

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

**Common Council Chambers**

**9:00 A.M., Tuesday, March 19, 2024**

<https://coei.webex.com/coei/j.php?MTID=m90a968d76f8bab2b404e30d06479ddc7>

Join by phone: 1-415-655-0001

Meeting Number (access code): 2313 085 7037 Meeting password: BOW24

- I. Roll Call**
- II. Approve Agenda**
- III. Open Bids & Quotes**
  - Bid #24-04 Lift Station No. 20 Replacement
  - Quote #24-10 Goshen Avenue and Blazer Blvd. River Greenway Intersection Improvement
- IV. Claims & Allowance Docket**
- V. Minutes** Regular Meeting January 5, 2024
- VI. Utilities**
  - a.) Administration
    - Board of Works Resolution 24-R-06 Appropriation and Contract with Q-Mation
    - Water Utility MRO for February 2024
  - b.) Pretreatment
    - 2023 Significant Industrial Users- Significant Noncompliance (SNC)
- VII. Engineering**
  - a.) Administration
    - 2024 Position Title Modernization
    - Declaration of Emergency- Tornado Siren Repairs and Replacements
    - Release the Joint Access Easement from Lot 5B of "Second Replat of Lot 5 Frank's Addition"
    - Temporary Traffic Control: "Stop All Way" East Jackson Blvd. and Clark Street
    - PSA with DLZ Indiana, LLC for the ADA Transition Plan Update-Buildings
    - Request Quote #24-14 McNaughton Park Concrete Pads
    - Request Quote #24-15 Pierre Moran Parking Lot Improvements
  - b.) Utility
    - Board of Works Resolution 24-R-07 Appropriation- Oakland Avenue Project B Property Acquisition
    - Change Order #6- WWTP Capacity Upgrades Phase 2 Bid #21-13 QA7634

**VIII.****New Business**

- Updated 2024 Use & Event Permit
- Disposal of Fixed Asset- Police Department
- Economic Development Partnership Grant- The United States Auto Club- Grand Prix Event
- Economic Development Partnership Grant- The Center for Business Excellence

**IX.****Use & Event Permits**

- Curbside Concerts 5/10-6/28- Special Exception from Noise, Plaza Sign
- Junk in the Trunk 6/23- Street Closure, Public Assembly, Plaza Sign
- National Day of Prayer 5/2- Central Green Park, Special Exception from Noise, Public Assembly, Plaza Sign
- Front Line Pivotal Prayer Gatherings 6/30,7/28,8/25,9/29- Central Green Park, Special Exception from Noise, Public Assembly, Plaza Sign
- Heinniefest 8/2-8/3 Special Exception from Noise
- Hoosier Harley Davidson 4/12, 5/10, 6/7, 7/12, 8/9- Special Exception from Noise
- Leroy Robinson Fest on the Green 8/17- Central Green Park, Fencing, EPD, Temporary Street Closure, Special Exception from Noise, Public Assembly, Plaza Sign
- South Side Parade 8/17- Golf Carts, Risers, ESS, Plaza Sign, Public Assembly, Special Exception from Noise, Temporary Street Closures
- Cinco de Mayo 5/4- Central Green Park, City Plaza, Electric, Water, Fencing, EPD, Plaza Sign, Special Exception from Noise, Public Assembly, Temporary Street Closures, Plaza Sign
- Flags from the Heart 5/24-5/27- Lundquist- Bicentennial Park- Public Assembly
- Prayer on the Plaza 4/12- City Plaza, Electric, Public Assembly, Plaza Sign
- A Taste of Excellence 6/1- Roosevelt Park, Temporary Street Closure, Special Exception from Noise, Public Assembly
- First Fridays Community fest 5/3,6/7,7/5,8/2,9/6- Ulery Park, tents, Temporary Street Closures, Special Exception from Noise, Public Assembly
- Peace Officer Memorial Service 5/15- Chairs, Podium, Speaker/Sound System, Plaza sign, Public Assembly, Special Exception from Noise
- Corpus Christi Procession 6/2- ESS, Temporary Street Closure, Public Assembly, Special Exception from Noise
- Garcia Birthday Party 3/30- Special Exception from Noise

**X.****Public Participation****XI.****Adjournment**



FOR INFORMATION ONLY  
AT MARCH 19, 2024  
MEETING; TO BE AWARDED  
AT APRIL 2, 2024, MEETING



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## MEMORANDUM

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**DATE:** April 2, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering

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

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At the March 19, 2024, Board of Public Works meeting, quotes were opened for Quote #24-10, Goshen Avenue and Blazer Boulevard River Greenway Intersection Improvement. The results are as follows:

Contractor	Quote

The project is funded by \_\_\_\_\_.

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

**Award Quote #24-10, Goshen Avenue and Blazer Boulevard River Greenway Intersection Improvement, 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.

March 13, 2024   
JAMIE ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF **\$3,528,939.89** AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 29 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

**EXECUTED THIS 19TH 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  
3.19.2024

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

Fund	Vendor	Description	Amount
1101	STRYKER SALES LLC	Equipment Lease	\$ 36,730.00
1101	YODER OIL COMPANY INC	GASOLINE-EPD	\$ 35,163.30
1101	FLOCK GROUP INC	FLOCK CAMERA MAINT.	\$ 62,767.12
4436	BORDEN WASTE-AWAY SERVICE, INC.	TRASH SVCS 03/24	\$ 195,405.42
4450	PREMIUM CONCRETE SERVICES, INC.	Cassopolis St Improvements	\$ 210,314.80
6501	ELKHART COUNTY TREASURER	STORMWATER PARTNERSHIP EXPENSES 2023 CLENDAR YEAR	\$ 39,914.00
7704	EVERSIDE HEALTH LLC	Near Site Clinic (Everside)	\$ 47,541.48

Total Claims over \$25,000 \$627,836.12

Regular Claims under \$25,000: \$ 742,534.43

Total Regular Departmental Claims: **\$1,370,370.55**

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

1101	PAYCOR INC	PAYROLL SERVICES 03/01/24	\$ 30,736.57
1101	INDIANA MICHIGAN POWER COMPANY	04994485706 229 S 2ND ST	\$ 32,110.67

Total Pre-Approved over \$25,000: \$ 62,847.24

Total Pre-Approved Claims under \$25,000: \$ 169,424.69

Total Pre-Approved Claims: **\$ 232,271.93**

## American Rescue Plan Claims:

2474	Best Buy Stores	Small Business Continuity	\$ 3,173.83
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Total American Resuce Plan Claims: **\$ 3,173.83**

## UTILITY REFUNDS

**\$ -**

## Payroll and Pension Payments:

### Police & Fire Pension

Bi-weekly Payroll \$ 1,923,123.58

Total Payroll: **\$ 1,923,123.58**

Total All Claims, Internal Payments, and Payroll: **\$ 3,528,939.89**

(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, March 5, 2024

Vice- President Jamie Arce called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, March 5, 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 quotes would be accepted.

1. Approve Agenda

A motion was made by Rose Rivera and seconded by Ron Davis to approve the agenda. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the agenda was amended by adding the Block by Block Contractual Services and the Art League Lease to New Business. The amended agenda carried 4-0.

2. Open Quotes

Quote #24-08 Municipal Building Bollard Installation

DBL Services submitted a quote for \$5,980.00. Selge Construction Company submitted a quote for \$4,500.00. Premium Concrete Services submitted a quote for \$7,560.00. C&E Excavating submitted a quote for \$7,085.00.

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

3. Claims & Allowance Docket

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the claims and allowance docket in the amount of \$6,158,400.43, consisting of 25 pages as prepared on February 28, 2024 at 12:08 p.m.

4. Minutes Regular Meeting February 20 2024

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the minutes from the Regular meeting on February 20, 2024.

5. Utilities

(A.) Administration

Board of Works Resolution 24-R-05 Appropriation

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Board of Works Resolution 24-R-05, a Resolution to appropriate \$32,000.00 to 6203-5-999-7992004 to replace a vehicle.

Wastewater 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 Wastewater Utility MRO for January 2024.

Request Bid #24-06 Public Works Reroof Projects

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved plans and specifications and granted permission to advertise Bid #24-06 Public Works Reroof Projects.

(B.) Utility Attorney

Hively Avenue Overpass Deeds & Easements

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved, accepted and signed the Hively Avenue Deeds & Easements as presented.



## BOARD OF PUBLIC WORKS

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### (C.) Pretreatment

#### Cobus Green Consent Order Extension

A motion was made by Rose Rivera, and seconded by Ron Davis to approve the Cobus Green request for a 90-day extension to their Consent Order. Steve Brown explained the Consent Order that was approved on November 21, 2023. Cobus has been updating us on their progress. They were unable to conclude the specified alterations to their system. We agreed with them on a 90-day extension, and find it reasonable. Jamie asked what caused the delay. Dan Fox came forward to represent Cobus Green. He explained the delay. They are testing different chemicals because they have such a long detention time in the Forcemain. They also embarked on a flow study at the end of pipe to watch what's going on at that end, because there is 3-mile difference from there to the lift station. They want to study it under some different weather conditions so they make sure they stay in compliance. Mike asked him if they have been in compliance all this time. Mr. Fox said they have had a couple spikes. They talked to Mr. Brown about it and they can't understand what they're from. The chemical feeds seem to be good. Jamie called for the vote and the motion carried 4-0.

