

CITY OF ELKHART
BOARD OF PUBLIC WORKS MEETING
AGENDA

Common Council Chambers

9:00 A.M., Tuesday, October 1, 2024

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

Meeting Number (access code 2316 861 8681 Meeting password: BOW24

Join by phone: 1-415-655-0001

I. Roll Call

II. Approve Agenda

III. Open Bids, Quotes, & Proposals

- Bid #24-13 Oakland Avenue Project B: CSO Storage Project
- Quote #24-28 Wolf Ave Drainage Improvements
- Quote#24-29 Bypass Road Drainage Improvements
- Proposals- HUD Five Year Consolidated Plan Services

IV. Claims & Allowance Docket

V. Minutes Regular Meeting September 17, 2024, & Memorandum of Special Meeting in Executive Session September 17, 2024

VI. Utilities

a.) Administration

- Amendment #1: PSA with DLZ Indiana, LLC Benham West Tower Rehabilitation Project
- Revised Wastewater MRO for July 2024

b.) Pretreatment

- JBS Prepared Foods Permit 2002-01 Administrative Order Extension
- Baker's Nook Café 127 Easy Shopping FOG Variance Request
- Elwood's 115 East Lexington Ave. FOG Extension Request
- BD Industries Industrial Wastewater Discharge Permit #88-03
- Norfolk Southern Industrial Wastewater Discharge Permit #85-27
- Huntington Alloys Industrial Wastewater Discharge Permit #86-07
- Accept Communication- Bimbo Bakeries Permit 2006-03 Appeal

VII. Engineering

a.) Administration

- Driveway Width Variance- 4019 Timber Court (tabled)
- Driveway Width Variance- 2539 Timberstone Drive East
- Award Bid #24-17 SR 19 Access Management Permanent Plan Phase 1
- Award Bid #24-18 Hively Avenue Overpass Demolition Contract #5
- Award Bid #24-19 Bristol Street Widening Project- Clearing
- Change Order #1 & Final Bid #24-01 2024 ADA-Funded Curb Ramp

b.) Utility

- Change Order #7 for Bid #21-13 Elkhart WWTP Capacity Upgrades Phase II- QA7634 (tabled)
- Service Line Identification Project: Ratify Partial Payment #4 to Premium Services for Release of Retainage
- Ratify Partial Payment #16 to C&E Excavating: Oakland Avenue Forcemain Phase A
- Ratify Partial Payment #36 to American Structurepoint: Oakland Avenue Project C- Harrison St.
- Change Order #1 CSO 39 Sewer Separation Bid #23-14 SA 7913/ WA 7914

VIII.

New Business

- Tyler Technologies AP Automation Contract
- Uniform Conflict of Interest Disclosure- Annie Klehfoth
- Tax Issues- 111 W. Lexington Avenue
- Tax Issues- Lexington Business Centre

IX.

Award Quotes

- #24-28 Wolf Ave Drainage Improvements
- #24-29 Bypass Road Drainage Improvements

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.

September 24, 2024 Jaime Arce
JAIME ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF \$4,591,056.60 AS LISTED ON THE REGISTER ATTACHED HERETO CONSISTING OF 31 PAGES, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

EXECUTED THIS 1ST DAY OF OCTOBER 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 10.1.24

Individual Claims Over \$25,000 each:

Fund	Vendor	Description	Amount
2226	LACASA OF GOSHEN, INC	Community Dev CDBG 209 N Second	\$ 25,776.07
6101	BAKER TILLY MUNICIPAL ADVISORS, LLC	WATER RATE STUDY	\$ 26,555.00
4650	C & E EXCAVATING	HIVELY DEMO CONTRACTS 1&2	\$ 32,103.59
2201	PREMIUM CONCRETE SERVICES, INC.	COE Emergency restoration- Bristol St	\$ 33,037.84
4650	C & E EXCAVATING	HIVELY OVERPASS DEMO CONTRACTS 3&4 & CHANGE ORDERS	\$ 36,402.35
1101	YODER OIL COMPANY INC	GASOLINE	\$ 36,632.19
1101	KIESLER POLICE SUPPLY, INC.	223 REM AMMO	\$ 37,777.50
7704	HEALTH RESOURCES	Health Resources	\$ 47,789.58
2503	ELKHART & WESTERN RAILROAD CO.	ASPIRE INFRASTRUCTURE IMPROVEMENT PROJECTS	\$ 53,164.09
2201	MISHAWAKA-F, LLC	2024 Ford F450 Chassis 4X4 Regular cab	\$ 88,747.00
2205	MISHAWAKA-F, LLC	Ford F350 Dump Truck	\$ 92,588.00
4650	ELKHART & WESTERN RAILROAD CO.	River District Project	\$ 99,839.17
6203	C & E EXCAVATING	OAKLAND AV PROJECT A	\$ 216,528.75
6203	SELGE CONSTRUCTION CO INC	CSO 39 SEWER SEPARATIONS PROJECT BID #23-14	\$ 627,588.48

Total Claims over \$25,000	\$ 1,454,529.61
Regular Claims under \$25,000:	\$ 765,151.33
Total Regular Departmental Claims:	\$ 2,219,680.94

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

1101	INDIANA MICHIGAN POWER COMPANY	04994485706 229 S 2ND ST	\$ 33,569.00
6106	IN DEPARTMENT OF REVENUE	August 2024 EPU Sales Tax	\$ 36,894.72
7704	ANTHEM INSURANCE COMPANIES INC	CLAIMS PHARMACY	\$ 54,280.09
7704	ANTHEM INSURANCE COMPANIES INC	CLAIMS - MEDICAL	\$ 184,586.22

Total Pre-Approved over \$25,000:	\$ 309,330.03
Total Pre-Approved Claims under \$25,000:	\$ 144,505.65
Total Pre-Approved Claims:	\$ 453,835.68

