

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

**Common Council Chambers**  
**9:00 A.M., Tuesday, August 6, 2024**

<https://signin.webex.com/join>

Meeting Number (access code): 2310 992 7540 Meeting password: BOW24

Join by phone: 1-415-655-0319

**I. Roll Call**

**II. Approve Agenda**

**III. Open Bids**

- Bid#24-15 Woodland Crossing Roofing Projects

**IV. Claims & Allowance Docket**

**V. Minutes Regular Meeting July 16, 2024**

**VI. Utilities**

a.) Administration

- BOW Resolution 24-R-18 Appropriation for the Purchase of a Vehicle
- Revised 2024 Transfer Schedule
- BOW Resolution 24-R-21 Loan from Civil City to Engage Outside Counsel to Assist with the IURC Rate Case
- Wastewater MRO for June 2024

b.) Pretreatment

- Cobus Green Consent Order
- FOG Variance Request for Reyes del Asado Food Truck
- FOG Violation Chubby Trout 3421 Plaza Court
- FOG Violation Smokin Fatty's BBQ 3241 Plaza Court
- Simonton Lake Conservancy District Consent Order
- FOG Variance Request 523 @ Bent Oak 3610 Bent Oak Trail
- Approval of Enforcement Response Plan
- Industrial Wastewater Discharge Permit Renewal for Elkhart County Landfill Permit #92-04
- Industrial Wastewater Discharge Permit Renewal for Elkhart Environmental Processing Permit #2002-02

**VII. Engineering**

a.) Administration

- BOW Resolution 24-R-22 Bond Financing Approval- Sewer Oakland B
- BOW Resolution 24-R-23 Bond Financing Approval- Water Oakland B
- Declaration of Emergency 10<sup>th</sup> Street and Blaine Avenue Manhole Replacement

- Request Bid #24-17 State Road 19 Access Management- Phase 1 Permanent Plan
- Request Bid #24-18 Hively Avenue Overpass Demolition Contract #5
- Request Bid #24-19 Hively Avenue Overpass Demolition Contract #6
- Request Bid #24-20 Bristol Street Widening Project Clearing
- Award Quote #24-21 Hunters Pond to Brookwood Drive Drainage
- Four-way Stop at Princeton Street and Williams Street
- PSA Amendment Lochmueller Group CR 15 at Timberstone Drive Drainage Improvements, CR 6 Multi-Use Path, and Benham Ave. Multi-Use Path
- Accept Permanent Utility Easement from David Osborne
- Request Quote #24-25 SR 19 Access Management Phase 1 Temporary Plan
- Change Order #1 & Final Bid #24-05 Grace Lawn Cemetery Bank Restoration Phase II
- Final Acceptance of Osolo Ridge Infrastructure
- Marked Loading Zone on Ninth Street
- Award Quote #24-22 Worthmore Avenue Drainage Improvements
- Change Order #1 for Bid #23-19 Jackson Blvd. and Johnson St. Traffic Signal and Water Main Extension
- Accept Right-of-Way for Benham Avenue/ Mishawaka Road Multi-Use Path Project from Maria Cervantes
- Change Order #2 & Final: Fieldhouse Water and Sewer 6<sup>th</sup>-7<sup>th</sup> St. Bid #23-09

b.) Utility

- Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II- QA7634 (Tabled)

**VIII.**

**New Business**

- BOW Resolution 24-R-19 Transfer of Tax Parcels to the City of Elkhart Department of Redevelopment
- Request Quote #24-22 to Purchase a Ford F150
- Award Quote #24-23 for a Ford Expedition for the Police Department
- Request Quote #24-24 for a Public Works Truck
- Request to Purchase a Tandem Axle Plow Truck through Sourcewell for the Street Department
- Approval of License Indemnification Agreement with INOVA, United States Auto Club, and the City of Elkhart
- Acceptance of Warranty Deed for E. Jackson Blvd. and Junior Achievement Drive
- Microsoft Enterprise Agreement
- Agreement with Barnes & Thornburg, LLP to serve as Bond Counsel for the Public Safety Building Project

**IX. Use & Event Permits**

- Agape Ministry Backpack Give-away 8/10- Temporary Street Closure

**X. Public Participation**

**XI. Adjournment**



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

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

July 30, 2024   
\_\_\_\_\_  
JAMIE ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF **\$5,760,070.29** AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 35 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

**EXECUTED THIS 6TH DAY OF AUGUST 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  
8.6.24

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

Fund	Vendor	Description	Amount
4650	ELKHART COUNTY CIRCUIT COURT	HIVELY AV OVERPASS - ROW DEMO CONTRACTS	\$ 25,000.00
6103	BOWEN ENGINEERING CORPORATION	WWTP COLLECT & DIST GARAG	\$ 26,778.91
6101	NUGENT, INC.	HYDRANTS	\$ 28,647.00
2248	AMERICAN CONSULTING, INC	BRISTOL STREET- ENGINEERING AND ROW SERVICES	\$ 29,676.50
6203	CHURCH COMMUNITY SERVICES	PROPERTY ACQUISITION	\$ 30,000.00
1101	MARIA L CERVANTES	BENHAM AVE STREETScape	\$ 31,000.00
2248	AMERICAN CONSULTING, INC	BRISTOL STREET- ENGINEERING AND ROW SERVICES	\$ 31,120.00
2226	CHARLIE BOOKS	B23 - 133 CLEVELAND - ROOF, SIDING, TREES, BRICK	\$ 31,950.00
1101	YODER OIL COMPANY INC	GASOLINE-EPD	\$ 33,187.35
7704	EVERSIDE HEALTH LLC	Everside Clinic - July	\$ 48,017.68
6203	AMERICAN PUMP REPAIR & SERVICE INC	piggy back assembly pump assembly	\$ 48,500.00
6203	THE HOLE OF ELKHART	OAKLAND PROJECT B PROPERTY ACQUISITION	\$ 48,900.00
4445	CITY OF ELKHART	GLC LOAN 1	\$ 61,905.00
4445	CITY OF ELKHART	GLC LOAN	\$ 63,075.00
2543	ELKHART COUNTY TREASURER	2024 AGMT/HUMANE SOCIETY OF ELKHART CTY - 2ND INST	\$ 76,532.50
4445	CITY OF ELKHART	GLC LOAN	\$ 78,000.00
4445	CITY OF ELKHART	GLC LOAN 1	\$ 79,000.00
6103	EVERETT J. PRESCOTT, INC	EZ VALVE MACHINE AND VALVE	\$ 109,174.59
6103	BOWEN ENGINEERING CORPORATION	WWTP COLLECT & DIST GARAG	\$ 114,501.87
4650	ELKHART COUNTY CIRCUIT COURT	HIVELY AV OVERPASS - ROW DEMO CONTRACTS	\$ 182,500.00
4650	NIBLOCK EXCAVATING INC	JACKSON AND JOHNSON STREET MODERNIZATION	\$ 261,761.50
Total Claims over \$25,000			\$1,299,125.49
Regular Claims under \$25,000:			\$ 965,838.96
<b>Total Regular Departmental Claims:</b>			<b>\$2,264,964.45</b>

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

6106	IN DEPARTMENT OF REVENUE	June 2024 EPU Sales Tax	\$ 28,673.37
1101	INDIANA MICHIGAN POWER COMPANY	04994485706 229 S 2ND ST	\$ 33,639.46
7704	ANTHEM INSURANCE COMPANIES INC	CLAIMS - MEDICAL	\$ 34,170.70
7704	ANTHEM INSURANCE COMPANIES INC	ADMINISTRATIVE FEES- MEDICAL	\$ 40,107.49
7704	ANTHEM INSURANCE COMPANIES INC	CLAIMS - PHARMACY	\$ 40,706.64
6201	INDIANA MICHIGAN POWER COMPANY	04656645704 1201 S NAPPANEE ST	\$ 43,504.37
7704	ANTHEM INSURANCE COMPANIES INC	CLAIMS - MEDICAL	\$ 44,831.64
7704	ANTHEM INSURANCE COMPANIES INC	CLAIMS - PHARMACY	\$ 61,953.99
7704	ANTHEM INSURANCE COMPANIES INC	SPECIFIC STOP LOSS MEDICAL	\$ 88,440.71
4445	U.S. BANK	2017 BOND DEBT SERVICE PAYMENT	\$ 88,812.75
4445	MERIDIAN TITLE CORPORATION	Purchase of Freights St properties	\$ 300,490.63
Total Pre-Approved over \$25,000:			\$ 584,529.72
Total Pre-Approved Claims under \$25,000:			\$ 388,832.30
<b>Total Pre-Approved Claims:</b>			<b>\$ 973,362.02</b>

**American Rescue Plan Claims:**

2474	SILONG KAO	SMALL BUSINESS CONTINUITY	\$ 6,643.92
<b>Total American Resuce Plan Claims:</b>			<b>\$ 6,643.92</b>

**UTILITY REFUNDS**

**\$ 503.39**

**Payroll and Pension Payments:**

Police & Fire Clothing Allowance	\$ 116,791.50
Police & Fire Pension	\$ 382,754.10
Bi-weekly Payroll	\$ 2,015,050.91
<b>Total Payroll:</b>	<b>\$ 2,514,596.51</b>

**Total All Claims, Internal Payments, and Payroll: \$ 5,760,070.29**

*(a) Claims with rigid payment deadlines. As provided for in the Elkhart Municipal Code §33.415, certain payments may be made prior to review and approval by the Board of Public Works. Typically such payments include utility bills, credit card bills, central services, association dues, employer-paid benefits, training, and employee reimbursements. Unusual items in excess of \$25,000 are noted in detail.*

BOARD OF PUBLIC WORKS  
Tuesday, July 16, 2024

President Michael Machlan called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, July 16, 2024. Clerk of the Board Nancy Wilson called the roll. Michael Machlan and Andy Jones, Jamie Arce, and Ronnie Davis attended in person. Rose Rivera and Ron Davis were absent. Proxy Tim Reecer was present. Mike noted the time was after 9:00 a.m. and no more bids would be accepted.

1. Approve Agenda

A motion was made by Andy Jones and seconded by Tim Reecer to approve the agenda. On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the agenda was amended to include Item III. Open and Item X. Award Quote #24-20 Tree Removal, Item VII. HTIW 1931 Subdivision Right-of-Way Dedication, Item VIII. Request Quote #24-23 Purchase of Police Ford Expedition, and Item IX. St Vincent Church Bicycle Ride 8/10/24 Use & Event Permit. The amended agenda carried 3-0.

2. Open Bids

Bids for Sale of Property at 28864 W CR 16

Proof of Publication was presented which appeared in the Elkhart Truth on April 27 and May 4, 2024. No bids were received.

Bid #24-12 HVAC Service Maintenance Contract for City Owned Buildings

Proof of Publication was presented which appeared in the Elkhart Truth on June 13 and June 20, 2024. The following bid was received:

Johnson Controls submitted a signed and certified bid summary form with all items checked. The base bid was \$269,249.00.

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board referred the bids to staff to review and make a recommendation at the next meeting.

Bid #24-14 2024 Combined Paving Project

Proof of publication was presented which appeared in The Elkhart Truth on June 29 and July 6, 2024. The following bids were received:

Niblock Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$2,371,689.15.

Rieth Riley submitted a signed and certified bid summary form with all items checked. The base bid was \$2,344,857.47.

Milestone Contractors submitted a signed and certified bid summary form with all items checked. The base bid was \$2,655,435.90.

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the end of the meeting.

Quote #24-20 Tree Removal

Three quotes were received. KC Tree Service submitted a quote for \$44,550.00. Williams A-1 Tree Service submitted a quote for \$35,150.00. Cut-Rite Tree Service submitted a quote for \$38,166.00. On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the quotes were referred to staff to review and make a recommendation at the end of the meeting.

Quote #24-21 Hunters Pond Brookwood Drive Drainage Improvements

Two quotes were received. John Boettcher submitted a quote for \$65,580.38. Premium Services submitted a quote for \$97,680.00. On motion by Andy Jones,



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seconded by Tim Reecer and carried 3-0, the quotes were referred to staff to review and make a recommendation at the next meeting.

Quote #24-22 Worthmore Avenue Drainage Improvements

Two quotes were received. John Boettcher submitted a quote for \$68,420.75. Premium Services submitted a quote for \$74,795.00. On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the quotes were referred to staff to review and make a recommendation at the next meeting.