#### Notice of Alleged Violation: Swift Prepared Foods- Permit #2002-01

A motion was made by Rose Rivera, and seconded by Ron Davis to find Swift Prepared Foods Permit #2002-01 in violation of its Industrial Wastewater Discharge Permit and assign a total penalty of \$100.00 per the City of Elkhart Enforcement Response Plan. Steve Brown explained the violation to the Board. These penalties are under the old Enforcement Response Plan. Swift has a self monitoring requirement to monitor certain parameters semi-annually. They failed to self monitor the second half of 2023, unfortunately that put them in Significant Non-Compliance. Jamie asked if semi-annual was industry standard. Steve explained each industry has different monitoring requirements and frequencies. Semiannual is a minimum requirement from the regulations that is due. Steve explained the Department of Public Works Pretreatment monitored them in the second half of 2023 and they were in compliance. Jamie asked why they are recommending the old penalty matrix, and what the new penalty would have been. Steve said this happened before we implemented the new Enforcement Response Plan. The new plan has a recommended penalty for failure to conduct self-monitoring per-parameter of \$50.00 for each parameter. They have 19, so the recommended penalty would be \$950.00. Attorney Maggie Marnocha clarified the Board can penalize up to \$2,500.00 per day per incident according to the Penalty Matrix and State Law. She said they made a decision to follow the old matrix for incidents that occurred prior to the approval of the new penalty matrix because of the notice issue. Mike asked if they have been previously in compliance with our testing and with their testing. Steve said they have had an occasional issue with FOG. Dominick Fultz came forward to represent Swift as their new Safety Manager. He explained the previous manager reported on January 31, 2023, then again on May 26, 2023, and again on June 12, 2023 which should have been July. When he discovered the oversight, he tried to report as soon as possible. He didn't get that turned in on time and missed the date. He said he messed up the composite and got it to Element which is the laboratory, but they didn't get it back in time. He submitted in when it came back, which was January 5, 2024.



## BOARD OF PUBLIC WORKS

Tuesday, March 5, 2024

He then realized Element didn't have the correct recipient list, so they got that corrected. Now they have a set schedule with Element to do their semi-annual reporting. January was done and they are set up for July. It will be done on a regular basis. Jamie asked him to explain the recipient list significance. He explained Element was sending their samples to the Controller and the supervisor that was there before him, so he was not getting them. They were not getting sent to the plant manager as well. Benjamin Nuss the Plant Manager told the Board that Dominick drove the samples all the way to Indianapolis twice trying to get them done it time. It took forever to get the results. They really did attempt to do their due diligence. They we not trying to circumvent the process and they have never done anything like that. Jamie called for the vote and the motion carried 4-0.

### Notice of Alleged Violation: Voyant Beauty Main- Permit #85-20

A motion was made by Rose Rivera, and seconded by Ron Davis to find Voyant Beauty Main Permit #85-20 in violation of its Industrial Wastewater Discharge Permit and assign a total penalty of \$100.00 per the City of Elkhart Enforcement Response Plan. Steve Brown explained the violation to the Board. These penalties are under the old Enforcement Response Plan. On January 5, 2024 the Pretreatment staff received Voyant Beauty's self-monitoring report for the sample collected on December 12, 2023. The sample collected had an oil and grease exceedance. The limit is 200 mg/L and their sample was 573 mg/L. That is 186.5% increase from Elkhart's established FOG Local Limit. The old matrix penalty is \$100.00, the new one is \$250.00 for the first offense, \$1500.00 for a second offense, and \$2,500.00 for a third offense in one year. Steve explained the year is a 12-month rolling year starting with the first offense. Voyant did not attend the meeting. Jamie called for the vote and the motion carried 4-0.

### Notice of Alleged Violation: McDowell Enterprises Permit #85-01

A motion was made by Rose Rivera, and seconded by Ron Davis to find McDowell Enterprises Permit #85-01 in violation of its Industrial Wastewater Discharge Permit and assign a total penalty of \$200.00 per the City of Elkhart Enforcement Response Plan. Steve Brown explained the violation to the Board. These penalties are under the old Enforcement Response Plan. This sample was collected prior to the Board's approval of the current consent order. This Chromium exceedance was the second violation in a 12-month period. McDowell Enterprises did not attend the meeting. Rose asked how many violations they had in 2023, and Steve said numerous, that is what lead to the Consent Order. Jamie noted the EPA made changes in their Category. At the conclusion of discussion, Jamie called for the vote. The motion carried 4-0.

## 6. Engineering

### (A.) Administration

#### Mediation- Center for Community Justice Agreement

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the Mediation and Facilitation Services Agreement with the Center for Community Justice.

#### Request Quote #24-10 Goshen Avenue and Blazer Blvd. River Greenway Intersection Improvement

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



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granted permission to request Quote #24-10 Goshen Avenue and Blazer Blvd. River Greenway Intersection Improvement.

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.

Right of Way Dedication- Johnson St. by Plat Known as Northeast Six and Nine DPUD Replat Two

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board accepted the right-of-way for Johnson Street dedicated by the Plat know as Northeast Six and Nine DPUD Replat Two.

Indemnification Agreement with River District Development Co., LLC

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the License, General Release and Indemnification Agreement with River District Development Company, LLC to discharge Stormwater runoff into the City's storm sewer.

Award Quote #24-08 Municipal Building Bollard Installation

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board awarded Quote #24-08 Municipal Building Bollard Installation to Selge Construction who submitted the lowest, responsive quote, with a contract price in the amount of \$4,500.00.

(B.) Utility

Partial Payment to C&E

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved 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.

Partial Payment #64 to Bowen Engineering Corp.: Elkhart WWTP Capacity Upgrades Phase 2 QA 7634

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved partial payment request #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.

Partial Payment#65 to Donohue & Associates: Elkhart WWTP Capacity Upgrades Phase 2 QA7634

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the partial payment request SRF #65 of Loan WW18262004 in the amount of \$95,541.00 to Donohue & Associates Inc. for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Partial Payment #20 to DLZ Indiana LLC: Oakland Avenue Project B Storage Tank Design WW22162005

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved partial payment request SRF #20 of SRF loan WW22162005 in the amount of \$473,123.00 to DLZ Indiana LLC from the allocated SRF loan for professional services on the Oakland Avenue Project B Storage Tank design.

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Partial Payment #21 to DLZ Indiana LLC: Oakland Avenue Project B Storage Tank Design WW22162005

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved partial payment request SRF #21 of SRF loan WW22162005 in the amount of \$307,636.00 to DLZ Indiana LLC from the allocated SRF loan for professional services on the Oakland Avenue Project B Storage Tank design.

CSO 39 Sewer Separations Bid #23-14 Warranty Deed Acceptance

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board accepted and signed the Warranty Deed for the CSO 39 Sewer Separation Warranty Deed Acceptance.

Lift Station Replacement Bid #24-04 Siemens Easement Purchases and Legal Reimbursements

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the reimbursement agreement and easement purchases for Lift Station 20 replacements Project in the amount of \$6,002.00. Jamie asked if the reimbursement for Legal Counsel is appropriate and not uncommon. Attorney Maggie Marnocha explained that because they incurred a cost to provide this easement for free to the City, they have asked us to cover the cost. The Attorney fees are reasonable.

(C.) Summary

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

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



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#6572, Placed by: Lucas Williams  
Property: 1401 Kilbourn St.  
Permit Holder: Lucas Williams  
1401 Kilbourn St.  
Elkhart, IN. 46514

7. New Business

Request Quote #24-12 Purchase of Ford Lightning for the EEC

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved a request to solicit Quote #24-12 for the purchase of a Ford Lightning for the Elkhart Environmental Center.

Sourcewell Purchase for Central Garage Service Truck

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board granted permission to purchase a Central Garage Service Truck for \$98,613.00 using the Sourcewell co-op purchasing program contingent upon approval from Legal.

Sourcewell Purchase for Three Street Department Dump Trucks

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board granted permission to purchase three Street Department Dump Trucks for \$99,428.00, \$94,687.00, and \$99,428.00 using the Sourcewell co-op purchasing program contingent upon providing the Sourcewell Agreement documents to Legal and Legal approval.

Block by Block-Contractual Services Agreement

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved a Contractual Agreement with Block by Block for \$449,914.00 for the Park Department.

Lease with Elkhart Art League

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board received the notices of lease renewal from the Art League and accepted them as communication. Rose explained we received notice on August 1, 2023 for the 2024 lease renewal, and January 1, 2024 for the 2025 lease renewal.

