

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

**Common Council Chambers**

**9:00 A.M., Tuesday, March 5, 2024**

<https://coei.webex.com/coei/j.php?MTID=m2680e58e2abfae94c0d4f429c525efc4>

Join by phone: 1-415-655-0001

Meeting Number (access code): 2307 146 8100 Meeting password: BOW24

- I. Roll Call**
- II. Approve Agenda**
- III. Open Quotes**
  - Quote #24-08 Municipal Building Bollard Installation
- IV. Claims & Allowance Docket**
- V. Minutes Regular Meeting February 20, 2024**
- VI. Utilities**
  - a.) Administration
    - Board of Works Resolution 24-R-05 Appropriation
    - Wastewater Utility MRO for January 2024
    - Request Bid #24-06 Public Works Roofing Projects
  - b.) Utility Attorney
    - Hively Avenue Overpass Deeds & Easements
  - c.) Pretreatment
    - Cobus Green Consent Order
    - Notice of Alleged Violation: Swift Prepared Foods- Permit #2002-01
    - Notice of Alleged Violation: Voyant Beauty Main- Permit #85-20
    - Notice of Alleged Violation: McDowell Enterprises- Permit #85-01
- VII. Engineering**
  - a.) Administration
    - Mediation- Center for Community Justice Agreement
    - Request Quote #24-10 Goshen Ave. and Blazer Blvd. River Greenway Intersection Improvement
    - Right-of-way Dedication- Johnson Street by Plat Known as Northeast Six and Nine DPUD Replat Two
    - Indemnification Agreement with River District Development Co., LLC
    - Award Quote #24-08 Municipal Building Bollard Installation
  - b.) Utility
    - Partial Payment #9 to C&E Excavating: Oakland Ave. Forcemain Phase A- SA7878
    - Partial Payment #64 to Bowen Engineering Corp.: Elkhart WWTP Capacity Upgrades Phase 2- QA7634

- Partial Payment #65 to Donohue & Associates, Inc.: Elkhart WWTP Capacity Upgrades Phase 2- QA7634
- Partial Payment #20 to DLZ Indiana, LLC: Oakland Ave. Project B Storage Tank Design WW22162005
- Partial Payment #21 to DLZ Indiana, LLC: Oakland Ave. Project B Storage Tank Design WW22162005
- CSO 39 Sewer Separation Bid #23-14 Warranty Deed Acceptance
- Lift Station 20 Replacement Bid #24-04 Siemens Easement Purchases and Legal Reimbursements

c.) Summary

- Water Assessment
- Sewer Assessment
- Revocable Permits

**VIII.**

**New Business**

- Request Quote #24-12 Purchase of Ford Lightning for the EEC
- Sourcewell Purchase for Central Garage Service Truck
- Sourcewell Purchase for Three Street Department Dump Trucks

**IX.**

**Public Participation**

**X.**

**Adjournment**



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## MEMORANDUM

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**DATE:** March 5, 2024  
**TO:** Board of Public Works  
**FROM:** Jeffrey Schaffer, Engineering *JDS*  
**RE:** Award Quote #24-08, Municipal Building Bollard Installation

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At the March 5, 2024, Board of Public Works meeting, quotes were opened for Quote #24-08, Municipal Building Bollard Installation. The results are as follows:

Contractor	Quote

The project is funded by appropriated ADA funds.

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

**Award Quote #24-08, Municipal Building Bollard Installation, to \_\_\_\_\_,**

**who submitted the lowest responsive quote, with a contract price in the amount of**

**\$\_\_\_\_\_.**



**Board of Public Works**  
**CLAIM AND ALLOWANCE DOCKET**

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

February 28

,2024



JAMIE ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF **\$6,158,400.43** AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 25 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

**EXECUTED THIS 5TH DAY OF MARCH 2024 BY:**

PRESIDENT

\_\_\_\_\_  
MICHAEL C. MACHLAN

VICE PRESIDENT

\_\_\_\_\_  
JAMIE ARCE

MEMBER

\_\_\_\_\_  
RON DAVIS

MEMBER

\_\_\_\_\_  
ROSE RIVERA

MEMBER

\_\_\_\_\_  
ANDY JONES

**ORIGINAL COPY MUST BE RETAINED IN THE CONTROLLER'S OFFICE**



# Board of Public Works

Accounts Payable Summary  
3.05.2024

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

Fund	Vendor	Description	Amount
2201	TRAFFIC CONTROL CORPORATION	Traffic signal parts	\$ 25,583.00
6103	BOSAK MOTORS OF CHESTERTON LLC	MAVERICK XL AWD RED	\$ 28,320.00
6103	BOSAK MOTORS OF CHESTERTON LLC	MAVERICK XL AWD ATLAS BLUE METALLIC	\$ 29,105.00
1101	SAYERS TECHNOLOGY SERVICES LLC	NETMOTION LICENSES	\$ 29,169.00
4453	WARRICK & BOYN, LLP	TIF GENERAL SERVICES - JANUARY 2024	\$ 30,712.92
7739	USI INSURANCE SERVICES LLC	CYBER LIABILITY POLICY 2024-2025	\$ 30,953.98
7739	ONB BENEFITS ADMINISTRATION LLC	WORK COMP CLAIMS FUNDING	\$ 34,964.15
7739	ONB BENEFITS ADMINISTRATION LLC	WORK COMP CLAIMS FUNDING	\$ 40,228.47
4650	C & E EXCAVATING	HIVELY DEMO CONTRACTS 1&2	\$ 48,948.75
4445	ELKHART COUNTY CONVENTION & VISITORS BUREA	GATEWAY MILE CAMPAIGN	\$ 60,000.00
6203	EMCOR HYRE ELECTRIC CO. OF INDIANA, INC	DIESEL GENERATORS	\$ 64,338.35
4450	ELKHART COUNTY CONVENTION & VISITORS BUREA	EXIT 92 MARKETING CAMPAIGN & GATEWAY MILE	\$ 160,000.00
4402	CDW GOVERNMENT INC	DATA CENTER/ SERVER SAN	\$ 899,625.00
Total Claims over \$25,000			\$1,481,948.62
Regular Claims under \$25,000:			\$ 526,168.36
Total Regular Departmental Claims:			\$2,008,116.98

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

1101	CITY OF ELKHART	FUNDING CAPITAL OUTLAY FUND	\$ 500,000.00
1101	CITY OF ELKHART	FUNDING ANIMAL CONTROL	\$ 130,000.00
2204	CITY OF ELKHART	50% FUNDING EEC FUND	\$ 362,500.00
2204	CITY OF ELKHART	50% FUNDING NYCRR MUSEUM	\$ 62,500.00
4425	US BANCORP GOVERNMENT	SCBA PAYMENT PRINCIPLE	\$ 150,553.33
4425	US BANCORP GOVERNMENT	SCBA PAYMENT INTEREST	\$ 12,267.58
4436	CITY OF ELKHART	FUNDING UNSAFE BLDG FUND	\$ 100,000.00
4436	CITY OF ELKHART	50% LERNER FUND 2511	\$ 500,000.00
6101	IN DEPARTMENT OF REVENUE	SALES TAX FOR EPU JANUARY 2024	\$ 26,903.17
6201	INDIANA MICHIGAN POWER	046566457040224 1201 S NAPPANEE	\$ 48,335.43
Total Pre-Approved over \$25,000:			\$ 1,893,059.51
Total Pre-Approved Claims under \$25,000:			\$ 98,397.45
Total Pre-Approved Claims:			\$ 1,991,456.96

## American Rescue Plan Claims:

Total American Resuce Plan Claims: \$ -

## UTILITY REFUNDS

\$ -

## Payroll and Pension Payments:

Police & Fire Pension	\$ 391,982.15
Bi-weekly Payroll	\$ 1,766,844.34
Total Payroll:	\$ 2,158,826.49

Total All Claims, Internal Payments, and Payroll: \$ 6,158,400.43

(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, February 20, 2024

Vice- President Jamie Arce called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, February 20, 2024. Clerk of the Board Nancy Wilson called the roll. Jamie Arce, Ron Davis, Andy Jones, and Rose Rivera attended in person. Mike Machlan attended on WebEx as a member of the public and did not vote. Jamie noted the time was after 9:00 a.m. and no more bids or quotes would be accepted.

1. Approve Agenda

On motion by Ron Davis, seconded by Andy Jones and carried 4-0, the Board approved the agenda as presented.

2. Open Bids

Bid #23-24 Police Cars

Proof of publication was presented which appeared in The Elkhart Truth on February 6 and February 13, 2024. The following bids were received:

Zeigler Ford of Elkhart submitted a signed and certified bid summary form with all items checked except the bid bond. Their base bid was \$1,369,339.50.