3. Claims & Allowance Docket

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board approved the claims and allowance docket in the amount of \$5,114,441.65, consisting of 26 pages as prepared on July 9, 2024 at 4:17 p.m.

4. Minutes Regular Meeting July 2, 2024

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board approved the minutes from the regular meeting on July 2, 2024.

5. Utilities

(A.) Administration

Ratify Agreement with Rock Rentals LLC

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board ratified an Agreement with Rock Rentals LLC.

Water Utility MRO for June 2024

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board accepted and placed on file the Water Utility MRO for June 2024.

Wastewater Utility MRO for May 2024

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board accepted and placed on file the Wastewater Utility MRO for May 2024.

(B.) Regulatory Compliance

BOW Resolution 24-R-17 to Hire a Broker for the Sale of 28864 CR 16W

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board approved BOW Resolution 24-R-17, a Resolution of the Board of Public Works of the City of Elkhart, Indiana to hire a Broker for the sale of the property at 28864 CR 16 W, Elkhart, Indiana.

(C.) Summary

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board approved the following permits:

Water Assessment:

Sarita Cataldo  
2807 Johnson St.  
Elkhart, IN. 46514  
Property: 850 CR 6 E.  
Paid in full, \$1558.20

Thomas Wagler  
56271 CR 23  
Bristol, IN. 46507  
Property: 2120 W. Lexington Ave  
Paid in Full, \$1192.50



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Habitat for Humanity  
PO Box 950  
Goshen, IN. 46527  
Property: 2642 Morton Ave  
Paid in Full, \$1020.00

Cathy Webb  
13438 CR 38  
Goshen, IN. 46528  
Property: 1430 W. Hively Ave  
Paid in Full, \$1882.50

Sewer Assessment:

Habitat for Humanity  
PO Box 950  
Goshen, IN. 46527  
Property: 2642 Morton Ave  
Paid in Full, \$3655.00

Cathy Webb  
13438 CR 38  
Goshen, IN. 46528  
Property: 1430 W. Hively Ave  
Paid in Full, \$8,000.00

Revocable Permit:

#6579, Placed by: First Presbyterian Church  
Property: 200 E. Beardsley Elkhart, IN.  
Permit Holder: First Presbyterian Church  
Description: Yard Signs for VBS in Parkway

#6582, Placed by: Dumsters.com  
Property: 619 Bower St. Elkhart, IN.  
Permit Holder: Jose Luis Guevara  
Description: 40 yard dumpster placed

#6583, Placed by: Indiana Roll Off  
Property: 201 N. 2<sup>nd</sup> St. Elkhart, IN.  
Permit Holder: Steve Miller  
Description: 2 or more dumpsters @ Jefferson/2<sup>nd</sup> St.

Driveway Permit:

#5122, Owner: Edgestone Properties  
Property: 724 the Circle  
Contractor: Bail Home Services  
\$400.00 Cash bond

#5128, Owner: Christina Brown  
Property: 1520 Ash Dr. E.

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Contractor: Kendall Concrete  
\$400.00 Cash bond

#5123, Owner: Anahi Cervantes  
Property: 235 Home Ave  
Contractor: Jose Cervantes  
\$400 Cash bond

Release of Bond: #5122, Contractor: Bail Home Services  
Property: 724 the Circle  
\$400.00 bond

#5128, Homeowner: Maggie Brown  
Property: 1520 Ash Dr. E.  
\$400.00 bond

#5123, Homeowner: Anahi Cervantes  
Property: 235 Home Ave  
\$400.00 bond

6. Engineering

(A.) Utility

Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II QA7634 (Tabled)

No action was taken.

Ratify Payment #71 to Donohue & Associates for WWTP Capacity Upgrades Phase 2

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board ratified partial payment request #71 of Loan WW18262004 in the amount of \$71,223.00 to Donohue & Associates, Inc. for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

Oakland Project B Warranty Deed Acceptance

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board accepted and signed the Warranty Deeds for the Oakland Project B as requested by Paul Wunderlich, PE, parcels noted on memo dated July 11, 2024.

Partial Payment #13 to C&E Excavating for Oakland Avenue Forcemain A

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board ratified partial payment request #13 in the amount of \$135,206.00 to C&E Excavating from SRF loan WW22162005 and \$37,844.00 from loan DW22232001 for construction on the Oakland Avenue Forcemain- Phase A project.

7. New Business

HTIW 1931 Subdivision- Right-of-Way Dedication

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board accepted the 30 foot right of way adjacent to the site on W. Mishawaka Road for the HTIW 1931 Subdivision.

Uniform Conflict of Interest Disclosure- Gary Boyn

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the



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Board accepted the Conflict of Interest Disclosure for Gary Boyn.

Elkhart Art League Request to Continue Use of the Depot Location

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board accepted notification from the Art League to Continue use of the Depot Location under the terms of the Agreement in place.

Approval and Purchase of Time Matters Case Management Software

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board approved the purchase and authorized Corporation Counsel to execute the contractual document with Time Matters for case management software.

Request Quote #24-23 for the purchase of a Ford Expedition for the Police Department

On motion by Andy Jones, seconded by Tim Reecer and carried 3-0, the Board approved the distribution of specifications for the purchase of a new Ford Expedition for the Police Department.

8. Use & Event Permits

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board approved the following Use & Event permit:

- Downtown After Dark Glow Party 9/13- Civic Plaza, Lippert Stage, Public Assembly, Special Exception from Noise, Temporary Street Closure, Plaza Sign
- Island Of Blues 9/14- Island Park, Lippert Stage, Event Fencing, EMS, Trailer, EPD, Plaza Sign, Public Assembly, Special Exception from Noise
- Wellfield Taste of the Gardens 8/25- EMS Medic Kubota, Plaza Sign
- Night Out Against Crime 8/6- Civic Plaza, Central Green Park, Bike Fence, ESS, EMS, Picnic Tables, Trash Cans, Park Personnel and Games, EPD, Temporary Street Closure, Plaza Sign, Special Exception from Noise, Public Assembly
- Pilgrim Rest Church Picnic 8/10- Temporary Street Closure
- City of Elkhart Private 1<sup>st</sup> Source Event 8/23- East Half of Parking Lot Across from 131 E. Franklin, Tables & Chairs, Temporary Street Closure, Public Assembly, Picnic Tables
- Speak Your Truth Rally 9/21- Civic Plaza, Public Assembly, Plaza Sign
- Beard Party 7/20- Temporary Street Closure, Special Exception from Noise
- Wright Family Reunion 7/20-Temporary Street Closure, Special Exception from Noise
- Homes for Heroes/ McKinnie's Realty First Responders Appreciation 7/16- Special Exception from Noise
- Ratify Snappers Outdoor Music 7/13- Special Exception from Noise
- St Vincent Church Bicycle Ride 8/10- ESS, Parade & Public Assembly, Temporary Street Closures



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9. Award Bids and Quotes

Bid #24-14 Combined Paving Project

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board awarded Bid #24-14 2024 Combined Paving Project to Rieth Riley Construction who submitted the lowest responsive bid with a contract price of \$2,344,857.47.

Quote #24-20 Tree Removal Southeast

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board awarded Quote #24-20 Tree Removal Southeast to Williams A-1 Tree Service in the amount of \$35,150.00.

10. Adjournment

On motion by Tim Reecer, seconded by Andy Jones and carried 3-0, the Board of Works adjourned at 9:42 a.m.

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

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



City of Elkhart  
Public Works and Utilities

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

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Date July 22, 2024  
To Mike Machlan, Board of Works President  
From Donn Neff, Maintenance Manager *DN (LN)*  
RE Resolution 24-R-18 - Appropriation Request

Elkhart Public Works is respectfully requesting approval of Resolution 24-R-18, a resolution to appropriate \$52,579 to 6203-5-999-7992004. The 2022 Wastewater Utility Budget included funding to replace #407. 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 22-00187-R1 was released. Central Garage has since located a Ford Transit which meets the utility's needs to replace #407.

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

Resolution 24-R-18

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE  
CITY OF ELKHART, INDIANA, APPROPRIATING FUNDS FOR  
THE PURCHASE OF 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 City of Elkhart's Wastewater Utility owns and maintains vehicles in order to service the wastewater system; and

WHEREAS, the Wastewater Utility needs to replace vehicle #407; and

WHEREAS, an appropriate replacement vehicle has been located; and

WHEREAS, the Wastewater Utility is requesting funds be appropriated in order to the replacement vehicle; and

WHEREAS, the Wastewater Utility is requesting an appropriation in the following amount in order to pay for the for this vehicle: 6203-5-999-7992004 in the amount of \$52,579.00; and

WHEREAS, the Board deems it proper and in the best interests of the City of Elkhart and its citizens to appropriate the funds necessary to cover the cost of the project described above.

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 replacement vehicle #407.



2. The Board appropriates the following appropriations:

The amount of \$52,579.00 to Motor Equipment Maintenance Line # 6203-5-999-7992004.

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

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

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

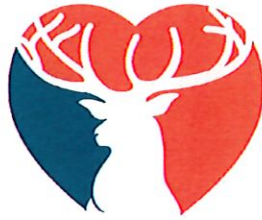
\_\_\_\_\_  
Ronnie Davis, Member

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

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

ATTEST:

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



City of Elkhart  
*Public Works and Utilities*

## Memo

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**To:** Board of Public Works  
**From:** Timothy D. Reecer; Assistant Director of Public Works *TR*  
**Date:** July 23, 2024  
**Re:** Approval of the revised 2024 Transfer Schedule

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In April 2, 2024 the Board approved the 2024 Transfer Schedule that was established to facilitate the transfers for the Water, Wastewater, and Stormwater utilities from the respective revenue accounts to their respective expense accounts.

Since the initial approval, many appropriations have been approved by the Board to accommodate deficits in the approved 2024 budget requiring the Transfer Schedule to be modified to reflect these additional funds.

**It is requested that the Board of Public Works:  
Approve the revised 2024 Transfer Schedule for Water, Wastewater, and Stormwater funds.**

**City of Elkhart  
Monthly Transfers  
FY 2024**

6101-5-731-6750000

6106 Water Revenue

Month	Operating Transfer-Out To 6101	(Capital) Water Depreciation Transfer-Out To 6103	Main Extension Transfer-Out To 6105	Tank Maintenance Transfer-Out To 6108	Pilot Transfer-Out To 1101 from 6101	Admin Fees Transfer-Out To 1101 from 6101
Jan	550,000	20,000	-	-	-	166,644.00
Feb	550,000	20,000	-	-	-	-
Mar	550,000	20,000	-	-	-	-
Apr	550,000	20,000	-	-	-	-
May	550,000	20,000	-	-	-	-
Jun	550,000	20,000	-	-	-	-
Jul	550,000	20,000	-	-	-	-
Aug	550,000	20,000	-	-	-	-
Sep	550,000	20,000	-	-	-	-
Oct	550,000	20,000	-	-	-	-
Nov	550,000	20,000	-	-	-	-
Dec	550,000	20,000	-	-	-	-
<b>Annual Total</b>	<b>6,600,000</b>	<b>240,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>166,644</b>

<b>Above Total</b>	<b>6,600,000</b>	<b>240,000</b>	<b>-</b>	<b>-</b>
1/1/2024	1,785,834	1,457,177	695,359	1,135,925
2023 Encumbered	(359,322)	(752,682)	(635,000)	(530,100)
2024 Budget	(7,545,363)	(934,000)	-	(550,000)
2024 Appropriations	(72,800)	-	-	-
<b>12/31/24 est Bal</b>	<b>408,348</b>	<b>10,494</b>	<b>60,359</b>	<b>55,825</b>

Water Revenue Fund 6106 As of 1/1/2024	
\$	1,015,989.35 Current Balance
\$	7,800,767.00 Estimated 2024 Revenue
\$	(6,840,000.00) Remaining 2024 Transfers
\$	<b>1,976,756.35</b>