American Rescue Plan Claims:

2474	NEIGHBORHOOD EVOLUTION LLC	ELKHART THRIVE NEIGHBORHOOD HUB INITIATIVE	\$ 8,500.00
2474	NEIGHBORHOOD EVOLUTION LLC	ELKHART THRIVE NEIGHBORHOOD HUB INITIATIVE	\$ 9,500.00

Total American Resuce Plan Claims:	\$ 18,000.00
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UTILITY REFUNDS

Payroll and Pension Payments:

Police & Fire Clothing Allowance

Police & Fire Pension

Bi-weekly Payroll

	\$ 1,899,539.98
Total Payroll:	\$ 1,899,539.98

Total All Claims, Internal Payments, and Payroll:	\$ 4,591,056.60
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(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, September 17, 2024

Vice-President Jamie Arce called a regular meeting of the Board of Public Works to order at 9:00 a.m., Tuesday, September 17, 2024. Clerk of the Board Nancy Wilson called the roll. Andy Jones, Rose Rivera, Jamie Arce, and Ronnie Davis attended in person. Mike Machlan was absent. Jamie noted the time was after 9:00 a.m. and no more bids or quotes would be accepted.

1. Approve Agenda

A motion was made by Rose Rivera and seconded by Ron Davis to approve the agenda. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the agenda was amended by adding under Engineering V(a) Authorized Signatory for the Railroad Crossing Elimination Grant. The amended agenda carried 4-0.

2. Open Quotes

Quote #24-27 Tree Removal Central

Two quotes were received. Cut-Rite Tree Services submitted a quote for \$62,917.00. Williams A-1 Tree Service submitted a quote for \$69,550.00. On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board referred the quotes to the City Forrester to review and report back later in the meeting with an award if possible.

Bid #24-17 State Road 19 Access Management Phase 1 Permanent Plan

Proof of publication was presented which appeared in The Elkhart Truth on August 24 and August 31, 2024. The following bids were received:

Premium Services submitted a signed and certified bid summary form with all items checked. The base bid was \$286,754.00.

John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$438,166.94.

Reith-Riley Construction submitted a signed and certified bid summary form with all items checked. The base bid was \$304,000.00.

On motion by Andy Jones, seconded by Ron Davis and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Bid #24-18 Hively Avenue Overpass Demolition Contract #5

Proof of publication was presented which appeared in The Elkhart Truth on August 24 and August 31, 2024. The following bids were received:

C&E Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$195,075.00.

John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$186,737.46.

Beer & Slabaugh submitted a signed and certified bid summary form with all items checked. The base bid was \$192,750.00.

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Bid #24-19 Hively Avenue Overpass Demolition Contract #6

Proof of publication was presented which appeared in The Elkhart Truth on August 24 and August 31, 2024. The following bids were received:

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

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Tuesday, September 17, 2024

items checked. The base bid was \$83,395.00.

John Boettcher Sewer & Excavating submitted a signed and certified bid summary form with all items checked. The base bid was \$83,225.00.

Beer & Slabaugh submitted a signed and certified bid summary form with all items checked. The base bid was \$95,000.00.

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

Bid #24-20 Bristol Street Widening Project- Clearing

Proof of publication was presented which appeared in The Elkhart Truth on August 24 and August 31, 2024. The following bids were received:

Paynes Services LLC submitted a signed and certified bid summary form with all items checked. The base bid was \$250,000.00.

Homer Tree Service Inc. submitted a signed and certified bid summary form with all items checked. The base bid was \$187,480.00.

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board referred the bids to the staff of Public Works and Utilities for their review and recommendation at the next meeting.

3. Claims & Allowance Docket

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the claims and allowance docket in the amount of \$6,492,694.07, consisting of 28 pages as prepared on August 29, 2024 at 8:29 a.m.

4. Minutes Regular Meeting September 3, 2024

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the minutes from the regular meeting on September 3, 2024.

5. Utilities

(A.) Administration

Water Utility MRO for August 2024

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

(B.) Regulatory Compliance

BOW Resolution 24-R-29 for the Sale of 28864 W CR 16

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved Board of Works Resolution 24-R-29, a Resolution of the Board of Public Works of the City of Elkhart, Indiana to designate and authorize Regulatory Compliance Manager to negotiate and sell the property at 28864 CR 16 W, Elkhart, Indiana.

6. Engineering

(A.) Administration

Change Order #1 Hively Ave. Demolition Contract #4 Bid #24-08

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved Change Order #1 for Bid #24-08 Hively Avenue Overpass Demolition Contract #4, increasing the contract value by \$9,772.00, resulting in a contract price of \$235,545.00.

Request Quote #24-28 Wolf Avenue Drainage Improvements

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On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the quote documents and granted permission to request Quote #24-28 Wolf Avenue Drainage Improvements.

Request Quote #24-29 Bypass Road Drainage Improvements

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board approved the quote documents and granted permission to request Quote #24-29 Bypass Road Drainage Improvements.

Driveway with Variance- 4019 Timber Court

For purposes of discussion, a motion was made by Rose Rivera and seconded by Ron Davis to approve the driveway width Variance for 4019 Timber Court as requested by the owner Scott Hamilton and the Contractor Infinite Creations. Assistant City Engineer Jeff Schaeffer explained the request. Public Works received a driveway permit application to widen the throat of the driveway from 24' to 40'. The property owner would like to add another stall to the garage. Jeff said they did not approve the application on the staff level. It is something they felt they could not support, the reason being all of the other driveways in Timberstone less one have a traditional 24' throat. There is one driveway to the west that has a little bit wider throat at the right-of-way, but at the throat it does narrow to 28'. Jeff said they feel they are setting a precedence that is concerning. That being said, staff wanted to bring this before the Board. The owner is here to discuss his situation. Jeff stated again, staff does not support this because we do not want to set a precedence, and we do not want to see 40' driveways in this neighborhood or in other neighborhoods. Our policy is 24'. We do on a semi-regular basis allow 28'. We try to as much as possible limit it to 24'. Andy Jones said in terms of precedence, it is still decided on a case-by-case basis, correct. Jeff said yes, it would be. Jeff said he is enacting the Board's policy. It is within the Board's privilege to do what the Board thinks makes the most sense.

