78,811.26
1101	ANABAPTIST MENNONITE	BENHAM AVE STREETSCAPE	38,500.00
1101	MISSIONARY CHURCH NORTH	BENHAM AVE STREETSCAPE	31,200.00
1101	JORDAN MOTORS	5 NEW CID CARS	40,232.00
1101	DLZ INDIANA, LLC	CITYWIDE HVAC EVALUATION	49,500.00
1101	CENTRALSQUARE TECHNOLOGIES	ONE SOLUTION MAINTENANCE	154,152.76
2203	RIETH-RILEY CONSTRUCTION	ASPHALT	34,286.83
2203	RIETH-RILEY CONSTRUCTION	ASPHALT	29,787.65
2203	RIETH-RILEY CONSTRUCTION	ASPHALT	42,530.92
6203	DLZ INDIANA, LLC	OAKLAND TANK FORCE MAIN	615,127.50
6203	HRP CONSTRUCTION	LIFT STATION REPLACEMENT	160,649.04
6203	HRP CONSTRUCTION	EDGEWATER LS	53,181.15
7704	HEALTH RESOURCES	DENTAL INS- SEP	37,051.39
7704	RELIANCE STANDARD	LIFE INS- SEP	30,943.41
7739	ONB BENEFITS ADMINISTRATION	WORK COMP CLAIMS	94,415.61

Total Claims over \$25,000	1,525,886.45
Regular Claims under \$25,000:	956,936.46
Total Regular Departmental Claims:	2,482,822.91

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

Total Pre-Approved over \$25,000:	-
Regular Claims under \$25,000:	88,813.23
Total Pre-Approved Claims:	88,813.23

American Rescue Plan Claims:

2474	SLM MANAGEMENT, LLC	RENT JUN-SEP JENNIFER MARIE SKINCARE	6,150.00
2474	INDIANA MICHIGAN POWER	SMALL BUSINESS CONTINUITY	1,057.81
2474	IB COMMUNICATION LTD	LA RAZA RADIO	3,500.00
2474	JR'S PROPERTIES LLC	SEP RENT- SMALL BUSINESS	900.00
2474	DIRTY SQUEEGEE SCREEN PRINTING	SMALL BUSINESS CONTINUITY	713.50
2474	IRMA YESENIA LOPEZ	SMALL BUSINESS CONTINUITY	603.73
2474	THE WEBSTAIRANT STORE	MARIOS DELI CASE	15,200.00
2474	HOME DEOPT U.S.A.	SMALL BUSINESS CONTINUITY	556.37
2474	LEX/MAIN LLC	SEP RENT- SMALL BUSINESS	1,150.00

Total American Resuce Plan Claims: 29,831.41

UTILITY REFUNDS

5,633.12

Payroll and Pension Payments:

1,685,892.20

Fire & Police Pension
Bi-weekly Payroll
RETRO PAY

Total Payroll: 1,685,892.20

Total All Claims, Internal Payments, and Payroll: \$ 4,263,161.46

(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, August 16, 2022

Vice-President Chad Crabtree called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, August 16, 2022. Clerk of the Board Nancy Wilson called the roll. Chad Crabtree, Ron Davis and Jamie Arce attended in person. Rose Rivera joined the meeting in progress. Mike Machlan was absent.

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 3-0, the agenda was amended by adding the Declaration of Emergency CR 6 Lift Station Repair. The amended agenda carried 3-0.

2. Claims & Allowance Docket

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the claims & allowance docket was approved in the amount of \$3,686,667.45 consisting of 24 pages as prepared on August 10, 2022 at 11:31 a.m.

3. Minutes Regular Meeting August 2, 2022

On motion by Chad Crabtree, seconded by Ron Davis and carried 3-0, the minutes from August 2, 2022 were adopted.

4. Utilities

(A.) Administration

Contract with Waggoner, Irwin & Scheele & Associates

On motion by Jamie Arce, seconded by Ron Davis and carried 3-0, the Board approved a contract with Waggoner, Irwin & Scheele to provide consolation services associated with job classifications and compensation for several positions at Public Works for a cost not to exceed \$4,460.00.

Water Utility MRO for July 2022

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

(B.) Environmental Compliance

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

For purposes of discussion, a motion was made by Jamie Arce and seconded by Ron Davis to approve the NOV: Failure to Submit FOG application for Brothers Express Mart and assess a penalty of \$35.00. Megan Kolaczyk explained the violation to the Board. The FSE was not present. Chad called for the vote and the motion carried 3-0.

***Member Rose Rivera joined the meeting.

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 Jamie Arce and seconded by Ron Davis to rescind \$90.00 in penalties for Papa John's (F2015-248). Megan Kolaczyk explained the circumstances to the Board. The FSE was not present. Megan said they submitted their renewal FOG application on July 15, 2022, and the previous penalty was assessed through July 18, 2022 so 3 days needed to be rescinded. The motion carried 4-0.

BOARD OF PUBLIC WORKS
Tuesday, August 16, 2022

5. Engineering

(A.) Utility

Request to Combine Parcels

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a request to combine parcels so the staff may file the request with the Elkhart County Auditor.

(B.) Right-of-Way

Request Bid #22-18 Main Street Concrete Repairs

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved plans and specifications, and granted permission to advertise Bid #22-18 Main Street Concrete Repairs.

Stop Sign Request: Jeanwood Drive and Henke Street

A motion was made by Jamie Arce and seconded by Ron Davis to approve a request to put in a 4-way stop sign at the intersection of Jeanwood Drive and Henke Street. Ryan Clussman explained that they did a study and the stop sign is warranted. Councilman Aaron Mishler spoke in favor of the request. The owners of East Lake gym requested the stop sign. In addition to accidents, they also have traffic jams in the morning and after work. Chad called for the vote and the motion passed 4-0.

Declaration of Emergency- CR 6E Lift Station

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board declared an emergency for the August 15, 2022 CR 6 East lift station repair.

(C.) Utility

Partial Payment #46 to Donohue & Associates, Inc.: Elkhart WWTP Capacity Upgrades

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved partial payment request #46 for \$70,227.00 to Donohue & Associates from the allocated SRF loan for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Change Order #5 & Final N Main Street Water Replacement Bid #21-03

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved the release of retainage and Change Order #5 & Final for the N. Main Street Water replacement project, Bid #21-03, for a decrease of (\$200,633.44), bringing the final contract price to \$1,584,819.56.