**City of Elkhart  
Monthly Transfers  
FY 2024**

**6206 Wastewater Revenue**

6201-5-811-7750000

Month	Transfer-Out To 6201	Transfer-Out To 6203	Transfer-Out To 6204	Transfer-Out To 6207	Bond and Interest Transfer-Out To 6202	Bond Reserve Transfer-Out To 6208	Pilot Transfer-Out To 1101	Admin Fees Transfer-Out To 1101
Jan	755,000	226,000	-	75,000	316,242	39,609	-	208,305.00
Feb	755,000	226,000	-	75,000	316,242	39,609	-	-
Mar	755,000	226,000	-	75,000	316,242	39,609	-	-
Apr	755,000	226,000	-	75,000	382,052	39,609	-	-
May	755,000	226,000	-	75,000	382,052	39,609	-	-
Jun	755,000	226,000	-	75,000	382,052	39,609	-	-
Jul	755,000	226,000	-	75,000	382,052	39,609	-	-
Aug	755,000	253,000	-	75,000	382,052	39,609	-	-
Sep	755,000	253,000	-	75,000	382,052	39,609	-	-
Oct	755,000	253,000	-	75,000	382,066	39,609	-	-
Nov	755,000	253,000	-	75,000	382,066	39,609	-	-
Dec	755,000	253,000	-	75,000	382,066	39,609	-	-
<b>Annual Total</b>	<b>9,060,000</b>	<b>2,847,000</b>	<b>-</b>	<b>900,000</b>	<b>4,387,236</b>	<b>475,308</b>	<b>-</b>	<b>208,305</b>

<b>Above Total</b>	<b>9,060,000.00</b>	<b>2,847,000</b>	<b>-</b>	<b>900,000</b>	<b>4,387,236</b>	<b>475,308</b>
1/1/2024 Bal	2,687,009	5,845,279	1,011,334	4,485		
2023 Encumbered	(263,797)	(5,616,507)	(324,003)	-		
2024 Budget	(9,596,450)	(1,577,820)	-	(420,000)		
2024 Appropriations	(8,000)	(1,423,056)				
<b>12/31/24 est Bal</b>	<b>1,878,762</b>	<b>74,897</b>	<b>687,331</b>	<b>484,485</b>		

\*Operating fund must remain at 2 months projected disbursements

Wastewater Revenue Fund 6206	
As of 1/1/2024	
\$	2,222,636.03 Current Balance
\$	16,045,855.00 Estimated 2024 Revenue
\$	(17,669,544.00) Remaining 2024 Transfers
\$	<b>598,947.03</b>

Operating Fund Reserve	
2024 Budget	9,868,247
2 Months	16.67%
Positive var.	1,644,708
12/31/24 est Bal	234,054
	1,878,762

City of Elkhart  
 Monthly Transfers  
 FY 2024

6501 Stormwater Revenue			6501-5-931-7750000
Month	To 6501	Transfer-Out To 6504	Admin Fees Transfer-Out To 1101
Jan	-	-	41,661.00
Feb	-	-	-
Mar	-	-	-
Apr	-	-	-
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
Oct	-	-	-
Nov	-	-	-
Dec	-	-	-
Annual Total	-	-	41,661

Above Total	-	-
01/01/2024 Bal	1,343,321	921,280
2023 Encumbered	(37,535)	(302,282)
2024 Budget	(967,378)	-
12/31/24 est Bal	338,408	618,997

Stormwater Revenue Fund 6506	
As of 1/1/2024	
\$ 1,343,321.00	Current Balance
\$ 1,011,850.00	Estimated 2024 Revenue
\$ -	Remaining 2024 Transfers
\$ 2,355,171.00	



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

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**DATE:** August 1, 2024

**TO:** Board of Public Works

**FROM:** Timothy D. Reecer, Assistant Director of Public Works *TR*

**RE:** **Resolution 24-R-21 - Loan from Civil City to engage outside counsel to assist with the IURC Rate Case**

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In December of 2023, the City Council adopted Ordinance 5963 increasing the Water Utility's rates and charges subject to the approval by the Indiana Utility Regulatory Commission (IURC).

Following this adoption, Utility Staff began preparing and filing the petition for the rate case through the IURC. To date, the Utility Attorney and Assistant Director of Public Works has dedicated hundreds of hours towards this filing.

The IURC rate case process has become ever-increasingly onerous and complicated with only a few attorneys in the State of Indiana even providing these services.

Due to the onerous nature of the filing, the Water Utility is seeking to engage with outside counsel to assist in the successful completion of the rate case. However, the Water Utility does not have the funds to engage with outside counsel and are currently seeking a loan from Civil City to cover these expenses.

It is requested the Board of Public Works:

**Adopt resolution 24-R-21 supporting the Water Utility seeking a loan from Civil City to engage outside counsel for the IURC Rate Case filing.**



Resolution 24-R- 21

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE  
CITY OF ELKHART, INDIANA, SUPPORTING A CIVIL CITY LOAN TO  
THE WATER UTILITY IN ORDER TO ENGAGE AN OUTSIDE COUNSEL  
TO COMPLETE THE RATE CASE BEFORE THE INDIANA UTILITY  
REGULATORY COMMISSION**

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WHEREAS, the City of Elkhart, Indiana's Water Utility is under the jurisdiction of the Indiana Utility Regulatory Commission ("IURC");

WHEREAS, the Common Council of the City of Elkhart, Indiana, passed Ordinance No. 5963 subject to approval by the Indiana Utility Regulatory Commission ("IURC");

WHEREAS, Ordinance No. 5963 increases the Water Utility's rates and charges;

WHEREAS, the previous water rate change took place in 2007;

WHEREAS, for the 2007 rate increase, the Water Utility employed the services of outside counsel in order to handle the rate case through the IURC approval process;

WHEREAS, the IURC rate case process has become ever-increasingly onerous and complicated and only a few attorneys in the State of Indiana even provide those services;

WHEREAS, the Utility Attorney, Assistant Director of Public Works, and utility staff have worked hundreds of hours in order to get the petition with its thousands of pages of exhibits, on file with the IURC;

WHEREAS, the Utility Attorney believes that she has reached the limit of her competency with regard to the additional legal work required in order to obtain the desired result of rate approval by the IURC;

WHEREAS, the Water Utility has no funds available to hire outside specialized counsel to provide the necessary assistance; and

WHEREAS, the civil city budget has funds available to loan to the Water Utility.

NOW THEREFORE, BE IT RESOLVED by the Board of Public Works that it supports and recommends to the Common Council that it approve a civil city loan to the Water Utility in order to hire counsel for the purpose of providing legal services necessary to gain the approval of the water rate increases by the IURC.

RESOLVED August 6, 2024.

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

\_\_\_\_\_  
Andy Jones, Vice President

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

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

ATTEST:

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

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



**City of Elkhart**  
*Public Works and Utilities*

Date Jul 31, 2024  
Memo To Board of Public Works  
Memo From Laura Kolo, Utility Services Manager *LK*  
Subject Wastewater Utility Monthly Report of Operations  
for the month of June, 2024

**Wastewater MRO Highlights**

Parameter	Monthly Avg	Permit Limit
Suspended Solids mg/L	5	30
cBOD5 mg/L	2	25
Phosphorus mg/L	0.79	1.0
Ammonia mg/L	0.19	4.4 (Dec-Apr) 4.2 (May-Nov)
Avg Daily Flow MGD	16.39	Design - 20
Total Monthly Flow MGD	492	Report

**Incident Reports Filed**

Date	Location	Volume (gal)	Cause
06/02/24	MH 140-20	226,150	SCADA programming out of service
06/03/24	MH 140-20	90,460	

**Wet Weather Overflows**

Number of Events	Total Overflow Volume (MG)
6	14.4567

*Biomonitoring TRE 2/3 (June) passed and was submitted*





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

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Date August 1, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager s&  
RE Cobus Green– Consent Order

On November 21, 2023, the Board of Public Works (Board) approved Cobus Green’s Consent Order. Cobus Green has met the required milestones as outlined in their Consent Order, and they are requesting the Board’s approval to close-out the Consent Order. Pretreatment Staff supports this request.

Please approve the close-out request of Cobus Green’s Consent Order.



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

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Date August 1, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager  
RE Reyes del Asado – Food Truck. - FOG Variance Request

The Pretreatment Staff was contacted by Mariano Valadez concerning his food truck named Reyes del Asado. After review it has been determined that a minimum 17 gallon per minute grease trap be installed for his food truck. Per Mr. Valadez the food truck can only fit a 6 gallon per minute grease trap.

Mr. Mariano is requesting a variance to proceed with installing the 6 gallon per minute grease trap for his food truck.

Pretreatment Staff supports this variance request.

Please grant Reyes del Asado a variance to install an undersized grease trap for his food truck- Reyes del Asado.



## MEMORANDUM

Date July 27, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager, SB  
RE Chubby Trout – 3421 Plaza Ct.

Pretreatment Staff received multiple reports from Public Works & Utilities Maintenance personnel of excessive grease at lift station # 25, (fka Knight's Inn lift station), located at Northpointe Plaza.

During an inspection conducted on June 21, 2024 at Chubby Trout, 3421 Plaza Ct., the grease interceptor was found to be in violation of the 25% Rule as defined in the Ordinance, (see definition below), with a measurement of 27%.



The Ordinance definition is as follows:

**TWENTY-FIVE PERCENT (25%) RULE.** A requirement for FOG control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease trap or interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from discharging to the sewer system.

Please find Chubby Trout in violation of the 25% Rule and assign penalties. Per the City of Elkhart Enforcement Response Plan, a total penalty of \$250 to Chubby Trout is recommended.



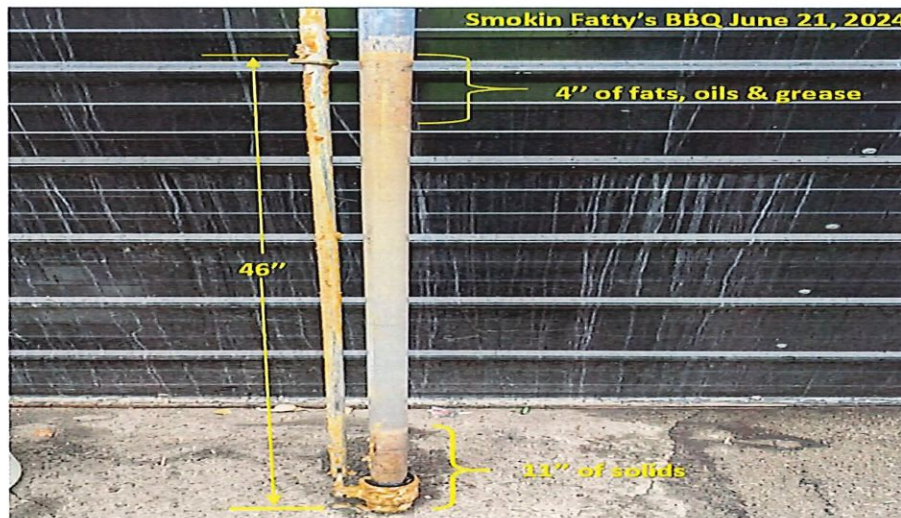


## M E M O R A N D U M

Date July 27, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager<sup>SB</sup>  
RE Smokin Fatty's BBQ – 3241 Plaza Ct.

Pretreatment Staff received multiple reports from Public Works & Utilities - Maintenance personnel of excessive grease at lift station # 25, (fka Knight's Inn lift station), located in the Northpointe Plaza area.

During an inspection conducted on June 21, 2024 at Smokin Fatty's BBQ, 3241 Interchange Dr., the grease interceptor was found to be in violation of the 25% Rule as defined in the Ordinance, (see definition below), with a measurement of 32%.



The Ordinance definition is as follows:

**TWENTY-FIVE PERCENT (25%) RULE.** A requirement for FOG control devices to be maintained such that the combined FOG and solids accumulation does not exceed 25% of the design hydraulic depth of the grease trap or interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG from discharging to the sewer system.

Violation more than 20% above established limits shall be assessed an additional \$250 penalty (28% above established limit).

Please find Smokin Fatty's BBQ in violation of the 25% Rule, and exceeding 20% above the established limit. Per the City of Elkhart Enforcement Response Plan, a total combined penalty of \$500 to Smokin Fatty's BBQ is recommended.



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

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Date July 29, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager  
RE Simonton Lake Conservancy District – Consent Order

Simonton Lake Conservancy District (SLCD) has met the required milestones as outlined in their Consent Order. SLCD is prepared to move forward with close-out the issued Consent Order that the Board of Works approved back on January 2, 2024. Pretreatment Staff supports this close-out.