The owner Scott Hamilton came forward to speak to the Board. He rode around his neighborhood and said there is more than one home that has great than a 24' throat. There is a new home being built right now that has a 41' throat. There are at least 2 or 3 others that exceed 24'. Scott said they love the neighborhood and they want to stay there. They decided if they can get this approved, they would continue to maintain residence there. Rose Rivera asked him the purpose to increase the driveway. Scott said they are adding a single stall to the garage that has already been approved. It would be too hard to pull a vehicle into that last stall. Andy added it looks like that would give them a straight shot into the existing garage. Andy said looking at the side yard setbacks even with widening it; he doesn't see a problem with this. Jamie asked Scott if he thought about the 24'-28' range that Engineering discussed, whether or not that would give him the approach they need for the new construction. Scott said it's already tough getting into the last stall with the current diagonal and the angle they have right now. To add another stall on and try to get into that would be very difficult. Jamie asked if they are widening the existing driveway as part of this? In the image the Board has in the packet, there is a walkway into the current garage. With the new construction, will you be adding additional driveway to the project? Scott said yes, they are increasing the throat, but they are also increasing the driveway as well. It will have the same diagonal, but shifted over to hit the new stall.

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Jamie asked him how many feet they are adding, and Scott said roughly 16'. Scott added all of the setbacks are within regulations.

Jamie asked Jeff Schaeffer, from Engineering's perspective; the concern is the throat on the approach past right of way, and not what would be on the homeowner's property, correct? Jeff said that is correct. Jamie said if the Board did not approve expanding the throat, they would not be limited to expanding their driveway as much as is generally allowed, correct? Jeff agreed and said Engineering just focuses on the throat. Jamie asked if the driveway could go all the way up to the existing sidewalk. Jeff said they have seen some interesting geometry. Jeff said their preference is that it throats down and crosses the sidewalk. Part of that is where the driveway crosses the sidewalk is supposed to be 6' of concrete where the sidewalk is normally 4", that is one of our issues when these get wide, making sure we have 6" of concrete. Jeff said they try to adhere to the policy the Board adopted. Jamie asked about the comment made about the new construction with the 41' of throat, is that something that would have been approved by another body? Jeff said he was honestly not sure. He said he was not aware of that and already contacted the City Inspector. They will definitely look into that and find out what is happening. Jeff said he understands Mr. Hamilton's frustration if person "a" gets to do it and he is not. He said he will address it and report back to the Board and to Mr. Hamilton. Jamie asked if it would make sense to table this and wait for the results of that. Jeff said he would be fine with that if Mr. Hamilton is good with that. Jeff said his contractor was not able to be here today, and we wanted to get this on the agenda as quickly as possible. Jeff said if the Board wants them to sit down with Mr. Hamilton and his Contractor and discuss other options, they would be fine with that. Andy asked Mr. Hamilton if delaying this would cause him any additional hardship. He responded we are getting into the fall, and he is a little concerned about the weather. The goal is to complete this before winter. He said he has H.O.A. approval, the approval to build the garage, and all they need is the approval for the driveway. He said there are other driveways in their neighborhood that have wider than 28' throats, so he does not believe he is setting any precedence. Andy said all the years he served on the BZA, they always considered everything on a case by case basis. Andy said he sees it as an improvement that will be more functional for them. Scott said all of the neighbors approved it and there are no issues with the residents. He said there are others with three-car garages that have the full width. Jamie recommended tabling and taking action at the next meeting so that staff can research and present that information. On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the request was tabled to the next meeting.

Authorized Signatory for FY23-24 Railroad Crossing Elimination Grant Program

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board appointed Tory Irwin, Director of Public Works, as the authorized signatory for the FY23-24 Railroad Crossing Elimination Grant Program.

(B.) Utility

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

No action was taken.

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Ratify Partial Payment SRF#15 to C&E Excavating Oakland Avenue
Forcemain Phase A SA 7878

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board ratified partial payment request SRF #15 in the amount of \$442,093.00 to C&E Excavating from SRF loan WW22162005 and \$17,177.00 from loan DW22232001 for construction on the Oakland Avenue Forcemain- Phase A project.

Ratify Partial Payment #72 to Donohue & Associates: Elkhart WWTP Capacity
Upgrades Phase 2 QA7634

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board ratified partial payment request SRF #72 of Loan WW18262004 in the amount of \$64,304.00 to Donohue & Associates, Inc. for professional services on the Elkhart WWTP Capacity Upgrades Phase 2 project.

7. New Business

BOW Resolution 24-R-26 Accepting the Transfer of Real Property from the
City of Elkhart Redevelopment Commission

On motion by Rose Rivera, Seconded by Andy Jones and carried 4-0, the Board approved BOW Resolution 24-R-26, a Resolution of the Board of Public Works of the City of Elkhart, Indiana accepting the transfer of property from the City of Elkhart Redevelopment Commission.

BOW Resolution 24-R-28 Transfer of 17 Tax Sale Parcels to the Department
of Redevelopment

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved BOW Resolution 24-R-28, a Resolution of the Board of Public Works of the City of Elkhart, Indiana authorizing the transfer of real property to the Elkhart Redevelopment Commission.