Acceptance of Release in Full from Miller Pipeline at 618 Sunset

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved the release in full from Miller Pipeline at 618 Sunset Avenue.

(D.) Summary

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

Water Assessment Application: Lifeline Youth Ministries
PO Box 73
Elkhart, IN 46515
Property: 2721 Prairie St
Paid in full, \$1,821.60

BOARD OF PUBLIC WORKS
Tuesday, August 16, 2022

Sewer Assessment Application: Damita Calhoun
58668 Stella Dr.
Elkhart, IN 46517
Property: 631 Markle Ave.
Paid in full, \$5,455.00

Beatrig Urbe
3442 S. Main St.
Elkhart, IN 46517
Property: 3442 S Main St.
Paid in full, \$5,815.00

Driveway Permit: #5029, Owner: Zachery Hochstetler
Property: 131 W. Indiana Ave.
Contractor: Homeowner
\$600.00 bond by owner

Release of Bond: #5029, Owner: Zachery Hochstetler
Property: 131 W. Indiana Ave.

Revocable Permits: #6526, Property Owner: Julie Hankins
Property: 1303 W. Franklin St.
Permit Holder: Julie Hankins
Placing dumpster in street in front of house

#6527, Property Owner, Trevor Allen
Property: 612 Aspenwald Ave.
Permit Holder: Trevor Allen
Placing dumpster in street in front of house

#6528, Property Owner: Steve Gruber
Property: 112 Division St.
Permit Holder: Steve Gruber
Temporarily placing lift in the alley behind the house

6. New Business

Disposal of Fixed Assets

On motion by Jamie Arce, seconded by Ron Davis and carried 4-0, the Board approved a request from Andy Jones, Aviation Department, to dispose of surplus items.

Request to approve Representation Agreement with Dentons, Bingham, and Greenbaum

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board approved an Engagement Letter with Denton, Bingham and Greenbaum LLP for a cost of \$1,000.00.

BOARD OF PUBLIC WORKS
Tuesday, August 16, 2022

7. Use & Event Permits

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

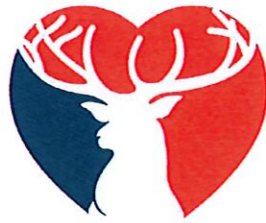
- 24th Annual Riding to Remember Fallen Police, Firefighter, & Veteran Motorcycle Charity Ride 9-11- Portable Stage, Fencing, ESS, EMS, EPD, Temporary Street Closure (Elk. Co.), Special Exception from Noise, Parade, Plaza Sign
- Rio's Rainbow 9/10 (new date, replaces 9/14 permit)- Civic Plaza, Public Assembly, Special Exception from Noise, ESS, EPD, Plaza Sign, Electric
- Manhattan Short Film Festival 9/23- Fencing, Special Exception from Noise, Plaza Sign
- Waggin' in the Woods 9/25-Fencing, Special Exception from Noise, ESS, Plaza Sign
- Rockin' the Rails 9/24- Portable Stage, Trailer, Plaza Sign, Special Exception from Noise, Public Assembly
- Faith Mission Turkey Stampede 11/24- ESS, EMS, EPD, Temporary Street Closures, Plaza Sign, Special Exception from Noise, Parade & Public Assembly
- Pierre Moran Neighborhood Picnic 8/13- Temporary Street Closure, Special Exception from Noise, Public Assembly
- Sunburst Races Elkhart 10/2- ESS, EPD, EMS, Temporary Street Closures, Special Exception from Noise, Parade & Public Assembly
- Elkhart Food Truck & Tailgate Party 9/24- Central Green Park & Stage, Civic Plaza, Fencing, EPD, Temporary Street Closure, Water, Electric, Plaza Sign, Special Exception from Noise, Public Assembly
- Labor Day Parade 9/5- Civic Plaza, Parade & Public Assembly, Special Exception from Noise, ESS, EPD, Plaza Sign, Platform Microphone & Speakers, Temporary Street Closures
- Elkhart Black Expo Parade 8/27 (new date, replaces 7/9 permit)
- Queener Party 8/13- Special Exception from Noise

8. Adjournment

On motion by Jamie Arce, seconded by Rose Rivera and carried 4-0, the Board of Works adjourned at 9:53 a.m.

_____ Chad Crabtree, Vice-President

Attest: _____ Nancy Wilson, Clerk of the Board



City of Elkhart
Public Works and Utilities

Date Aug 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 July, 2022

Wastewater MRO Highlights

Parameter	Monthly Avg	Permit Limit
Suspended Solids mg/L	8	30
cBOD5 mg/L	3	25
Phosphorus mg/L	0.7	1.0
Ammonia mg/L	0.22	4.4 (Dec-Apr) 4.2 (May-Nov)
Avg Daily Flow MGD	14.83	Design - 20
Total Monthly Flow MGD	460	Report

Incident Reports Filed

Date	Location	Volume (gal)	Cause
None			

Wet Weather Overflows

Number of Events	Total Overflow Volume (MG)
9	17.653



City of Elkhart
Public Works and Utilities

Memo

To: Board of Works
From: Timothy D. Reecer, Executive Services Manger *TR*
Date: August 31, 2022
Re: Request for credit at 2731 Pleasant Plain Ave.

Pascual Dalizaya, the owner of the property located at 2731 Pleasant Plain Ave. is requesting a credit on the utility bill caused by a leak in the house. See attached letters and supporting documents.

Mr. Dalizaya states that a leak started in the house in or around March of 2022 near the water meter and main valve with repairs shortly after. Mr. Dilzaya also states that after these repairs were made subsequent leaks were located in a toilet and a pinhole leak in a water line – all of which were repaired.

During the time these leaks were being identified and repaired multiple bills had accrued with nearly a 50% increase over typical consumption.

Mr. Dalizaya is requesting a credit on the excess balance outside the typical consumption.

This property is currently on “Summer Sewer Max” and is not eligible for a sewer credit.

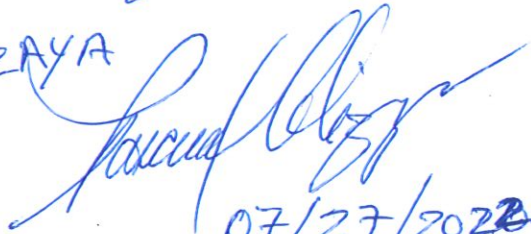
Under the current policies, the Utility does not support the issuance of a credit as the water passed through the meter.