Jordan Ford submitted a signed and certified bid summary form with all items checked. Their base bid was \$1,272,500.00.

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board referred the bids to the Fleet Manager for his review and recommendation later in the meeting.

3. Claims & Allowance Docket

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the claims and allowance docket in the amount of \$2,143,341.95, consisting of 29 pages as prepared on February 13, 2024 at 5:01 p.m.

4. Minutes Regular Meeting February 6 2024

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board approved the minutes from the Regular meeting on February 6, 2024.

5. Utilities

(A.) Administration

Water Utility MRO for January 2024

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board accepted and placed on file the Water Utility MRO for January 2024.

Utility Budget Encumbrances from 2023-2024

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Utility budget encumbrances from 2023 that carried over to 2024 for Utility funds.

(B.) Regulatory Compliance

Wastewater Utility Enforcement Response Plan

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the Wastewater Utility Enforcement Response Plan as presented.

(C.) Pretreatment

McDowell Enterprises Permit #85-01 Consent Order Extension

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the McDowell Enterprises, Inc. request for a 30 day extension for laboratory analysis, interpreting data, and adjustments for timing and collection to be made to



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Tuesday, February 20, 2024

their wastewater treatment system from March 31, 2024 to April 30, 2024 of the Consent Order.

6. Engineering

(A.) Administration

Curtis Lot Encroachment- Elkhart Lions Club Statue and Sign

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board accepted the application and approved the encroachment by the Elkhart Lions Club, Inc. on a City-controlled parcel commonly known as the Curtis Lot. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the motion was amended to include pending the receipt of the signed application and insurance documents.

Reject Bid from Almac-Sotebeer for Bid #24-01 ADA-funded Curb Ramp Replacement

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board rejected the bid #24-01 2024 ADA-funded Curb Ramp received from Almac-Sotebeer.

Award Bid #24-01 ADA-funded Curb Ramp Replacement

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board awarded Bid #24-01 ADA-funded Curb Ramp Replacement to Premium Services, who submitted the lowest responsive bid, with a contract price in the amount of \$210,200.00.

Reject Bid from Almac-Sotebeer for Bid #24-02 2024 Street Department Resurfacing Curb Ramp Replacement

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board rejected the bid #24-02 2024 Street Department Resurfacing Curb Ramp Replacement received from Almac-Sotebeer.

Award Bid #24-02 2024 Street Department Resurfacing Curb Ramp Replacement

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board awarded Bid #24-02 2024 Street Department Resurfacing Curb Ramp Replacement to C&E Excavating, who submitted the lowest responsive bid, with a contract price in the amount of \$417,052.50.

Award Bid #24-03 Hively Avenue Overpass- Demolition Contract #3

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board awarded Bid #24-03 Hively Avenue Overpass- Demolition Contract #3 to C&E Excavating, who submitted the lowest responsive bid, with a contract price in the amount of \$114,920.00.

Award Quote #24-01 John Weaver Parkway Guardrails and CR 17 Attenuator

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Quote #24-01 John Weaver Parkway Guardrails and CR 17 Attenuator, to LaPorte Construction, who submitted the lowest responsive quote, with a contract price in the amount of \$63,777.00.

Request Quote #24-08 Municipal Building Bollard Installation

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board granted permission to request Quote #24-08, Municipal Building Bollard Installation.

PSA with Abonmarche Consultants, Inc. for On-call Land Surveying Services

On motion by Ron Davis, seconded by Andy Jones and carried 4-0, the Board



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authorized the Board Vice-President to execute the Professional Services Agreement with Abonmarche Consultants, Inc. for On-call Land Surveying Services through March 31, 2026.

PSA with DLZ for River Bank Repair Design

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board authorized the City Engineer or Assistant City Engineer to execute a Professional Services Agreement with DLZ Indiana for the design of the river bank repair conditional on approval by the City Legal Department.

Request Quote #24-10 Riverbank Repair

A motion was made by Rose Rivera and seconded by Ron Davis to grant permission to quote the Riverbank Repair project. Jeff Schaffer explained that they need to amend the motion to request bids since the project will be greater than \$150,000.00. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the motion was amended to grant permission to bid the riverbank repair project. The Board Secretary will assign the project a bid number.

(B.) Utility

Oakland Avenue Forcemain Phase A SA 7878 Disbursement #18 for Kleinpeter Consulting Group, LLC

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved SRF Disbursement #18 in the amount of \$9,000.00 to Kleinpeter Consulting, LLC from the allocated SRF loan #WW22162005 for labor services on the Oakland Avenue Forcemain- Phase A project.

Request Bid #24-04 Lift Station 20 Replacement

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #24-04 Lift Station 20 Replacement.

Amendment #1 PSA with DLZ Indiana, LLC for LaSalle/Benham Stormwater Lift Station and Forcemain Project

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Amendment #1 PSA with DLZ Indiana, LLC for the LaSalle/Benham Stormwater Lift Station and Forcemain Project, for an increase of \$923,500.00, bringing the current not-to-exceed fee to \$1,292,500.00.

Change Order #5: Elkhart WWTP Capacity Upgrades- Phase 2- Bid #21-13-QA7634

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #5 for the Elkhart WWTP capacity Upgrades- Phase 2 project in the amount of \$243,759.33, bringing the Contract price to \$27,297,952.09.

Permission to Request a Letter of Interest to Design Oakland Avenue- Project

C

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board granted permission to request a Letter of Interest for the design of Oakland Avenue- Project C.

Permission to Request a Letter of Interest to Design Oakland Avenue- Project

D

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board granted permission to request a Letter of Interest for the design of Oakland Avenue-



BOARD OF PUBLIC WORKS

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Project D.

(C.) Summary

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board ratified the following permit:

Water Assessment: 4240 Pine Creek Elkhart LLC  
53149 Discovery Drive, Elkhart IN 46514  
Property: 4340 Pine Creek Drive  
Paid in Full \$2,732.40

7. New Business

Uniform Conflict of Interest Disclosure Statement: Michael Machlan, James Rieckhoff

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board accepted the Uniform Conflict of Interest Disclosure Statements from Michael Machlan and James Rieckhoff.

Indiana Landmarks Elkhart Historic and Cultural Preservation Commission Assistance

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved contract with Indiana Landmarks for professional services to allow them to assist the City of Elkhart and the Elkhart Historic and Cultural Preservation Commission in promoting historic preservation within the City for \$7,250.00 plus \$35.00 for each member of the commission for membership in the Indiana Landmarks Association.

Branding Contract with Vala Marketing

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved a contract with Vala Marketing not to exceed \$4,500.00 to create branding for the administration's investment strategy over the coming term.

Award Quote #24-09 2 Ford Mavericks for Park & Recreation Department

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board awarded Quote #24-09 to Jordan Ford of Mishawaka for \$49,600.00 for two Ford Mavericks.

Award Quote #24-06 Two F150's for Buildings and Grounds

On motion by Ron Davis, seconded by Rose Rivera and carried 4-0, the Board awarded Quote #24-06 to Zeigler Ford of Elkhart for \$75,479.32.

Award Bid #23-24 Police Cars

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Bid #23-24 to Jordan Ford who was the lowest, responsive and responsible bidder in the amount of \$1,272,500.00.

8. Use & Event Permits

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the following permits were approved:

- Recovery in the Park 6/25—Island Park, ESS, Special Exception from Noise, Public Assembly, Plaza Sign
- Rockin' the Rails 8/24- Platform/ Stage, Trailer, Plaza Sign, Special Exception from Noise, Public Assembly
- Stemm Lawson Peterson Memorial Walk 5/18- Walker Park, EMS First Aid Station, Public Assembly

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- Community Easter Egg Hunt 3/30- Walker Park, Public Assembly
- Earth Day 4/20- Elk Environmental Center (EEC) Fencing, Trailer, Public Assembly, Special Exception from Noise, Plaza Sign
- Pollinator Promenade 7/13- @EEC, Lippert Stage, Trailer, Fencing, ESS, EMS, Plaza Sign, Special Exception from Noise, Public Assembly
- EnviroFest 8/10- @ Island Park, Lippert Stage, Fencing, ESS, EMS, Kubota & First Aid Station, Golf Cars, Trailer, EPD, Plaza Sign, Special Exception from Noise, Public Assembly
- Waggin in the Woods 9/29 @EEC- Fencing, Risers, Trailer, EPD K-9, Plaza Sign, Public Assembly, Special Exception from Noise
- Haunted Walk through the Woods 10/24,25,26 @EEC- Fencing, ESS, EMS Kubota & First Aid Station, Trailer, EPD, Plaza Sign, Special Exception from Noise, Public Assembly

9. Adjournment

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board of Works adjourned at 10:14 a.m.