Award Quote #24-27 Tree Removal Central

On motion by Rose Rivera, seconded by Andy Jones and carried 4-0, the Board awarded Quote #24-27 Tree Removal Central to Cut-Rite Tree Services who was the lowest responsible bidder with a price of \$62,917.00, and authorized the City Forrester Chip Tallman to sign the contract.

Permission to Move the Court to Appoint Receiver for 111 Lexington Ave.

On motion by Rose Rivera, seconded by Ron Davis and carried 4-0, the Board approved the recommendation of the selection committee and approved the Public Works Attorney's request to file a motion with the Court requesting the appointment of GoGo Realty as the receiver, and authorized the Board Vice-President to execute the contract with GoGo Realty on the Board's behalf, once the contract has received legal approval.

8. Use & Event Permits

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

- EHS Homecoming Parade 10/11- Temporary Street Closure, Parade & Public Assembly, EPD, ESS, EMS, Special Exception from Noise
- Modrell Homeowners Block Party 9/21- Temporary Street Closure, Special Exception from Noise

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- Soto Birthday Party 10/12- Temporary Street Closure, Special Exception from Noise
- Ugly Sweater 5k & Stroll 12/7- ESS, EMS, Golf Cart, EPD, Temporary Street Closures, Parade & Public Assembly, Special Exception from Noise
- March for Jesus & Prayer Gathering 9/29- Parade & Public Assembly, Special Exception from Noise, ESS, EPD, Central Green Park

9. Public Participation

Neil Purtz, the Environmental Manager for JBS Prepared Foods updated the Board on the Administrative Order for the manhole project. Two weeks ago, he said he was at the Board of Works meeting and mentioned they are appealing the Administrative Order dated June 10, 2024. Since then, JBS issued a Purchase Order to Surveys and Mapping for three specific items in their quotation for moving forward with the Administrative Order; Field survey for the property lines, prepare existing condition drawing, and prepare preliminary Sanitary Sewer profile. Neil said he was talking with Ms. Kolo yesterday, and he believes the group is going to meet and talk about this Administrative Order appeal this week. He said he came today to see what the status is on that appeal. The deadline on the Administrative Order is September 30, 2024. Today is the last meeting we can ask for an extension. If we win the appeal we won't need an extension, if we lose it we will need an extension. This is one of those meetings we just wanted to come and give the Board an update. In good faith, the question of the cost of the Administrative Order: Surveys and Mapping \$21,000.00, the equipment with a long lead-time is \$48,000.00, budgetary proposals for electrical, excavation, and installation, for a total cost of about \$210,000.00. Thus, the appeal. Neil said he is looking forward to working closely with everyone to finalize this. Jamie thanked him and said the Board appreciates the update.

10. Adjournment

On motion by Andy Jones, seconded by Rose Rivera and carried 4-0, the Board of Works adjourned at 10:04 a.m.

_____ Jamie Arce, Vice-President

Attest: _____ Nancy Wilson, Clerk of the Board

MEMORANDUM OF
THE SEPTEMBER 17, 2024 SPECIAL MEETING OF
THE CITY OF ELKHART BOARD OF PUBLIC WORKS

Present: Jamie Arce
 Rose Rivera
 Andy Jones
 Ron Davis

Also Present: Utility and Board of Works Attorney Margaret Marnocha

Pursuant to I.C. 5-14-1.5-6.1(b)(2)(B) the City of Elkhart Board of Public Works met in Executive Session on September 17, 2024 at 10:06 a.m., to discuss initiation of litigation that is either pending or has been threatened specifically in writing.

No other subject matters were discussed, and no votes were taken.

Following discussion, the meeting was adjourned at 10:22 a.m.

Jamie Arce

Rose Rivera

Andy Jones

Ron Davis


Attest:

Clerk of the Board of Works

MEMORANDUM

DATE: March 27, 2024

TO: Board of Public Works

FROM: Laura Kolo, Utility Services Manager 

RE: **Amendment #1: PSA with DLZ Indiana, LLC
Benham Water Tower Rehabilitation Project**

Attached is Amendment #1 for the Benham Water Tower Rehabilitation Project. This amendment is for additional work to be provided by DLZ Indiana, LLC.

The additional work from this amendment includes:

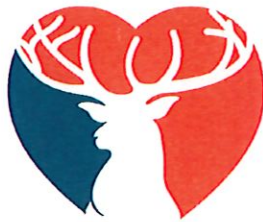
- a) Providing additional services under:
 - a. Task 6 – Construction Administration
 - b. Task 7 – Limited Construction Observation Services and Testing

This amendment has been sent to Legal for their review.

This Amendment No. 1 includes Engineer's services anticipated through July 2024. The Project will be complete in the late Fall of 2024. Once the Contractor's schedule is provided, Engineer will develop another Contract Amendment for services through project completion.

It is requested the Board of Public Works:

Approve Amendment #1 with DLZ Indiana, LLC for the Benham Water Tower Rehabilitation Project, for an increase of \$39,260.00, bringing the current not-to-exceed fee to \$111,860.00.