To: Elkhart Public Works & Utilities
From: Pascual Calizaya
2731 Pleasant Plain Ave
Elkhart, IN 46517
(574) 206-3518

Attention to: Tim Reecer
Customer & Executive Services Manager

Hi Tim,
I'm writing this letter because my water bill went way high and please requesting a credit. starts high on March 2022. Initially was a leak by the meter and main valve, I got fix and replaced meter and valve, then checked again was a little or small spill in one of the toilets, Replaced or fixed the toilet.
But now my bill balance is too high, because all this issues.
Please I want get a credit of these bills. since my regular monthly pay was \$60-70.

Thank you for your understanding
Sincerely PASCUAL CALIZAYA


07/27/2022



M E M O R A N D U M

Date 8/26/2022
To Mike Machlan, Board of Public Works President
From Bryan Cress, Regulatory Compliance Manager *BC*
RE Request for Approval of Public Works and Utilities Policy for Mercury-Free Purchasing

Public Works and Utilities (PWU) respectfully requests the approval of the attached City of Elkhart Public Works and Utilities Policy for Mercury-Free Purchasing. PWU currently has a Streamlined Mercury Variance that raises our monthly average discharge limit from 1.3 ng/l to 1.6 ng/l (roughly equivalent to one sixth of a drop of mercury per day). Part of the requirements of the Streamline Mercury Variance include reviewing purchasing policies to reduce or eliminate mercury-containing equipment.

Please feel free to contact me with any questions or concerns.

City of Elkhart Public Works and Utilities Policy for Mercury-Free Purchasing

August 2022

I. POLICY

As part of an ongoing efforts to minimize mercury being released into the environment and ensure the safety of staff and visitors, the City of Elkhart Public Works and Utilities (PWU) will, to the extent possible, avoid the purchase of equipment or materials that contain mercury.

II. PURPOSE

This document provides guidelines for purchasing activities to minimize mercury in the discharge from the City of Elkhart's publicly owned treatment works. In complying with this policy, PWU will seek to replace products that are known or suspected to contain mercury wherever it is economically responsible and is not detrimental to the proper functioning of PWU.

III. GUIDELINES

1. Whenever possible the use of equipment and materials containing mercury should be minimized or eliminated. Products that contain mercury should be avoided whenever feasible as long as mercury free alternatives exist and will not compromise the operation of PWU.
2. The Utility shall request information or otherwise verify the mercury content when purchasing any supplies or equipment listed in Attachment A. PWU may incorporate a mercury disclosure requirement into the standard purchase agreement. The disclosure should require the supplier to specify the amount of mercury contained in products to be purchased.
3. Where alternatives to mercury containing equipment or supplies are not feasible, preference shall be given to low-mercury alternatives as much as possible until mercury-free alternatives become available.
4. Periodically the Utility will evaluate and modify the purchasing process based on the results and efforts made to reduce the presence of mercury at PWU.

Attachment A
List of Equipment/Supplies to Verify Mercury Content Prior to Purchase

Laboratory Equipment

- Manometers
- Barometers
- Thermometers
- Ion exchange cartridges
- Hanging mercury drop electrodes
- Mercury hollow cathode lamps

Laboratory Chemicals

- COD analysis reagent
- TKN and TP analysis digestion reagents
- Nessler reagent
- Mercury analytical standards
- Gas chromatograph sample interferences
- Sodium hypochlorite
- Mercury or mercurous chloride
- Mercury iodide
- Mercury nitrate
- Mercury (II) oxide
- Mercury (II) sulfate
- Merthiolate

Bulk Chemicals

- Phosphorous removal chemicals
- Dechlorination chemicals
- Sludge thickening polymers
- Potassium hydroxide
- Sodium hydroxide
- Sodium chloride
- Chlorine
- Sodium hypochlorite
- Sulfuric acid
- Nitric acid
- Ferric or ferrous chloride
- Pickling liquor

Process Control and Measuring Equipment

- Accustats
- Barometers

- Counterweights
- Flow meters
- Gas regulators and meters
- Gyroscopes
- Hydrometers with thermometers
- Level and rotation sensors
- Manometers, pressure gauges and vacuum gauges
- Mercury-sealed pistons
- Perimeters
- Pressure-trols
- Pyrometers
- Rectifiers
- Ring balances
- Shunt trips
- Steam flow meters
- Stokes gauges
- Displacement plunger relays
- Mercoid control switches
- Pressure control switches
- Relay switches
- Mercury wetted relays
- Mercury displacement relays
- Sump pump, bilge pump and other float controls
- Tilt switches
- Thermometers
- Thermostats and thermoregulators
- Transmitters

Buildings

- DC watt-hour meters
- Flame sensors
- Aquastats
- Pressurestats
- Firestats
- Fan limit controls
- Pressure/flow controls on air handling units
- Fire alarm box switches
- Silent light switches
- Relay switches
- Mercury wetted relays
- Mercury displacement relays
- Sump pumps
- Bilge pumps
- Flow monitors
- Float switches

- Other float controls
- Tilt switches

Bearings and Seals

- Trickling filter pivot arm bearings

Lamps

- Fluorescent
- Mercury vapor lamps
- High-pressure sodium
- Metal halide
- Mercury arc
- Ultraviolet disinfection

Batteries

- Mercury-zinc batteries
- Mercury cadmium batteries
- Mercury alkaline batteries
- Mercury oxide batteries

Paint

- Marine paint

First Aid/ Medical

- Mercurochrome
- Thermometers
- Sphygmomanometers
- Thimerosal

Other

- Fleet vehicles
- Computer monitors



M E M O R A N D U M

Date August 31, 2022
To Mike Machlan, Board of Public Works President
From Bryan Cress, Regulatory Compliance Manager *BC*
RE CSO Long-Term Control Plan (LTCP) Six-Month Status Report

The City is required to submit Six-Month Status Reports on the implementation of its Long-Term Control Plan to the Environmental Protection Agency, Indiana Department of Environmental Management and Department of Justice by January 31st and July 31st of each year. The report includes all activities and information generated in the previous six months and any projected work to be completed in the upcoming six months. A full copy of the report may be obtained by going to the Public Works and Utilities page on the City website at www.elkhartindiana.org/publicworks.

Additionally, a six-month expense report containing the progress of the LTCP implementation, estimated project costs, project costs to date and funding has been provided for your information. This report will be provided to you every six months in conjunction with the Six-Month Status Report submitted to the regulatory agencies.