**Simonton Lake Conservancy District is prepared to close-out the Consent Order for Simonton Lake Conservancy District.**

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

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Date July 29, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager<sub>SB</sub>  
RE 523 @ Bent Oak – FOG Variance Request

The Pretreatment Staff was contacted by George Anagnos the new owner of 523 @ Bent Oak located at 3610 Bent Oak Trail. This location should have a minimum 1,000-gallon interceptor. Mr. Anagnos is requesting a FOG Variance from having to upgrade the existing 500-gallon interceptor to a 1,000-gallon interceptor.

Please grant 523 @ Bent Oak a FOG Variance from having to upgrade the existing 500-gallon interceptor to a 1,000-gallon interceptor.



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## MEMORANDUM

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Date July 31, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager<sup>sg</sup>  
RE Enforcement Response Plan

The Enforcement Response Plan (ERP) has been modified in accordance to EPA's comments. Pretreatment would like to update the Board of Public Works with the finalized version, and request the Board's approval of the updated ERP.

Please review and approve the finalized Enforcement Response Plan that includes EPA's comments.



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

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Date July 29, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager<sup>5B</sup>  
RE Elkhart County Landfill – Permit # 92-04

The Pretreatment group requests the Board of Public Works approval of the Industrial Wastewater Discharge Permit for Elkhart County Landfill Permit # 92-04, located at 59530 County Road 7 south, Elkhart, Indiana.

Elkhart County Landfill receives municipal solid waste and discharges leachate to the City's sewer system.

Elkhart County Landfill has been a very cooperative and compliant facility; the Pretreatment group recommends this Permit renewal.

Please issue Elkhart County Landfill its five year Industrial Wastewater Discharge Permit Renewal.



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

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Date July 30, 2024  
To Mike Machlan, Board of Works President  
From Steve Brown, Pretreatment Manager  
RE Elkhart Environmental Processing – Permit # 2002-02

The Pretreatment group requests the Board of Public Works approval of the Industrial Wastewater Discharge Permit for Elkhart Environmental Processing Permit # 2002-02, located at 1143 Oak St., Elkhart, Indiana.

Elkhart Environmental Processing receives and pretreats wastes handled by septic tank pumper, septage and grease traps. After treatment wastewater streams are discharged to the City's sewer system.

Elkhart Environmental Processing has been a very cooperative and compliant facility; the Pretreatment group recommends this Permit renewal.

**Please issue Elkhart Environmental Processing its one year Industrial Wastewater Discharge Permit Renewal.**





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

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**DATE:** July 30, 2024  
**TO:** Board of Public Works  
**FROM:** Tory Irwin, City Engineer *TI*  
**RE:** Resolution and Bond Financing Approval – Sewer Oakland B *24-R-22*

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Per the City's CSO Consent Decree and the Long Term Control Plan LTCP, Elkhart has continued to meet the critical milestones outlined in the LTCP. The largest project in the Consent Decree is the Oakland Avenue CSO Control. Phase B of the Oakland Control Measure is the construction of a 1.1 million gallon storage tank and lift station.

The Utility applied for Indiana Finance Authority (IFA) State Revolving Fund (SRF) funding for this project. The project successfully beat out dozens of other applicants and was ranked in the Fundable Range on their project priority list for IFA Fiscal Year 2025.

That qualifies our project for automatic funding, the lowest possible interest rate, and possible "grant" forgiveness of a portion of the loan. The bond is not to exceed \$53,380,000. Current construction estimates are in the \$38 million range. Due to IFA rules, separate Bond Ordinances are required for the Sanitary Sewer Utility and the Water Utility (for the lead line portion of the project).

This Resolution has been approved by legal.

It is requested the Board of Public Works:  
**approve resolution 24-R-22 approving the acquisition, construction and installation of certain improvements to the sewage works system of the City, the issuance of revenue bonds, including the issuance of revenue bonds, including the issuance of notes in anticipation such bonds, to provide for the cost thereof, and other matters connected there within.**

RESOLUTION NO. 24-R-22

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

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

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

WHEREAS, the estimates prepared and delivered by the engineers with respect to the costs of the Project, and including all authorized expenses relating thereto, including the costs of issuance of bonds and bond anticipation notes on account thereof, will be in the estimated amount not to exceed Fifty-three Million Three Hundred Eighty Thousand Dollars (\$53,380,000), to be financed by the issuance of sewage works revenue bonds on parity with outstanding sewage works revenue bonds previously issued by the City and/or revenue bond anticipation notes in an aggregate principal amount not to exceed Fifty-three Million Three Hundred Eighty Thousand Dollars (\$53,380,000) and available revenues of the City; and

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

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



1. Authorization of Project. The Department of Public Works and Utilities shall proceed with the completion of the Project in accordance with the Engineering Report, which is hereby adopted and approved, and by reference made a part of this Resolution as fully as if the same were attached hereto and incorporated herein. The aggregate cost of the Project shall not exceed the sum of \$53,380,000, plus investment earnings on the proceeds of the Bonds, without further authorization from the Board of Public Works. The term “System,” “works,” “utility,” “sewage works” and other like terms where used in this Resolution shall be construed to mean the existing Sewage Works System and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired, and all other items as defined in the Act.

2. Issuance of Bonds. The Board of Public Works recommends that the City proceed with the issuance of the Bonds on parity with outstanding sewage works revenue bonds previously issued by the City, in one or more series, in an aggregate principal amount not to exceed Fifty-three Million Three Hundred Eighty Thousand Dollars (\$53,380,000) to be designated “Sewage Works Revenue Bonds, Series 20\_\_\_” (with such blank to be filled in with the year of issuance of the Bonds) for the purpose of procuring funds to pay the cost of the Project and the issuance costs of the Bonds.

3. Issuance of BANs. The City shall issue the BANs, in one or more series, in an aggregate principal amount not to exceed Fifty-three Million Three Hundred Eighty Thousand Dollars (\$53,380,000) to be designated “Sewage Works Revenue Bond Anticipation Notes, Series 20\_\_\_” (with such blank to be filled in based on the year of issuance of the BANs) for the purpose of procuring funds to pay the cost of the Project and the issuance costs of the BANs.

4. Use of Proceeds. The proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account to be designated as “City of Elkhart, Sewage Works Construction Account.” The funds in such account shall be deposited, held, secured or invested in accordance with the laws of the State relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, IC 5-1.2-1 through IC 5-1.2-4, IC 5-1.2-10, IC 5-1.2-11, IC 5-1.2-14, and/or IC 5-1.2-14.5, as amended or supplemented, and the acts amendatory thereof and supplemental thereto. The funds in such special account or accounts shall be expended only for the purpose of paying the costs of issuance of the Bonds, the cost of the Project, or as otherwise required by the Act.

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

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



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

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

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

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

Adopted at the Regular Meeting of the City of Elkhart, Indiana, Board of Public Works held on August \_\_\_\_, 2024.

CITY OF ELKHART  
BOARD OF PUBLIC WORKS

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

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

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

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

\_\_\_\_\_  
Andy Jones

ATTEST:

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

EXHIBIT A  
FORM OF BOND ORDINANCE  
(See Attached)



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

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**DATE:** July 30, 2024

**TO:** Board of Public Works

**FROM:** Tory Irwin, City Engineer *TI*

**RE:** **Resolution and Bond Financing Approval – Water Oakland B** *24-R-23*

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Per the City's CSO Consent Decree and the Long Term Control Plan LTCP, Elkhart has continued to meet the critical milestones outlined in the LTCP. The largest project in the Consent Decree is the Oakland Avenue CSO Control. Phase B of the Oakland Control Measure is the construction of a 1.1 million gallon storage tank and lift station.

The Utility applied for Indiana Finance Authority (IFA) State Revolving Fund (SRF) funding for this project. The project successfully beat out dozens of other applicants and was ranked in the Fundable Range on their project priority list for IFA Fiscal Year 2025.

This water bond portion of the Oakland B project is related to the removal/replacement of lead service lines. It is anticipated that IFA/SRF will forgive this loan in a similar fashion that occurred with the Oakland Phase A project. The bond is not to exceed \$500,000. Due to IFA rules, separate Bond Ordinances are required for the Sanitary Sewer Utility and the Water Utility (for the lead line portion of the project).

This Resolution has been approved by legal.

It is requested the Board of Public Works:

**approve resolution 24-R-~~22~~ approving the acquisition, construction and installation of certain improvements to the waterworks system of the City, the issuance of revenue bonds, including the issuance of revenue bonds, including the issuance of notes in anticipation such bonds, to provide for the cost thereof, and other matters connected there within.**



RESOLUTION NO. 24-R-23

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

WHEREAS, the Board of Public Works (the "Board of Public Works") of the City of Elkhart, Indiana (the "City") operates a municipal waterworks system (the "Waterworks") for the purpose of furnishing the public water supply to the City and its inhabitants pursuant to IC 8-1.5, as amended and as in effect on the issue date of the bond anticipation notes or the bonds, as applicable, which are authorized herein (the "Act"); and

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

WHEREAS, the estimates prepared and delivered by the engineers with respect to the costs of the Project, and including all authorized expenses relating thereto, including the costs of issuance of bonds and bond anticipation notes on account thereof, will be in the estimated amount not to exceed Five Hundred Thousand Dollars (\$500,000), to be financed by the issuance of waterworks revenue bonds and/or revenue bond anticipation notes in an aggregate principal amount not to exceed Five Hundred Thousand Dollars (\$500,000) and available revenues of the City; and

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

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

1. Authorization of Project. The Department of Public Works and Utilities shall proceed with the completion of the Project in accordance with the Engineering Report, which is hereby adopted and approved, and by reference made a part of this Resolution as fully as if the same were attached hereto and incorporated herein. The aggregate cost of the Project shall not



exceed the sum of \$500,000, plus investment earnings on the proceeds of the Bonds, without further authorization from the Board of Public Works. The term “System,” “works,” “utility,” “waterworks” and other like terms where used in this Resolution shall be construed to mean the existing Waterworks System and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired, and all other items as defined in the Act.

2. Issuance of Bonds. The Board of Public Works recommends that the City proceed with the issuance of the Bonds, in one or more series, in an aggregate principal amount not to exceed Five Hundred Thousand Dollars (\$500,000) to be designated “Waterworks Revenue Bonds, Series 20 \_\_\_” (with such blank to be filled in with the year of issuance of the Bonds) for the purpose of procuring funds to pay the cost of the Project and the issuance costs of the Bonds.

3. Issuance of BANs. The City shall issue the BANs, in one or more series, in an aggregate principal amount not to exceed Five Hundred Thousand Dollars (\$500,000) to be designated “Waterworks Revenue Bond Anticipation Notes, Series 20 \_\_\_” (with such blank to be filled in based on the year of issuance of the BANs) for the purpose of procuring funds to pay the cost of the Project and the issuance costs of the BANs.

4. Use of Proceeds. The proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account to be designated as “City of Elkhart, Waterworks Construction Account.” The funds in such account shall be deposited, held, secured or invested in accordance with the laws of the State relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, IC 5-1.2-1 through IC 5-1.2-4, IC 5-1.2-10, IC 5-1.2-11, IC 5-1.2-14, and/or IC 5-1.2-14.5, as amended or supplemented, and the acts amendatory thereof and supplemental thereto. The funds in such special account or accounts shall be expended only for the purpose of paying the costs of issuance of the Bonds, the cost of the Project, or as otherwise required by the Act.

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

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

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

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

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

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

Adopted at the Regular Meeting of the City of Elkhart, Indiana, Board of Public Works held on August \_\_\_\_, 2024.

CITY OF ELKHART  
BOARD OF PUBLIC WORKS

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

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

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

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

\_\_\_\_\_  
Andy Jones

ATTEST:

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



EXHIBIT A  
FORM OF BOND ORDINANCE  
(See Attached)



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

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**DATE:** August 6, 2024  
**TO:** Board of Public Works *MON*  
**FROM:** Martin Noffsinger, Utility Network Manager  
**RE:** **Declaration of Emergency – 10<sup>th</sup> St & Blaine Ave Manhole Replacement**

---

The Department of Public Works requests the declaration of an emergency for the emergency replacement of the failing brick manhole structure at the intersection of 10<sup>th</sup> Street and W Blaine Avenue.