City of Elkhart
Public Works and Utilities

Date Sep 10, 2024
Memo To Board of Public Works
Memo From Laura Kolo, Utility Services Manager
Subject Wastewater Utility Monthly Report of Operations
for the month of July, 2024

REVISSED 09/12/24

Wastewater MRO Highlights

Parameter	Monthly Avg	Permit Limit
Suspended Solids mg/L	4	30
cBOD5 mg/L	2	25
Phosphorus mg/L	0.69	1.0
Ammonia mg/L	0.14	4.4 (Dec-Apr) 4.2 (May-Nov)
Avg Daily Flow MGD	21.73	Design - 20
Total Monthly Flow MGD	674	Report

Incident Reports Filed

Date	Location	Volume (gal)	Cause
07/01/24	1200 S. Main	44	grease
07/14/24	MH -1630	547,800	pumps not programmed
07/19/24	1626 EIReno	1159	grease and roots

revised 9/10/24

Wet Weather Overflows

Number of Events	Total Overflow Volume (MG)
11	23.9775



M E M O R A N D U M

Date September 25, 2024
To Mike Machlan, Board of Works President
From Steve Brown, Pretreatment Manager ^{SB}
RE JBS Prepared Foods – Permit # 2002-01

The Administrative Order that the Board of Public Works issued to JBS Prepared Foods on June 4, 2024 with the completion due date September 30, 2024 needs extended so that staff can explore all alternatives with JBS.

Please approve a motion to extend the JBS Administrative Order deadline by 60 days to November 29, 2024.

Please approve a motion to extend the JBS Administrative Order deadline by 60 days to November 29, 2024 for JBS Prepared Foods.

Rod Roberson
Mayor

Laura Kolo
Environmental Resources

Tory Irwin, P.E.
Engineering Services



Public Works &
Utilities Department

Administration, Engineering
& Laboratory
574.293.2572

Utility Billing
574.264.4273

1201 S. Nappanee St.
Elkhart, Indiana 46516

June 10, 2024

Mr. Benjamin Nuss
Plant Manager
JBS Prepared Foods
24402 County Road 45
P. O. Box 2437
Elkhart, IN 46515

VIA: CERTIFIED MAIL AND
ELECTRONIC MAIL Benjamin.Nuss@jbssa.com & Dominick.Fultz@jbssa.com

Re: ADMINISTRATIVE ORDER

Dear Mr. Nuss,

On June 4, 2024, the Board of Public Works ("Board") took action with regard to JBS Prepared Foods' ("JBS") effluent into the City's publically owned treatment works ("POTW"). Let this letter serve as notice of the Administrative Order.

Findings:

The Board, by a unanimous vote, determined that the Public Works staff did demonstrate that the grease which caused the blockage that was the subject of the pending penalty, was from the effluent released by JBS. The Board further determined that the \$2500.00 penalty was reasonable and proper.

Administrative Order:

JBS must install a control monitoring manhole with radar technology and metering capabilities¹ within the public right-of-way. Said manhole must be installed and operational by September 30, 2024 in order to prevent further damage to the POTW.

¹The manhole must meet the City's requirements and pass inspection by the City.

Further, the Board issued the \$2500.00 penalty against JBS with the caveat that after six months from the date of the Board meeting, and with the timely completion of the manhole and no further violations, the Board may abate the penalty upon the request of JBS.

The Board ordered Public Works and Utilities counsel to draft this document and serve JBS.

If you have any questions regarding the Board's actions please contact this office.

Best Regards,

A handwritten signature in black ink, appearing to read 'M Marnocha', with a long horizontal flourish extending to the right.

Margaret M. Marnocha
Assistant City Attorney
Public Works and Utilities



M E M O R A N D U M

Date September 25, 2024
To Mike Machlan, Board of Works President
From Steve Brown, Pretreatment Manager *SB*
RE Baker's Nook Cafe - 127 Easy Shopping Place - FOG Variance Request

The Pretreatment group was contacted by Jillian Arnold in regards to Baker's Nook Café located at 127 Easy Shopping Place.

Baker's Nook Café is requesting a FOG variance from having to install a grease control device.

Please grant Baker's Nook a FOG Variance that would not require the installation of a grease control device.

✓



M E M O R A N D U M

Date September 25, 2024
To Mike Machlan, Board of Works President
From Steve Brown, Pretreatment Manager SB
RE Ellwood's - 115 East Lexington Ave. – Communication/90 day extension

Dave Osborne, the owner of Ellwood's located at 115 East Lexington Ave., would like to update the Board with his progress in regards to coming into compliance with the FOG Program.

Please grant Ellwood's a 90 day extension to have the appropriate grease control device(s) installed no later than December 30, 2024.



M E M O R A N D U M

Date September 25, 2024
To Mike Machlan, Board of Works President
From Steve Brown, Pretreatment Manager
RE BD Industries – Permit # 88-03

The Pretreatment group requests the Board of Public Works approval of the Industrial Wastewater Discharge Permit for BD Industries Permit # 88-03, located at 1715 Fieldhouse Ave., Elkhart, Indiana.

BD Industries has metal finishing operations for aviation industry. They are excellent corporate citizens and Pretreatment Staff recommends this standard 5-year permit renewal.

Please issue BD Industries its five year Industrial Wastewater Discharge Permit renewal.



City of Elkhart
Public Works and Utilities

M E M O R A N D U M

Date September 25, 2024
To Mike Machlan, Board of Works President
From Steve Brown, Pretreatment Manager
RE Norfolk Southern – Permit # 85-27

The Pretreatment group requests the Board of Public Works approval of the Industrial Wastewater Discharge Permit for Norfolk Southern Permit # 85-27, located at SR 19 @Lusher Ave., Elkhart, Indiana.

Norfolk Southern conducts locomotive repairs and fueling capabilities. They are excellent corporate citizens and Pretreatment Staff recommends this standard 5-year permit renewal.

Please issue Norfolk Southern its five year Industrial Wastewater Discharge Permit renewal.



M E M O R A N D U M

Date September 25, 2024
To Mike Machlan, Board of Works President
From Steve Brown, Pretreatment Manager^{SB}
RE Huntington Alloys – Permit # 86-07

The Pretreatment group requests the Board of Public Works approval of the Industrial Wastewater Discharge Permit for Huntington Alloys Permit # 86-07, located at 2900 Higgins Blvd., Elkhart, Indiana.