Staff is available should you have any questions regarding these reports.

City of Elkhart
 Combined Sewer Overflow
 Long Term Control Plan
 6 Month Expense Report Ending June 30, 2022

Control Measure	Description	Number of Elements Complete	Project Status	CD Required Completion Date	Estimated Project Cost ¹	Contracted Project Cost To Date	Bond Funding To Date	Pay-Go ² Funding To Date
CC	Christiana Creek	3/3	Complete	11/15/2014	\$14,880,000	\$7,200,000	90%	10%
UER	Upper Elkhart River	4/4	Complete	11/15/2018	\$20,280,000	\$10,200,000	36%	64%
WW-U	WWTP Upgrade	2/3	On Schedule	11/15/2023	\$30,045,000	\$17,268,000	99%	1%
LER	Lower Elkhart River	2/3 ⁴	Complete ⁴	11/15/2021	\$13,305,000	\$8,991,000	100%	0%
OA	Oakland Avenue	0/9	On Schedule	11/15/2028	\$27,315,000	\$1,963,000	0%	100%
USJ	Upper St Joe River	0/5	Not Started	11/15/2026	\$6,378,000	\$0	N/A	N/A
LSJ	Lower St Joe River	1/8	On Schedule	12/31/2029	\$8,073,000	\$400,000	0%	100%
RSD	Riverside Drive	1/3	On Schedule	12/31/2029	\$13,875,000	\$73,000	0%	100%
Monitoring	Installation of CSO Outfall Monitors	29/29	Complete	11/15/2015	\$180,000	\$205,700	0%	100%

¹ includes legal, design and construction cost estimates

² pay for projects as we go, no bonding needed

³ includes allocated utility wages, benefits, supplies and materials to operate and maintain CSO remediation projects

⁴ last element will be completed as part of USJ Control Measure
 CD = Consent Decree

Semi-Annual Expense ³	Operation and Maintenance Costs	\$293,863
Semi-Annual Expense	Debt	\$1,227,907
Semi-Annual Expense	CSO Monitoring	\$70,065



FATS, OILS AND GREASE Failure to Submit a FOG Renewal Application

Name of FSE: MURPHY USA #7512 Facility Number: F2015-231

Physical Address: 30898 OLD US 20

Date Renewal Application Due: 06/04/2022 Date of Violation: 06/05/2022

Date Complete: Not Complete

Offense # 1 in 12-month period. Penalty Matrix recommendation*: \$ 490
Calculation: \$100 (first 15 days)
\$390 (\$5 per day 06/20/2022 thru 09/05/2022-78 days)

NOV Delivered to FSE: 07/28/2022 FSE NOV Response Due: 08/12/2022

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: \$ 590

Board of Works total assessed penalty: \$

The Board of Public Works authorizes the Public Works staff to continue to apply the penalty assessed by the Board as outlined in the "FSE FOG Penalty Guideline Table" contained in the Elkhart Public Works and Utilities "Guide to Wastewater Utility Policies", July 2019 revision, until the FSE becomes compliant or the Board re-evaluates the violation.

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 recommended penalties may be assessed for this violation:

Offense	First offense	Second offense	Third offense	Fourth & subsequent offense(s)
15.9.2 Discharging without a valid FOG Certificate	\$100 first 30 days of violation	\$10 per day for day 31 and thereafter	N/A	N/A
15.9.7 Failure to submit new or renewal application as required	\$100 for first 15 days past due date	\$5 per day for day 16 and thereafter	N/A	N/A

**According to the guidance in the Enforcement Response Plan Penalty Matrix the following recommended penalties may be assessed if in violation:

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT OFFENSE(S)
9.3.3 Failure to respond to Notice of Violation :	\$100	\$200	\$500



City of Elkhart
Public Works and Utilities

M E M O R A N D U M

Date September 6, 2022
To Mike Machlan, Board of Works President
From Martin Noffsinger, Network System Supervisor *MON*
RE Appropriation Request

Elkhart Public Works is respectfully requesting an appropriation of \$40,500 to 6201-5-815-7360000.

Due to increased need for emergency repairs this year, Public Works is requesting an additional \$40,500 to 6201-5-815-7360000. \$5,500 for the Fulton & Plum Manhole replacement, \$2000 to cover the roughly \$500/month copier invoices, and \$33,000, which is the average of previous repairs this year, to pay for any emergency repair need which may arise for the remainder of this year.



M E M O R A N D U M

DATE: August 23, 2022
TO: Board of Public Works
FROM: Jason Simnick, Engineering Project Manager
RE: **Change Order Request One & Final: Manhole Replacement Fulton Ave & Plum St project – Quote #22-11**

Attached is change order request one & final for the Manhole Replacement Fulton Ave & Plum St project. This change order is for the adjustment to final quantities of work done by Niblock Excavating.

This change order includes the adjustments to final quantities for the work done by Niblock Excavating. This change order request is for an increase of \$2,855.00 to the current contract price of \$39,970.00. Approval of change order one and final would increase the current contract price to \$42,825.00 resulting in a 7.1% increase from the original contract price of \$39,970.00.

It is requested the Board of Public Works approve release of all retainage and Change Order one & final for the Manhole Replacement Fulton & Plum St Project, Quote #22-11, for an increase of \$2,855.00, bringing the final Contract price to \$42,825.00.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. One and Final
Dated 8/19/2022

Project: **MANHOLE REPLACEMENT FULTON AVE & PLUM ST** Contract No. 22-11

To: NIBLOCK EXCAVATING & ASPHALT
Contractor

You are required to make the changes noted below in the subject Contract:

City of Elkhart

By _____
President, Board of Public Works

Dated _____

Nature of Changes

Adjustment to final quantities. \$ 2,855.00

TOTAL \$ 2,855.00

These changes result in the following adjustment of Contract Price and Contract Time:

Original Contract Price	\$ 39,970.00
Contract Price Prior to this Change Order	\$ 39,970.00
Net change resulting from this Change Order	\$ 2,855.00
Current Contract Price including this Change Order	\$ 42,825.00
Current Contract Price % Change from Original Price	7.1%
Contract Time prior to this Change Order	NO CHANGE (Days or Time)
Net Time change resulting from this Change Order	NO CHANGE (Days)
Current Contract Time including this Change Order	NO CHANGE (Days or Time)

The above changes are approved:

BY: [Signature]
Public Works & Utilities
Engineer
8-22-22
DATE

The above changes are accepted:

By: [Signature]
Contractor
19 Aug 22
DATE



M E M O R A N D U M

DATE: August 23, 2022
TO: Board of Public Works
FROM: Jason Simnick, Engineering Project Manager JS
RE: **Change Order Request #4: Edgewater Lift Station project – Bid #21-11**

Attached is change order request #4 for the Edgewater Lift Station project. This change order includes adjustment to quantities to the project from changes to the initial plans for the project.

