

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

Common Council Chambers

9:00 A.M., Tuesday, January 17, 2023

<https://coei.webex.com/coei/j.php?MTID=m69fb93319d882095ce76875afc504a66>

Join by phone: 1-415-655-0001

Meeting Number (access code): 2314 689 2167 Meeting password: BOW23

- I. Roll Call**
- II. Approve Agenda**
- III. Claims & Allowance Docket**
- IV. Minutes Regular Meeting January 3, 2023**
- V. Engineering**
 - a.) Administration
 - Board of Works Resolution 23-R-02 Bond Ordinance for Sewage Works Revenue Bonds
 - b.) Utility
 - Board of Works Resolution 23-R-01 Sunnyside Bridge Utility Coordination Appropriation
 - Partial Payment #11 to Bowen Engineering: Elkhart WWTP Capacity Upgrades Phase 2
 - Payment #51 to Donohue & Associates: Elkhart WWTP Capacity Upgrades Phase 2
 - Control Measure 6- Upper St. Joseph River CSO Control Design- Design Date Compliance
 - Award Bid #23-01 2023 Utility Materials
 - Change Order #1 & Final: Big and Tall Sewer Extension Bid #22-21
 - c.) Right of Way
 - Request Bid #23-03 Greenleaf Road Rehabilitation
 - Award Bid #23-02 2023 Street Materials
 - d.) Summary
 - Water Assessment Application
 - Revocable Permits
- VI. Utilities**
 - a.) Administration
 - Water Utility MRO December 2022
 - Request for Credit 2123 Greenleaf Blvd.
 - 25% Rule Violation Penalty Requests

b.) Regulatory Compliance

- Agreement with Simonton Lake Conservation District to Extend Interlocal Agreement

VII.

New Business

- Uniform Conflict of Interest Disclosure- Nancy Wilson, Gary Boyn
- Clear Law Institute Harassment Prevention Training Course
- Contract with Periscope Films, LLC
- Contract with Ricoh for Printers
- Contract with Personnel Partners

VIII.

Use & Event Permits

- Ratify MLK March 1/16/23

IX.

Public Participation

X.

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.

January 10, 2023 
JAMIE ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF **\$3,893,172.34** AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 20 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

EXECUTED THIS 17TH DAY OF JANUARY 2023 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
January 17, 2023

Individual Claims Over \$25,000 each:

Fund	Vendor	Description	Amount
1101	STRYKER SALES LLC	EQUIPMENT LEASE	29,800.83
1101	CENTRAL SQUARE TECHNOLOGY	PRO SUITE SOFTWARE	63,082.50
1101	YODER OIL COMPANY INC	GASOLINE	28,397.59
2502	WELLSPRING COMPONENTS	WELLSPRING, SOLAR GRANT	25,000.00
4402	DELL MARKETING L.P.	OPTIPLEX 7000 MICRO	33,895.62
4436	BORDEN WASTE-AWAY SERVICE	01/23 TRASH SERVICES	191,611.14
4436	AMERICAN CONSULTING, INC	PUBLIC SAFETY BUILDING	44,318.50
6201	XYLEM DEWATERING SOLUTIONS	BEARDSLEY LS PUMP REPLACEMENT	41,730.52
6203	DLZ INDIANA, LLC	OAKLAND TANK FORCE MAIN	121,190.00
6203	DLZ INDIANA, LLC	OAKLAND TANK FORCE MAIN	65,615.00
6203	DLZ INDIANA, LLC	OAKLAND TANK FORCE MAIN	63,895.00
7739	USI INSURANCE SERVICES	PROPERTY & CASUALTY INS	60,000.00

Total Claims over \$25,000	768,536.70
Regular Claims under \$25,000:	432,787.07
Total Regular Departmental Claims:	1,201,323.77

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

4445	CITY OF ELKHART	FEB INTEREST- GLC	67,545.00
4445	CITY OF ELKHART	FEN PRINCIPLE- GLC	73,000.00
4445	CITY OF ELKHART	AUG INTEREST- GLC	66,450.00
4445	CITY OF ELKHART	AUG PRINCIPLE- GLC	74,000.00
6201	INDIANA MICHIGAN POWER	ELECTRICITY	31,713.67

Total Pre-Approved over \$25,000:	312,708.67
Regular Claims under \$25,000:	76,932.49
Total Pre-Approved Claims:	389,641.16

American Rescue Plan Claims:

2474	OSBORNE HAWKINS SIERACKI	FEB RENT- SMALL BUSINESS CONTINUITY	1,200.00
2474	TOM THALHEIMER	MAR RENT- SMALL BUSINESS CONTINUITY	850.00
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	267.03
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	1,042.42
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	1,446.05
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	999.27
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	1,063.88
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	848.19
2474	GEORGE'S GYROS	GFS REIMBURSEMENT- SMALL BUSINESS CONT	302.16
2474	MARTINEZ QUEDAIZA, LLC	FEB RENT- SMALL BUSINESS CONTINUITY	2,000.00
2474	MARTINEZ QUEDAIZA, LLC	JAN RENT- SMALL BUSINESS CONTINUITY	300.00
2474	RELENTLESS ROOFING LLC	HOMEOWNER OCCUPIED REHAB	1,325.00
2474	CHARLIE BOOKS	HOMEOWNER OCCUPIED REHAB	12,550.00
2474	CHARLIE BOOKS	HOMEOWNER OCCUPIED REHAB	14,750.00
2474	LIVE EDGE CONSTRUCTION LLC	HOMEOWNER OCCUPIED REHAB	2,353.00
2474	STEVE HILL	FEB RENT- SMALL BUSINESS CONTINUITY	2,250.00

Total American Rescure Plan Claims:	43,547.00
--	------------------

UTILITY REFUNDS

917.20

Payroll and Pension Payments:

Fire & Police Pension	378,183.27
Bi-weekly Payroll	1,879,559.94
RETRO PAY	-
Total Payroll:	2,257,743.21

Total All Claims, Internal Payments, and Payroll: \$ 3,893,172.34

(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, January 3, 2023

President Mike Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, January 3, 2023. Clerk of the Board Nancy Wilson called the roll. Mike Machlan, Chad Crabtree, Rose Rivera and Ronnie Davis attended in person. Jamie Arce was absent. Mike said it was after 9:00 a.m. and no more bids would be accepted.