Public Works received notice of a sinkhole forming around the manhole casting in the intersection. Initially, it was unclear whether the soil was entering the manhole directly or one of the laterals. We then flowed water into the sinkhole and observed it infiltrating nearly the full depth of the brick structure

The replacement was completed July 26, 2024.

It is requested the BOW take the following action:

**Declare an emergency for the July 23, 2024 10<sup>th</sup> St & Blaine Ave Manhole Repair.**



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MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering *JJS*

**RE:** **Permission to Advertise Bid #24-17, State Road 19 Access Management – Phase 1 – Permanent Plan**

---

The Engineering Staff requests approval of bid documents for Bid #24-17, State Road 19 Access Management – Phase 1 – Permanent Plan. This contract will include removal of existing pavement and construction of a median and three channelized left turn lanes in State Road 19 (Cassopolis Street) between County Road 6 and Emerson Drive.

The redevelopment along this segment of Cassopolis Street continues at a brisk pace. A new quick-serve restaurant at the corner of Cassopolis Street and Merrill Street is set to open in October 2024; a site plan has been approved for a counter-service restaurant at the corner of Cassopolis Street and Emerson Drive as part of the redevelopment of the former theater site; and zoning has been approved to allow for additional commercial or multifamily buildings on that same site. However, a recent increase in crashes is a concern to the City and INDOT. In consultation with the developers of the new facilities and with INDOT, the City intends to construct a series of channelized left turn lanes in State Road 19 which will allow left turns in at various locations, but prohibit left turns out and eliminate conflicting left turns. The City Engineering Staff and Redevelopment Staff will be working with the existing property owners to inform them of the changes and describe the new traffic patterns.

This part of the work will be the final, permanent construction. Quotes will be received separately for the initial temporary work.

It is anticipated that this work will be funded by an upcoming appropriation from the Redevelopment Commission out of the Cassopolis Street TIF Fund.

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

**Approve the Bid Documents and Grant Permission to Bid #24-17, State Road 19 Access Management – Phase 1 – Permanent Plan.**





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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Permission to Advertise Bid #24-18, Hively Avenue Overpass – Demolition Contract #5**

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The Engineering Staff requests approval of bid documents for Bid #24-18, Hively Avenue Overpass – Demolition Contract #5. This contract will include demolition of the commercial buildings on the west side of the railroad, south of Hively Avenue:

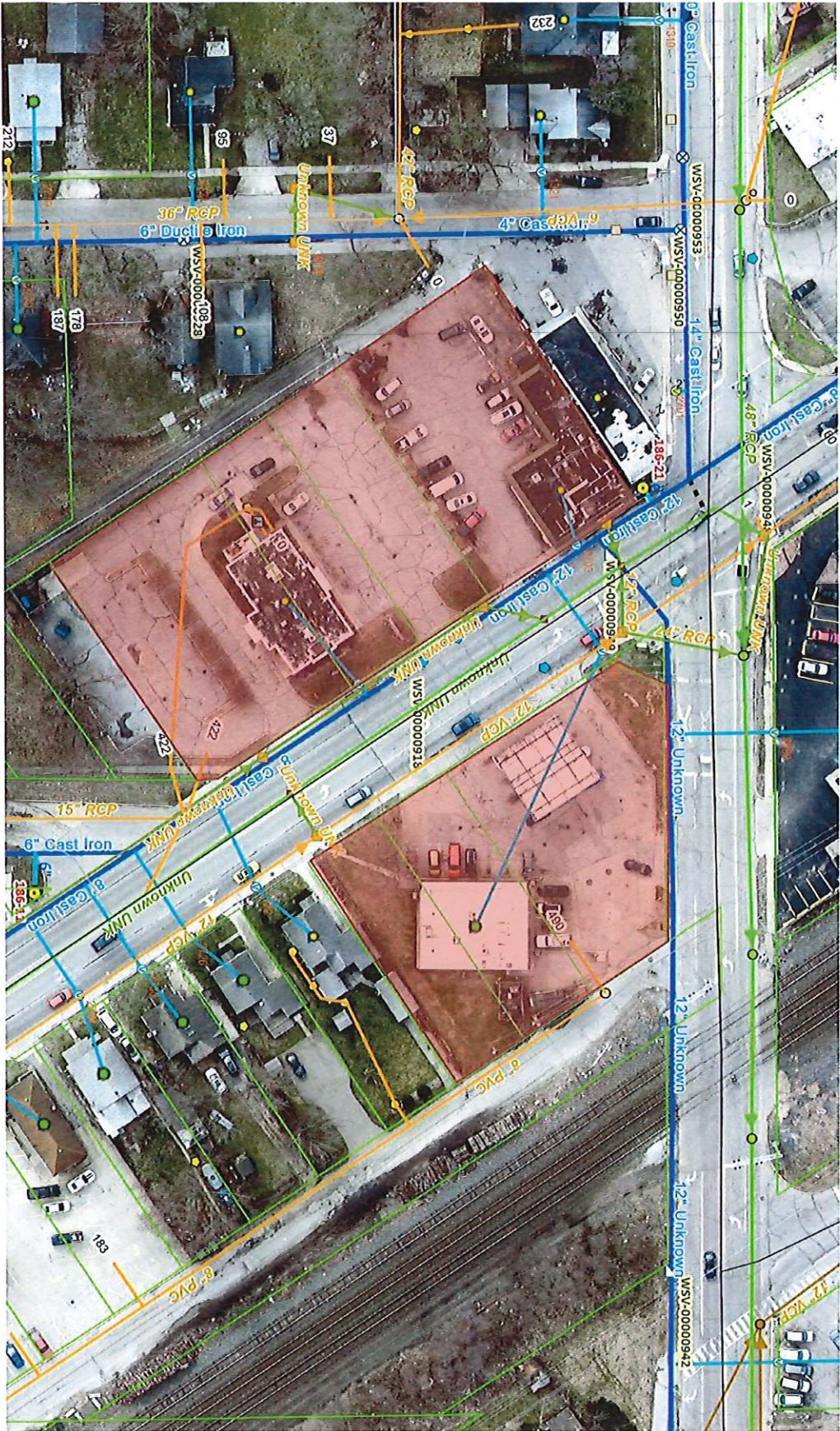
- 2700 South Main Street (formerly 7-Eleven)
- 2703 South Main Street (formerly Hunter's Place)
- 2709 South Main Street (formerly KFC)

The City has recently acquired these properties as part of the right-of-way acquisition for the Hively Avenue Overpass Project. This work will be part of the funding that includes Federal Aid; as such, this work will be subject to the Federal Aid Contract Provisions, including Prevailing Wages.

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

**Approve the Bid Documents and Grant Permission to Bid #24-18 for Hively Avenue Overpass – Demolition Contract #5.**









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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Permission to Advertise Bid #24-19, Hively Avenue Overpass – Demolition Contract #6**

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The Engineering Staff requests approval of bid documents for Bid #24-19, Hively Avenue Overpass – Demolition Contract #6. This contract will include demolition of the commercial buildings on the east side of the railroad, south of Hively Avenue:

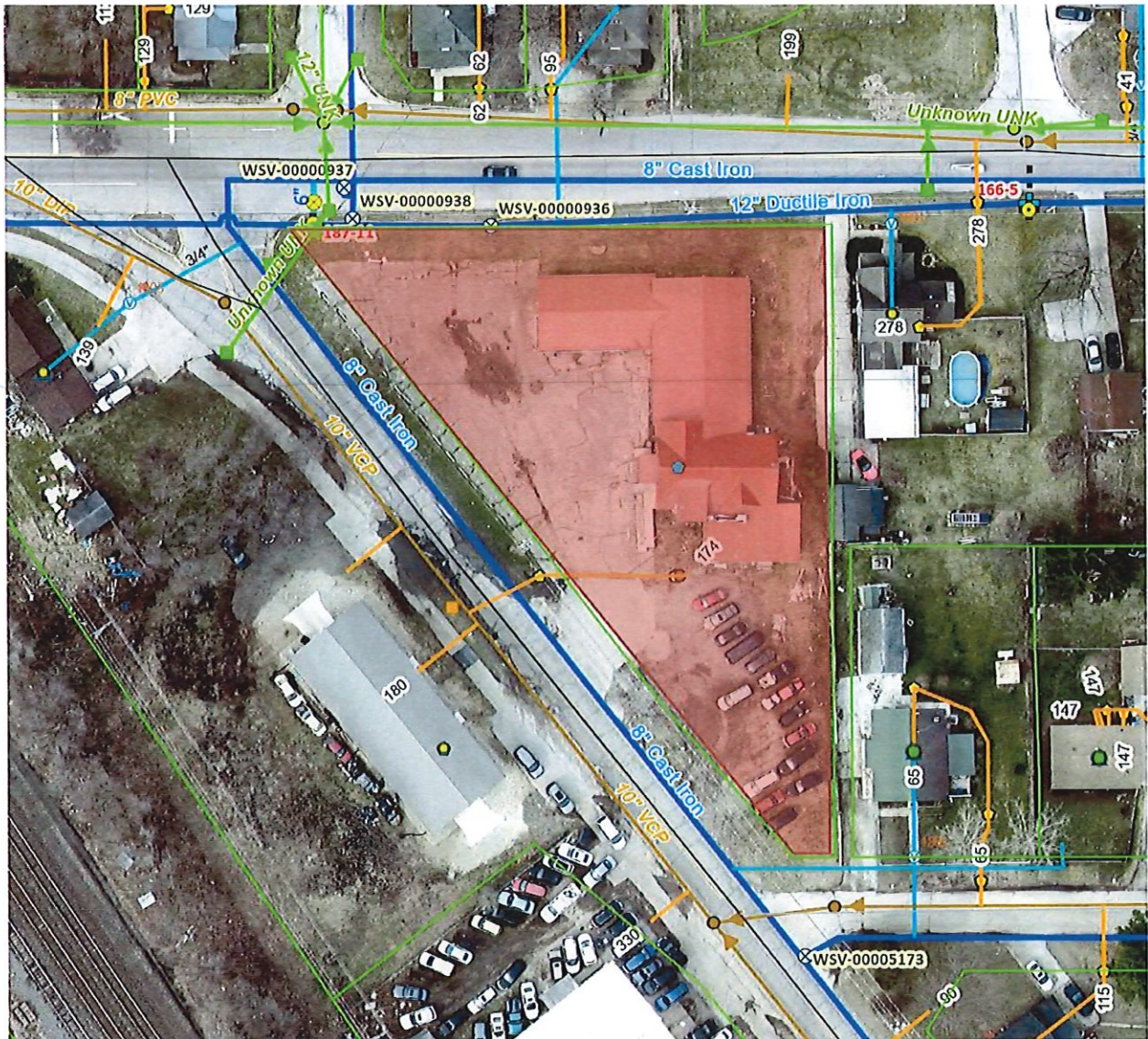
- 2700 Hammond Avenue

The City has recently acquired this property as part of the right-of-way acquisition for the Hively Avenue Overpass Project. This work will be part of the funding that includes Federal Aid; as such, this work will be subject to the Federal Aid Contract Provisions, including Prevailing Wages.

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

**Approve the Bid Documents and Grant Permission to Bid #24-19 for Hively Avenue Overpass – Demolition Contract #6.**







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**MEMORANDUM**

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering *JJS*

**RE:** **Permission to Advertise Bid #24-20, Bristol Street Widening Project - Clearing**

---

The Engineering Staff requests approval of bid documents for Bid #24-20, Bristol Street Widening Project - Clearing. This contract will include clearing of trees and brush along Bristol Street, between Jeanwood Drive and County Road 15, for the upcoming widening project.

The bid date for the federally-funded Bristol Street Widening Project has been rescheduled for December and the contract will likely be signed in January or February of next year. However, under new INDOT rules, all tree removal and clearing must occur outside of the Indiana Bat nesting season (prior to March 15). As such, the City intends to award this separate contract in order to ensure that the clearing is done prior to March 15 and the construction can begin next spring.

This work will be funded by the Council Appropriation for the Bristol Street Widening Project. The use of local funds for this work will not impact the federal funds that are programmed for the project.