This change order makes adjustments to Line Items 21-30 which include the asphalt and concrete work for the project. The concrete planned quantities called for piecemeal replacement of sidewalk, but in the progress of the project, it was decided to replace the entirety of the sidewalk to get a better and more consistent product.

Asphalt base and binder quantities were a little short, and this was due to the forcemain running down Navajo being a little further east than what was expected. This caused a small overage to asphalt removal and to base and binder quantities.

Asphalt surface was a little short due to the condition of the existing asphalt at planned project limits. We did a little more to get a better final product.

It is requested the Board of Public Works:

Approve a change order for the Edgewater Lift Station project, Bid #21-11, in the amount of \$6,400.99.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. Four
Dated 8/15/22

Project: EDGEWATER LIFT STATION REPLACEMENT

Contract No. 21-11

To: HRP Construction Inc.
Contractor

You are required to make the changes noted below in the subject Contract:

City of Elkhart

By _____
President, Board of Public Works

Dated _____

Nature of Changes

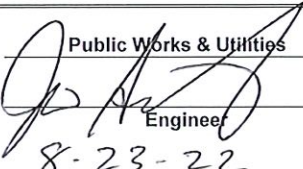
Adjust estimated quantity of Lines 21 through 30 to match actual quantities placed. \$6,400.99

TOTAL **\$** **6,400.99**

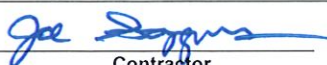
These changes result in the following adjustment of Contract Price and Contract Time:

Original Contract Price	<u>\$ 2,670,477.70</u>
Contract Price Prior to this Change Order	<u>\$ 2,755,730.36</u>
Net change resulting from this Change Order	<u>\$ 6,400.99</u>
Current Contract Price including this Change Order	<u>\$ 2,762,131.35</u>
Current Contract Price % Change from Original Price	<u>3.4%</u>
Contract Time prior to this Change Order	<u>Friday, April 29, 2022</u> (Days or Time)
Net Time change resulting from this Change Order	<u>No Change</u> (Days)
Current Contract Time including this Change Order	<u>Friday, April 29, 2022</u> (Days or Time)

The above changes are approved:

BY: 
Public Works & Utilities
Engineer
8-23-22
DATE

The above changes are accepted:

By: 
Contractor
8/19/2022
DATE





M E M O R A N D U M

DATE: August 29, 2022

TO: Board of Public Works

FROM: Tory Irwin, Director of Public Works TI

RE: **Approval of Plans and Specifications and Ratification of Advertisement for Lerner HVAC Installation – QA7857 – BID #22-19**

The Department of Public Works requests approval of the plans and specifications, and ratification of the advertisement for the Lerner HVAC Installation bid.

The first advertisement was September 3, and the next will be September 10. The HVAC equipment already bid and awarded. DLZ is has designed the installation replacement.

This project will be funded through already appropriated 2022 Civil City funds.

It is requested the BOW:

approve the plans and specifications and ratify the advertisement for the Lerner HVAC Installation Bid #22-19.



M E M O R A N D U M

DATE: August 31, 2022

TO: Board of Public Works

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

RE: **Approval of Specs and Permission to Advertise South Main Street Streetscape Improvements Phase 3 Lusher to Indiana Project - Bid #22-18**

The Department of Public Works requests approval of the specifications, and permission to advertise the South Main Streetscape Improvements Phase 3 Lusher to Indiana Project.

The project will consist of sidewalk and pedestrian crossing improvements along the South Main corridor from Lusher to Indiana.

The design plans and specification for the project were developed by Christopher B. Burke Engineering Ltd. and are being presented to the Board of Works for approval and permission to advertise.

This project will be funded through already appropriated RDC funds.

It is requested the BOW:

approve the specifications and grant permission to advertise the South Main Streetscape Improvements Phase 3 Lusher to Indiana Project Bid #22-18.



M E M O R A N D U M

DATE: August 25, 2022

TO: Board of Public Works

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

RE: **City of Elkhart Bridge Inventory Inspections – Professional Services Agreement**

Attached is a Professional Services Agreement for Lochmueller to perform bridge inspection duties for the City of Elkhart. Part of the process will be providing detailed reports of.

Lochmueller will complete the inspections and report by December 1, 2022.

The cost for the professional service agreement of the three projects is not to exceed **\$69,500.00**. This cost will be paid from existing stormwater and civil city appropriations.

We have sent this Professional Service Agreement to the legal department for review.

It is requested the Board of Public Works approve the Professional Services Agreement between the City and Lochmueller for the City of Elkhart Bridge Inventory Inspections, with a cost not to exceed \$69,500.00.



M E M O R A N D U M

DATE: August 31, 2022
TO: Board of Public Works
FROM: Ryan Clussman, Right-of-Way Engineer *RC*
RE: **Prairie Street Bridge Pedestrian Underpass Feasibility Study – Professional Services Agreement**

Attached is a Professional Services Agreement for Abonmarche Consultants, Inc. to perform an engineering and feasibility study for the City of Elkhart. Part of the design process will be performing detailed surveys along the project route, as well as an in-depth cost estimate for the project.

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

The cost for the professional service agreement of this project is not to exceed **\$20,000.00**. 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 Abonmarche Consultants Inc. for the feasibility study and cost estimate of the Prairie Street Bridge and Railroad Bridge Pedestrian Underpass with a cost not to exceed \$20,000.00.



MEMORANDUM

DATE: September 6, 2022

TO: Board of Public Works

FROM: Joe Foy, Stormwater Manager 

RE: **Contract with Xylem Vue Inc for ongoing CSO monitoring services**

Engineering requests approval to enter into a Standard Form of Agreement for Professional Services with Xylem Vue Inc for ongoing CSO monitoring and maintenance services. Continual monitoring of all CSOs in Elkhart is required as part of the Consent Decree negotiated with IDEM and US EPA. This contract will expire at the end of five years and can be renewed for an additional five years at that time.