1. Approve Agenda

A motion was made by Chad Crabtree and seconded by Ron Davis to approve the agenda. On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the agenda was amended to include a Mayoral presentation, the appointment to the Plan Commission, and a Declaration of Emergency for Public Works after the bid opening. The amended agenda carried 4-0.

2. Open Bids

Bid #23-01 2023 Utility Materials Bid

Proof of publication was presented which appeared in The Elkhart Truth on December 10 and December 17, 2022. The following bids were received:

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

Utility Supply Company submitted a signed and certified bid summary form with all items checked.

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

Farmer Tank submitted a signed and certified bid summary form with all items checked.

Neenah Enterprises submitted a signed and certified bid summary form with all items checked.

On motion by Chad Crabtree, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Bid #23-02 2023 Street Materials Bid

Proof of publication was presented which appeared in The Elkhart Truth on December 10 and December 17, 2022. The following bids were received:

C&E Excavating submitted a signed and certified bid summary form with all items checked.

Reith-Riley Construction submitted a signed and certified bid summary form with all items checked.

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

Elkhart County Gravel submitted a signed and certified bid summary form with all items checked.

Ennis Flint submitted a signed and certified bid summary form with all items checked.

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

On motion by Chad Crabtree, seconded by Ron Davis and unanimously carried, the Board referred the bids to the staff of Public Works and Utilities for their

BOARD OF PUBLIC WORKS

Tuesday, January 3, 2023

review and recommendation at the next meeting.

Jonathan Brown's Retirement Announcement

Mayor Roberson announced Jon is retiring after 47 years of service to the City of Elkhart. He has maintained a level of service to our community that is exemplary and unparalleled. The Mayor thanked him for his tremendous service to the City. He received a standing ovation, and everyone agreed he will be missed.

Board of Works Appointment to the Plan Commission

On motion by Chad Crabtree, seconded by Rose Rivera and carried 4-0, Ron Davis was appointed to the Plan Commission as the Board of Works representative.

Declaration of Emergency

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board declared an emergency for the December 30, 2022 Wastewater Plant Electric Substation repair.

3. Election of Officers

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board of Works Officers in 2022 were retained in 2023. Mike Machlan is the President, and Chad Crabtree is the Vice-President.

4. Claims & Allowance Docket.

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved the claims and allowance docket totaling \$2,051,994.50, consisting of 12 pages as prepared on December 28, 2022 at 10:08 a.m.

5. Minutes Regular Meeting December 27, 2022

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the minutes from December 27, 2022 were adopted.

6. Utilities

(A.) Administration

Wastewater Utility MRO for November 2022

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board accepted and placed on file the Wastewater Utility MRO for November 2022.

7. New Business

PSA with Community Planning Insights to Administer the HUD Community Development Block Grant

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved a PSA with Community Planning Insights to Administer the HUD Community Development Block Grant for a cost not to exceed \$25,000.00.

8. Use & Event Permits

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board approved a permit for the Frosty 5K on February 11, 2023.

9. Adjournment

On motion by Chad Crabtree, seconded by Ron Davis and carried 4-0, the Board of Works adjourned at 9:26 a.m.

Mike Machlan, President

Attest: _____ Nancy Wilson, Clerk of the Board

Roderic Roberson
Mayor

Jamie Arce
City Controller



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

574.294.5471
Fax: 574.294.8491

Memo

To: Board of Public Works
From: Jamie Arce, City Controller *JA*
Regarding: City of Elkhart Sewage Works Revenue Bond Resolution 23-R-02
Date: January 12, 2023

A resolution for a bond ordinance in the amount of \$31,750,000 is attached. This bond will provide the financing for Oakland Avenue Phase A: Design and Construction, as well as the Oakland Avenue Phase B: Design. This project is required by the Consent Decree and Long-Term Control Plan (LTCP). Phase A involves the construction of sanitary force-main from the future storage tank and lift station to the Wastewater Treatment Plant. Phase B involves the Design of the Tank and Sanitary Intercepts for CSO 24 and 37.

This project's Preliminary Engineering Report (PER) has been submitted to the Indiana Finance Authority for review and approval for a State Revolving Fund (SRF) loan.

Upon approval of the resolution, a corresponding bond ordinance will be sent to the City Council for first reading on January 23, 2023.

It is requested that the Board of Public Works:

Approve resolution 23-R-02 approving the acquisition, construction, and installation of certain improvements to the sewage works system of the City, the issuance of revenue bonds, including the issuance of notes in anticipation of such bonds, to provide for the thereof, and other matters connected therewith.

RESOLUTION NO. 23-R-02

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF ELKHART, INDIANA, APPROVING OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS TO THE SEWAGE WORKS SYSTEM OF THE CITY, THE ISSUANCE OF REVENUE BONDS, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF SUCH BONDS, TO PROVIDE FOR THE COST THEREOF, AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Board of Public Works (the "Board of Public Works") of the City of Elkhart, Indiana (the "City") operates a municipal sewage works system (the "Sewage Works") for the purpose of providing for the collection and treatment of wastewater from the residents and users pursuant to IC 36-9-23, as in effect on the issue date of the bonds which are authorized herein (the "Act"); and

WHEREAS, the Board of Public Works hereby finds: (i) that the acquisition, construction, extension and installation of certain improvements for the System, as more fully described in the form of Bond Ordinance set forth in Exhibit A attached hereto (collectively, the "Project"), are necessary; (ii) that plans, specifications and cost estimates for the Project (the "Engineering Reports") have been prepared by the engineers employed by the City (the "Engineers"), for plans, specifications, detailed descriptions and estimates of the costs of the necessary improvements and extensions to the System; and (iii) that the Engineering Reports have been previously adopted and have been or will be submitted to all government authorities having jurisdiction, particularly the Indiana Department of Environmental Management ("IDEM"), if and to the extent IDEM approval is required under Indiana law, and has been approved by the aforesaid government authorities; and

WHEREAS, the estimates prepared and delivered by the engineers with respect to the costs of the Project, and including all authorized expenses relating thereto, including the costs of issuance of bonds on account thereof, will be in the estimated amount not to exceed Thirty-one Million Seven Hundred Fifty Thousand Dollars (\$31,750,000), to be financed by the issuance of sewage works revenue bonds on parity with outstanding sewage works revenue bonds previously issued by the City and/or revenue bond anticipation notes in an aggregate principal amount not to exceed Thirty-one Million Seven Hundred Fifty Thousand Dollars (\$31,750,000) and available revenues of the City; and

WHEREAS, the Board of Public Works finds that there are insufficient funds available to pay the cost of the Project, and that the cost of the Project is to be financed in part from the issuance of its sewage works revenue bonds, in one or more series (the "Bonds") and/or bond anticipation notes, in one or more series (the "BANs");

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

1. Authorization of Project. The Department of Public Works and Utilities shall proceed with the completion of the Project in accordance with the Engineering Report, which is

hereby adopted and approved, and by reference made a part of this Resolution as fully as if the same were attached hereto and incorporated herein. The aggregate cost of the Project shall not exceed the sum of \$31,750,000, plus investment earnings on the proceeds of the Bonds, without further authorization from the Board of Public Works. The term “System,” “works,” “utility,” “sewage works” and other like terms where used in this Resolution shall be construed to mean the existing Sewage Works System and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired, and all other items as defined in IC 36-9-23, as amended.