\_\_\_\_\_ Jamie Arce, Vice-President

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





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

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Date February 20, 2024  
To Mike Machlan, Board of Works President  
From Laura Kolo, Utility Services Manager *UK*  
RE Resolution 24-R-05 - Appropriation Request

Elkhart Public Works is respectfully requesting approval of Resolution 24-R-05, a resolution to appropriate \$32,000 to 6203-5-999-7992004. The 2022 Wastewater Utility Budget included funding to replace #408. Central Garage solicited quotes and a PO was executed to order a Ford F-150. Central Garage was informed in early February 2024 that Ford cancelled all F-150 orders. The original PO 22-00231 in the amount of \$46,809 was released. Central Garage has since located a Ford Maverick on a local lot, which meets the needs to replace #408.

The resolution drafted by Legal and the appropriation request approved by the Controller's Office are attached.

**Resolution 24-R-05**

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS  
OF THE CITY OF ELKHART, INDIANA,  
APPROPRIATING FUNDS TO REPLACE VEHICLE**

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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, the Wastewater Utility has a need to replace vehicle #408, a Ford F-150; and

WHEREAS, the Wastewater Utility is requesting an appropriation in the amount of \$32,000.00 to Line #6203-5-999-7992004 to pay for that vehicle; 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 vehicle.

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

1. The Board approves the appropriation request in order pay for the replacement vehicle.

2. The Board appropriates \$32,000.00 to Line #6203-5-999-7992004.

RESOLVED March 5, 2024.

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Michael Machlan, President

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Jamie Arce, Vice President

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Andy Jones, Member

\_\_\_\_\_  
Ronnie Davis, Member

ATTEST:

\_\_\_\_\_  
Rose Rivera, Member

\_\_\_\_\_  
Nancy Wilson, Clerk





City of Elkhart  
Public Works and Utilities

## BOW Public Works Appropriation & Transfer Request Form

Date: 02/14/2024

BOW Meeting Date: 03/05/2024

Requesting Division:

Engineering: ☐ Operations: ☐ Maintenance: ☒ Administration: ☐ Lab: ☐ Aquatics: ☐

Distribution: ☐ Collections: ☐ Service: ☐

Requesting Manager: Laura Kolo

*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 replace #408, request to release original PO 22-00231 in amt of \$46,809 was submitted 02/14/24 due to Ford cancelling F-150 orders

Line # 6203-5-999-7992004 Line Name: Motor Equipment Maintenance Amount: \$ 32,000.00

Line # \_\_\_\_\_ Line Name: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Line # \_\_\_\_\_ Line Name: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

### Transfer Details:

Does request include a budget transfer? y (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

[Signature]

Date: 2/14/24



Date Feb 23, 2024  
Memo To Board of Public Works  
Memo From Laura Kolo, Utility Services Manager *UK*  
Subject Wastewater Utility Monthly Report of Operations  
for the month of January, 2024

### ***Wastewater MRO Highlights***

Parameter	Monthly Avg	Permit Limit
Suspended Solids mg/L	6	30
cBOD5 mg/L	3	25
Phosphorus mg/L	0.52	1.0
Ammonia mg/L	0.58	4.4 (Dec-Apr) 4.2 (May-Nov)
Avg Daily Flow MGD	16.51	Design - 20
Total Monthly Flow MGD	512	Report

### ***Incident Reports Filed***

Date	Location	Volume (gal)	Cause
01/08/24	726 Middlebury	247	grease
01/09/24	WWTP	39,200	pump overload tripped main feed
01/26/24	WWTP	<5000	unknown

### ***Wet Weather Overflows***

Number of Events	Total Overflow Volume (MG)
<i>UK - 5</i>	3.9421



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

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Date February 27, 2024  
To Mike Machlan, Board of Works President  
From Laura Kolo, Utility Services Manager *LK*  
RE Request Permission to Advertise #24-06, Public Works Reroof Projects

Public Works is requesting permission to advertise for the reroof of the Administration and Dewatering Buildings located at the Wastewater Treatment Plant.

The following documents have been approved by Legal. Funding has been approved as part of the 2024 Water and Wastewater Utility Budgets.



Rod Roberson  
Mayor

Laura Kolo  
Environmental Resources

Tory Irwin, P.E.  
Engineering Services



Public Works &  
Utilities Department


Administration, Engineering  
& Laboratory  
574.293.2572

Utility Billing  
574.264.4273

1201 S. Nappanee St.  
Elkhart, Indiana 46516

**MEMORANDUM**

TO: BOARD OF PUBLIC WORKS

FROM: MAGGIE MARNOCHA, PWU ATTORNEY 

DATE: March 5, 2024

RE: HIVELY OVERPASS PROJECT

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The Hively Overpass Project is in the acquisition phase. As property and easements are purchased, we are asking the Board to accept those deeds and easements prior to the recording of the documents.

The following warranty deeds have been acquired to date:

20-06-15-159-021.000-012

The following easements have been acquired to date:

20-06-16-426-024.000-012

Please approve and accept and sign the attached deeds and easements.



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

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Date February 24, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager<sup>58</sup>  
RE Cobus Green— Consent Order

On November 21, 2023, the Board of Public Works (Board) approved Cobus Green (CG) Consent Order. CG submitted a response pertaining to the Consent Order for Pretreatment Staff's review on February 8, 2023.

In this response it is stated *"Unfortunately, due to engineering and data collection requirements, a comprehensive list of pretreatment modifications is not yet available."* CG also included a summary of modifications that have taken place up to now.

CG is respectfully requesting a ninety day extension pertaining to 3. c. *"By 2/8/24, submit plans and specifications for the proposed pretreatment modifications to the City for review."* to 5/8/24 of the Consent Order.

Please note that if the Board approves this extension, the following deadlines within the Consent Order will also be amended:

- 3. d. *"By 2/23/24, City to complete review and approve proposed modifications."* to 5/23/24.
- 3. e. *"By 3/4/24, Cobus's consultant, Astbury to order supplies and materials."* to 6/2/24.

Pretreatment Staff recommends approval of this request and believes it is reasonable.

Please approve the 90 day extension request for Cobus Green to conclude its plans and specifications for the proposed pretreatment modifications for the City's review from 2/8/24 to 5/8/24 of Cobus Green's Consent Order.

This memo has previously been reviewed by legal.

*The Honorable  
Rod Roberson  
Mayor*

*Laura Kolo  
Utility Services Manager*

*Tory Irwin  
City Engineer*



*Public Works &  
Utilities Department  
Administration, Engineering  
& Laboratory  
574 293-2572  
Utility Billing  
574 264-4273  
1201 S Nappanee St.  
Elkhart, IN 46516*

**November 2, 2023**

**Cobus Green Mobile Home Communities a/k/a Sun Communities, Inc.**

**CONSENT ORDER**

WHEREAS, the City of Elkhart (City) pursuant to its powers, duties and responsibilities vested in and imposed upon the by provisions of the City's Sewer Use Ordinance, have conducted an ongoing investigation of Cobus Green Mobile Home Communities a/k/a Sun Communities, Inc. (Cobus), and have determined that:

1. The City owns and operates a publically owned treatment works, which may be adversely impacted by discharges from users, including Cobus.
2. Cobus has occasionally violated the hydrogen sulfide limits in the City's Sewer Use Ordinance.
3. Therefore, to ensure that Cobus is brought into compliance with the City's hydrogen sulfide limits at the earliest possible date, IT IS HEREBY AGREED AND ORDERED, BETWEEN COBUS AND THE CITY OF ELKHART, THAT COBUS SHALL:
  - a. By 11/21/23, present this Consent Order to the Board of Public Works meeting for approval.
  - b. By 12/1/2023, Cobus's consultant, Astbury, will begin trials of alternative hydrogen sulfide treatment products. It is understood that during these trials, Astbury will continuously monitor hydrogen sulfide concentrations at the discharge point and will communicate regularly with Elkhart regulatory personnel. Cobus will have immunity from fines related to exceedances of hydrogen sulfide limits during such trials. Astbury and Cobus will take all reasonable precautions to limit any such exceedances. The results of these trials will be used to determine whether or not infrastructure additions or improvements will be required. In no such case, shall this Consent Order relieve Cobus of any liabilities for any known or unforeseen damages to the City's publicly owned treatment works.
  - c. By 2/8/24, submit plans and specifications for the proposed pretreatment modifications to the City for review.
  - d. By 2/23/24, City to complete review and approve proposed modifications.
  - e. By 3/4/24, Cobus's consultant, Astbury to order supplies and materials.
  - f. Astbury to complete installation(s) in accordance with the plans, specifications, and timelines submitted and approved in items b, c, and d above.