This contract will be paid from budget line 6201-5-817-7360220.

The Legal Department has reviewed and approved this document.

Engineering requests approval of the Standard Form of Agreement for Professional Services with Xylem Vue Inc for ongoing CSO monitoring and maintenance services.

Rod Roberson
Mayor



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

574.294.5471 ext. 1041

August 18, 2022

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

Dear Board of Works Members,

As part of the City of Elkhart's process to provide support to various not-for-profit organizations that provide a substantial benefit to our city, I am requesting your approval of the Northern Indiana Business Center, dba Center for Business excellence (CBE) application for an Economic Development Partnership Grant in the amount of \$15,000.00. CBE is a not-for-profit organization affiliated with the Greater Elkhart Chamber of Commerce. These funds will be used to provide training services to local businesses who wish to improve their business knowledge, skills and abilities. The CBE offers six training programs, which benefit non-profit and for-profit organizations.

The Center for Business Excellence has demonstrated significant change in the operation and overall efficiency of our local businesses. One company reduced employee turnover by 50% and increased efficiency by 13% in one year. A non-profit participated in team building exercises that substantially reduced wasted time and frustration. A third outcome was the drawing together like-minded companies in roundtable discussions as to the tools and methods used by each company as to what worked and what did not. Much of CBE's success can be attributed to partnerships developed between SCORE and the Indiana Business Development Center.

Thank you for your consideration of this Elkhart Economic Development Partnership Grant.

Sincerely,

A handwritten signature in black ink, appearing to be "RR", written over a horizontal line.

Rod Roberson
Mayor

Rod Roberson
Mayor



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

574.294.5471 ext. 1041

August 11, 2022

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

Dear Board of Works Members,

As part of the City of Elkhart's process to provide support to various not-for-profit organizations that provide a substantial benefit to our city, I am requesting your approval of Elkhart Festivals, Inc.'s application for an Economic Development Partnership grant in the amount of \$75,000.00. These funds will be used to underwrite the 32nd Annual Elkhart Jazz Festival. The Elkhart Common Council approved the EDIT (Economic Development Income Tax) funds for this program in the 2022 budget.

These funds will allow Elkhart Festivals Inc. to sustain the high quality of the Elkhart Jazz Festival, which has established Elkhart as one of the premier festivals in the country. Each year, over 20,000 visitors attend the Jazz Festival, which benefits our restaurants, hotels and merchants.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be "Rod Roberson", is written over the printed name. The signature is stylized and extends to the right.

Rod Roberson
Mayor

CITY OF ELKHART

The city with a heart

TO: Board of Public Works
FROM: Elkhart City Attorney
DATE: September 6, 2022
RE: Resolution 22-R-16 Transfer of Tax Sale Parcels 20-06-16-106-016.000-012, 20-06-18-106-017.000-012, 20-06-18-106-018.000-012

The City acquired the title to 3 Lots at 1918 Markle Avenue from the County. The parcel was in the tax sale and not purchased. As a result, the tax sale certificates were transferred to the County. The County offered these to the City. Because the parcels were originally placed in the name of the City, rather than in "City of Elkhart, Department of Redevelopment", it is now necessary to transfer these three parcels to the City of Elkhart, Department of Redevelopment so the Redevelopment Commission can complete a sale of the entire property.

The Legal Department respectfully requests the Board to:

Approve Resolution 22-R-16 Approving the Transfer of Real Estate to the City of Elkhart, Department of Redevelopment.

RESOLUTION NO. 22-R-16

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS
(INTER-DEPARTMENT) OF THE CITY OF ELKHART, INDIANA
AUTHORIZING THE TRANSFER OF REAL PROPERTY
TO THE ELKHART REDEVELOPMENT COMMISSION**

(3 Lots at 1918 Markle Avenue)

WHEREAS, the Elkhart Redevelopment Commission (the "Commission"), the governing body of the Elkhart, Indiana, Department of Redevelopment (the "Department") exists and operates under the provisions of I.C. § 36-7-14, as amended from time to time (the "Act") and is a body corporate and politic; and

WHEREAS, the City of Elkhart, Indiana, Board of Public Works (**Inter-Department**) (the "Board") has custody of and may maintain all property owned by the City of Elkhart, Indiana (the "City") pursuant to I.C. § 36-9-6-3; and

WHEREAS, pursuant to I.C. § 36-1-11-8, the City, acting by and through the Board, may transfer property to another governmental entity upon terms and conditions agreed upon by the two (2) entities as evidenced by the adoption of substantially identical resolutions of each entity; and

WHEREAS, the Department, by and through the Commission, has presented to the Board, a request for the transfer to the Commission of the vacant lot more particularly described at Exhibit A (the "Property"); and

WHEREAS, the City, through the Board, desires to transfer the Property to the Department; and

WHEREAS, the Department will adopt a resolution consistent with the requirement of I.C. § 36-1-11-8.

NOW, THEREFORE, BE IT RESOLVED BY THE ELKHART BOARD OF PUBLIC WORKS (INTER-DEPARTMENT) AS FOLLOWS:

1. The transfer of the Property described at Exhibit A situated in Elkhart County, Indiana to the City of Elkhart, Indiana, Department of Redevelopment, shall be, and hereby is, authorized and approved.

2. This Resolution shall be in full force and effect upon its adoption and upon the adoption by the Department of a resolution consistent with the requirements of I.C. § 36-1-11-8.

ADOPTED at a meeting of the Elkhart Board of Public Works (**Inter-Department**) held on September 6, 2022 at 229 South Second Street, Elkhart, Indiana 46516.

**CITY OF ELKHART
BOARD OF PUBLIC WORKS
(Inter-Department)**

Michael Machlin, President

Chad Crabtree, Vice-President

Jamie Arce, Member

Ronnie Davis, Member

Rose Rivera, Member

ATTEST:

Nancy Wilson, Clerk of the Board of Public Works

PROPERTY TO BE TRANSFERRED

EXHIBIT "A"

Real Estate located in the City and County of Elkhart, State of Indiana, to wit:

Lots Number One Hundred Thirty Four (134), One Hundred Thirty Five (135) and One Hundred Thirty Six (136) as the said Lots are known and designated on the recorded Plat of Fieldhouse's West Side Addition to the City of Elkhart; said Plat being recorded in Deed Record 115, page 477 in the Office of the Recorder of Elkhart County, Indiana.