8. Adjournment

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board of Works adjourned at 10:47 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 28, 2024  
To Mike Machlan, Board of Works President  
From Laura Kolo, Utility Services Manager *LK*  
RE Resolution 24-R-06- Appropriation Request and Contract Execution

Elkhart Public Works is respectfully requesting approval of Resolution 24-R-06, a resolution to appropriate \$8,000 to 6201-5-813-7360000 and \$8000.00 to 6101-5-733-6360000. This request is to appropriate funding for and approve contract with Q-Mation, our SCADA software provider. This annual maintenance agreement covers all software patches and updates as well as unlimited Tech support.

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



**Resolution 24-R- 06**

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE  
CITY OF ELKHART, INDIANA, APPROPRIATING FUNDS TO RENEW  
ANNUAL AGREEMENT WITH SOFTWARE PROVIDER**

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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 Water and Wastewater Utilities use SCADA software provided by Q-Mation; and

WHEREAS, it is time to renew the annual agreement with Q-Mation so that they may provide the necessary software patches and updates, as well as unlimited technical support;

WHEREAS, the Water Utility is requesting an appropriation in the amount of \$8,000.00 to Line 6101-5-733-6360000 to pay for its share of the Q-Mation renewal;

WHEREAS, Wastewater Utility is requesting an appropriation in the amount of \$8,000.00 to Line #6201-5-813-7360000 to pay for its share of the Q-Mation renewal;

WHEREAS, the Board deems it proper and in the best interests of the City of Elkhart and its citizens to transfer the funds necessary to cover the cost of utility expenses.

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

1. The Board approves the appropriation requests in order pay for software renewal expenses.

2. The Board appropriates \$8,000.00 to Line 6101-5-733-6360000 and \$8,000.00 to Line #6201-5-813-7360000.

RESOLVED March 19, 2024

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

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

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

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

ATTEST:

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

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





December 14, 2023

Company Name **Elkhart Public Utilities**  
Contact **Laura Kolo**  
Support Agreement ID **140420**  
Support Level **Standard**  
Current Expiration Date **March 22, 2024**  
Reference **ElkhartPublicUtilities\_140420\_Kolo\_03222024WCF**

Laura:

Thank you for your investment in AVEVA products and participation in the AVEVA Customer FIRST Support Program. The Customer FIRST Support Program ensures that you continue to get the most value from your investment by providing access to software license upgrades along with convenient access to highly skilled resources to remedy any issues you experience as you install, fine-tune, and upgrade your AVEVA software. Through any phase of your application lifecycle, Customer First membership gives you the support, services, and resources you need to be successful.

**AVEVA Standard Customer FIRST includes the following benefits:**

- Free software version upgrades, fixes, patches and service packs keep your AVEVA software current and secure, leveraging new features and ensuring that existing applications keep running
- Access to award-winning live phone and email technical support, with expert assistance throughout the software lifecycle (currently 8:00am EST to 8:00pm PST)
- Access to CHAT support via [www.q-matton.com](http://www.q-matton.com)
- Software Utilities – Leverage a growing stable of software utilities, including: the Software Asset Manager, to quickly and easily track and manage your AVEVA software licenses and apply security and performance software updates at multiple locations

**PLUS with a Premium or Elite Customer First Support Agreement, enjoy access to Emergency (Plant Down) 24/7/365 technical support (delivered after hours by dialing a special support number, entering credentials and receiving a callback in approximately 20-30 minutes via an answering service)**

Customer First Support Agreements will carry no "grace period" beyond a support agreement expiry date. If an agreement lapses, the customer has the following 30 days to renew with a mandatory 10% penalty fee. Beyond 30 days, renewal still requires a 10% penalty AND the agreement loses its license volume-based discount. Beyond 60 days, a new quote will need to be created to include penalties plus upgrades.



Q • M A T I O N



Customer FIRST Support Renewal

**Customer FIRST Support Renewal**

Current Expiration Date: March 22, 2024  
Renewed Expiration Date: March 22, 2025

Standard Level Support

The renewal quotation below is based on the attached list of licenses registered to your site. Licenses not on the agreement will be ineligible for support/version upgrades.

Below is the price to maintain your current level of support.

Part Number	Description	Price
WWCFS-2000	AVEVA Customer FIRST Agreement – Standard Level – One Year	\$15,769

A budgetary number for planning purposes for the upcoming support year(s) can be provided at request. The final support agreement pricing for the next year is typically based on an inflationary (0-10%) increase in license value as well as licenses purchased during the support agreement term.

Simply call or e-mail me if you have any questions.

Best Regards,

**Matt Weaver**  
Q-mation, Inc.  
mweaver@q-mation.com

*Reference WCF Support Agreement ID140420 and address your order to Q-mation (Wonderware North)*

<b>Elkhart Public Utilities Ordering Information</b>  Q-mation DBA Wonderware North 425 Caredean Drive Horsham, PA 19044  Email sales@q-mation.com Phone (877) 900-4996	<b>Terms &amp; Conditions</b>  1. Quotation is valid thru the last day of active Customer First 2. Payment terms are Net 30 Days 3. Transportation is prepaid and added 4. F.O.B. is Q-mation, Horsham, PA 5. Quotation does not include any taxes. Tax exemption number must be on file or applicable taxes will be added. 6. Tax ID: 23-2549974
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Customer First Support Agreements will carry no "grace period" beyond a support agreement expiry date. If an agreement lapses, the customer has the following 30 days to renew with a mandatory 10% penalty fee. Beyond 30 days, renewal still requires a 10% penalty AND the agreement loses its license volume-based discount. Beyond 60 days, a new quote will need to be created to include penalties plus upgrades.

425 Caredean Drive, Horsham, PA 19044  
Tel: 215.675.5800  
www.q-mation.com

Q-mation is an independent AVEVA software distribution partner.





Q • M A T I O N



Customer FIRST Support Renewal

## (Elkhart, IN) - License List

Part Number	Part Description	Software License Number
InTch-06-U-23	Upg, InTouch HMI 2023 Wrkst 100K Tag with I/O	1627796-2
HstClt-01-U-23	Upg, Historian Client Desktop 2023 Concurrent, Single User	1794373-1
HstClt-01-U-23	Upg, Historian Client Desktop 2023 Concurrent, Single User	1794374-1
InTch-10-N-23	InTouch HMI 2023 Wrkst 100000 Tag no I/O	2421561-0
InTch-10-N-23	InTouch HMI 2023 Wrkst 100000 Tag no I/O	2421562-0
InTch-10-N-23	InTouch HMI 2023 Wrkst 100000 Tag no I/O	2421563-0
InTch-10-N-23	InTouch HMI 2023 Wrkst 100000 Tag no I/O	2421564-0
InTch-10-N-23	InTouch HMI 2023 Wrkst 100000 Tag no I/O	2421565-0
InTch-10-N-23	InTouch HMI 2023 Wrkst 100000 Tag no I/O	2421566-0
InTcF-06-N-23	InTouch HMI 2023 Wrkst 100K Tag with I/O, RDS, FLB	2421567-0
InTcF-06-N-23	InTouch HMI 2023 Wrkst 100K Tag with I/O, RDS, FLB	2421568-0
InTcF-10-N-23	InTouch HMI 2023 Wrkst 100K Tag no I/O, RDS, FLB	2421569-0
InTcF-10-N-23	InTouch HMI 2023 Wrkst 100K Tag no I/O, RDS, FLB	2421570-0
InTcF-10-N-23	InTouch HMI 2023 Wrkst 100K Tag no I/O, RDS, FLB	2421571-0
InTcF-10-N-23	InTouch HMI 2023 Wrkst 100K Tag no I/O, RDS, FLB	2421572-0
InTcF-10-N-23	InTouch HMI 2023 Wrkst 100K Tag no I/O, RDS, FLB	2421573-0
InTcF-10-N-23	InTouch HMI 2023 Wrkst 100K Tag no I/O, RDS, FLB	2421574-0
InTch-06-U-23	Upg, InTouch HMI 2023 Wrkst 100K Tag with I/O	501116-5
DevStd-04-U-23	Upg, Dev Studio 2023 Unlim Unlim / Unlim / 500	501117-5
HstStd-05-U-23	Upg, Historian 2023 Standard, 25000 Tag	1794371-1
09-0308	Information Server Portal	1794372-0(part of 1794371)



City of Elkhart  
Public Works and Utilities

**BOW Public Works Appropriation & Transfer Request Form**

Date: 2/28/24

BOW Meeting Date: 3/19/24

Requesting Division:

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

Distribution: ☐ Collections: ☐ Service: ☐

Requesting Manager: Laura Kold

*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: SCADA Software Annual Maintenance & Support

Line # 6201-5-813-736000 Line Name: Contractual Serv Amount: \$ 8000<sup>00</sup>

Line # 6101-5-733-636000 Line Name: Contractual Serv Amount: \$ 8000<sup>00</sup>

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: [Signature]  
Controller

Date: 3/1/24





City of Elkhart  
*Public Works and Utilities*

Memo To Board of Works  
Memo From Laura Kolo, Utility Services Manager   
Date Mar 07, 2024  
Subject Water Utility Monthly Report of Operations  
for the month of February, 2024

***Water Produced***

	Monthly Total MG	Daily Avg MGD	Daily Min MGD	Daily Max MGD
North Main	117.495	4.052	3.410	5.159
Northwest	58.120	2.004	1.465	2.695
South	33.164	1.144	0.384	1.636
System	208.78	7.20		

***Finished Water Quality Information (Monthly Averages)***

	Iron mg/l	Manganese mg/l	Fluoride mg/l	Chlorine mg/l	Orthophosphate mg/l
North Main	0.07	0.024	0.89	6.05	1.29
Northwest	0.07	0.022	0.79	1.39	0.94
South	0.05	0.021	0.85	1.29	1.00
Secondary Std / Target	0.30	0.050	0.8 - 1.0	0.9 - 1.5	0.5 - 1.0

The chart displays monthly water consumption in MGD for three scenarios. The y-axis is labeled 'MGD' and ranges from 0 to 500. The x-axis lists the months from JAN to DEC. For each month, there are three bars: light gray, medium gray, and dark gray. The consumption is highest in June (approx. 400, 380, and 350 MGD respectively) and lowest in January and February (approx. 180, 190, and 200 MGD respectively).