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

**Approve the Bid Documents and Grant Permission to Advertise Bid #24-20, Bristol Street Widening Project - Clearing.**






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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Award Quote #24-21, Hunters Pond to Brookwood Drive Drainage Improvements**

---

At the July 16, 2024, Board of Public Works meeting, bids were opened for Quote #24-21, Hunters Pond to Brookwood Drive Drainage Improvements. The results are as follows:

<b>Contractor</b>	<b>Bid</b>
John Boettcher Sewer and Excavating	\$65,579.93 (Corrected)
Premium Services	\$97,680.00

It should be noted that the John Boettcher Sewer and Excavating Quote was read as \$65,580.38, but the summation of the Itemized Quote Form was found to be \$65,579.93. This is a minor error that can be waived by the Board.

The project is funded by the annual Common Council appropriation for Small Drainage projects.

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

**Waive the minor quote error and award Quote #24-21, Hunters Pond to Brookwood Drive Drainage Improvements, to John Boettcher Sewer and Excavating, who submitted the lowest responsive quote, with a contract price in the amount of \$65,579.93.**






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## MEMORANDUM

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**DATE:** August 6, 2024  
**TO:** Board of Public Works  
**FROM:** Jeffrey Schaffer, Engineering   
**RE:** **Four-Way Stop at Princeton Street and Williams Street**

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The Street Department, Traffic Division, and/or Engineering are requesting that the Board consider the following traffic control recommendations:

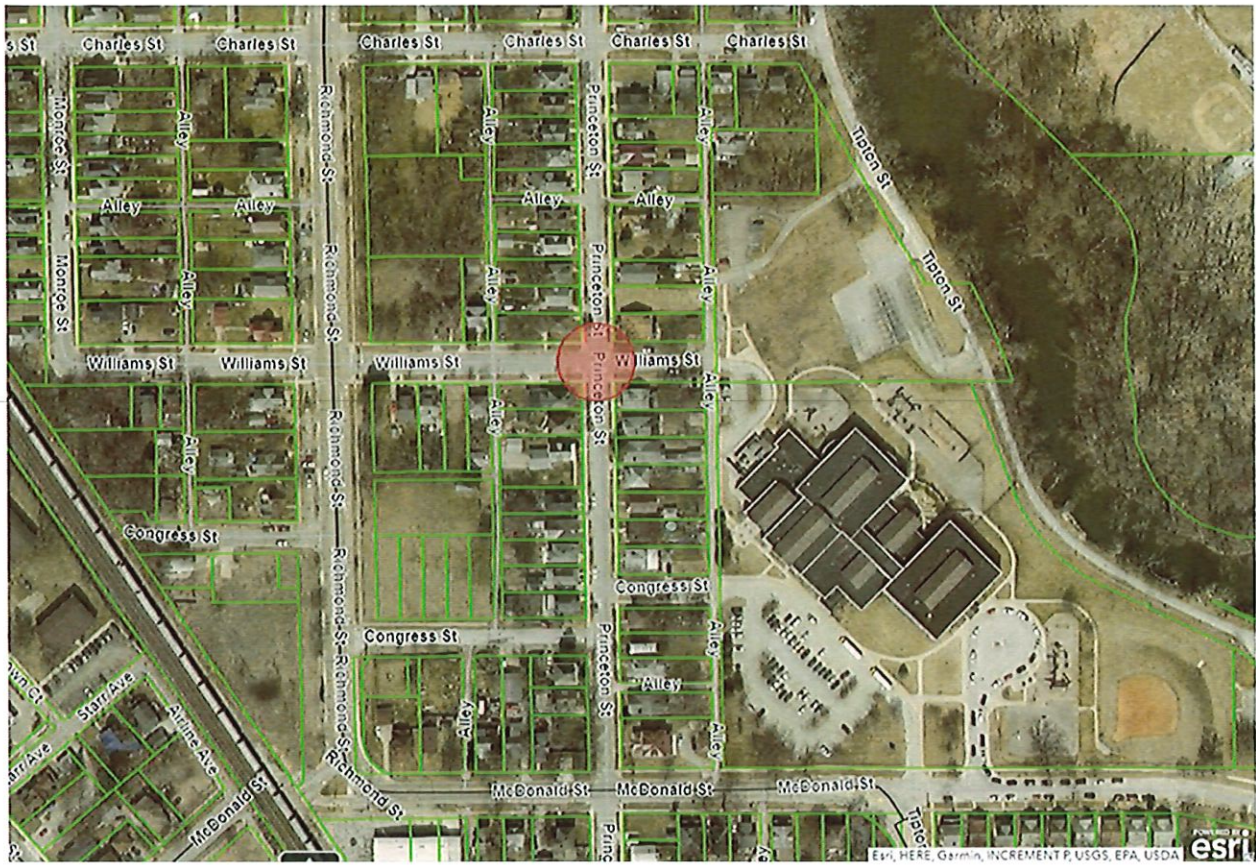
Four-Way Stop at Princeton Street and Williams Street

The administration at Mary Beck Elementary School and Elkhart Community Schools are requesting that the intersection of Princeton Street and Williams Street be changed to a four-way stop. This intersection is located one-half block west of the school and children cross Princeton Street regularly on their walk to school.

The location is shown on the next page.

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

**Approve the change to four-way stop at Princeton Street and Williams Street.**






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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Amendment #1 to Professional Services Agreement with Lochmueller Group for County Road 15 at Timberstone Drive Drainage Improvements, County Road 6 Multi-Use Path, and Benham Avenue Multi-Use Path**

---

The attached Amendment to the PSA is reallocates fees for changes to the scope of work for the three projects listed above. Among the changes, fees were reallocated from services during construction (which have been handled by the City in-house) to additional right-of-way services for the Benham Avenue Multi-Use Path project. The total fees have not changed.

Staff recommends to the Board of Public Works:

**Authorize the Board President to execute Amendment #1 to Professional Services Agreement with Lochmueller Group for County Road 15 at Timberstone Drive Drainage Improvements, County Road 6 Multi-Use Path, and Benham Avenue Multi-Use Path, with no change to the total fee amount.**






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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Accept Permanent Utilities Easement from David Osborne**

---

The Redevelopment Commission is completing a purchase of property from David Osborne west of Main Street, between St. Joseph Street and Freight Street. As part of the purchase agreement, Mr. Osborne is dedicating a 16-foot wide easement adjacent to an existing alley across a small parcel that he will retain. This easement will be used in the future to re-route water and sanitary sewer from Freight Street to St. Joseph Street.

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

**Accept the permanent utility easement adjacent to an existing alley and south of Freight Street from David Osborne.**



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**MEMORANDUM**

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering *JTS*

**RE:** **Permission to Request Quote #24-25, State Road 19 Access Management – Phase 1 – Temporary Plan**

---

The Engineering Staff requests approval of documents for Quote #24-25, State Road 19 Access Management – Phase 1 – Temporary Plan. This contract will include the placement of traffic control devices (Tuff Curb) and temporary pavement markings to create three channelized left turn lanes in State Road 19 (Cassopolis Street) between County Road 6 and Emerson Drive.

The redevelopment along this segment of Cassopolis Street continues at a brisk pace. A new quick-serve restaurant at the corner of Cassopolis Street and Merrill Street is set to open in October 2024; a site plan has been approved for a counter-service restaurant at the corner of Cassopolis Street and Emerson Drive as part of the redevelopment of the former theater site; and zoning has been approved to allow for additional commercial or multifamily buildings on that same site. However, a recent increase in crashes is a concern to the City and INDOT. In consultation with the developers of the new facilities and with INDOT, the City intends to construct a series of channelized left turn lanes in State Road 19 which will allow left turns in at various locations, but prohibit left turns out and eliminate conflicting left turns. The City Engineering Staff and Redevelopment Staff will be working with the existing property owners to inform them of the changes and describe the new traffic patterns.

This part of the work will be the temporary construction, to be completed by the end of October 2024. Bids will be received separately for the final permanent work.

It is anticipated that this work will be funded by appropriated, budgeted funds for the purchase of traffic control devices and an upcoming appropriation from the Redevelopment Commission out of the Cassopolis Street TIF Fund.

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

**Approve the Documents and Grant Permission to Request Quote #24-25, State Road 19 Access Management – Phase 1 – Temporary Plan.**




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## MEMORANDUM

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**DATE:** July 2, 2024 (Original)  
August 6, 2024 (Amended)

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Change Order #1 and Final for Bid #24-05, Grace Lawn Cemetery – Bank Restoration Phase II**

---

Change Order #1 and Final for Bid #24-05, Grace Lawn Cemetery – Bank Restoration Phase II, is a removal of the \$25,000.00 contingency line and an adjustment to final quantities.

The net total increase in the contract price due to the Change Order is ~~\$8,223.55~~ \$17,358.69, which is ~~3.5%~~ 7.3% of the original contract price of \$237,502.99.

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

**Approve Change Order #1 and Final for Bid #24-05, Grace Lawn Cemetery – Bank Restoration Phase II, increasing the contract value by \$17,358.69, resulting in a contract price of \$254,861.68.**



# CITY OF ELKHART

## PUBLIC WORKS & UTILITIES

Change Order No. One and Final  
Dated 6/26/2024 07/30/2024

Project: Grace Lawn Cemetery - Bank Restoration Phase II Contract No. 24-05

To: John Boettcher Sewer & Excavating  
Contractor

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

City of Elkhart

By \_\_\_\_\_  
President, Board of Public Works

Dated \_\_\_\_\_

### Nature of Changes

Remove contingency (\$25,000.00)  
Adjust final quantities ~~\$33,223.55~~ \$42,358.69

**TOTAL** \$ ~~8,223.55~~ \$17,358.69

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

Original Contract Price	\$	<u>237,502.99</u>	
Contract Price Prior to this Change Order	\$	<u>237,502.99</u>	
Net change resulting from this Change Order	\$	<del>8,223.55</del>	\$17,358.69
Current Contract Price including this Change Order	\$	<del>245,726.54</del>	\$254,861.68
Current Contract Price % Change from Original Price		<del>3.5%</del>	7.3%
Contract Time prior to this Change Order		<u>NO CHANGE</u>	(Days or Time)
Net Time change resulting from this Change Order		<u>NO CHANGE</u>	(Days)
Current Contract Time including this Change Order		<u>NO CHANGE</u>	(Days or Time)

The above changes are approved:

Public Works & Utilities

BY:   
Engineer

06/26/2024 07/30/2024  
DATE

The above changes are accepted:

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

\_\_\_\_\_  
DATE




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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Final Acceptance of Osolo Ridge Infrastructure**

---

The construction of the infrastructure for the development known as “Osolo Ridge” has been completed. All of the testing has been finalized, the as-built plans and maintenance bond have been provided, and the property corners have been set. A final walkthrough was conducted on July 26, 2024.