Huntington Alloys processes nickel alloys for aerospace, automotive and oil industry. They are excellent corporate citizens and Pretreatment Staff recommends this standard 5-year permit renewal.

Please issue Huntington Alloys its five year Industrial Wastewater Discharge Permit renewal.

Wilson, Nancy

From: Mike Machlan <mikemachlan@gmail.com>
Sent: Tuesday, September 24, 2024 1:59 PM
To: Wilson, Nancy; Arce, Jamie
Subject: EXTERNAL: Re: Bimbo Bakeries Permit 2006-03 Appeal

Caution: This email originated from outside of the organization. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Nancy

Please include this in the next board packet as
"Accept Communication"

On Tue, Sep 24, 2024, 12:26 PM Jonathan Kania <jonathan.kania@grupobimbo.com> wrote:

Good Afternoon,

We have not heard from Elkhart county or department of public works regarding our wastewater permit appeal with a response request date of 9/20. Please respond to this email or if you would prefer to set up a call we can accommodate accordingly.

Thank You.

Jonathan Kania

Regional Env. Mgr

Bimbo Bakeries USA

262.225.1983

From: Jonathan Kania
Sent: Monday, August 26, 2024 2:59 PM
To: 'mikemachlan@gmail.com' <mikemachlan@gmail.com>; 'jamie.arce@coei.org' <jamie.arce@coei.org>; 'david.henke@coei.org' <david.henke@coei.org>; Brown, Steve <steve.brown@coei.org>; ALFREDO LOPEZ VALENCIA <alfredo.lopez@grupobimbo.com>; Paulina Zharare <paulina.zharare@grupobimbo.com>
Cc: 'chris@elkhartcountybiz.com' <chris@elkhartcountybiz.com>; 'Davidd@elkhartcountybiz.com'

<Davidd@elkhartcountybiz.com>; Shely Tennor <shely.tennor@grupobimbo.com>

Subject: Bimbo Bakeries Permit 2006-03 Appeal

Good Afternoon,

In response to the received wastewater permit on August 20, 2024 and comments prior to, please see the attached appeal regarding wastewater permit conditions concerning heavy metal testing. A hard copy has been sent today August 26, 2024 within the 15 days appeals period.

BBU would appreciate a response by September 20, 2024.

Thank You.

Jonathan Kania, CHMM, CSP

Bimbo Bakeries [USA](#)

[2705 Frederic Dr.](#)

[Elkhart, IN 46514](#)

262.225.1983

Internal and Confidential Information of Grupo Bimbo, click to know the [Privacy and Confidentiality Notice](#)

Información Interna y Confidencial de Grupo Bimbo, da click para conocer el [Aviso de Privacidad y de Confidencialidad](#)



MEMORANDUM

DATE: Tabled September 17, 2024
Continued October 1, 2024

TO: Board of Public Works

FROM: Jeffrey Schaffer, Engineering *JAS*

RE: **Driveway Width Variance – 4019 Timber Court**

The staff received a driveway permit application from Scott Hamilton (property owner) and Infinite Creations (contractor) for a proposed driveway reconstruction at 4109 Timber Court. The existing driveway width at the right-of-way line is approximately 24 feet, which is the maximum permitted by the Board's approved driveway policy. The applicants are request a driveway width of 40 feet at the property line. A sketch is attached.

The staff notified the applicants that the driveway permit would not be approved as presented and that the applicants should appear before the Board to request a variance from the Board's approved driveway policy.

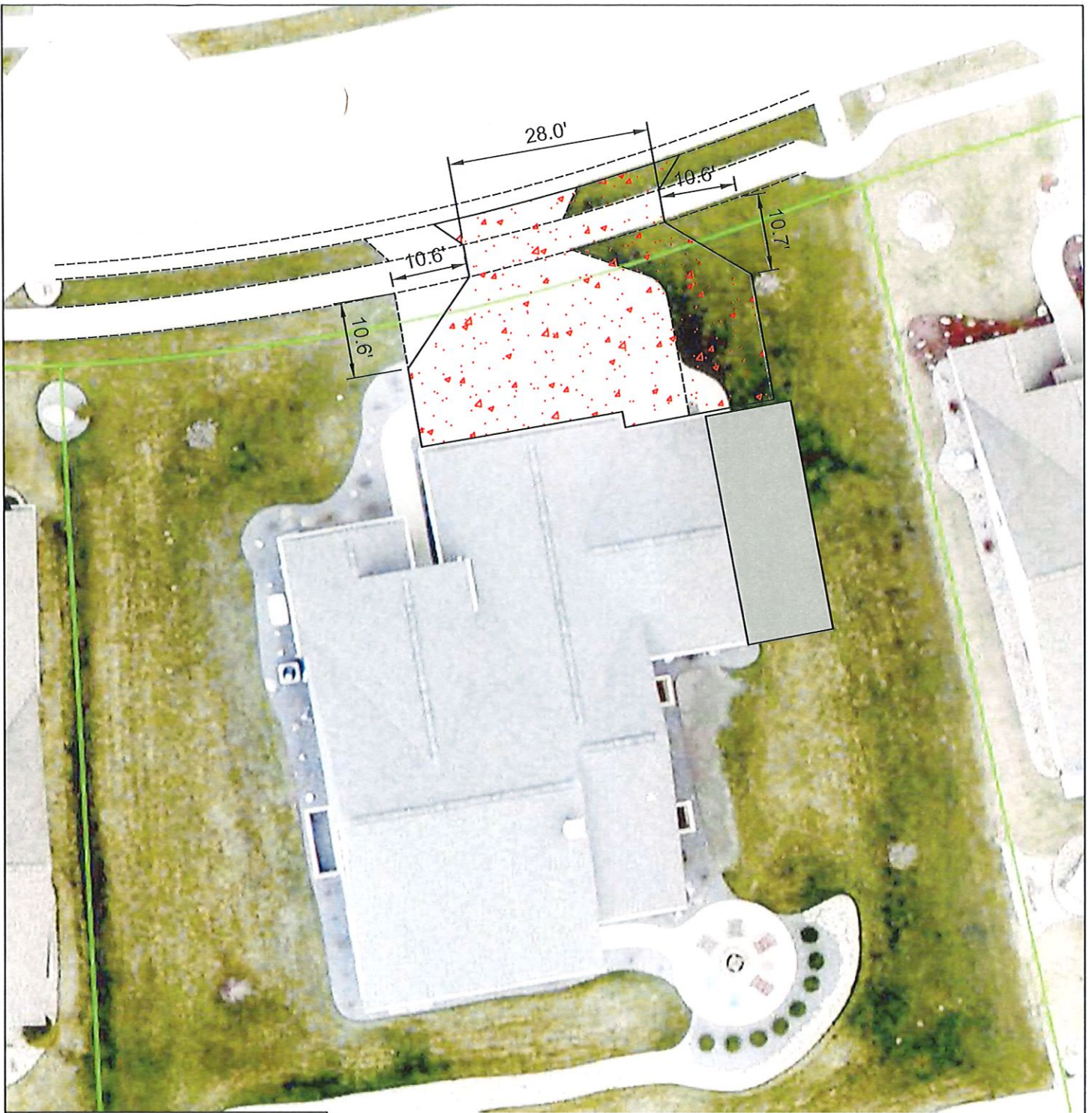
Based on Board's direction at the September 17, 2024, meeting, the staff has documented the following:

1. The Board's stated policy is a maximum driveway width of 24 feet. The staff historically has varied that up to 28 feet.
2. There are three to five driveways widths that exceed 28 feet in Timberstone; the prime example is 4003 Timber Lane. That driveway is 34 feet in width.
3. However, all of those driveways were approved when the development was in the County, not in the City. The City has consistently applied its standards.
4. The maximum driveway width in Timberstone, either one single driveway approach or combination of two driveway approaches, appears to be 34 feet.

The City staff prepared the attached sketch of a suggest approach for a 28-foot driveway width.

The starting motion suggested by the Board of Public Works for discussion purposes is as follows:

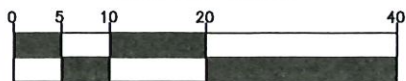
Approve the driveway width variance for 4019 Timber Court as requested by Scott Hamilton (owner) and Infinite Creations (contractor).



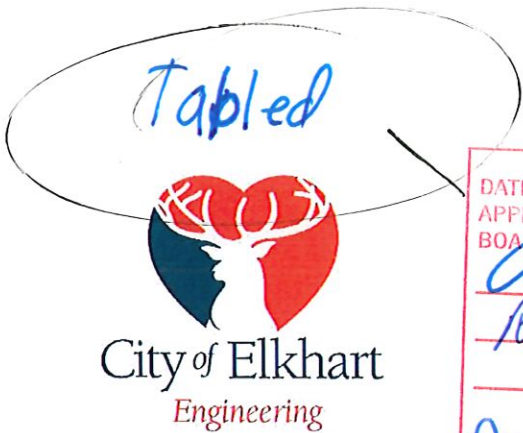
LOT 66-SA TIMBERSTONE
4019 TIMBER COURT
ELKHART, INDIANA
DRIVEWAY PLAN



GRAPHIC SCALE



1" = 20' HOR



DATE	9/17/24
APPROVED BY CITY OF ELKHART BOARD OF PUBLIC WORKS	
	Andy Jones
	Roe [Signature]
	Bon Davis
	[Signature]