Month	Light Gray (MGD)	Medium Gray (MGD)	Dark Gray (MGD)
JAN	180	190	200
FEB	190	200	210
MAR	240	250	260
APR	220	230	240
MAY	250	280	300
JUN	350	380	400
JUL	290	320	340
AUG	270	300	320
SEP	260	290	310
OCT	240	260	280
NOV	210	230	250
DEC	200	220	240

[illegible]





## MEMORANDUM

Date March 9, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager  
RE 2023 Significant Industrial Users - SNC

The Control Authority (CA), which is the Board of Public Works as defined in the City's Sewer Use Ordinance (SUO), is required to annually publish those Significant Industrial Users (SIUs) that were in Significant Noncompliance (SNC).

This publication must take place by March 28<sup>th</sup>, and also be in the largest daily newspaper in the area, Elkhart Truth, a list of SIUs that have been in SNC with the SUO during the previous calendar year.

The SNC list of SIU's in SNC for 2023 are as follows:

INDUSTRY NAME	PERMIT #	TYPE OF VIOLATION	SNC PERIOD
Bimbo Bakeries	2006-03	SNC for receiving late self-monitoring report	2 <sup>nd</sup> quarter of 2023
Conn Selmer North	85-06	Failure to conduct required self-monitoring resulting in SNC	3 <sup>rd</sup> quarter of 2023
Conn Selmer South	85-08	SNC for receiving late self-monitoring report	3 <sup>rd</sup> quarter of 2023
Liftco	2005-01	Failure to conduct required self-monitoring resulting in SNC	3 <sup>rd</sup> quarter of 2023
McDowell Enterprises	85-01	SNC for receiving late self-monitoring report	2 <sup>nd</sup> quarter of 2023
Norfolk Southern	85-27	SNC for receiving late self-monitoring report	2 <sup>nd</sup> quarter of 2023
Swift Prepared Foods	2002-01	Failure to conduct required self-monitoring resulting in SNC	1 <sup>st</sup> quarter of 2023

Please approve Pretreatment Staff to move forward with the publication process in order to publish in the Elkhart Truth those Significant Industrial Users that were in Significant Non Compliance for 2023.

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:** March 11, 2024  
**TO:** Board of Public Works  
**FROM:** Tory Irwin, Director of Public Works *TI*  
**RE:** **2024 Position Title Modernization**

---

After reviewing position titles with Management and the Mayor's Office, we are proposing a number of changes to job titles at the Utility for consistency, clarity, and to bring them in line with other similar jobs.

This is only a change to some job titles at the Utility. It has/will have no bearing on salary or pay, job duties, or any other aspect.

It is requested the Board of Public Works:  
**approve the Modernized 2024 Position Titles for the Utility.**



# 2024 Public Works Position Title Modernization

3/11/2024

Existing Title	New Title
Asset Manager	
<del>Assistant Office Manager</del>	Administration Office Manager
<del>Billing Services Coordinator</del>	Billing Office Manager
City Engineer	
Chemist (4)	
<del>Chief Chemist</del>	Lead Chemist
<del>Collections Supervisor</del>	Wastewater Network Supervisor
Director of Public Works	
<del>Director of Services and Finance</del>	Assistant Director of Public Works
<del>Distribution Supervisor</del>	Water Network Supervisor
<del>Engineering Tech/Records</del>	Removed
Engineering Technician (4)	
<del>Environmental Compliance Supervisor</del>	Removed
<del>GIS &amp; Records Manager</del>	GIS Manager
GIS Technician	
Pretreatment Inspector (4)	
<del>Maintenance Supervisor</del>	Utility Maintenance Manager
Network Manager	
Office Services I (7)	
<del>Operations Supervisor</del>	Water & Wastewater Operations Manager
Pretreatment Manager	
<del>Preventive Maintenance Coordinator (2)</del>	Maintenance Supervisor (2)
Project Manager	
Regulatory Compliance Manager	
Sewer Televising Tech	
Storm Water Utility Manager	
Assistant City Attorney - Public Works	
<del>Utility Engineer</del>	Assistant City Engineer
<del>Utility Services Manager</del>	Director of Utilities
Water Quality Manager	



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

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**DATE:** March 13, 2024

**TO:** Board of Public Works

**FROM:** Tory Irwin, Director of Public Works *TI*

**RE:** **Declaration of Emergency – Tornado Siren Repairs and Replacements**

---

The City of Elkhart, in conjunction with the State of Indiana Severe Weather Preparedness Week, conducted a test of the tornado siren system on March 12, 2024. The result of that test identified 7 (of 11) of the City's tornado sirens were not operationally functional.

The City does not have anyone on staff certified to make the necessary repairs. We are soliciting emergency quotes from 2 contractors to have each of the sites repaired or replaced if necessary.

The work will be done with Traffic Civil City funds, until an appropriation can be requested from the City Council.

It is requested the BOW take the following action:

**Declare an emergency for the repairs to the City's Tornado Siren System.**






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## MEMORANDUM

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**DATE:** March 19, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Release the Joint Access Easement from Lot 5B of "SECOND REPLAT OF LOT 5 FRANK'S ADDITION"**

---

The Board authorized signing this plat in September of 2023. However, a Joint Access Easement was shown the face of the plat that should not have been in place. Originally, the Engineering Staff intended to file a new plat. However, the County has suggested that a release document would be the more efficient solution.

ORIGINAL MEMORANDUM
<p>The City acquired the property at 28864 West County Road 16 in 2017 in order to construct a driveway and gain access to the sanitary sewer line along the rear of the property. In the years since, the residence served a number of purposes, including temporary housing for contractors doing work for the Utility. However, there is not expected future need for the residence. Abonmarche has prepared a plat to divide the property and has received approval from the Elkhart County Plat Committee. The driveway providing access to the sanitary sewer will remain City property. The residence, residential driveway, and remaining property will be sold. The request for the actual sale of the residence will be brought to the Board at a later date.</p>

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

**Release the Joint Access Easement from Lot 5B of "SECOND REPLAT OF LOT 5 FRANK'S ADDITION" and authorize the staff to record the document.**

**RELEASE OF  
JOINT ACCESS EASEMENT**

THIS INDENTURE WITNESSETH that the undersigned, the CITY OF ELKHART, acting by and through its Board of Public Works hereby releases the JOINT ACCESS EASEMENT granted by the CITY OF ELKHART, acting by and through its Board of Public Works, on the recorded plat of REPLAT OF LOT 5 FRANK'S ADDITION, said plat being recorded on September 29, 2023, in Plat Book 43 Page 33, by the Elkhart County Recorder. Said JOINT ACCESS EASEMENT encumbered the following described real estate:

Lot 5B as said lot is known and designated on the recorded plat of REPLAT OF LOT 5 FRANK'S ADDITION, said plat being recorded on September 29, 2023, in Plat Book 43 Page 33, by the Elkhart County Recorder.

Said JOINT ACCESS EASEMENT to be released is depicted on the attached EXHIBIT A.