2. Issuance of Bonds. The Board of Public Works recommends that the City proceed with the issuance of the Bonds on parity with outstanding sewage works revenue bonds previously issued by the City, in one or more series, in an aggregate principal amount not to exceed Thirty-one Million Seven Hundred Fifty Thousand Dollars (\$31,750,000) to be designated “Sewage Works Revenue Bonds, Series 20__” (with such blank to be filled in with the year of issuance of the Bonds) for the purpose of procuring funds to pay the cost of the Project and the issuance costs of the Bonds.

3. Issuance of BANs. The City shall issue the BANs, in one or more series, in an aggregate principal amount not to exceed Thirty-one Million Seven Hundred Fifty Thousand Dollars (\$31,750,000) to be designated “Sewage Works Revenue Bond Anticipation Notes, Series 20__” (with such blank to be filled in based on the year of issuance of the BANs) for the purpose of procuring funds to pay the cost of the Project and the issuance costs of the BANs.

4. Use of Proceeds. The proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account to be designated as “City of Elkhart, Sewage Works Construction Account 2023.” The funds in such account shall be deposited, held, secured or invested in accordance with the laws of the State relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, IC 5-1.2-1 through IC 5-1.2-4 and IC 5-1.2-10, as amended or supplemented, and the acts amendatory thereof and supplemental thereto. The funds in such special account or accounts shall be expended only for the purpose of paying the costs of issuance of the Bonds, the cost of the Project, or as otherwise required by the Act.

5. Ordinance of Common Council. The Board of Public Works hereby approves the substantially final form of the Bond Ordinance presented to this meeting and attached hereto at Exhibit A and recommends to the Common Council the adoption of such Bond Ordinance which sets forth the terms and conditions of the Bonds (and the BANs) to be issued thereunder.

6. Reimbursement. The Board of Public Works hereby declares the official intent of the City, pursuant to IC 5-1-14-6(c) and § 1.150-2 of the Treasury Regulations, that preliminary costs incurred by or on behalf of the City in financing the construction of the Project be reimbursed from the proceeds of the Bonds.

7. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

8. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this Resolution.

9. Conflicting Resolutions. All prior resolutions and parts of prior resolutions, insofar as they are in conflict herewith, are hereby repealed.

10. Effective Date. This Resolution shall be in full force and effect from and after its passage and compliance with the procedures required by law.

Adopted at the Regular Meeting of the City of Elkhart, Indiana, Board of Public Works held on January 17, 2023.

CITY OF ELKHART
BOARD OF PUBLIC WORKS

Michael Machlan, President

Chad Crabtree, Vice-President

Jamie Arce, Member

Ronnie Davis, Member

Rose Rivera, Member

ATTEST:

Nancy Wilson, Clerk



M E M O R A N D U M

DATE: January 9, 2023
TO: Board of Public Works
FROM: Paul Wunderlich, Utility Engineer
RE: **Sunnyside Bridge Utility Coordination – Amendment 1 -
Appropriation Request**

Elkhart County is currently in the design stage of the Sunnyside Bridge Project. The bridge will be built spanning Yellow Creek on Sunnyside Avenue. Elkhart County has been coordinating with Elkhart Public Works to ensure existing utilities are relocated as necessary.

Last year the Department of Public Works received approval for a Professional Services Agreement with Wessler Engineering to coordinate utilities and develop alternatives for potential utility relocations in association with the Elkhart County grade separation project near Sunnyside Ave.

This past December in 2022, the BOW approved the second phase of the PSA, Amendment 1 for 114,600.00. The funds for this amendment must be appropriated.

This appropriation request has been approved by the Utility Accountant and Controller's Office.

It is requested the Board of Public Works:

Appropriate \$114,600.00 to the Project Coordination fund 6203-5-999-7999999 for the Sunnyside Bridge Utility Coordination - Amendment 1

Resolution 23-R-01

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE
CITY OF ELKHART, INDIANA, APPROPRIATING FUNDS FOR
SUNNYSIDE BRIDGE PROJECT UTILITY COORDINATION**

WHEREAS, the City of Elkhart, Indiana, is a municipal corporation; and

WHEREAS, the Board of Public Works (“Board”) is the body authorized to manage the municipal utilities; and

WHEREAS, Elkhart County is currently in the designing phase of their Sunnyside Bridge Project;

WHEREAS, the Sunnyside Bridge Project will be built spanning the Yellow Creek and Sunnyside Avenue; and

WHEREAS, Elkhart Public Utilities has utilities within the design area, and those utilities must be relocated; and

WHEREAS, Elkhart Public Utilities has employed Wessler Engineering to coordinate and develop alternatives for the relocation of those utilities; and

WHEREAS, the Board approved an amended professional services agreement with Wessler Engineering that requires an additional payment of \$114,600.00; and

WHEREAS, the Board deems it proper and in the best interests of the City of Elkhart and its citizens to appropriate the funds necessary to cover the cost of the amended professional services.

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

1. The Board approves the funding request for the amended professional services agreement with Wessler Engineering.
2. The Board appropriates the sum of \$114,600.00 from the Wastewater fund to be applied to the Project Coordination fund 6203-999-7999999 for the Sunnyside Bridge Utility Coordination.

RESOLVED this 17th of January 2023.

Michael Machlan, President

Chad Crabtree, Vice President

Jamie Arce, Member

Ronnie Davis, Member

Rose Rivera, Member

ATTEST:

Nancy Wilson, Clerk



City of Elkhart
Public Works and Utilities

BOW Public Works Appropriation & Transfer Request Form

Date: 01/09/2023

BOW Meeting Date: 01/17/2023

Requesting Division:

Engineering: Operations: Maintenance: Administration: Lab: Aquatics:

Distribution: Collections: Service:

Requesting Manager: Paul Wunderlich

Important: Completed form due to the Controller's Office NO LATER THAN Noon on Monday the week prior to the Board of Public Works meeting.