Tax Parcel No's: 20-06-18-106-018.000-012; 20-06-18-106-017.000-012 and 20-06-18-106-016.000-012.

Commonly known as part of 1918 Markle Avenue.

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

TO: BOARD OF PUBLIC WORKS
FROM: MAGGIE MARNOCHA
RE: RELEASE OF LIENS
DATE: SEPTEMBER 6, 2022

Attached please find the Release of Code Enforcement Liens. Per the attached Order for Issuance of Tax Deed, the City is obligated to release all liens on the real property located at 2328 Stark Avenue. The property was purchased at a tax sale and the owner failed to redeem, so the new owner is able to purchase the property free and clear of certain liens, including those obtained by Code Enforcement.

Please approve and sign the Release of Code Enforcement Liens.

RELEASE OF BUILDING AND CODE ENFORCEMENT LIENS

The undersigned, City of Elkhart, a municipal corporation in the County of Elkhart, State of Indiana, by operation of law pursuant to Indiana Code § 6-1.1-25-4, hereby RELEASES any lien or other encumbrances in its favor which pertain to or may have resulted from the orders, notices, and/or liens set forth below:

- a. Agreed Order filed by Building Commissioner of Elkhart County, Department of Code Enforcement recorded February 20, 2001 as Instrument No. 2001-04177, in the Office of the Recorder of Elkhart County, Indiana.
- b. Notice filed by City of Elkhart, Division of Code Enforcement recoded April 27, 2001 as Instrument No. 2001-11426, in the Office of the Recorder of Elkhart County, Indiana.
- c. Notice filed by City of Elkhart, Department of Code Enforcement recorded February 26, 2002 as Instrument No. 2002-07686, in the Office of the Recorder of Elkhart County, Indiana.
- d. Notice filed by City of Elkhart, Department of Code Enforcement recorded February 26, 2002 as Instrument No. 2002-07678, in the Office of the Recorder of Elkhart County, Indiana.
- e. Notice filed by City of Elkhart, Department of Code Enforcement recorded April 25, 2002 as Instrument No. 2002-15568, in the Office of the Recorder of Elkhart County, Indiana.
- f. Notice filed by City of Elkhart, Department of Code Enforcement recorded August 2019 as Instrument No. 2019-16034, in the Office of the Recorder of Elkhart County, Indiana.

with regard to the following real estate in Elkhart County, State of Indiana, commonly known as 2328 Stark Avenue, Elkhart, Indiana 46514 and more particularly described as:

Lot Number Ninety-one (91) as the said Lot is known and designated on the recorded Plat of Long's Addition to Dinehart Place, in the City of Elkhart, Indiana, said Plat being recorded in Plat Book 1, page 39 of the records of the Office of the Recorder of Elkhart County, Indiana.

Parcel No. 20-06-16-206-006.000-012

Dated: _____, 2022

CITY OF ELKHART

By: _____

Printed Name: _____

Title: _____



Rod Roberson
Mayor

08/31/2022

Shaun Edgerton
Fire Chief

Members,

Rodney Dale
Assistant Fire Chief

I as the Chief of the Elkhart Fire Department request that you as a board approve the donation of our 2005 Excursion (VIN# 1FMNU43S75EB36632) to "Pulling for Heroes", an organization which honors and supports area first responders. Division Chief David Cushwa originally donated this vehicle to the Department and it has served as part of our fleet for in excess of 10 years. The Department and the Administration feel that this would be an excellent way to retire this piece of apparatus.

Kristi Sommer
Assistant Fire Chief

Patti Vreugdenhil
Administrative Assistant

Fire Department
500 East Street
Elkhart, Indiana 46516

Phone: (574) 293-8931
Fax: (574) 522-1023

Email:
fire@elkhartfire.org

Sincerely,



Shaun D. Edgerton



Rod Roberson
Mayor

08/31/2022

Shaun Edgerton
Fire Chief

Members,

Rodney Dale
Assistant Fire Chief

I as the Chief of the Elkhart Fire Department request that you as a board approve the sale of our smokehouse trailer (Serial # 3613440) in the city auction. This piece of equipment was purchased in 1998 and has outlived its usefulness for our department .It has been replaced with another piece of equipment, which serves the needs of the department in a more useful manner.

Kristi Sommer
Assistant Fire Chief

Patti Vreugdenhil
Administrative Assistant

Fire Department
500 East Street
Elkhart, Indiana 46516

Phone: (574) 293-8931
Fax: (574) 522-1023

Email:
fire@elkhartfire.org

Sincerely,

A handwritten signature in blue ink, appearing to be "Shaun D. Edgerton", with a long horizontal flourish extending to the right.

Shaun D. Edgerton

Rod Roberson
Mayor

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



September 6, 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
Media Exchange, LLC	\$9,600.00	Expand or Diversify Product Offering -additional supplies and materials
Bambi's Childcare	\$6,500.00	Expand or Diversify Product Offering –expand and reconfigure space
Sports Time Family Pubs	\$25,000.00	Signage or Façade Upgrades, Expand or Diversify Product Offering -additional supplies and materials
M. Kulp & Co. Inc.	\$15,700.00	Utilities, Expand or Diversify Product Offering –expand and reconfigure space
Royalty Cleaning Service	\$1,100.00	Expand or Diversify Product Offering -additional supplies and materials and Marketing

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
Reveille Transpo	\$11,160
Letitis Get Fit	\$4,200
Bethza MakeUp Studio	\$6,118
Twisted String	\$2,130
TaigMarks	\$10,000
4th St. Purveyors	\$16,500
4 Sight Inspection	\$12,000
Juxtapose	\$1,100
Tipsy Biscuit	\$21,830
Hair Nation Salon	\$5,390
Ana's Beauty Salon	\$1,500
S&S Hair Salon	\$1,300
Eleven21	\$1,200
Total Awarded	\$223,271
Total Grant	\$ 400,000
Balance	\$ 176,729

Grant Recipient Testimonial

- Thank you for your response. This is great news for my small business. I have always supported my community in many different ways. To get this help, means a lot to us. We work hard to provide quality food and entertainment to the greater Elkhart families. Thank you again for this consideration.

Sincerely,
Cristy Eldridge
Sports Time Family Pub & Grill

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

**ADDENDUM TO THE BOOSTLINGO
CUSTOMER TERMS OF SERVICE**

WHEREAS Boostlingo LLC (“Vendor” or “Boostlingo”) agrees to provide services to the City of Elkhart pursuant to certain terms contained in its Customer Terms of Service; and

WHEREAS the City of Elkhart is a municipal corporation located in Indiana and as such, has certain terms that must be included, or must not be included, in every vendor agreement.