CROSS REFERENCES  
PLAT BOOK 43 PAGE 33  
DOCUMENT NO. 2023-16361  
DOCUMENT NO. 2017-01482



IN WITNESS WHEREOF, the Grantor has executed this indenture this  
\_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF ELKHART by its Board  
of Public Works

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Nancy Wilson, Secretary

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:

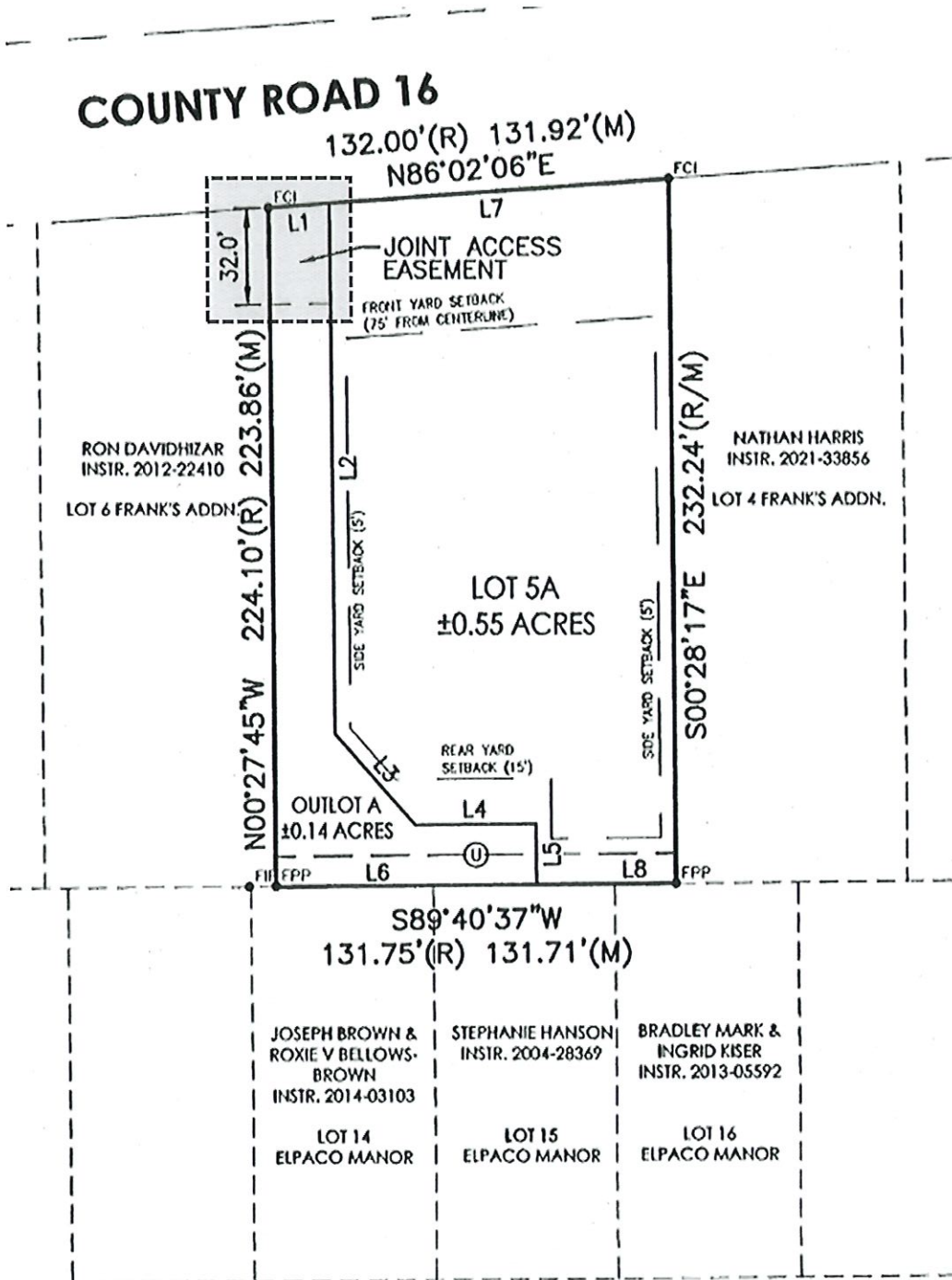
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Resident of Elkhart County

This instrument was prepared by Margaret M. Marnocha, Attorney No. 23249-71, Utility Staff Attorney for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Margaret M. Jones.

EXHIBIT A








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## MEMORANDUM

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**DATE:** March 19, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Temporary Traffic Control: "STOP | ALL WAY"**  
**East Jackson Boulevard and Clark Street**

---

With the on-going redevelopment of the River District, the Engineering Staff has been constantly monitoring traffic control. The conditions at East Jackson Boulevard and Clark Street are now concern, particularly for southbound Clark Street. The Engineering Staff believes that the intersection should be temporarily marked as "STOP | ALL WAY" based on the following:

- The successful development of the northwest quadrant of the intersection has significantly increased the use of the intersection by pedestrians.
- The parallel parking spaces are regularly filled.
- The start of construction at the northeast quadrant (shown in red, below) of the intersection has reduced sight distance for vehicles stopping on southbound Clark Street.
- The upcoming opening of the newest building on the north side of East Jackson Boulevard will increase activity in the area.



The Engineering Staff did consider a traffic signal, as the intersection was constructed to support that infrastructure. And, while that may be the long term solution, the Engineering Staff believes that the STOP signs are better for the current conditions.

The Engineering Staff is soliciting proposals for an overall downtown traffic study that will consider this intersection. In addition, when the newest building opens, we will conduct updated traffic counts at the intersection. However, until both of those occur, we would suggest that this temporary traffic control be approved for a period of one year, through March 31, 2025.

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

**Approve the temporary traffic control for East Jackson Boulevard and Clark Street, and authorize the installation of a “STOP | ALL WAY” signs at each approach.**






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## MEMORANDUM

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**DATE:** March 19, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Professional Services Agreement with DLZ Indiana for the ADA Transition Plan Update - Buildings**

---

The City prepared its initial ADA Transition Plans in 2012 and has since made numerous improvements based on the plans' direction. The City staff is well-trained and can effectively evaluate the various outdoor improvements (sidewalks, curb ramps, park equipment, etc.). However, the City staff does not have the same level of experience in architectural matters.

The purpose of this agreement will be for DLZ Indiana architects to evaluate various City buildings and confirm that the ADA improvements that have been made are compliant, while also identifying any remaining items to be addressed.

This work will be funded by the 2024 Common Council appropriation for ADA Improvements.

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

**Authorized the Board Vice President to execute the Professional Services Agreement with DLZ Indiana for the ADA Transition Plan Update – Buildings with a contract price of \$37,000.00.**




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## MEMORANDUM

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**DATE:** March 19, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Permission to Request Quote #24-14, McNaughton Park Concrete Pads**

---

The Engineering Staff requests approval of quote documents for Quote #24-10, McNaughton Park Concrete Pads. This project will construct eight new ADA-compliant picnic table pads with ADA sidewalks.

Funding for this project will be from the 2024 ADA Improvements appropriation.

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

**Grant Permission to Request Quote #24-14, McNaughton Park Concrete Pads.**




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## MEMORANDUM

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**DATE:** March 19, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Permission to Request Quote #24-15, Pierre Moran Parking Lot Improvements**

---

The Engineering Staff requests approval of quote documents for Quote #24-15, Pierre Moran Parking Lot Improvements. This project will resurface the parking lot for the Pierre Moran Pool and Pavilion and add storm sewer along Hubbard Avenue. This will be a partnership between a contractor and City construction crews.

Funding for this project will be from appropriated funds for the Street Department, Buildings and Grounds, and the Stormwater Utility.

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

**Grant Permission to Request Quote #24-15, Pierre Moran Parking Lot Improvements.**





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## MEMORANDUM

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**DATE:** March 11, 2023  
**TO:** Board of Public Works  
**FROM:** Paul Wunderlich, Utility Engineer *W*  
**RE:** **Oakland Avenue Project B - Property Acquisition - Appropriation Request**

---

The Oakland Avenue Project B has reached a design level of 60% and is planned to bid later this year. DLZ Corporation has been coordinating with associated land owners to secure the necessary properties and easements for the new tank and connecting utilities. For construction to begin, these parcels must be acquired.

Attached are legal descriptions, showing the three parcels that are needed for the project. After a period of negotiation, agreements were reached with the two owners of these three parcels as follows:

Parcel ID:	20-06-07-282-012.000-012	\$121,500.00
Parcel IDs:	20-06-07-282-016.000-012, 20-06-07-282-017.000-012	\$132,500.00

The funds for this property purchase must be appropriated.

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

It is requested the Board of Public Works:

**appropriate \$254,000.00 to the Sewer Project Coordination Fund 6203-5-999-7999999 for the Oakland Avenue Project B - Property Acquisitions**

**Resolution 24-R-07**

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE  
CITY OF ELKHART, INDIANA, APPROPRIATING FUNDS FOR  
OAKLAND AVENUE PROJECT B**

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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 City of Elkhart's Wastewater Utility is currently working on Oakland Avenue Project B as part of our Long Term Control Plan; and

WHEREAS, the Wastewater Utility had certain funds available that need to be appropriated; and

WHEREAS, the Wastewater Utility is requesting funds be appropriated in order to pay for the purchase of additional property; and

WHEREAS, the Wastewater Utility is requesting an appropriation in the following amount in order to pay for the for the real property needed to for this project: 6203-5-999-7999999 in the amount of \$254,000.00; 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 additional cost of the additional land acquisition for the Oakland Avenue Project B.

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

1. The Board approves the funding request in order pay for the real property acquisition for Oakland Avenue Project B.

2. The Board appropriates the following appropriations:

6203-5-999-7999999 in the amount of \$254,000.00 to the Sewer Project Coordination Fund.