Fund Information:

Which fund is this appropriation being requested from?

Wastewater: Water: Stormwater: Aquatics: Other: Specify: _____

Description: to be used for the Sunnyside Drive Grade Separation

Line # 6203-5-999-7999999 Line Name: Project Coordination Amount: \$ 114,600.00

Line # _____ Line Name: _____ Amount: \$ _____

Line # _____ Line Name: _____ Amount: \$ _____

Transfer Details:

Does request include a budget transfer? ____ (Y/N)

For transfer requests, enter affected account lines and amounts below:

Transfer #1: From Line # _____ From Line Name: _____ Amount \$ _____

To Line # _____ To Line Name: _____

Transfer #2: From Line # _____ From Line Name: _____ Amount \$ _____

To Line # _____ To Line Name: _____

Transfer #3: From Line # _____ From Line Name: _____ Amount \$ _____

To Line # _____ To Line Name: _____

Controller's Office Reassignment of Account if Necessary:

Fund # _____ Fund Name _____

Acct # _____ Acct Name _____ Amount \$ _____

Fund # _____ Fund Name _____

Acct # _____ Acct Name _____ Amount \$ _____

Approval:
Controller

Jamie Arce


Date: 01/10/2023



M E M O R A N D U M

DATE: January 11th, 2023

TO: Board of Public Works

FROM: Paul Wunderlich, Utility Engineer 

RE: **Elkhart WWTP Capacity Upgrades – Phase 2 – QA7634: Approval of Partial Payment Request #11 to Bowen Engineering Corporation**

Please see the attached partial pay application #11 from Bowen Engineering Corporation for construction services provided for the Elkhart WWTP Capacity Upgrades project for work performed during the period thru November 30, 2022. This partial pay application, in the amount of \$1,121,614.00, includes a payment for recent construction activities on the project, as well as payment for retainage. It will be paid through the SRF loan for this project. The partial payment this application breaks down as follows:

Payment Due	\$1,009,453.00
Retainage Held	\$112,162.00
Total Amount	\$1,121,614.00


To date, including this payment and all retainage, we have paid \$9,936,572.42, or 36.86% of the \$26,956,543.49 current contract price.

It is requested that the BOW:

approve partial payment request #11 in the amount of \$1,121,614.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades – Phase 2 project.



M E M O R A N D U M

DATE: January 11th, 2022
TO: Board of Public Works
FROM: Paul Wunderlich, Utility Engineer 
RE: **Elkhart WWTP Capacity Upgrades – Phase 2 – QA7634: Approval of Partial Payment Request #51 to Donohue & Associates, Inc.**

Please see the attached invoice #51 from Donohue & Associates, Inc. for professional services provided for the Elkhart WWTP Capacity Upgrades – Phase 2 project for work performed through December 24, 2022. The invoice totals \$63,405.00 and has been rounded as required by SRF.

To date, including this payment, we have paid \$2,715,126.60 or 70.30% of the contract.

It is requested that the BOW:


approve partial payment request #51 in the amount of \$63,405.00 to Donohue & Associates, Inc. from the allocated SRF loan for professional services on the Elkhart WWTP Capacity Upgrades – Phase 2 project.



M E M O R A N D U M

DATE: January 5, 2023

TO: Board of Public Works

FROM: Paul Wunderlich, Utility Engineer 

RE: **Control Measure 6 – Upper St. Joseph River CSO Control - Design Date Compliance**

Pursuant to the United States of America and State of Indiana v. City of Elkhart, Indiana, Case Number 2:11-cv-00328-JVB-APER, Consent Decree (CD), Effective Date November 30, 2011, and as amended on April 26, 2022, the City of Elkhart is in compliance with the Critical Milestone Design Date, as defined by Section IV.8.v, for the Upper St. Joseph River CSO Control, as outlined in CD Appendix A: Section 1: Table 1-3.

Effective Tuesday, August 2nd, 2022, the City began design on the Upper St. Joseph River CSO Control with the commencement of the CSO Basin 13 LTCP Control Study. This is 105 days earlier than required by the critical milestone deadline of November 15, 2022 as outlined in the CD Appendix A.

References: *City of Elkhart, Indiana Standard Form of Agreement between Owner and Engineer for Professional Services (Edition 2020), effective August 2, 2022 (The City of Elkhart, Indiana, acting by and through its Board of Public Works (“Owner”) and DLZ Indiana, LLC, 2211 E. Jefferson Blvd, South Bend, IN 46615 (“Engineer”) for CSO Basin 13 LTCP Control Study (“Project”))*

Engineering requests that the Board of Works accept and place this memo on file.



M E M O R A N D U M

DATE: January 9, 2023

TO: Board of Public Works

FROM: Paul Wunderlich, Utility Engineer *W*

RE: **Award Recommendation for 2023 Utility Materials Bid – Bid #23-01**

On January 3, 2023, bids were opened for the first Utility Materials Bid at the regular Board of Works meeting. Five (5) bids were received at that time and given to the City's Engineering Department for review.

The bids have been reviewed and a summary of bid items with the company of each line item to be awarded is attached.

It is recommended the Board of Public Works:
Award each line item to the lowest responsive and responsible bidder of each item for the first 2023 Utility Materials, bid #23-01, as shown on the 2023 Utility Materials Bid Tab Summary.



M E M O R A N D U M

DATE: January 11, 2023

TO: Board of Public Works

FROM: Jason Simnick, Engineering Project Manager JS

RE: **Change Order Request #1 & Final: Big and Tall Sewer Extension – Bid #22-21**

Attached is change order request #1 & final for the Big and Tall Sewer Extension project. This change order is for final adjustments to quantities.

This change order request is for a decrease of \$22,500.00 to the original contract price. Approval of change order #1 & final would decrease the original contract price of \$93,542.50 to \$71,042.50, resulting in a 24.1% decrease from the original contract price.