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

**Approve final acceptance of the water, sanitary sewer, storm sewer, and streets for the development known as “Osolo Ridge”.**



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## MEMORANDUM

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**DATE:** August 6, 2024  
**TO:** Board of Public Works  
**FROM:** Jeffrey Schaffer, Engineering *JIS*  
**RE:** **Marked Loading Zone on Ninth Street**

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The Street Department, Traffic Division, and/or Engineering are requesting that the Board consider the following traffic control recommendations:

Marked Loading Zone on Ninth Street

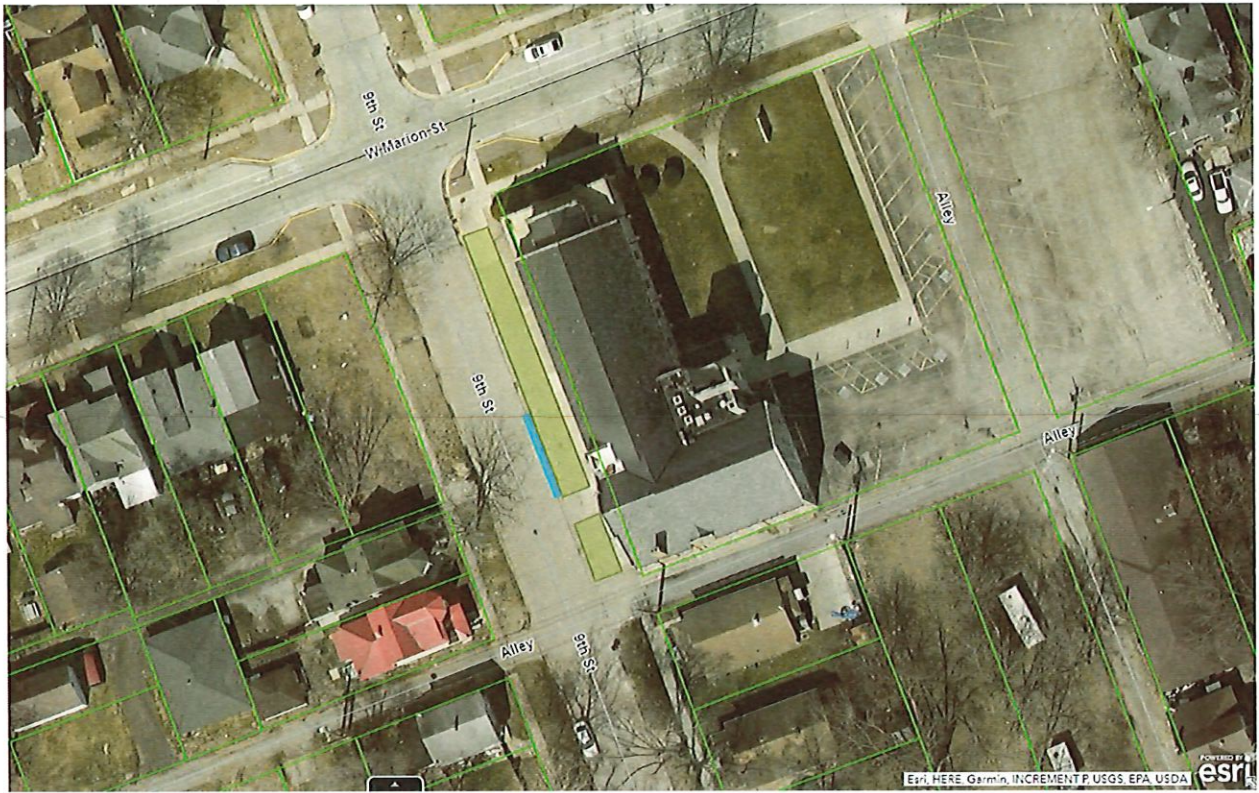
The Grace Lutheran Church building currently houses two services for the needy: the feeding ministry known as “Susanna’s Kitchen” and the church’s own food pantry. These are operated as separate entities and are physically separated within the building. Susanna’s Kitchen loads and unloads materials in the parking lot on the east side of the building. However, the food pantry loads and unloads from Ninth Street on the west side of the building. The church recently agreed to have the perpendicular parking in the right-of-way removed. As such, this loading and unloading now occurs along the Ninth Street curb line. A forty-foot long marked load zone will assist the church in managing the new traffic pattern. The location is shown in blue on the next page.

The church owner understands that this loading zone would be open for any other business or resident to use.

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

**Approve the forty-foot long marked loading zone on the east side of Ninth Street, between Marion Street and Harrison Street.**







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**MEMORANDUM**

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**DATE:** August 6, 2024  
**TO:** Board of Public Works  
**FROM:** Jeffrey Schaffer, Engineering *JTS*  
**RE:** Award Quote #24-22, Worthmore Avenue Drainage Improvements

---

At the July 16, 2024, Board of Public Works meeting, bids were opened for Quote #24-22, Worthmore Avenue Drainage Improvements. The results are as follows:

<b>Contractor</b>	<b>Bid</b>
John Boettcher Sewer and Excavating	\$68,420.75
Premium Services	\$74,795.00

The project is funded by the annual Common Council appropriation for Small Drainage projects.

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

**Award Quote #24-22, Worthmore Avenue Drainage Improvements, to John Boettcher Sewer and Excavating, who submitted the lowest responsive quote, with a contract price in the amount of \$68,420.75.**



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## MEMORANDUM

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering *JJS*

**RE:** **Change Order #1 for Bid #23-19, Jackson Blvd. and Johnson St. Traffic Signal and Water Main Extension**

---

Change Order #1 for Bid #23-19, Jackson Blvd. and Johnson St. Traffic Signal and Water Main Extension, is the addition of three line items due to unexpected site conditions. During the installation of the water main in Prairie Street, two very large concrete railroad foundations were encountered under the street. These were likely are remnants from the time when the Big Four Railroad switched trains in this area.

The contract cut through the concrete foundation. In doing so, additional concrete street pavement had to be removed and replaced.

The total increase in the contract price due to the addition these line items is \$22,398.50, which is 2.9% of the original contract price of \$779,635.00.

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

**Approve Change Order #1 for Bid #23-19, Jackson Blvd. and Johnson St. Traffic Signal and Water Main Extension, increasing the contract value by \$22,398.50, resulting in a contract price of \$802,033.50.**



# CITY OF ELKHART

## PUBLIC WORKS & UTILITIES

Change Order No. One  
Dated 6/18/2024

Project: JACKSON & JOHNSON TRAFFIC SIGNAL & WATER Contract No. 23-19

To: NIBLOCK EXCAVATING  
Contractor

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

City of Elkhart

By \_\_\_\_\_  
President, Board of Public Works

Dated \_\_\_\_\_

### Nature of Changes

CO1 - Break and Remove Concrete Foundation 5/23/24	\$2,165.00
CO2 - Break and Remove Concrete Foundation 5/24/24	\$3,177.50
CO3 - Concrete Overage, 82 CY	\$17,056.00

**TOTAL** \$ **22,398.50**

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

Original Contract Price	\$ 779,635.00
Contract Price Prior to this Change Order	\$ 779,635.00
Net change resulting from this Change Order	\$ 22,398.50
Current Contract Price including this Change Order	\$ 802,033.50
Current Contract Price % Change from Original Price	2.9%
Contract Time prior to this Change Order	NO CHANGE (Days or Time)
Net Time change resulting from this Change Order	NO CHANGE (Days)
Current Contract Time including this Change Order	NO CHANGE (Days or Time)

The above changes are approved:

Public Works & Utilities  
BY: [Signature]  
Engineer  
June 21, 2024  
DATE

The above changes are accepted:

By: [Signature]  
Contractor  
6-24-24  
DATE




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**MEMORANDUM**

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**DATE:** August 6, 2024

**TO:** Board of Public Works

**FROM:** Jeffrey Schaffer, Engineering 

**RE:** **Accept Right-of-Way for Benham Avenue / Mishawaka Road Multi-Use Path Project from Maria Cervantes**

---

The consultant for the Benham Avenue / Mishawaka Road Multi-Use Path Project and the City had previously reached an agreement with Maria Cervantes for right-of-way along Benham Avenue. The right-of-way will be used for the path and for the installation of a drywell to improve drainage on Benham Avenue. The total compensation, including damages for the removal of signs, is \$31,000.

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

**Accept the Right-of-Way for Benham Avenue / Mishawaka Road Multi-Use Path Path Project from Maria Cervantes.**



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

---

**DATE:** July 18, 2024

**TO:** Board of Public Works

**FROM:** Jason Simnick, Engineering Project Manager JS

**RE:** **Change Order Request #2 & Final: Fieldhouse Water & Sewer 6th-7th St. – Bid # 23-09**

---

Attached is change order request #2 and Final for the Fieldhouse Water & Sewer 6<sup>th</sup>-7<sup>th</sup> St project. This change order is for final adjustments to quantities.

This change order request is for an increase of \$6,202.00 to the current contract price of \$203,643.00. Approval of change order #2 and Final would increase the current contract price to \$209,845.00 resulting in a 6.8% increase from the original contract price of \$196,518.00.

It is requested the Board of Public Works:

**Approve release of all retainage and Change Order #2 and Final for the Fieldhouse Water & Sewer 6<sup>th</sup> – 7<sup>th</sup> St project, Bid #23-09, for an increase of \$6,202.00, bringing the current Contract price to \$209,845.00.**



# CITY OF ELKHART

## PUBLIC WORKS & UTILITIES

Change Order No. #2 and Final  
Dated 1/8/2024

Project: Fieldhouse Water & Sewer 6th-7th St.

Contract No. 23-09

To: C&E Excavating, Inc.  
Contractor

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

City of Elkhart

By \_\_\_\_\_  
President, Board of Public Works

Dated \_\_\_\_\_

### Nature of Changes

Adjustment to final quantities.	\$	6,202.00
<b>TOTAL</b>		<b>\$ 6,202.00</b>

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

Original Contract Price	\$	196,518.00
Contract Price Prior to this Change Order	\$	203,643.00
Net change resulting from this Change Order	\$	6,202.00
Current Contract Price including this Change Order	\$	209,845.00
Current Contract Price % Change from Original Price		6.8%
Contract Time prior to this Change Order		NO CHANGE (Days or Time)
Net Time change resulting from this Change Order		NO CHANGE (Days)
Current Contract Time including this Change Order		NO CHANGE (Days or Time)

The above changes are approved:

Public Works & Utilities  
BY: \_\_\_\_\_  
Engineer  
7/18/24  
DATE

The above changes are accepted:

By: \_\_\_\_\_  
Contractor  
7-11-24  
DATE

# CITY OF ELKHART

*The city with a heart*

---

TO: Board of Public Works

FROM: Elkhart City Attorney

DATE: August 6, 2024

RE: Resolution 24-R-19 Transfer of Tax Sale Parcels 20-06-16-202-017, 018, 019, 020.000-012 for 2101 South Main AND Tract B on Replat of Lots 51-78 Hudson Sterling Addition

---

The City acquired the title to 2101-2111 South Main and Tract B from the County. Each parcel was in the tax sale and not purchased. As a result, the tax sale certificates were transferred to the County. The County offered these to the City. Because the parcels were originally placed in the name of the City, rather than in "City of Elkhart, Department of Redevelopment", it is now necessary to transfer these parcels to the City of Elkhart, Department of Redevelopment so the Redevelopment Commission can complete a sale of the parcels.

The Legal Department respectfully requests the Board of Public Works to:

**Approve Resolution 24-R-19 Approving the Transfer of Real Estate to the City of Elkhart, Indiana, Department of Redevelopment.**

RESOLUTION NO. 24-R-19

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

**2101-2111 South Main Street  
and  
Tract B on Replat of Lots 51-78 Hudson Sterling Addition**

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

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

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

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

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

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

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

1. The transfer of the Property described at Exhibit A situated in Elkhart County, Indiana to the City of Elkhart, Indiana Department of Redevelopment, shall be, and hereby is, authorized and approved.
2. This Resolution shall be in full force and effect upon its adoption and upon the adoption by the Department of a resolution consistent with the requirements of I.C. § 36-1-11-8.



ADOPTED at a meeting of the Elkhart Board of Public Works (**Inter-Department**) held on August 6, 2024 at 229 South Second Street, Elkhart, Indiana 46516.

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

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Michael C. Machlan, President

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Jamie Arce, Vice-President

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Andy Jones, Member

---

Ronnie Davis, Member

---

Rose Rivera, Member

**ATTEST:**

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Nancy Wilson, Clerk of the Board of Public Works

EXHIBIT A

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

LOTS NUMBERED 26, 27, 28, 29 AND 30 AS THE SAID LOTS ARE KNOWN AND DESIGNATED ON THE RECORDED PLAT OF LONG'S ADDITION TO DINEHART PLACE, AN ADDITION TO THE CITY OF ELKHART, INDIANA; SAID PLAT BEING RECORDED IN PLAT BOOK 1, PAGE 39 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

**Property address:** 2101 S. Main St., Elkhart, IN 46516  
2111 S. Main St., Elkhart, IN 46516

**Tax ID No.:** 20-06-16-202-017.000-012  
20-06-16-202-018.000-012  
20-06-16-202-019.000-012  
20-06-16-202-020.000-012

Also:

Tract B as known and designated on the recorded Replat of Lots 51-78 of Hudson Sterling Addition to the City of Elkhart; said Plat being recorded in Document Number 2011-18408 in Plat Book 33, page 90 in the office of the Recorder of Elkhart County, Indiana, located in the East Half of the Southwest Quarter of Section 9, Township 37 North, Range 5 East, Concord Township, Elkhart County, Indiana, being more particularly described as follows:

Beginning at the one inch pinch pipe located at the east corner of said Tract B; thence South 56°03'45" West along the southeast line of said Tract B 199.00 feet to a 5/8 inch "SCHNAARS" Capped Rebar located at the south corner of said Tract B; thence North 33°55'40" West along the southwest line of said Tract B 200.00 feet to a 5/8 inch "SCHNAARS" Capped Rebar located at the West corner of said Tract B; thence North 56°03'45" East along the northwest line of said Tract B 199.00 feet to a 5/8 inch "SCHNAARS" Capped Rebar located at the north corner of said Tract B; thence South 33°55'40" East along the northeast line of said Tract B 200.00 feet to the place of beginning, and containing 0.91 acres.