RESOLVED this \_\_\_\_\_, 2024.

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

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

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

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

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

ATTEST:

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





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

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**DATE:** March 14, 2024

**TO:** Board of Public Works

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

**RE:** **Change Order Request #6: Elkhart WWTP Capacity Upgrades - Phase 2 - Bid #21-13 - QA7634: Approval of Change Order #6**

---

Attached is change order request #6 for the Elkhart WWTP Capacity Upgrades – Phase 2 project. This change order is for a number of updates that were made to ensure maintenance and operation of the facility will be easier and more efficient after construction. These changes incur a cost increase to the contract price. See List Below:

- |  |             |
|--|-------------|
| 1. New RAS Chlorination System             | \$45,432.56 |
| 2. 120 V Circuit add to UV Emitter         | \$485.85    |
| 3. 208 V Circuit and wiring for pumps      | \$1,030.17  |
| 4. 480 V Circuit and wiring for humidifier | \$813.29    |
| 5. Breaker and wire upsize for tank        | \$333.82    |

All work and prices have been deemed acceptable by Donohue, our consulting firm, and this change order request is for an increase of \$48,096.00 to the current contract price. Approval of change order #6 would increase the current contract price of \$27,297,952.09 to \$27,346,047.96 resulting in a 2.00% increase from the original contract price of \$26,811,000.00. This project is being funded through SRF funds.

SRF review of this change order is pending.

It is requested the Board of Public Works approve Change Order #6 for the Elkhart WWTP Capacity Upgrades – Phase 2 project in the amount of \$48,096.00, bringing the Contract price to \$27,346,047.96.

**CHANGE ORDER NO. 6**

CHANGE ORDER	COMMENCEMENT OF
DATE OF ISSUANCE <u>03/19/2024</u>	CONTRACT TIME <u>09/23/2021</u>

OWNER City of Elkhart, IndianaCONTRACTOR Bowen Engineering CorporationPROJECT Wastewater Treatment Plant Capacity Upgrades - Phase 2 OWNER PROJ. NO. QA 7634ENGINEER Donohue and Associates, Inc. SRF PROJ. NO. WW18262004

The Contract Documents are modified as follows upon execution of this Change Order and approval by SRF:

Item #	References Attached	Description	Quantity Change	Units	Cost/Unit	Total Increase/ (Decrease)
1.	FO 34 – RAS Chlorination proposal	Construction of a new RAS chlorination system from Str. 470 to Str. 420, including tubing, containment piping, coring, and injection quill.	1	LS	\$45,432.56	\$45,432.56
2.	PCO 050	Adding a 120V power circuit to UV Emitter.	1	LS	\$485.85	\$485.85
3.	PCO 051	Adding a 208V circuit to power two circulation pumps, including conduit, wiring and circuit breaker.	1	LS	\$1,030.17	\$1,030.17
4.	PCO 052	Adding a 480V circuit to power humidifier in new Str. 370, including conduit, wiring and circuit breaker.	1	LS	\$813.29	\$813.29
5.	PCO 053	Increase breaker and ground wire size for the Str. 380 storage tanks' heat trace panel.	1	LS	\$333.82	\$333.82
NET CHANGE						\$48,095.69

**Legend for Referenced and Attached Supporting Documents:**

RFI Contractor Request for Information with Engineer's Response

RFP Request for Proposal to Contractor

FO Field Order

PCO Contractor Proposed Change Order, generally in response to an RFI, RFP, or FO.

**Notes:**

Referenced PCOs include cost estimates for all items unless specifically noted otherwise.

# CHANGE ORDER NO. 6

CHANGE ORDER  
DATE OF ISSUANCE 03/19/2024 COMMENCEMENT OF  
CONTRACT TIME 09/23/2021

OWNER City of Elkhart, Indiana

CONTRACTOR Bowen Engineering Corporation

PROJECT Wastewater Treatment Plant Capacity Upgrades - Phase 2 OWNER PROJ. NO. QA 7634

ENGINEER Donohue and Associates, Inc. SRF PROJ. NO. WW18262004

CHANGE IN CONTRACT PRICE	
Original Contract Price	\$26,811,000.00
Net Change from Previous Change Orders:	\$486,952.09
Contract price Prior to this Change Order:	\$27,297,952.09
Net increase/(decrease) of this Change Order:	\$48,095.69
Contract price with all approved Change Orders:	\$27,346,047.78
Percentage of increase/(decrease) with Change Orders:	1.996 %

CHANGE IN CONTRACR COMPLETETION TIME	
Original completion time (days)	09/23/2023 Substantial (730), 11/22/2023 Final (790)
Net Change from Previous Change Order:	18 Substantial, 18 Final
Completion time prior to this Change Order (days):	10/11/2023 Substantial (748), 12/10/2023 Final (808)
Net increase/decrease of this Change Order	0 Substantial, 0 Final
Completion time with all approved Change Orders (days):	10/11/2023 Substantial (748), 12/10/2023 Final (808)

CONTRACTOR agrees that this Change Order includes any and all costs associated with or resulting from the change ordered herein, including all impacts, delays, and accelerated costs. Other than the dollar amount and time allowance listed above, there shall be no other dollar or time compensation as a result of this Change Order.

THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT AND ALL  
STIPULATIONS AND COVENANTS OF THE CONTRACT SHALL APPLY HERETO.

RECOMMENDED: *Donohue & Assoc.*

APPROVED: *City of Elkhart*  
*Board of Public Works*

ACCEPTED: *Bowen Engineering Corp.*

By:   
ENGINEER (signature)

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

By: \_\_\_\_\_  
CONTRACTOR (signature)

Date: March 13, 2024

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

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

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

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

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

OWNER (signatures)

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



# Memo

**To:** Members of the Board of Public Works

**From:** Rose Rivera, City Attorney

**Date:** March 14, 2024

**Re:** Updated 2024 Use and Events  
Permit

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The Events Committee has been working hard to update the Use and Events Permit for 2024. Updated insurance requirements include \$1 Million for Bodily Injury (instead of \$3 Million), where events are deemed not to be of high risk. In the case of an event deemed to be of high risk, the Board of Works would still have the discretion to impose a requirement of up to 5 Million in personal injury insurance in exchange for issuance of a permit. Other changes to the permit include formalizing the process for requesting an exemption from insurance requirements for certain events, including events deemed to be core first amendment activities, and other language changes, some specific to the Parks Board.

I am requesting that the Board approve the **2024 Use and Events Permit**.

CITY OF ELKHART

DISPOSAL OR TRANSFER-TO OF ~~FIXED~~ ASSET

*Fed Justice*  
*Tag 6005*

DESCRIPTION OF ASSET Dell Optiplex 790

LOCATION OF ASSET Item beyond service life

TYPE OF FIXED ASSET:

☐ LAND ☐ IMPROVEMENTS OTHER THAN BUILDINGS  
☐ BUILDING ☐ MACHINERY & EQUIPMENT  
☐ CONSTRUCTION IN PROGRESS ☐ INFRASTRUCTURE

CIP # \_\_\_\_\_

CIP LOCATION \_\_\_\_\_

SERIAL NUMBER OR VIN Service tag 80XZTR1 code 17471357533

DESCRIPTION/COMMENTS Computer

BRAND OR MAKE Dell MODEL # 790

YEAR 10/19/2011 LICENSE # \_\_\_\_\_

DISPOSAL METHOD: SOLD \$ \_\_\_\_\_ TRADED \$ \_\_\_\_\_

JUNKED

SCRAPPED

END-OF-LEASE

STOLEN/WRECKED

TRANSFERRED TO: \_\_\_\_\_

(ATTACH POLICE REPORT)

DATE BOARD APPROVED \_\_\_\_\_ DATE COUNCIL APPROVED \_\_\_\_\_

(ATTACH COPY OF MINUTES)

(REAL PROPERTY VALUE >\$9,999.)