- g. Astbury to complete any and all necessary adjustments needed to implement proposed plan within timeline approved in item c above.
- h. Cobus shall achieve compliance with the hydrogen sulfide limits set forth in City's Sewer Use Ordinance within timeline approved in item c above.
- i. By 12/31/24, Cobus and the City shall close-out this Consent Order at Board of Public Works meeting.
- j. Cobus shall pay \$100 per day for each and every day it fails to comply with the schedule set out in items a-i above.

November 2, 2023

Cobus Green Mobile Home Communities a/k/a Sun Communities, Inc.

- 4. In the event Cobus fails to comply with any of the deadlines set forth, Cobus shall notify the city in writing, within one (1) working day after expiration of the deadline. This notice shall describe the reasons for Cobus's failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses Cobus from its responsibility to meet any later milestones required by this Consent Order.
- 5. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve Cobus of its obligation to comply with all other requirements of the Sewer Use Ordinance.
- 6. Violation of the Consent Order shall constitute a further violation of the City's Sewer Use Ordinance and subjects Cobus to all penalties described therein.
- 7. Nothing in this Consent Order shall be construed to limit any authority of the City to issue any other orders or take any other action, which it deems necessary to protect the publically owned treatment works, the environment or the public health and safety.

SIGNATORIES

FOR COBUS GREEN MOBILE HOME COMMUNITIES A/K/A SUN COMMUNITIES, INC.

11/15/2023

Date

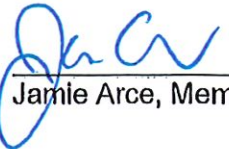
DocuSigned by:  
  
[Name], [Title]  
COO

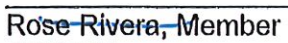
FOR CITY OF ELKHART

  
Michael Machlan, President

  
Ronnie Davis, Member

Chad Crabtree, Vice President

  
Jamie Arce, Member

  
Rose Rivera, Member  
ATTEST:

  
Nancy Wilson, Clerk

*The Honorable  
Rod Roberson  
Mayor*

*Laura Kolo  
Utility Services Manager*

*Tory Irwin  
City Engineer*



*Public Works &  
Utilities Department  
Administration, Engineering  
& Laboratory  
574 293-2572  
Utility Billing  
574 264-4273  
1201 S Nappanee St.  
Elkhart, IN 46516*

**November 2, 2023 as amended March 5, 2024**

**Cobus Green Mobile Home Communities a/k/a Sun Communities, Inc.**

**CONSENT ORDER**

WHEREAS, the City of Elkhart (City) pursuant to its powers, duties and responsibilities vested in and imposed upon the by provisions of the City's Sewer Use Ordinance, have conducted an ongoing investigation of Cobus Green Mobile Home Communities a/k/a Sun Communities, Inc. (Cobus), and have determined that:

1. The City owns and operates a publically owned treatment works, which may be adversely impacted by discharges from users, including Cobus.
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  - b. By 12/1/2023, Cobus's consultant, Astbury, will begin trials of alternative hydrogen sulfide treatment products. It is understood that during these trials, Astbury will continuously monitor hydrogen sulfide concentrations at the discharge point and will communicate regularly with Elkhart regulatory personnel. Cobus will have immunity from fines related to exceedances of hydrogen sulfide limits during such trials. Astbury and Cobus will take all reasonable precautions to limit any such exceedances. The results of these trials will be used to determine whether or not infrastructure additions or improvements will be required. In no such case, shall this Consent Order relieve Cobus of any liabilities for any know or unforeseen damages to the City's publicly owned treatment works.
  - c. By 5/8/24, submit plans and specifications for the proposed pretreatment modifications to the City for review.
  - d. By 5/23/24, City to complete review and approve proposed modifications.
  - e. By 6/2/24, Cobus's consultant, Astbury to order supplies and materials.
  - f. Astbury to complete installation(s) in accordance with the plans, specifications, and timelines submitted and approved in items b, c, and d above.
  - g. Astbury to complete any and all necessary adjustments needed to implement proposed



plan within timeline approved in item c above.

- h. Cobus shall achieve compliance with the hydrogen sulfide limits set forth in City's Sewer Use Ordinance within timeline approved in item c above.
- i. By 12/31/24, Cobus and the City shall close-out this Consent Order at Board of Public Works meeting.
- j. Cobus shall pay \$100 per day for each and every day it fails to comply with the schedule set out in items a-i above.

**November 2, 2023 as amended March 5, 2024**

**Cobus Green Mobile Home Communities a/k/a Sun Communities, Inc.**

- 4. In the event Cobus fails to comply with any of the deadlines set forth, Cobus shall notify the city in writing, within one (1) working day after expiration of the deadline. This notice shall describe the reasons for Cobus's failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses Cobus from its responsibility to meet any later milestones required by this Consent Order.
- 5. Compliance with the terms and conditions of this Consent Order shall not be construed to relieve Cobus of its obligation to comply with all other requirements of the Sewer Use Ordinance.
- 6. Violation of the Consent Order shall constitute a further violation of the City's Sewer Use Ordinance and subjects Cobus to all penalties described therein.
- 7. Nothing in this Consent Order shall be construed to limit any authority of the City to issue any other orders or take any other action, which it deems necessary to protect the publically owned treatment works, the environment or the public health and safety.

#### SIGNATORIES

FOR COBUS GREEN MOBILE HOME COMMUNITIES A/K/A SUN COMMUNITIES, INC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Name], [Title]

FOR CITY OF ELKHART

\_\_\_\_\_  
Michael Machlan, President

\_\_\_\_\_  
Ronnie Davis, Member

\_\_\_\_\_  
Chad Crabtree, Vice President

\_\_\_\_\_  
Rose Rivera, Member  
ATTEST:

\_\_\_\_\_  
Jamie Arce, Member

\_\_\_\_\_  
Nancy Wilson, Clerk





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

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Date February 24, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager  
RE Swift Prepared Foods – Permit # 2002-01

Swift Prepared Foods failed to self-monitor for the second half of 2023, resulting in significant non-compliance.

The following parameters are required to be collected and analyzed on a bi-annually frequency:

Ammonia, cBOD5, Total Phosphorus, TSS, pH, Cadmium, Chromium, Copper, Lead, Nickel, Silver, Zinc, Mercury, Chloride, Cyanide Total, Fats, Oils, and Grease (polar), Volatile Organics.

### WASTEWATER UTILITY USE ORDINANCE:

**SIGNIFICANT NONCOMPLIANCE (SNC).** *The status of an industrial user that has caused or allowed a violation that meets 1 or more of the following criteria:*

*(f) Failure to provide, within 30 calendar days after the due date, required reports such as:*

- 1. Baseline monitoring reports;*
- 2. 90-day compliance reports;*
- 3. Periodic self-monitoring reports; and*
- 4. Reports on compliance with compliance schedules.*

*(g) Failure to accurately report noncompliance; and*

*(h) Any other violation or group of violations that the Director determines will adversely affect the operation or implementation of the pretreatment program which may include a violation of BMPs.*

Please find Swift Prepared Foods in violation of its Industrial Wastewater Discharge Permit and assign penalties. Per the City of Elkhart Enforcement Response Plan, a total penalty of \$100 to Swift Prepared Foods - Permit # 2002-01 is recommended.

This memo has previously been reviewed by legal.



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

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Date February 24, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager<sub>SB</sub>  
RE Voyant Beauty Main – Permit # 85-20

On January 5, 2024 Pretreatment Staff received Voyant Beauty's Self-Monitoring Report (SMR) for the sample collected on December 12, 2023.

In this SMR there was an exceedance for oil & grease with the analytical result of 573 mg/L, which exceeds the FOG (fats, oils & grease) Local Limit of 200 mg/L.

This is a 186.5% increase from Elkhart's established FOG Local Limit.

Please find Voyant Beauty Main in violation of its Industrial Wastewater Discharge Permit and assign penalties. Per the City of Elkhart Enforcement Response Plan, a total penalty of \$100 to Voyant Beauty Main - Permit # 85-20 is recommended.

This memo has previously been reviewed by legal.



## MEMORANDUM

Date February 24, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager  
RE McDowell Enterprises – Permit # 85-01

On December 5-6, 2023, Pretreatment Staff conducted routine sampling at McDowell Enterprises end of process sample port riser pipe.