It is requested the Board of Public Works:

approve release of all retainage and Change Order #1 & final for the Big and Tall Sewer Extension project, Bid #22-21, for a decrease of \$22,500.00, bringing the final Contract price to \$71,042.50.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. 1 and Final
Dated 12/22/2022

Project: **BIG AND TALL SEWER EXTENSION**

Contract No. 22-21

To: SELGE CONSTRUCTION COMPANY, 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

Adjustment to final quantities. \$ (22,500.00)

TOTAL \$ **(22,500.00)**

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

Original Contract Price	\$ 93,542.50
Contract Price Prior to this Change Order	\$ 93,542.50
Net change resulting from this Change Order	\$ (22,500.00)
Current Contract Price including this Change Order	\$ 71,042.50
Current Contract Price % Change from Original Price	<u>-24.1%</u>
Contract Time prior to this Change Order	<u>NO CHANGE</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>NO CHANGE</u> (Days or Time)

The above changes are approved:

BY: [Signature]
Public Works & Utilities
Engineer
1-11-23
DATE

The above changes are accepted:

By: [Signature]
Contractor
1-6-2023
DATE





M E M O R A N D U M

DATE: January 11, 2023
TO: Board of Public Works
FROM: Ryan Clussman, Right of Way Engineer *RC*
RE: **Permission to Advertise Greenleaf Road Rehabilitation Project - Bid #23-03**

The Department of Public Works requests approval of the specifications, and permission to advertise the Greenleaf Road Rehabilitation Project.

The project will consist of a 2" mill and HMA overlay of Greenleaf Boulevard from Bearsdley to the bridge west of Holtt Street. In addition, work for sidewalk and curb ramp placement along the corridor to maintain ADA compliance.

The design specifications for the project were developed by city staff and are being presented to the Board of Works for approval and permission to advertise.

This project will be funded through Civil City funds.

It is requested the BOW:

approve the specifications and grant permission to advertise the Greenleaf Road Rehabilitation Project Bid #23-03.



MEMORANDUM

DATE: January 17, 2023
TO: Board of Public Works
FROM: Ryan Clussman, PE, Right-of-Way Engineer *RC*
RE: Award Bid #23-02– Street Materials 2023

On January 3, 2023, 6 bids were opened for Street Materials 2023. The Engineering staff has reviewed the bids and prepared a summary of the bid items. Bids were received for 55 of the 64 bid item lines.

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

Award the 55 bid items lines for Bid #23-02, Street Materials 2023, to the lowest responsible and responsive bidder, as shown on the attached Bid Tabulation.

B.O.W. SUMMARY
January 17, 2023

Water Assessment Application:

James Yoder
60727 Ashton Way
Elkhart, IN. 46517
Property: 1901 Yuma
Paid in full, \$2317.20

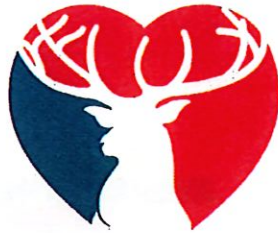
Revocable Permits:

#6544, Owner: Windstream KDL, LLC
Property: 2022 W Lusher Ave
Permit Holder: Windstream KDL, LLC
Description: New pole required for job completion

#6545, Owner: Elkhart Public Library
Property: 300 S. Second St
Permit Holder: Elkhart Public Library
Description: Take up 1 parking space on high St


#6546, Owner: Moose Lodge
Property: 1500 C.R. 6
Permit Holder: Judy Cunningham
Description: Put up a sign

#6547, Owner: LaCasa Inc
Property: 1308 Magnolia Ave
Permit Holder: Kenneth Holmes, ModWay Homes, LLC
Description: Setting a home with a crane



City of Elkhart

Public Works and Utilities

Memo To Board of Works
 Memo From Laura Kolo, Utility Services Manager 
 Date Jan 09, 2023
 Subject Water Utility Monthly Report of Operations for the month of December, 2022