DATE MAYOR APPROVED \_\_\_\_\_ SIGNATURE \_\_\_\_\_

(REAL PROPERTY ONLY)

DATE CONTROLLER APPROVED 3/14/2024 SIGNATURE [Signature]

SIGNATURE OF PERSON RESPONSIBLE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

SIGNATURE OF DEPARTMENT HEAD Capt. FMO #416

IF TRANSFERRED:

RECEIVING PERSON'S SIGNATURE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

**CONTROLLER'S USE ONLY**

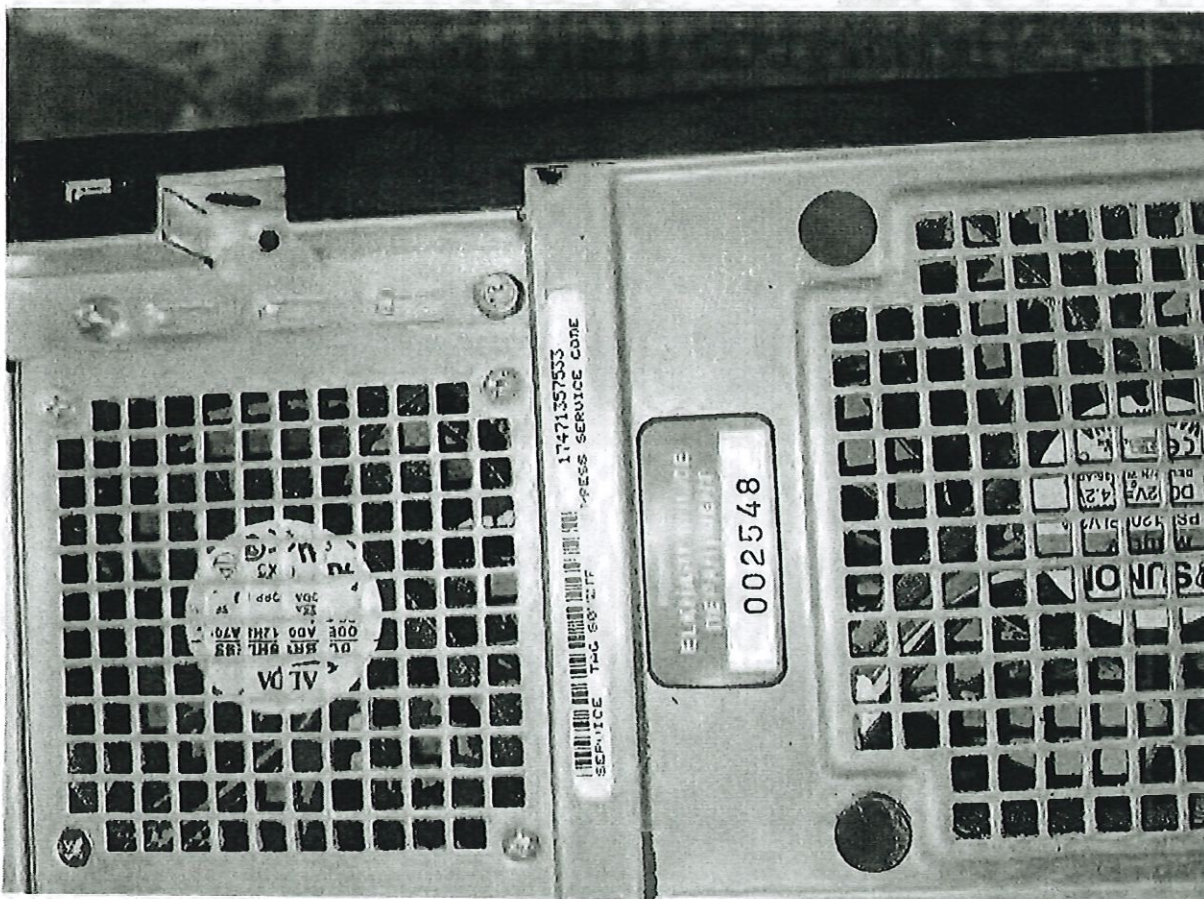
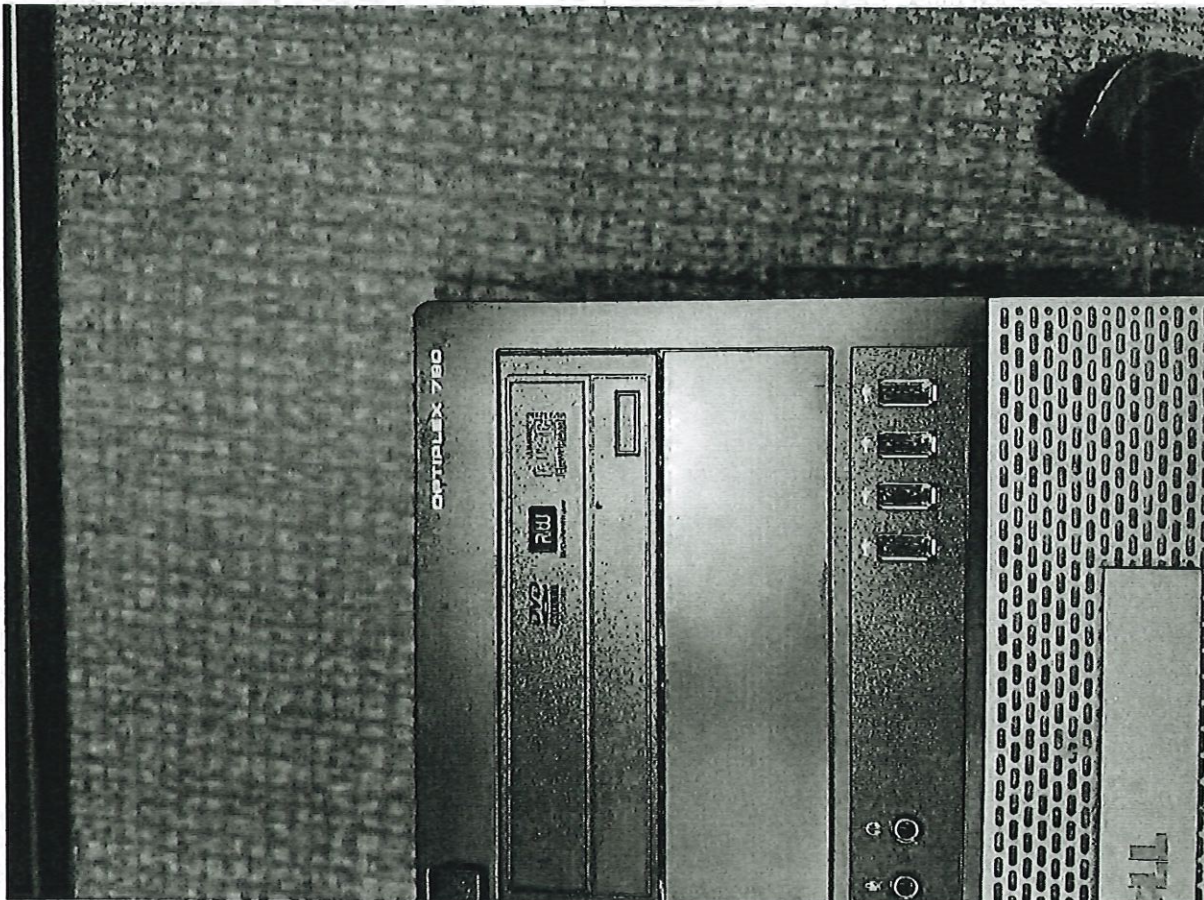
RECEIVED \_\_\_\_\_