The analytical result of 4.38 mg/L for chromium exceeded McDowell Enterprises end of process daily maximum limit of 2.77 mg/L.

This is McDowell Enterprises second offense for chromium daily maximum exceedance for the year of 2023.

*Please see table below:*

2023 CHROMIUM NON-COMPLIANCE DATE(S)	OFFENSE #	Cr DAILY MAX LIMIT 2.77 mg/L	RECOMMENDED PENALTY AMOUNT	% INCREASE FROM ESTABLISHED LIMIT
March 28, 2023	1 <sup>st</sup>	4.26 mg/L	\$100	53.79
December 5-6, 2023	2 <sup>nd</sup>	4.38 mg/L	\$200	58.12

This sample was collected prior to the approval of McDowell Enterprise's Consent Order.

Please find McDowell Enterprises in violation of its Industrial Wastewater Discharge Permit and assign penalties. Per the City of Elkhart Enforcement Response Plan, a total penalty of \$200 to McDowell Enterprises - Permit # 85-01 is recommended.

This memo has previously been reviewed by legal.






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

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**DATE:** February 28, 2024  
**TO:** Mike Machlan, Board of Public Works  
**FROM:** Tory Irwin, Public Works Director   
**RE:** **Mediation - Center for Community Justice Agreement**

---

The Utility is experiencing some personal conflict issues between a few team members. After interviews between the manager and the group, and discussions with HR, it has been decided to send the team members in conflict through mediation and facilitation services. This effort is to allow the individuals the opportunity to improve their cooperation and resolve their conflicts, before we have to address the issues with progressive discipline.

HR's EAP services are not inclusive of such mediation and facilitation services. After contacting the provider, there was additional charge for dissimilar services, but they did not offer something similar to the mediation services offered by Center for Community Justice with a licensed social worker.

HR has approved of us seeking this service from the Center for Community Justice, and Legal has reviewed and approved the hourly agreement. The services will be funded through contractual money from the 2024 budget.

It is requested that the BOW:

**Approve the Mediation and Facilitation Services agreement with Center for Community Justice.**




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## MEMORANDUM

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**DATE:** March 5, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Permission to Request Quote #24-10, Goshen Avenue and Blazer Boulevard River Greenway Intersection Improvement**

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The Engineering Staff requests approval of quote documents for Quote #24-10, Goshen Avenue and Blazer Boulevard River Greenway Intersection Improvement. This project will construct a new, widened curb ramp in an easement dedicated to the City from Elkhart Community Schools, connected the River Greenway north and south of Blazer Boulevard.

Funding for this project is expected to come from the funds allocated for the River Greenway project.

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

**Grant Permission to Request Quote #24-10, Goshen Avenue and Blazer Boulevard River Greenway Intersection Improvement.**



**REQUEST FOR QUOTE**  
**QUOTE #24-10**

**Date:** March 6, 2024

**Project:** GOSHEN AVENUE AND BLAZER BOULEVARD RIVER GREENWAY  
IMPROVEMENT PROJECT

**To all Contractors:**

The City of Elkhart is requesting a quote to install a widened, improved curb ramp and updated pavement striping at the intersection of Goshen Avenue and Blazer Boulevard as part of the River Greenway project.

**Scope of Work:**

The scope of work is summarized as follows:

- Mobilize to site and locate all utilities, including traffic signal conduit and wiring.
- Place and maintain proper traffic control.
- Place and maintain proper erosion control measures.
- Demolish existing sidewalk and remove debris from site.
- Demolish existing curbing.
- Clear and grade curb ramp area and remove any excess material from site.
- Place and finish concrete curb (1/2 inch above pavement edge).
- Place and finish 12-inch tall concrete "back curb".
- Place and finish six-inch concrete sidewalk and curb ramp.
- Install truncated dome detectable warning plates (cut as required).
- Grind and remove existing pavement markings.
- Remove existing traffic signal detection loop.
- Place new painted pavement markings.
- Place new traffic signal detection loop.
- Place topsoil and sod on all disturbed areas.
- Restore site and demobilize from site.

All work shall be completed in accordance with the City of Elkhart Standard Specifications for Construction and all applicable codes and standards. Contractor responsible for all utility location and coordination.



All work must be completed within a period of 42 calendar days between the following dates: **JUNE 10, 2024, TO AUGUST 2, 2024.** Liquidated damages will be assessed if work is not completed, the site restored, and the work accepted by the end of business on August 2, 2024.

**Quotes shall include the following (in this order):**

QUOTE SUMMARY FORM  
ITEMIZED QUOTE FORM

To be considered for this quote you must submit the above to:

Secretary of the Board of Public Works  
Municipal Building Third Floor  
229 South 2<sup>nd</sup> Street  
Elkhart, IN 46516

**Quotes are due by 9:00AM, Tuesday, March 19, 2024.**

Quotes will be opened at the Board of Public Works meeting located at the Council Chambers at 229 South 2<sup>nd</sup> Street, Elkhart, IN at 9:00AM on Tuesday, March 19, 2024.

If you have any questions, please feel free to contact Jeffrey Schaffer at (574) 293-2572. If you are not interested in submitting a quote, please disregard this request.

Sincerely,  
Jeffrey Schaffer, PE  
Assistant City Engineer




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## MEMORANDUM

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**DATE:** March 5, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Accept public right-of-way for Johnson Street dedicated by plat known as Northeast Six and Nine DPUD Replat Two.**

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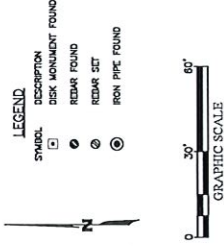
The City of Elkhart Plan Commission and Common Council have approved a preliminary subdivision known as "Northeast Six and Nine DPUD Replat Two". This plat dedicates additional right-of-way on Johnson Street, north of County Road 6. The Board accepts this right-of-way by signing the plat.

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

**Accept public right-of-way for Johnson Street dedicated by plat known as Northeast Six and Nine DPUD Replat Two.**

# Northeast Six and Nine DPUD; Replat Two

Part of the Southwest Quarter of Section 21, Township 38 North, Range 5 East,  
Osolo Township, Elkhart County, State of Indiana



## ACCEPTANCE OF DEDICATION

BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS, CITY OF ELKHART, INDIANA THAT THE DEDICATIONS ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

MICHAEL C. MACHLAN, PRESIDENT

RONNIE DAVIS, MEMBER

ANDY JONES, MEMBER

JAMIE ARCE, VICE PRESIDENT

ROSE RIVERA, MEMBER

## LEGAL DESCRIPTION

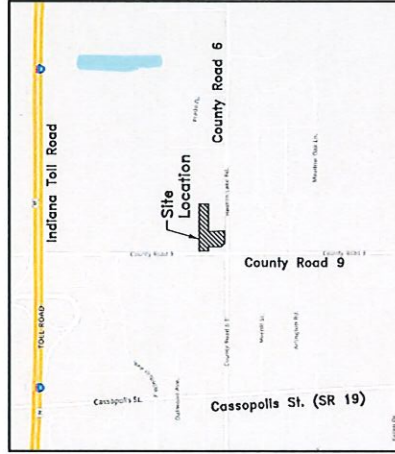
LOT NUMBERED 1 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED REPLAT OF NORTHEAST SIX AND NINE DPUD, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, SAID REPLAT BEING RECORDED IN PLAT BOOK 29, PAGE 80 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, LOT NUMBERED 22 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE UNRECORDED PLAT OF COUNTY HOMES ADDITION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 5 EAST, WHICH IS MARKED BY A STONE IN THE MIDDLE OF THE JUNCTION OF HEATON AND JOHNSON STREET ROADS; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, 205.17 FEET TO THE POINT OF COMMENCEMENT OF THIS DESCRIPTION; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, 111 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, 61 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 465 FEET TO THE SAID POINT OF COMMENCEMENT.

## FLOOD STATEMENT:

BASED ON SCALING FROM THE FLOOD INSURANCE RATE MAP OF ELKHART COUNTY, INDIANA, MAP NUMBER 18039C01270, DATED AUGUST 2, 2011, THE PROPERTY IS LOCATED WITHIN ZONE X.

NOTE: CROSS-ACCESS EASEMENT SHALL ONLY BENEFIT ADJOINING PROPERTIES IF SAID PROPERTIES ARE REZONED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA, TO DPUD-B-1, AND IF THE USES PERMITTED IN THE REZONING ARE LIMITED TO PROFESSIONAL/MEDICAL/DENTAL OFFICE, ANY OTHER USE, INCLUDING ANY RETAIL USE, SHALL NOT HAVE ANY RIGHTS OF CROSS-ACCESS OVER THE SUBJECT PROPERTY.