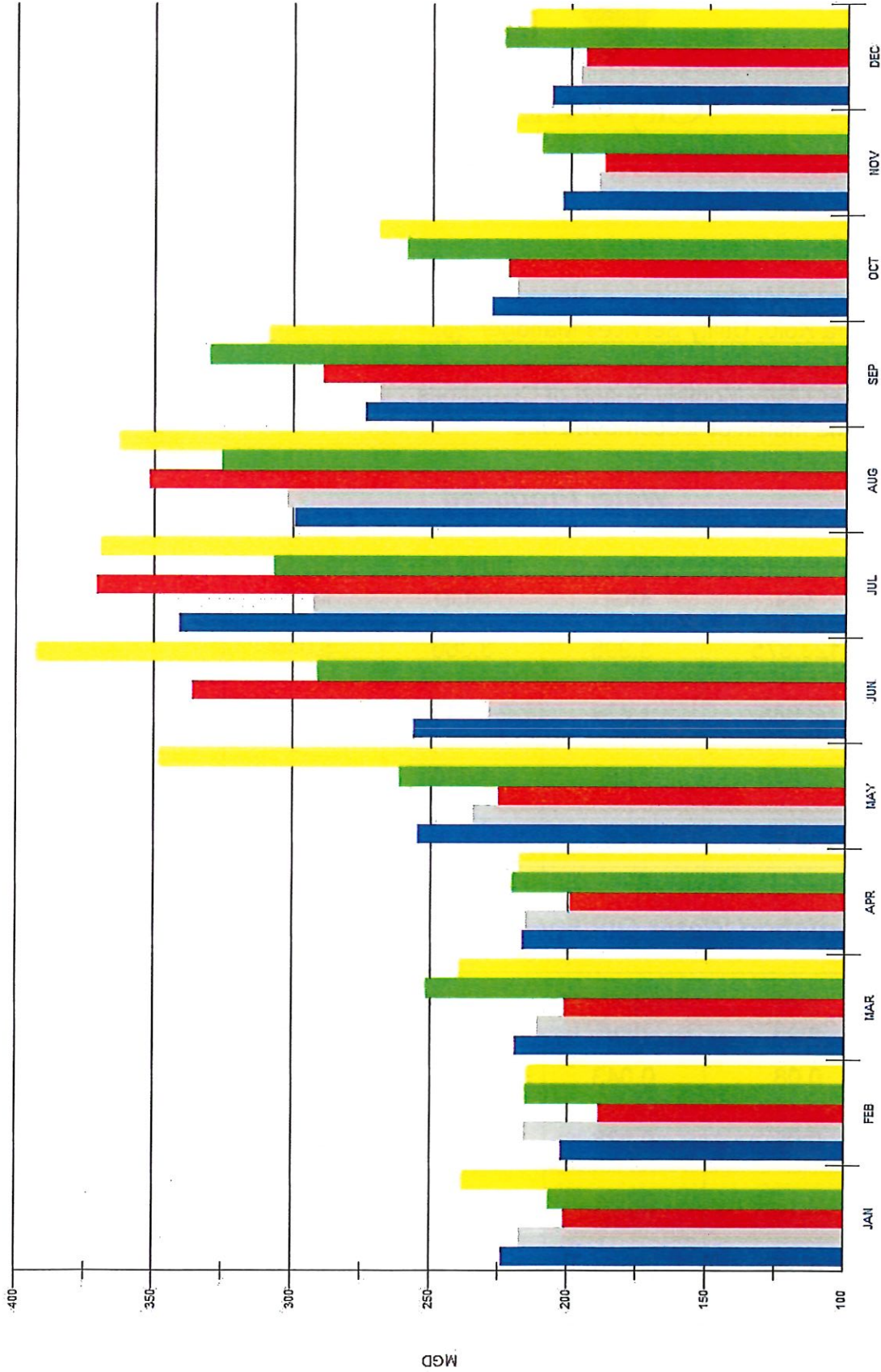
Water Produced

	Monthly Total MG	Daily Avg MGD	Daily Min MGD	Daily Max MGD
North Main	123.875	3.996	3.366	5.019
Northwest	58.085	1.874	1.345	2.567
South	32.678	1.054	0.680	1.520
System	214.64	6.92		

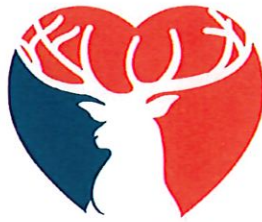
Finished Water Quality Information (Monthly Averages)

	Iron mg/l	Manganese mg/l	Fluoride mg/l	Chlorine mg/l	Orthophosphate mg/l
North Main	0.08	0.043	0.85	1.18	1.40
Northwest	0.05	0.028	0.90	1.16	0.91
South	0.11	0.036	0.93	1.40	1.07
Secondary Std / Target	0.30	0.050	0.8 - 1.0	0.9 - 1.5	0.5 - 1.0

Monthly Water Production Comparison



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2018	224.12	202.56	219.16	216.42	254.76	256.12	340.82	299.16	273.85	228.35	202.94	206.83
2019	217.23	215.68	211.08	215.28	234.49	229.20	292.60	301.80	268.65	219.33	189.66	196.43
2020	201.13	188.69	201.44	199.21	225.63	336.17	370.93	351.87	289.17	222.62	187.43	194.60
2021	206.82	215.47	251.38	220.28	261.41	290.86	306.88	325.29	329.96	258.98	210.32	224.10
2022	238.16	214.80	239.40	217.71	348.16	392.38	369.59	362.66	308.75	269.06	219.61	214.64



City of Elkhart
Public Works and Utilities

Memo

To: Board of Public Works
From: Timothy D. Reecer; Executive Services Manager *TR*
Date: January 6, 2023
Re: Water and/or sewer credit for 2123 Greenleaf Blvd

Mr Knight received a water bill on or about 12/19/22 in the amount of \$1,298.60. Mr. Knight reached out to our office to determine the cause of the high bill. After some investigation, it was determined that "Continuous Consumption" caused the bill.

Upon speaking with Mr. Knight he indicated that he had routine maintenance performed on his Kinetico water softener causing the continuous consumption. Mr. Knight was able to bypass the softener stopping the continuous consumption.

Mr. Knight is seeking a credit due to the fact the Utility can see this information but was unable to alert him prior to his bill being generated.

It is the recommendation of Public Works and Utilities that no credit be issued as it is direct conflict of Utility policies.

December 20, 2022

Dear Board of Public Works of the City of Elkhart,

I received my water bill for service from 11/3 to 12/8/22 yesterday via mail for \$1298. and when billed for 12/8 till 5pm 12/19 it will be much more. My Kinetico water softener had standard maintenance late morning 11/3/22 and I bypassed the system at 5pm 12/19/22. Lynette states these were the times the leak occurred.

I understand there is an attempt manually to notify the user if there is a large change in usage, but is difficult to have it occur 100%. This same thing happened a year ago and cost me \$650. and I wasn't notified.

In the face of the water departments ability to know when continuing leaks occur. It would be exceedingly useful to have an automatic system that would flag accounts that were three standard deviations from the mean , and hence allow the user to be notified real time.

Not only would this be useful financially to the consumer, it would save water.

Thank you for considering the above suggestion,

E. Larry Knight, MD

UB Account 21-25200-01

2123 GEFERLEAF ENDELUMHART #14514-055

Alerts (1) Outstanding Service Orders

Balance: \$0.00

Date	Packet	Type	Receipt #	Reference	Description	Credits	Debits	Cumulative Balance
1/9/2023	URPKT2689	Bank Draft Paymte				-1,293.60		0.00
12/16/2022	URPKT2697	Bill		BILL 11/3/20	BILL 11/3/20		1,293.60	1,293.60
12/12/2022	URPKT2720	Bank Draft Paymte				-69.76		0.00
11/11/2022	URPKT2769	Bill		BILL 10/6/20	BILL 10/6/20		69.76	69.76
11/7/2022	URPKT2747	Bank Draft Paymte				-69.87		0.00
10/14/2022	URPKT2747	Bill		BILL 9/3/202	BILL 9/3/202		69.87	69.87
10/10/2022	URPKT2726	Bank Draft Paymte				-71.95		0.00
9/16/2022	URPKT2726	Bill		BILL 8/4/202	BILL 8/4/202		71.95	71.95
9/12/2022	URPKT2693	Bank Draft Paymte				-70.28		0.00
8/12/2022	URPKT2693	Bill		BILL 7/7/202	BILL 7/7/202		70.28	70.28
8/8/2022	URPKT2663	Bank Draft Paymte				-72.37		0.00
7/15/2022	URPKT2667	Bill		BILL 6/3/202	BILL 6/3/202		72.37	72.37
7/11/2022	URPKT2645	Bank Draft Paymte				-70.96		0.00
6/17/2022	URPKT2644	Bill		BILL 5/5/202	BILL 5/5/202		70.96	70.96
6/13/2022	URPKT2621	Bank Draft Paymte				-73.72		0.00
5/13/2022	URPKT2617	Bill		BILL 4/7/202	BILL 4/7/202		73.72	73.72
5/9/2022	URPKT2592	Bank Draft Paymte				-74.35		0.00
4/14/2022	URPKT2591	Bill		BILL 3/3/202	BILL 3/3/202		74.35	74.35
4/11/2022	URPKT2557	Bank Draft Paymte				-63.47		0.00
3/11/2022	URPKT2557	Bill		BILL 2/4/202	BILL 2/4/202		63.47	63.47
3/7/2022	URPKT2530	Bank Draft Paymte				-62.75		0.00
2/11/2022	URPKT2519	Bill		BILL 1/7/202	BILL 1/7/202		62.75	62.75
2/7/2022	URPKT2490	Bank Draft Paymte				-60.00		0.00
1/14/2022	URPKT2482	Bill		BILL 12/9/20	BILL 12/9/20		60.00	60.00
						(59,160.23)	\$9,160.23	