FIXED ASSET ENTERED \_\_\_\_\_

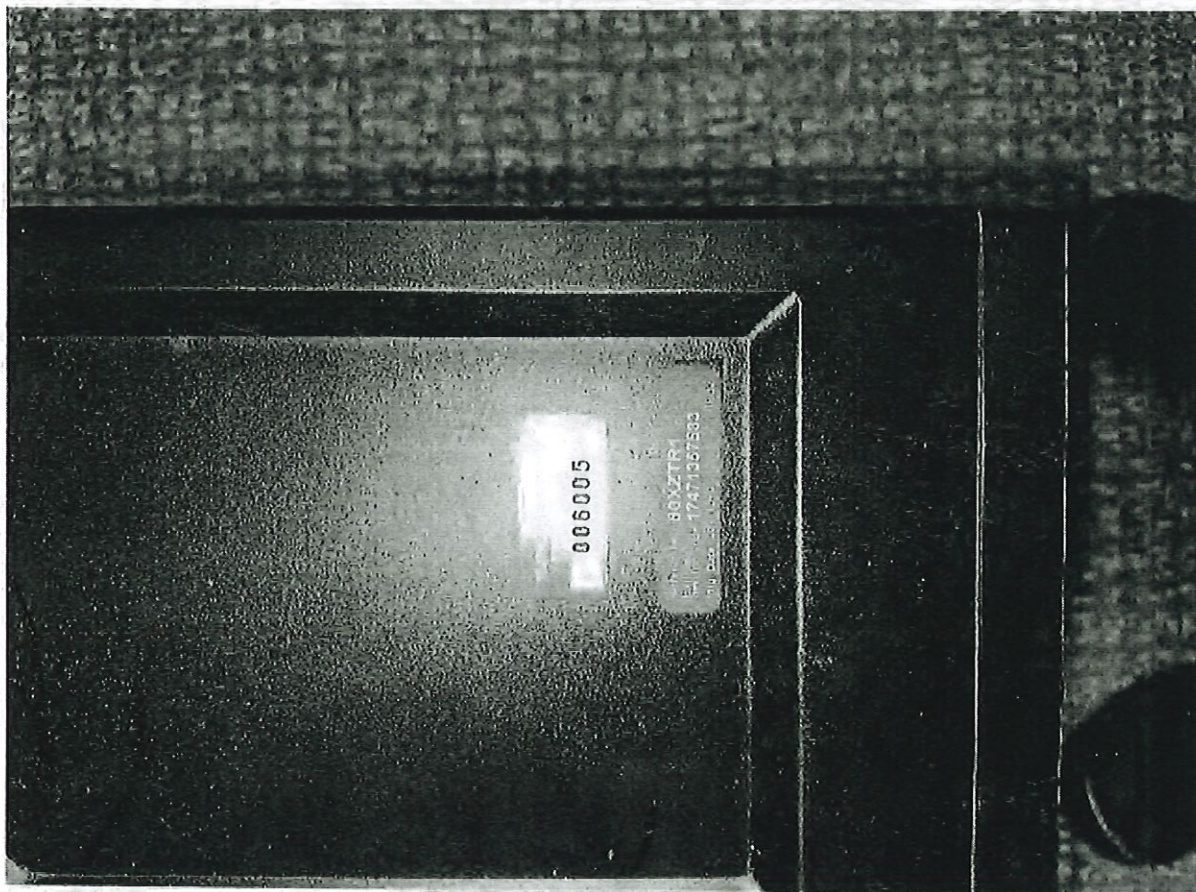
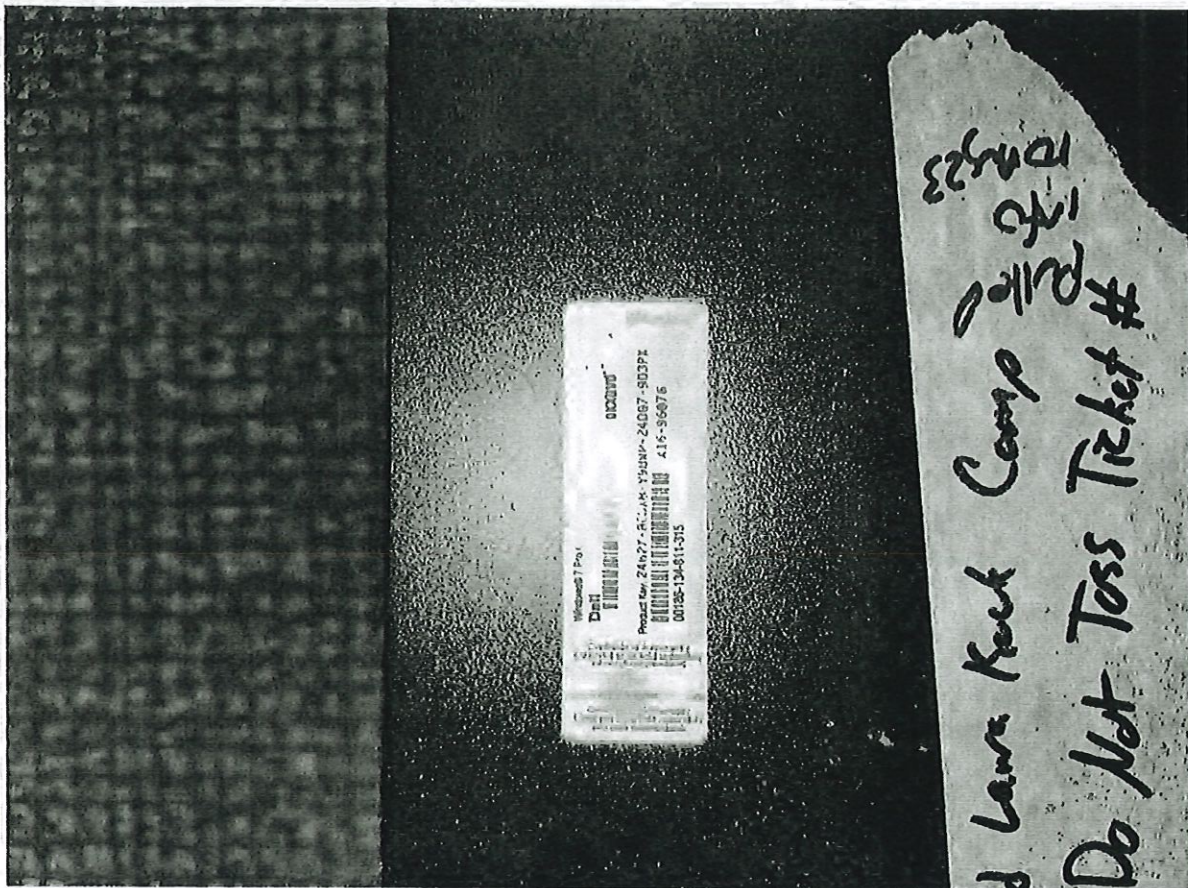
INSURED \_\_\_\_\_

CONTROLLER'S INITIAL \_\_\_\_\_











Rod Roberson  
Mayor



Office of Mayor Rod Roberson  
229 S. Second St.  
Elkhart, Indiana 46516

March 12, 2024

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

Dear Board of Works Members,

As part of the City of Elkhart's commitment to provide excellent quality of place and dedication to generating opportunity for positive economic impact within the City, I am requesting your approval of the United States Auto Club's application for and Economic Development Partnership Grant in the amount of \$50,000.00 for the Elkhart Grand Prix event.

The United States Auto Club (USAC) is a diversified motorsports sanctioning body which sanctions many of today's largest racing series. The USAC will bring the community of Elkhart together for a fun and engaging event that is accessible to all. By offering a variety of activities, events, and attractions, the Grand Prix event seeks to create a shared experience that celebrates the community and provides a platform for residents to connect, engage, and enjoy all that the event has to offer. The 5k Run/Walk was added to display the beautiful Riverwalk district as well. With an expected attendance of thousands, the event will also provide a boost to the local economy by generating business for Elkhart hotels, restaurants, and other local establishments.

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

Sincerely,

A handwritten signature in black ink, appearing to be "R. Roberson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rod Roberson  
Mayor, City of Elkhart, IN

Rod Roberson  
Mayor



Office of Mayor Rod Roberson  
229 S. Second St.  
Elkhart, Indiana 46516

March 13, 2024

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

Dear Board of Works Members,

As part of the City of Elkhart's commitment creating a vibrant city positioned for continuous growth through consistent team improvement and dedicated strong leadership, I am requesting your approval of the Center for Business Excellence's application for an Economic Development Partnership Grant in the amount of \$15,000.00.

The Center for Business Excellence (CBE) is an organization which will facilitate the training and support of our municipal teams and leadership by establishing and employing specific professional benchmarks to make certain of the positive impact that these programs are having on community services in the City of Elkhart. These benchmarks include various training and consulting services through the Center for Business Excellence. The organization will further have our municipal teams and leaders actively participate to improve and continue to develop our business culture, level of teamwork, leadership, and drive process. The benefits of these programs are immense and include increased employee retention, increased efficiency, identifying executional gaps for all levels of management, positive cultural transformation, and strategic planning for long term success.

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

Sincerely,

A handwritten signature in black ink, appearing to be "RC" followed by a stylized "R" and a long horizontal line.

Rod Roberson  
Mayor, City of Elkhart, IN



## **Use & Event Permits: Event Committee 03-12-24, BOW 03-19-24**

- Curbside Concerts 5/10-6/28- Special Exception from Noise, Plaza Sign
- Junk in the Trunk 6/23- Street Closure, Plaza Sign
- National Day of Prayer 5/2- Central Green Park, Special Exception from Noise, Public Assembly, Plaza Sign
- Front Line Pivotal Prayer Gatherings 6/30,7/28,8/25,9/29- Central Green Park, Special Exception from Noise, Public Assembly, Plaza Sign
- Heinniefest 8/2-8/3 Special Exception from Noise
- Hoosier Harley Davidson  
3/23,4/12,4/27,5/10,5/18,6/7,6/22,7/12,7/27,8/9,8/24- Special Exception from Noise
- Leroy Robinson Fest on the Green 8/17- @ Central Green Park, Fencing, EPD, Temporary Street Closure, Special Exception from Noise, Public Assembly, Plaza Sign
- South Side Parade 8/17- Golf Carts, Risers, ESS, Plaza Sign, Public Assembly, Special Exception from Noise, Temporary Street Closures
- Cinco de Mayo 5/4- Central Green Park, City Plaza, Electric, Water, Fencing, EPD, Plaza Sign, Special Exception from Noise, Public Assembly, Temporary Street Closures, Plaza Sign
- Flags from the Heart 5/24-5/27- Lundquist- Bicentennial Park- Public Assembly
- Prayer on the Plaza 4/12- City Plaza, Electric, Public Assembly, Plaza Sign
- A Taste of Excellence 6/1- Roosevelt Park, Temporary Street Closure, Special Exception from Noise, Public Assembly
- First Fridays Community fest 5/3,6/7,7/5,8/2,9/6- Ulery Park, tents, Temporary Street Closures, Special Exception from Noise, Public Assembly
- Peace Officer Memorial Service 5/15- Chairs, Podium, Speaker/Sound System, Plaza sign, Public Assembly, Special Exception from Noise
- Corpus Christi Procession 6/2- ESS, Temporary Street Closure, Public Assembly, Special Exception from Noise
- Garcia Birthday Party 3/30- Special Exception from Noise