Vicinity Map  
Not to Scale

PROJECT:	Northeast Six and Nine DPUD
REPLAT:	Replat Two
JOB NUMBER:	1023076812
DATE:	02/06/2024
SCALE:	1" = 30'
SUBMITTER:	Elkhart F. Murphy
TECHNICIAN:	AKM
DRAWING:	1023076812-Plat.dwg
TRACT ID:	
PARTICULARS:	
FIELDBOOK:	



2810 Dexter Drive  
Elkhart, IN 46514  
Phone: 574-268-1010  
Email: info@sai.biz

## Northeast Six and Nine DPUD; Replat Two

Part of the Southwest Quarter of Section 21, Township 38 North, Range 5 East,  
Osolo Township, Elkhart County, State of Indiana

SHEET 1  
OF 2





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

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**DATE:** March 5, 2024  
**TO:** Board of Public Works  
**FROM:** Joe Foy, Stormwater Manager   
**RE:** **Indemnification Agreement with River District Development Company, LLC**

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Engineering requests approval to enter into the attached License, General Release and Indemnification Agreement with River District Development Company, LLC to allow them to discharge the collected stormwater runoff from five (5) parcels north of E. Jackson Blvd. and east of N. Clark Street into the City's existing storm sewer. This runoff will discharge into three points and enter the City's storm sewer. These discharge points include: 1) a manhole on the southwest corner of Hannah Ct. and Pacific St., 2) a catch basin located on the northwest corner of E. Jackson Blvd. and Pacific St., and 3) a catch basin located on the northeast corner of E. Jackson Blvd. and Pacific St. As part of this agreement, River District Development Company, LLC will also be required to purchase indemnity-liability insurance as requested by the Legal Department.

The Legal Department has reviewed and approved this document.

**Engineering requests approval of the License, General Release and Indemnification Agreement with River District Development Company, LLC to discharge stormwater runoff into the City's storm sewer.**



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

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**DATE:** February 12, 2024  
**TO:** Board of Public Works  
**FROM:** Jason Simnick, Project Manager JS  
**RE:** **Oakland Avenue Forcemain – Phase A – SA7878: Approval of Partial Payment Request #9 to C&E Excavating**

---

Please see the attached partial pay application #9 from C&E Excavating for construction services provided for the Oakland Avenue Forcemain – Phase A project for work performed during the period thru January 31<sup>st</sup>, 2024. This partial pay application, in the amount of \$122,250.00, includes a payment for materials stored and as payment for retainage. It will be paid through the two SRF loans for this project. The partial payment this application breaks down as follows:

	WW22162005	DW22232001
Payment Due	\$116,137.00	\$0.00
Retainage Held	\$ 6,113.00	\$0.00
Total Amount	\$122,250.00	\$0.00

To date, including this payment and all retainage, we have paid \$3,672,687.00, or 37.44% of the \$11,065,861.38 current contract price for Division I (WW22162005) and \$25,542.00, or 3.12% of the current \$818,195.00 current contract for Division II (DW22232001).

This will be SRF Disbursement Request #19 from WW22162005.

It is requested that the BOW:

**approve partial payment request #9 in the amount of \$122,250.00 to C&E Excavating from SRF loan WW22162005 for construction on the Oakland Avenue Forcemain – Phase A project.**



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

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**DATE:** February 28, 2024  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *PW*  
**RE:** **Elkhart WWTP Capacity Upgrades – Phase 2 – QA7634: Approval of Partial Payment Request SRF #64 to Bowen Engineering Corporation**

---

Please see the attached partial pay application SRF #64 from SRF Loan WW18262004 to Bowen Engineering Corporation for construction services provided for the Elkhart WWTP Capacity Upgrades project for work performed during the period thru January 31, 2024. This partial pay application 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	\$1,316,747.00
Retainage Held*	\$0.00
Total Amount	\$1,316,747.00

\*Note that, to date, the project's retainage amount is \$1,593,835.26. This amount is 5.9% of the Current Contract Price and, as such, this payment application does not include any additional retainage, in accordance with Article 6.02 of the project Agreement.

To date, including this payment and all retainage, we have paid \$25,940,827.00, or 95.03% of the \$27,297,951.96 current contract price.

It is requested that the BOW:

**approve partial payment request SRF #64 from SRF loan WW18262004 in the amount of \$1,316,747.00 to Bowen Engineering Corporation from the allocated SRF loan for construction on the Elkhart WWTP Capacity Upgrades – Phase 2 project.**





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

---

**DATE:** February 28, 2024  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *PW*  
**RE:** **Elkhart WWTP Capacity Upgrades – Phase 2 – QA7634: Approval of Partial Payment Request SRF#65 to Donohue & Associates, Inc.**

---

Please see the attached Donohue invoice #65, to be paid from SRF loan number WW18262004. This invoice from Donohue & Associates, Inc. is for professional services provided for the Elkhart WWTP Capacity Upgrades – Phase 2 project for work performed through February 17th, 2024. This payment of \$94,541.00 has been rounded as required by SRF and represents the 65<sup>th</sup> cost incurred from the SRF loan.

To date, including this payment, we have paid \$3,874,818.00 or 87.37% of the contract.

It is requested that the BOW:

**approve partial payment request SRF #65 of Loan WW18262004 in the amount of \$94,541.00 to Donohue & Associates, Inc. for professional services on the Elkhart WWTP Capacity Upgrades – Phase 2 project.**



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

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**DATE:** February 28, 2024  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *PW*  
**RE:** **Oakland Avenue: Project B Storage Tank Design**  
**Approval of Partial Payment Request SRF#20 to DLZ Consulting**

---

Please see the attached invoice #3 from DLZ Consulting for professional services provided for the Oakland Avenue Project B Design for work performed between October 14, 2023 and December 15, 2023. This payment of \$473,123.00 has been rounded as required by SRF and represents the 20<sup>th</sup> cost incurred from the SRF loan.

To date, including this payment, we have paid \$968,573.00 or 37.10% of the contract original contract price of \$2,610,500.

It is requested that the BOW:

**approve partial payment request SRF #20 of SRF loan WW22162005 in the amount of \$473,123.00 to DLZ Consulting from the allocated SRF loan for professional services on the Oakland Avenue: Project B Storage Tank Design.**



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

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**DATE:** February 28, 2024  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *PW*  
**RE:** **Oakland Avenue: Project B Storage Tank Design**  
**Approval of Partial Payment Request SRF#21 to DLZ Consulting**

---

Please see the attached invoice #4 from DLZ Consulting for professional services provided for the Oakland Avenue Project B Design for work performed between December 16, 2023 and January 12, 2024. This payment of \$307,636.00 has been rounded as required by SRF and represents the 21<sup>st</sup> cost incurred from the SRF loan.

To date, including this payment, we have paid \$1,276,209.00 or 48.89% of the contract original contract price of \$2,610,500.

It is requested that the BOW:

**approve partial payment request SRF #21 of SRF loan WW22162005 in the amount of \$307,636.00 to DLZ Consulting from the allocated SRF loan for professional services on the Oakland Avenue: Project B Storage Tank Design.**





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

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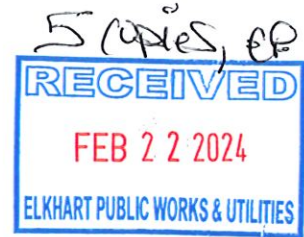
**DATE:** February 28, 2024  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *PW*  
**RE:** **CSO 39 Sewer Separations – Bid #23-14  
Warranty Deed Acceptance**

---

The CSO 39 Sewer Separations Project is acquiring two parcels from Mr. John Lipscomb for the project construction and future maintenance of the utility. The following warranty deed is attached for approval.

Parcel Nos. 20-06-05-376-005.000-012  
20-06-05-376-021.000-012

It is requested the Board of Public Works:  
**Accept and sign the attached warranty deed**



## WARRANTY DEED

THIS INDENTURE WITNESSETH, THAT John H. Lipscomb and Serena M. Lipscomb (the "Grantors") CONVEY AND WARRANT to the City of Elkhart, Indiana by its Board of Public Works, a municipal corporation (the "Grantee") for and in consideration of Ten Thousand Dollars, the real estate in Elkhart County, Indiana, described in Exhibit A, attached.

Parcel Nos. 20-06-05-376-005-000-012 and 20-06-05-376-021.000-012

This document shall constitute a conveyance of the above-described real estate in fee simple, and no reversionary rights whatsoever are intended to remain in the Grantor.