WHEREFORE, the City of Elkhart, by its Board of Public Works, and Boostlingo agree to the following amendments to the attached Customer Terms of Service:

1. That the City of Elkhart is a public entity and subject to the Indiana Open Door Laws and both parties agree that nothing in the Terms of Service prevents the City of Elkhart from providing any copies of any translated documents or recordings;
2. That the Customer Terms of Service has been amended to strike Section 6.2 entitled “Due Date; Late Payments” in its entirety and replaced with the following:
 - a. Due Date. Amounts due for Products may be invoiced by Boostlingo monthly or as otherwise expressly provided in the Order Form. Customer agrees to pay the net amount of each invoice without offset or deduction within thirty (30) days after the date of Boostlingo’s invoice (unless otherwise noted on the invoice). Payment for all invoices shall be paid by bank wire transfer, ACH bank transfer or credit card. For clarity, checks are not an acceptable form of payment.;
3. That the Customer Terms of Service has been amended to strike Section 11 entitled “Indemnification” in its entirety and replaced with the following:

- a. **Risk Allocation for Third-Party Claims.** Each party is responsible for all losses, damages, costs or expenses (including settlement costs and reasonable attorneys' fees) arising out of a claim by a third party against the responsible party as determined by a court of competent jurisdiction.
4. That Section 14.4 is amended to state that jurisdiction lies in the State of Indiana; and
5. That Boostlingo agrees to sign all necessary documents as mandated by the State of Indiana and the U. S. Government, namely, the Affidavit of E-Verify Enrollment and Participation, the Certification Statement Regarding Investments in Iran, and the Title VI Notice, attached hereto and incorporated in to this document.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed on the 31st day of August, 2022.

By: Noelle Lattimore
Authorized Representative of Boostlingo

I, Noelle Lattimore, certify that I am the VP of Legal and Compliance of Boostlingo named as Vendor herein and said Addendum was duly signed for and in behalf of said Boostlingo by authority of its governing body, and is within the scope of corporate powers.

BOARD OF PUBLIC WORKS
CITY OF ELKHART, INDIANA

By: _____
Michael Machlan, President

By: _____
Chad Crabtree, Vice President

By: _____
Ronnie Davis, Member

By: _____
Rose Rivera, Member

By: _____
C. James Arce, Member

ATTEST:

Nancy Wilson, Clerk
Board of Public Works

AFFIDAVIT OF E-VERIFY ENROLLMENT AND PARTICIPATION

I, Noelle Lattimore, being first duly sworn, depose and say that I am familiar with and have personal knowledge of the facts herein and, if called as a witness in this matter, could testify as follows:

1. I am over eighteen (18) years of age and am competent to testify to the facts contained herein.
2. I am now and at all times relevant herein have been employed by Boostlingo (“Vendor”) in the position of VP of Legal and Compliance.
3. I am familiar with the employment policies, practices, and procedures of Boostlingo and have the authority to act on behalf of Boostlingo.
4. Boostlingo is enrolled and participates in the federal E-Verify program. Documentation of this enrollment and participation is attached as Exhibit “A” and incorporated herein.
5. Boostlingo does not knowingly employ any unauthorized aliens.
6. To the best of my information and belief, Boostlingo does not currently employ any unauthorized aliens.

FURTHER AFFIANT SAYETH NOT.

I swear and affirm under the penalties for perjury that the foregoing statements and representations are true and accurate to the best of my knowledge and belief. .

EXECUTED on the 31st day of August, 2022 .

Noelle Lattimore

Printed: Noelle Lattimore

CERTIFICATION STATEMENT REGARDING INVESTMENTS IN IRAN

On behalf of Boostlingo, I certify that pursuant to Indiana Code 5-22-16.5 *et seq.*, Boostlingo is not now engaged in investment activities in Iran. I understand that providing a false certification could result in the fines, penalties, and civil action listed in Indiana Code 5-22-16.5-14.

Noelle Lattimore

Printed: Noelle Lattimore



Title VI Notice

Title VI Policy

The City of Elkhart, Indiana (Elkhart) is committed to a policy of inclusiveness, fairness, and accessibility of its programs, activities and services to all persons in Elkhart. As provided by Title VI of the Civil Rights Act of 1964 and all related statutes, Elkhart assures that no person shall, on the on the grounds religion, race, color, national origin, sex, age, disability/handicap, sexual orientation, gender identity, limited English proficiency, or low income status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City of Elkhart program, activity or service. The City of Elkhart further assures every effort will be made to ensure non-discrimination in all of its programs, activities, and services, whether those program, activities and services are federally funded or not. In the event the City of Elkhart distributes Federal aid funds to another entity, the City of Elkhart will include Title VI language in all written agreements.

The Title VI Coordinator is:

Title VI Coordinator
City of Elkhart
229 S 2nd Street
Elkhart, Indiana 46516

Voice: (574) 294-5471
Fax: (574) 293-7658
TDD: (574) 389-0198
Email: titlevicoordinator@coei.org

Acceptance by Vendor

I hereby certify that I have received the City of Elkhart's "Title VI Notice" and agree to comply with the requirements and provisions of the City of Elkhart's Title VI Policy during the duration of this Agreement with the City of Elkhart.

Noelle Lattimore

Signed

Noelle Lattimore

Printed Name

August 31, 2022

Dated

SHORT FORM OF AGREEMENT
BETWEEN CLIENT AND ENGINEER
FOR
PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of _____ (“Effective Date”) between

City of Elkhart Board of Works (“Client”)
1201 S Nappanee St
Elkhart, IN 46516

and

Jones Petrie Rafinski Corp. (“Engineer”)
325 South Lafayette Boulevard
South Bend, IN 46601

Client's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

Dewatering and Storm Water Pollution Prevention Plan Preparation, Zone 3, River District, E. Jackson Blvd., Elkhart, Indiana (JPR Project #2022-0033)

Engineer’s Services under this Agreement are generally identified as follows:

See Exhibit A for Engineering Scope of Services

Client and Engineer further agree as follows:

1.01 *Basic Agreement and Period of Service*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Client, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Client shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within a reasonable time, or within the following specific time period: See Exhibit A for the anticipated project timeline.