Dec 1298.60
 Jan 467.17

Bill Preview

Close Form Print Screen Help

Account Number 21-262000-01 Projected Bill Amount \$467.17
 Account Status Active
 Bill Period 12/8/2022 - 1/5/2023 Bill Date 1/5/2023
 Number of Days 28

Service Detail

Service	Rate Code	Previous	Current	Consumption	Projected Bill Amou
160 - WATER SERVICE CHARG	RES - WSC-RESIDENTIAL				2.25
170 - HYDRANT CHARGE	RES - RESIDENT HYDRANT CH				2.76
300 - SEWER	101-GAL - SEWER IN RES NOV				338.45
					\$467.17

Calculate Projected Bill

Billing Profile

Services Billed	\$467.17
Contracts Billed	\$0.00
Deposits Billed	\$0.00
Deposits Returned	\$0.00
Deposit Adjustments	\$0.00
Energy Assistance	\$0.00
Energy Assistance Returned	\$0.00
Total Bill	\$467.17
Arrears	\$0.00
Total Projected Bill Amount	\$467.17



M E M O R A N D U M

Date January 11, 2023
To Mike Machlan, Board of Works President
From Laura Kolo, Utility Services Manager *lk*
RE 25% Rule Violation Penalty Requests

Public Works is requesting assessment of two FOG penalties. Both requests:

- 25% Rule Violation
- Notice was provided to the FSE's Authorized Representative per the most recent application
- The FSE did respond in a timely manner

FSE Name	Location	Facility ID	Recommended Penalty	Violations in prior 12 months
McDonalds Restaurant	1430 S. Nappanee	F2021-018	\$100.00	None
McDonalds Restaurant	2808 Cassopolis	F2021-021	\$100.00	None



FATS, OILS AND GREASE 25% Rule Violation

Name of FSE: McDonald's Restaurant Facility Number: F2021-018
Physical Address: 1430 SOUTH NAPPANEE

25% Rule Violation Date: 11/14/2022 FOG + Solids Measurement: 41%
Offense # 1 in 12-month period. Penalty Matrix recommendation*: \$ 100

NOV Delivered to FSE: 12/16/2022 FSE NOV Response Due: 12/31/2022
NOV Response Submitted: 12/19/2022 Complete Incomplete
Response Missing: Complete Completed Date: 12/19/2022
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



FATS, OILS AND GREASE 25% Rule Violation

Name of FSE: McDonald's Restaurant Facility Number: F2021-021

Physical Address: 2808 CASSOPOLIS ST.

25% Rule Violation Date: 11/09/2022 FOG + Solids Measurement: 55%

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

NOV Delivered to FSE: 12/16/2022 FSE NOV Response Due: 12/31/2022

NOV Response Submitted: 12/19/2022 Complete Incomplete

Response Missing: Complete Completed Date: 12/19/2022

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



M E M O R A N D U M

Date January 9, 2022
To Board of Public Works
From Bryan Cress, Regulatory Compliance Manager 
RE Agreement to Extend Interlocal Agreement

Public Works respectfully requests the approval of the *Agreement to Extend the Interlocal Agreement Between the City of Elkhart and the Simonton Lake Conservation District.*

The existing interlocal agreement is expired, and this extension will continue the existing agreement for 20 additional years. The extension was approved by the Simonton Lake Conservancy District Board on January 6, 2023.

I have attached a copy of the existing agreement for your reference.

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



UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

State Form 54266 (R2 / 6-15) / Form 236
STATE BOARD OF ACCOUNTS

Indiana Code 35-44.1-1-4

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from IC 35-44.1-1-4. Care should be taken to review IC 35-44.1-1-4 in its entirety.

1. **Name and Address of Public Servant Submitting Statement:** Nancy A Wilson
2408 Kenilworth Dr. Elkhart IN 46514
2. **Title or Position With Governmental Entity:** Administrative Assistant
3. a. **Governmental Entity:** City of Elkhart
b. **County:** Elkhart
4. **This statement is submitted (check one):**
a. as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or
b. as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.
5. **Name(s) of Contractor(s) or Vendor(s):** Jones, Petrie, Rafinski, Inc.

6. **Description(s) of Contract(s) or Purchase(s)** *(Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship.):*
Souse Mark E. Wilson, PE employed at JPR, Inc. Professional Services Agreements, Plans, Specifications, Surveys, Consulting



UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

State Form 54266 (R2 / 6-16) / Form 236
STATE BOARD OF ACCOUNTS

Indiana Code 35-44.1-1-4

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from IC 35-44.1-1-4. Care should be taken to review IC 35-44.1-1-4 in its entirety.

1. Name and Address of Public Servant Submitting Statement: Gary D. Boyn

2. Title or Position With Governmental Entity: President, Lerner Governing Board

3. a. Governmental Entity: City of Elkhart

b. County: Elkhart

4. This statement is submitted (check one):

a. as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or

b. as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. Name(s) of Contractor(s) or Vendor(s): Warrick & Boyn, LLP

6. Description(s) of Contract(s) or Purchase(s) (Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship.):

The vendor serves as contracted legal counsel to the City of Elkhart Redevelopment Commission

Rod Roberson
Mayor

Wayne J. Belock
Director of Human Resources



Human Resources
201 S. Second St.
Elkhart, IN 46516
Office 574-296-9167
Fax 574-296-7541

January 12, 2023

Board of Public Works
City of Elkhart
229 South Second Street
Elkhart IN 46516

RE: Clear Law Institute, LLC
Harassment Prevention Training Course

Dear Board Members:

Please see the attached Amendment Agreement between Clear Law Institute, LLC and the City of Elkhart. We wish to enter into this Agreement in order to provide the additional appropriate training to our employees on diversity and unconscious bias. The Agreement covers a three-year period. However, we have the option of terminating this Agreement by providing thirty (30) days written notice of termination.