Executed this 16 day of February, 2024.

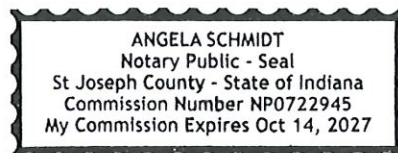
"GRANTOR"

John H Lipscomb  
John H. Lipscomb, Grantor

"GRANTOR"

Serena M Lipscomb  
Serena M. Lipscomb, Grantor

STATE OF INDIANA )  
 ) ss:  
St. Joseph COUNTY )



Before me, a Notary Public in and for said County and State, personally appeared Carol Westerman, of the City of Elkhart, Indiana, and acknowledged the execution of the foregoing document on the 27<sup>th</sup> day of September, 2023.

My Commission Expires:

10-14-2027

Angela Schmidt, Notary Public  
Residing in St. Joseph County, Indiana

## EXHIBIT "A"

Project: LaSalle Benham Lift Station  
Parcel 1 Fee Simple  
Encumbers Key # 20-06-05-376-005.000-012

Sheet 1 of 2

Part of Lot 159 and the vacated alley lying east of and adjacent to Lot 161 as shown on the Plat of Second South and Western Addition to the Town (now City) of Elkhart; said Plat being recorded in Deed Record 3, page 538, in the Office of the Recorder of Elkhart County, Indiana, more particularly described as follows:

Beginning at the southeast corner of said Lot 157; thence southwesterly 82.5 feet along the northwesterly line of a Public Alley to the easterly line of Lot 161 in said Addition; thence northwesterly 54.88 feet along said easterly and the extension thereof to a northerly line of Parcel III described in deed to John H. and Serena M. Lipscomb, recorded July 30, 2019, as Document 2019-15251, in said Office of the Recorder; thence northeasterly 13 feet to a westerly line of said Parcel III; thence southerly 39.88 feet, more or less, along said westerly line extended southeasterly to a line 15 feet northwesterly of and parallel with said northwesterly line of the Public Alley; thence northeasterly 69.5 feet along said parallel line to the northeasterly line of said Lot 157; thence southeasterly 15 feet along said easterly line to the Point of Beginning, containing 1,756 square feet, more or less.



## EXHIBIT "A"

Project: LaSalle Benham Lift Station  
Parcel 1A Fee Simple  
Key # 20-06-05-376-021.000-012

Sheet 2 of 2

A part of the Lot Number One Hundred Fifty-Nine (159) as the said Lot is known and designated on the recorded Plat of Second South and Western Addition to the Town (now City) of Elkhart; said Plat being recorded in Deed Record 3, page 538 in the Office of the Recorder of Elkhart County, Indiana, and a part of the vacated alley on the West side of said Lot, all of which is more particularly described as follows:

Beginning at an iron stake on the East line of Lot Number One Hundred Sixty (160) in said Second South and Western Addition which stakes in One Hundred Twenty-Seven (127) feet Northwardly from the Southeast corner of said Lot; thence Northwardly along the East line of said Lot to the Northeast corner thereof; thence Eastwardly along the South line of an alley, Thirty-Eight and Eight Hundredths (38.08) feet to a point which is Thirty-Three (33) feet Westwardly from the Northwest corner of Lot One (1) in Brady's Subdivision of Lots One Hundred Fifty-Five (155), One Hundred Fifty-Eight (158) and a part of Lot One Hundred Fifty-Nine (159) in said Second South and Western Addition; thence Southwardly parallel with the West line of Lot One (1) in said Brady's Subdivision to a point which is One Hundred Twenty-Seven (127) feet Northwardly from the South line of said Lot One Hundred Fifty-Nine (159); thence Westwardly Thirty-Eight and Eight Hundredths (38.08) feet to the place of beginning.

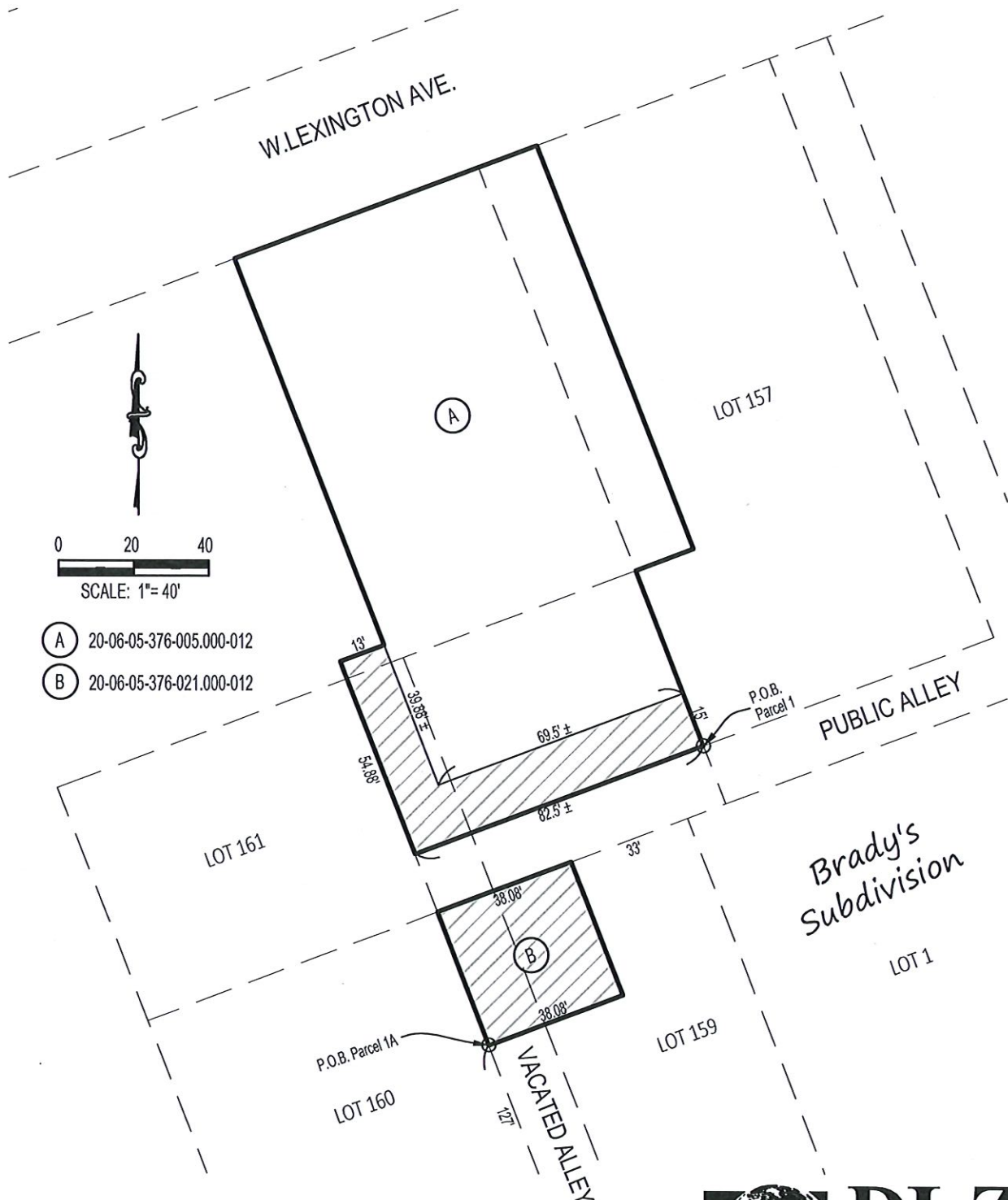
Parcel: 1  
County: Elkhart  
Section: 5  
Township: 37N  
Range: 5E

## Exhibit "B" Parcel Exhibit

Owner: John H & Serena M. Lipscomb  
Deed: 2019-15251

Page: 1 of 1  
DLZ Proj: 2261-5893-50

 Approximate Acquisition



P.O.B.= Point of Beginning

This drawing is not intended to be represented as a retracement or original boundary survey, route survey, or Surveyor Location Report.



# DLZ

2211 EAST JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46615  
(574) 235-4400 www.dlz.com

## ACCEPTANCE

The Grantee hereby accepts the foregoing Warranty Deed together with all conditions and requirements stated therein.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2024.