Tax Parcel 20-06-09-329-003.000-012

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*Memorandum*

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From: Josh Holt, City of Elkhart Fleet Manager

Date: July 10<sup>th</sup>, 2024

To: Elkhart Board of Works

RE: Purchasing New Police Ford Expedition

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Quote #24-22

Dear Members of the Board of Works,

I am writing to seek permission to distribute specifications for a new Ford Expedition to replace one of our Ford F150 units that was recently totaled in an accident. The incident occurred when another driver, who was under the influence, crossed the center line and collided head-on with our vehicle. Thankfully, everyone was ok, but our unit was totaled.

Given the urgency to replace the totaled unit, I propose looking for an already built unit from a dealers' stock in addition to spec'ing a new unit if time allows. We have received \$23,475 from our insurance company as a settlement for the accident. These funds will be combined with our existing budget to cover the cost of the new vehicle.

I kindly request the Board's approval to move forward with distributing the specifications for the purchase of the new Ford Expedition. Your prompt attention to this matter is greatly appreciated as it will ensure we maintain our operational efficiency.

Thank you for your consideration.

Sincerely,

Joshua J. Holt, City of Elkhart Fleet Manager

A handwritten signature in blue ink, appearing to read "Joshua J. Holt", is located at the bottom left of the page.





M E M O R A N D U M

From: Josh Holt, City of Elkhart Fleet Manager

Date: July 22<sup>nd</sup>, 2024

To: Elkhart Board of Works

Subject: Purchasing a New Police Ford Expedition - Quote 24-23

Dear Members of the Board of Works,

I am writing to seek permission to purchase a 2024 Ford Expedition from Community Ford in Bloomington, IN, at a total cost of \$71,007.25. This vehicle will replace the police F150 unit that was recently totaled in a head-on collision accident.

Following a thorough review of the quotes received from multiple dealers, Community Ford was identified as the lowest quote and one of 2 dealers that met the specifications required by our office. The purchase of this new unit will be offset by the insurance payouts from the totaled F150, thus minimizing the financial impact on our budget.

Given the urgency to replace the totaled unit and maintain our operational efficiency, I kindly request the Board's approval to proceed with this purchase.

Thank you for your consideration.

Sincerely,

Joshua J. Holt, City of Elkhart Fleet Manager

A handwritten signature in blue ink, appearing to read "Joshua J. Holt". The signature is written in a cursive style with a horizontal line underlining the first part of the name.



M E M O R A N D U M

From: Josh Holt, City of Elkhart Fleet Manager

Date: July 25<sup>th</sup>, 2024

To: Elkhart Board of Works

Subject: Quote# 24-24: Permission to Send out specs to replace unit 455

Dear Members of the Board,

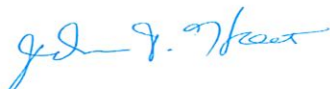
I am writing to seek permission to send out specifications and/or inquire about already built vehicles to replace truck #455 from 2009 that has exceeded its lifecycle. The budget for this replacement has already been approved for this year for Public Works.

Given the age and condition of the current truck, it is imperative to initiate the replacement process to ensure our fleet remains reliable and efficient. Your approval will enable us to proceed with obtaining the necessary quotes for the new vehicle. Quote awarding will take place next meeting.

Thank you for your consideration.

Sincerely,

Josh Holt  
City of Elkhart Fleet Manager







From: Josh Holt, City of Elkhart Fleet Manager

Date: July 11<sup>th</sup>, 2024

To: Elkhart Board of Works

RE: Purchasing New Tandem Axle Plow/ Dump Truck for Street Dept.

Dear Members of the Board of Works,

I am writing to request the Board's approval to purchase a new Tandem Axle plow truck for the Street Department. This purchase will be made through the Sourcewell purchasing cooperative at a total cost of \$319,032.00.

The funds for this acquisition have been approved by the City Council as part of the budget for the year 2024. The new plow truck is essential for maintaining our streets, ensuring they remain safe and navigable during the winter months.

Purchasing through Sourcewell allows us to take advantage of competitive pricing and streamlined procurement processes, ensuring that we get the best value for the city's investment.

I respectfully request the Board's authorization to proceed with this purchase. Please let me know if you need any further information or if there are additional steps required to finalize this request.

Thank you for your consideration.

Sincerely

Joshua J. Holt, City of Elkhart Fleet Manager

*Department of Law*

John M. Espar  
*Corporation Counsel*

Rose Rivera  
*City Attorney*

Kevin Davis  
*Deputy City Attorney*

Maria L. Leon  
*Paralegal*

Elizabeth Turner  
*Paralegal*



City of Elkhart

*City with a Heart*

Rod Roberson  
*Mayor*

*City Hall*

229 S. Second St.  
Elkhart, Indiana 46516

Fax: 574.522.6794  
Tel: 574.294.5471 Ext. 1057 or 1059

[www.elkhartindiana.org](http://www.elkhartindiana.org)

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**MEMORANDUM**

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Date: August 1, 2024

To: Board of Public Works

From: Kevin Davis, Deputy City Attorney

Re: Approval of License and Indemnification Agreement

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Dear Members of the Board,

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

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

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

**Please approve the attached License and Indemnification Agreement.**

## LICENSE AND INDEMNIFICATION AGREEMENT

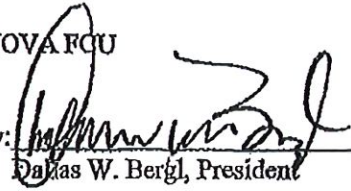
INOVA FCU, whose address is 358 S. Elkhart Avenue, Elkhart, Indiana 46516 ("Licensor"), and the City of Elkhart, a municipal corporation of the State of Indiana, whose address is 229 S. Second Street, Elkhart, IN 46516 and United States Auto Club Inc., whose address is 4910 W. 16th Street, Indianapolis,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

1. Background. Licensor, INOVA Federal Credit Union, is the owner of real property located at 358 S. Elkhart Avenue, Elkhart, Indiana. Licensee has requested, and Licensor is willing to grant, Licensee a temporarily revocable license to erect barrier fencing along the lawn of Licensor's property which is adjacent to Licensee's S. Elkhart Avenue pedestrian right-of-way.
2. Grant of the License. The limited purpose of the license is to maintain a barrier fencing to exclude persons from entering upon the right-of-way adjacent to Licensor's property during the 2024 Elkhart Grand Prix event, held August 2-3, 2024 (the "Grand Prix Event").
3. Repairs and Maintenance. Licensee covenants to return Licensor's property to its pre-licensing condition upon conclusion of the Grand Prix Event, held August 2-3, 2024.
4. Indemnification and Waiver. Licensee agrees to indemnify the Licensor against any claims, actions, damages, liability, arising by reason of Licensee's use of the land or this license, including any claims arising against Licensor by reason of person entering upon Licensor's described property (whether invited or uninvited) who enter Licensor's property as a result of the placement of Licensee's barrier fencing or in connection with the Grand Prix Event. Licensee also waives any right of recovery it may have, now or later, against the Licensor for any loss or damage arising out of this license or the use of the property.
5. Duty to Defend. Licensee further agrees that it has the Duty to Defend Licensor and a Duty to Indemnify and save and hold Licensor harmless from any and all claims, demands, judgments, losses, fines, penalties, costs, expenses, and attorneys' fees for damages to persons or property, or for loss of life arising from Licensee's holding of the Grand Prix Event which may occur upon Licensor's property, whether occurring inside of or outside of the temporarily erect barrier fencing described above as well as Licensor's common areas or licensed areas.
6. Insurance. Licensee represents that each Licensee has adequate insurance coverage for the above-described Grand Prix Event to cover any losses incurred by Licensor as a result of the Grand Prix Event or any other who may hold a claim which may arise in keeping with the obligation of this License and Indemnification Agreement
7. Revocation. This License Agreement may be revoked by Licensor at any time, upon written notice to Licensee at the addresses below.
8. Limitation of Indemnification Agreement. Nothing in this License and Indemnification Agreement is intended to limit or modify the duty of indemnification which exists between United States Auto Club Inc. and the City of Elkhart in each respective party's agreement with the other.
9. Effective Date. This License Agreement shall become effective when all the parties listed below have signed this Agreement.



LICENSOR:

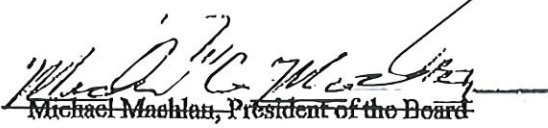
INOVA FCU

By:   
Dallas W. Bergl, President

Dated: July, 26, 2024

LICENSEE:

CITY OF BLKHART BOARD OF PUBLIC WORKS

By:   
Michael Mashlan, President of the Board

Dated: July, 31, 2024

LICENSEE:

UNITED STATES AUTO CLUB, INC.

By: \_\_\_\_\_  
Kevin Miller, President/CEO

Dated: July, \_\_\_\_\_, 2024

Approved by:

Kevin Davis, Id. No. 31004-71  
Deputy City Attorney  
City of Blkhart, Department of Law  
229 S. Second St  
Blkhart, IN 46516  
574-322-4850  
[kevin.davis@coel.org](mailto:kevin.davis@coel.org)

*Department of Law*

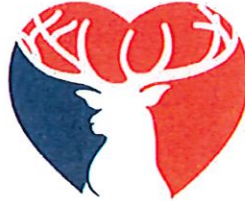
John M. Espar  
*Corporation Counsel*

Rose Rivera  
*City Attorney*

Kevin Davis  
*Deputy City Attorney*

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**MEMORANDUM**

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Date: July 24, 2024

To: Board of Public Works

From: Kevin Davis, Deputy City Attorney

Re: Acceptance of Warranty Deed for E. Jackson Boulevard and Junior Achievement Drive

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In July 2024, Dignan LLC donated to the City of Elkhart the parcel 20-06-05-283-009.000-012 located at the corner of E. Jackson Boulevard and Junior Achievement Drive. A copy of the deed and sales disclosure are attached.

**Please accept the Warranty Deed for Parcel No 20-06-05-283-009.000-012 located at the corner of East Jackson Boulevard and Junior Achievement Drive.**



## MEMO

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Date: August 1st, 2024  
To: Board of Public Works  
From: James Gerald, IT Director  
RE: Microsoft enterprise agreement

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Board Members,

Attached you will find a contract approved by legal for a Microsoft enterprise agreement to be purchased through CDW. This agreement renews our existing licensing agreement that expires September 2024. This agreement renews licensing for O365 email, desktop operating systems, server operating systems, SQL licensing for GIS, Microsoft Office, and security suite. The total cost of the agreement is \$1,062,173.52 with a duration of three years, resulting in an annual payment of \$354,057.84 per year.

**It is requested that the Board of Public Works approves the attached Microsoft enterprise agreement and to grant James Gerald authority to sign and execute said agreement.**

Thank You for your consideration.

James Gerald  
City of Elkhart  
IT Director





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

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## MEMORANDUM

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**DATE:** 8/2/2024  
**TO:** Board of Public Works  
**FROM:** Corporation Counsel John Espar  
**RE:** Approval of Agreement between the City of Elkhart and Barnes & Thornburg, LLP

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Dear Members of the Board:

Attached to this memorandum for your consideration and approval is the Engagement Letter for Barnes & Thornburg and related terms for Barnes & Thornburg serve as bond counsel to the City of Elkhart in regards to the proposed issuance of bonds by the City for the purpose of financing the public safety building project.

As such, if the board would kindly **approve the agreement between the City of Elkhart and Barnes & Thornburg, authorizing Barnes & Thornburg to serve as bond counsel for the City of Elkhart in regards to the proposed issuance of bonds by the City for the purpose of financing the public Safety building project.**

Thank you for your consideration of this request.

John Espar  
Corporation Counsel