At this time, I request that the Board of Public Works review and approve this Agreement. If you have any questions or concerns, please contact me.

Respectfully,



Wayne J. Belock
Director of Human Resources

Amendment One to Agreement

This Amendment One ("Amendment One") is to the harassment prevention training Agreement dated October 18, 2022, and all attachments thereto (the "Agreement"), between Clear Law Institute ("Clear Law") and City of Elkhart ("Client") and is effective as of the last signature date of this Amendment One.

The Parties hereby agree to make the changes outlined below. These changes shall be made valid as if they are included in the original stated Contract.

In the event of any inconsistency between this Amendment One and the Contract, the terms of this Amendment One shall exclusively control. This Amendment One hereby modifies the Contract as follows:


Attachment B on the following page shall be added to the Agreement.

No other terms or conditions of the above-mentioned Agreement shall be negated or changed as a result of this here stated Amendment.

IN WITNESS WHEREOF, this Amendment One has been expressly incorporated into the Agreement and referenced herein.

For Clear Law Institute

For Client



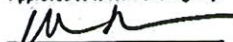
Michael Johnson
CEO

Date: 1/11/2023

Name:
Title:

Date: _____

Approved as to form and legality.



Margaret M. Marnocha
Utility Staff Attorney

Attachment B

Services Provided

Clear Law will provide Client access to the following online courses:

- *Unconscious Bias Training (Manager & Employee Versions)*

Term

Client may use the services provided in this Attachment B through January 12, 2024.

Learning Management System (“LMS”)

Client will host the training on its Learning Management System. Clear Law will transfer course files in a SCORM format preferred by the Client’s platform. Client agrees to provide Clear Law with periodic usage reports.

Client may train up to 500 learners one-time during the Term with the Unconscious Bias Training. Additional learners may be added at the per-user price listed below, invoiced by Clear Law.

Fee Due Dates and Payment Schedule

February 12, 2023	\$8,000	(500 licenses @ \$16/learner)
-------------------	---------	-------------------------------

Total Cost: \$8,000



Memo

To: Board of Works
From: Timothy D. Reecer; Interim Director *TR*
Date: January 6, 2023
Re: Contract approval with Periscope Films, LLC

The National New York Central Railroad Museum requests the approval of the contract with Periscope Films LLC, for video licensing.

The Museum is currently renovating its "exhibit, "Twentieth Century Limited" and would like to include the usage of a 20-minute advertising film originally produced by the New York Central System.

This video will cost \$1,000 and will be on a perpetual license as long as the Museum remains active.

It is requested that the Board of Public Works approve the contract with Periscope Films LLC for the licensing of a single video not to exceed \$1,000.00

Rod Roberson
Mayor

James Gerald
Department Head



Information Technology
131 Tyler Ave.
Elkhart, IN 46516
574.218.7865

January 4, 2023

RE: citywide printer proposal

Board Members,

I ask that you approve the citywide printer proposal from Ricoh under the Indiana QPA contract #13915. This contract includes 22 new multifunction devices on a 60 month term at a monthly cost of \$1647.24 per month, with a \$1 buyout. This contract has been reviewed and approved by legal.

Please approve the citywide print contract.

Thank You,

A handwritten signature in black ink, appearing to read "James Gerald", is written over the typed name.

James Gerald
IT Director
City of Elkhart



ELKHART BOARD OF WORKS 2022 USE & EVENT PERMIT APPLICATION

229 South 2nd Street
Elkhart, IN 46516
Phone: (574) 294-5471

Date Received: 1/12/23

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: MLK March DATE(S) REQUESTED 1-16-23

LOCATION/VENUE REQUESTED march from Elkhart Plaza to Community Baptist Church

LOCATION/VENUE 2ND CHOICE REQUESTED _____

OFFICE USE: DATE/VENUE AVAILABLE No Yes

APPLICANT INFORMATION

NAME OF APPLICANT Elkhart Chapter Indiana Black Expo

NAME OF EVENT ORGANIZER/PRODUCER _____

PRODUCTION COMPANY/ORGANIZATION _____

STREET ADDRESS <u>Po Box 2719</u>		APT/UNIT/SUITE
CITY <u>Elkhart</u>	STATE <u>In</u>	ZIP CODE <u>46515</u>

E-MAIL ADDRESS
elkhartblackexpo574@gmail.com

DAYTIME PHONE <u>574 226 4328</u>	FAX	CELL PHONE
--------------------------------------	-----	------------

EVENT DAY ON-SITE CONTACT * REQUIRED <u>574 226 4328</u>	DAYTIME PHONE	CELL PHONE
---	---------------	------------

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 #

EVENT INFORMATION

ACTUAL EVENT TIMES (NOT INCLUDING SETUP or TAKE DOWN)

Start Time: **9:30 am** Finish Time: **10am**

Additional Information Required: Please attach a schedule if your event includes multiple days and/or varying times.

SET-UP TIME(S) From: 9am To: 930am	TEAR-DOWN From: 10am To: _____
EXPECTED NUMBER OF PARTICIPANTS: _____	_____
If the event is reoccurring, please submit the past number of participants below.	
2021 NUMBER OF PARTICIPANTS: 100	2020 NUMBER OF PARTICIPANTS: 100

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

No Yes }

Event Name: same

Location: _____ Date: _____

EVENT DESCRIPTION

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

<input checked="" type="checkbox"/> Walk/Run	<input type="checkbox"/> Cultural Event	<input type="checkbox"/> Other event, please describe:
<input type="checkbox"/> Art Fair/Festival	<input type="checkbox"/> Public Rally/March	_____
<input type="checkbox"/> Concert/Performance	<input type="checkbox"/> Bike Ride	_____
<input type="checkbox"/> Service		_____

Brief Description of Event: the annual MLK march from Plaza to Community Baptist Church 228 Chapman ave
the annual MLK march from Plaza to Community Baptist Church 228 Chapman ave
the annual MLK march from Plaza to Community Baptist Church 228 Chapman ave
the annual MLK march from Plaza to Community Baptist Church 228 Chapman ave
the annual MLK march from Plaza to Community Baptist Church 228 Chapman ave
the annual MLK march from Plaza to Community Baptist Church 228 Chapman ave

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