### ELKHART BOARD OF PUBLIC WORKS

\_\_\_\_\_  
Michael Machlan, President

\_\_\_\_\_  
Jaime Arce, Member

\_\_\_\_\_  
Ronnie Davis, Member

\_\_\_\_\_  
Rose Rivera, Member

ATTEST:

\_\_\_\_\_  
Andy Jones, Member

\_\_\_\_\_  
Nancy A. Wilson, Clerk

STATE OF INDIANA, COUNTY OF ELKHART, SS:

Before me, the undersigned Notary Public, in and for said County and State, personally came Michael Machlan, Jamie Arce, Ronnie Davis, Rose Rivera, and Andy Jones, the members of the Elkhart Board of Public Works, and acknowledged their acceptance and execution of this dedication.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on this \_\_\_\_ day of \_\_\_\_\_, 2024.

My Commission Expires:

\_\_\_\_\_  
Nancy A. Wilson, Notary Public  
Resident of Elkhart County, Indiana





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

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**DATE:** February 28, 2024

**TO:** Board of Public Works

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

**RE:** **Lift Station 20 Replacement – Bid #24-04**  
**Siemens Easement Purchases and Legal Reimbursements**

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As part of the asset management program, Elkhart Engineering is replacing this lift station with a submersible type lift station and force main in accordance with city standards. The project is currently advertising in the Elkhart Truth. Engineering selected LFA to design the lift station, associated force main, structures, and to coordinate the related land use requirements. Lift Station 20 is located in the RoW in front of Siemens Healthcare Diagnostics and the site will require access to the site through a portion of their West driveway both temporarily and permanently. LFA has coordinated the following land use requirements for lift station 20 with Siemens Medical Solutions

Reimbursement to Siemens for their legal consulting:	\$6,000.00
Sewer Lift Station Permanent Easement Purchase:	\$1.00
Sewer Lift Station Temporary Construction Easement Purchase:	\$1.00
Quit Claim Deed for dedication of Right of Way:	Signature

These costs will be paid for from the “Other Contractual” account line: 6201-5-817-7360000

It is requested the Board of Public Works:

**approve the reimbursement agreement and easement purchases for the Lift Station 20 Replacement Project in the amount of 6,002.00**

## **B.O.W. SUMMARY**

**March 5, 2024**

Water Assessment:	Habitat for Humanity Elkhart 2910 Elkhart Rd. Goshen, IN. 46526 Property: 2933 Kelsey Ave Paid in full, \$621.00
Sewer Assessment:	Habitat for Humanity Elkhart 2910 Elkhart Rd. Goshen, IN. 46526 Property: 2933 Kelsey Ave Paid in full, \$6055.00
Revocable Permit:	#6570, Placed by: Jeff Long Property: 520 S. Main St. Permit Holder: MIBCO Inc. 109 York Dr. Middlebury, IN. 46540  #6571, Placed by: Contractor Property: 302 - 420 E. Jackson Blvd Permit Holder: DJ Construction 3414 Elkhart Road Goshen, IN. 46526  #6572, Placed by: Lucas Williams Property: 1401 Kilbourn St. Permit Holder: Lucas Williams 1401 Kilbourn St. Elkhart, IN. 46514



## MEMORANDUM

From: Josh Holt, City of Elkhart Fleet Manager

Date: February 27<sup>th</sup>, 2024

To: Elkhart Board of Works

RE: Request for solicitation of Quotes For a Ford Lightning for E.E.C. *Quote #24-12*

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Dear Members of the Board of Public Works,

As the Fleet Manager for the City of Elkhart, I am writing for permission to solicit quotes for the acquisition of a Ford Lightning pickup truck for the E.E.C. The purchase of this falls in accordance with the approved budget for this fiscal year.

The City Council has allocated funds specifically for the procurement of vehicles that are both efficient and aligned with our sustainability goals. After thorough research and consideration, it has been determined that the Ford Lightning pickup truck meets our criteria, offering both performance and environmental benefits that are in line with the objectives of the E.E.C.

In light of this, I kindly request that the Board of Public Works allow me to start the process of obtaining quotes from reputable suppliers for the purchase of the truck. We aim to ensure that our procurement process is transparent, competitive, and in compliance with all relevant regulations and standards.

Additionally, we seek to evaluate various factors such as pricing, delivery timelines, warranty options, and any additional services offered by the suppliers. It is imperative that the chosen supplier not only provides competitive pricing but also demonstrates reliability and commitment to customer satisfaction.

We anticipate that the acquisition of a Ford Lightning pickup truck will enhance our fleet's performance, reduce our carbon footprint, and contribute to the overall efficiency of our operations. By investing in



these innovative vehicles, we reaffirm our commitment to sustainable practices and responsible stewardship of public resources.

I kindly request that interested suppliers submit their quotes to the Central Garage no later than March 8<sup>th</sup>, 2024. Should you require any further information or clarification regarding this solicitation, please do not hesitate to contact me directly at the Central Garage.

Thank you for your attention to this matter.

Sincerely,

Joshua J. Holt, City of Elkhart Fleet Manager

A handwritten signature in blue ink, appearing to read "J.J. Holt".



## MEMORANDUM

From: Josh Holt, City of Elkhart Fleet Manager

Date: February 27<sup>th</sup>, 2024

To: Elkhart Board of Works

RE: Sourcewell purchase for Central Garage Service Truck

---

Dear Members of the Board of Public Works,

I am writing to formally request permission to proceed with the purchase of a service body truck for The Central Garage Department. As the Fleet Manager for the City of Elkhart, it is imperative that we maintain a reliable and efficient fleet to support various municipal operations. The acquisition of this service body truck is crucial to replace our aging 2000 service truck, which has surpassed its useful lifecycle and is no longer able to meet the demands of our operations.

Outlined below are the key details regarding the proposed purchase:

- **Purchase Price:** \$98,613.00

It is important to note that this purchase will be made through the Sourcewell co-op purchasing program, ensuring competitive pricing and streamlined procurement processes. Furthermore, I would like to highlight that this acquisition was approved by the council as part of this year's budget, indicating its alignment with our strategic financial planning and operational needs.

The new service body truck will significantly enhance the capabilities of The Central Garage Department, allowing us to maintain all units, respond to emergencies, and provide essential services to the departments of Elkhart we service more effectively. Additionally, it will contribute to improved safety for our personnel and greater operational efficiency, ultimately resulting in cost savings over the long term.

I kindly request your approval for this purchase to proceed, understanding the importance of maintaining a modern and reliable fleet to support our city's operations. Should you require any further information or clarification regarding this request, please do not hesitate to contact me directly.

Thank you for your attention to this matter. I look forward to your favorable consideration of this request.

Sincerely,

Joshua J. Holt, City of Elkhart Fleet Manager

A handwritten signature in blue ink, appearing to read "Joshua J. Holt". The signature is fluid and cursive, with the first name "Joshua" and last name "Holt" being clearly legible, and the middle initial "J." in between.





## MEMORANDUM

From: Josh Holt, City of Elkhart Fleet Manager

Date: February 27<sup>th</sup>, 2024

To: Elkhart Board of Works

RE: Sourcwell purchase for 3 Street Dept. Dump Trucks

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Dear Members of the Board of Public Works,

I am writing to formally request permission to proceed with the purchase of three small dump trucks through the Sourcwell co-op purchasing program, as approved by the City Council in this year's budget allocation for The Street Dept. These trucks are to replace units that have reached the end of their useful and efficient lifecycles. These trucks are essential for maintaining the city's infrastructure and executing various public works projects efficiently.

Outlined below are the details of the three dump trucks along with their respective prices:

- Truck #1: \$99,428.00
- Truck #2: \$94,687.00
- Truck #3: \$99,428.00

The Sourcwell co-op purchasing program offers competitive pricing and streamlined procurement processes, ensuring the best value for our city's budget. By leveraging this program, we can acquire the necessary equipment while optimizing cost-effectiveness and adhering to the allocated funds.

These dump trucks are critical assets for our Street Department, enabling us to enhance operational effectiveness, respond promptly to community needs, and maintain our infrastructure to the highest

standards. With the City Council's endorsement of this expenditure, we are committed to making informed decisions that align with the best interests of our community.

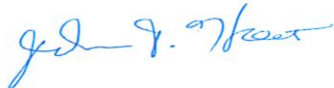
We have thoroughly reviewed the specifications and options available for each truck, ensuring that they meet our operational requirements and provide long-term reliability.

I kindly request the Board's approval to proceed with the purchase of these three dump trucks through the Sourcewell co-op purchasing program. Your support in this matter is greatly appreciated, and we are confident that these investments will contribute to the continued growth and prosperity of our city.

Thank you for considering this request. Should you require any further information or clarification, please do not hesitate to contact me at The Central Garage.

Sincerely,

Joshua J. Holt, City of Elkhart Fleet Manager

A handwritten signature in blue ink, appearing to read "Joshua J. Holt".