MEMORANDUM

DATE: September 17, 2024

TO: Board of Public Works

FROM: Jeffrey Schaffer, Engineering *JJS*

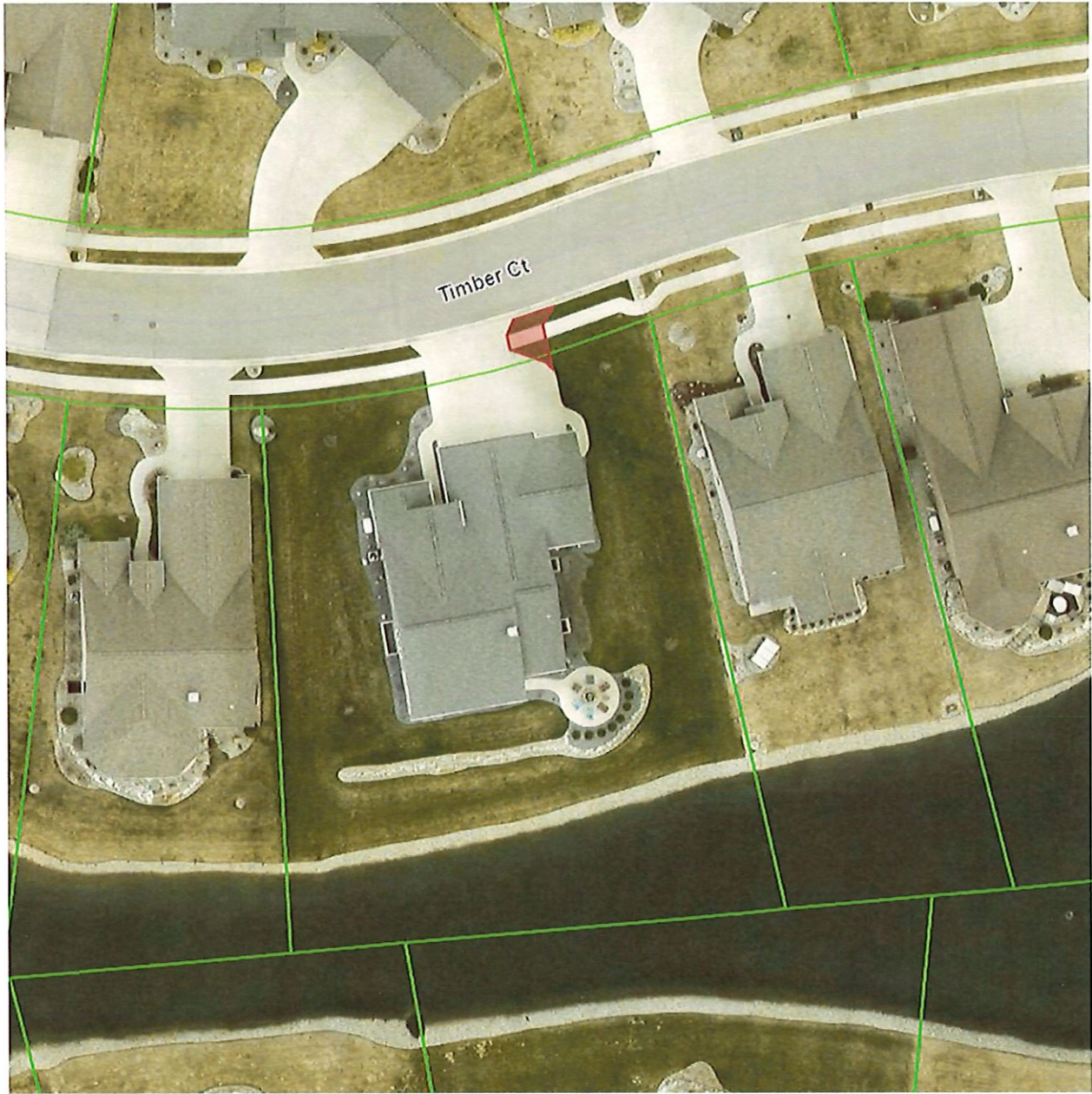
RE: **Driveway Width Variance – 4019 Timber Court**

The staff received a driveway permit application from Scott Hamilton (property owner) and Infinite Creations (contractor) for a proposed driveway reconstruction at 4109 Timber Court. The existing driveway width at the right-of-way line is approximately 24 feet, which is the maximum permitted by the Board’s approved driveway policy. The applicants are request a driveway width of 40 feet at the property line. A sketch is attached.

The staff notified the applicants that the driveway permit would not be approved as presented and that the applicants should appear before the Board to request a variance from the Board’s approved driveway policy.

The starting motion suggested by the Board of Public Works for discussion purposes is as follows:

Approve the driveway width variance for 4019 Timber Court as requested by Scott Hamilton (owner) and Infinite Creations (contractor).





DRIVEWAY/DRAINAGE PERMIT APPLICATION

Public Works & Utilities 1201 S. Nappanee St. Elkhart, IN 46516
Phone (574) 293-2572 Fax (574) 293-7658

Driveway Permit No. 5141
Drainage Permit No. —
Zoning Clearance No. — per JS
*Application Date: 9/3/24

Address:

- Single Family Manufactured Housing Park
- Duplex Business
- Multi-Unit Manufacturing

*Completed by Applicant

*Property Address: 4019 Timber Ct

*Owner: Scott Hamilton Phone No.: (574) 849-3674 Cell No.: _____

*Address (If different than Property Address): _____

*Contractor: Infinite Creations Phone No.: _____ Cell No.: (574) 312-0041

*Address: 55290 CR 8 Middlebury, IN 46540 Fax No.: _____

*Requested By: Property Owner Contractor

*Nearest Side Street: Timberstone Dr. E

*Does a State or County Road Border the Property? Yes No Road Name: _____

Required Bond Amount (Completed by staff)

- Blanket Bond of \$10,000 to \$50,000 (Contractors only-if bond has been filed with city) N/A
- Residential Drive 12' Wide → 40' wide Residential Drive 24' Wide per Jeff S.
- One Drive \$400 Two Drives \$600 One Drive \$600 Two Drives \$800
- Commercial Drive 30' Wide Commercial Drive 40' Wide Two Commercial Drives 30'-40' Wide
- \$1,500.00 \$2,000.00 \$3,500.00

Additional drives, wider drives, or other special considerations may require bond amounts greater than these guidelines.

Approvals

Inspector: _____ Date: _____

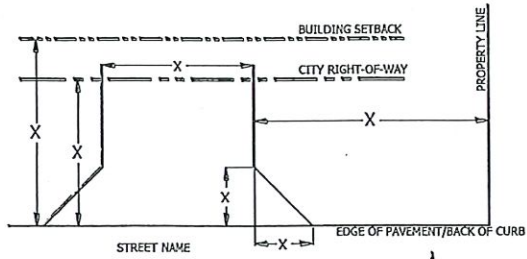
Traffic Approval: _____ Date: _____

Drainage Approval: _____ Date: _____

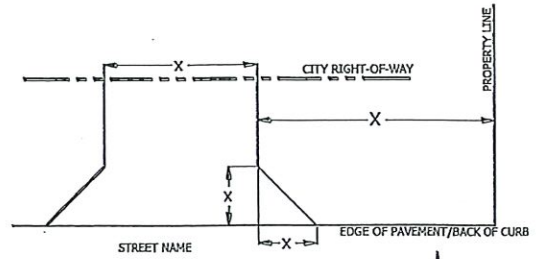
Board of Public Works: Jack Date: 9/17/24

Required Drawing with Permit Application:

TYPICAL COMMERCIAL DRIVEWAY DRAWING



TYPICAL RESIDENTIAL DRIVEWAY DRAWING



REQUIRED

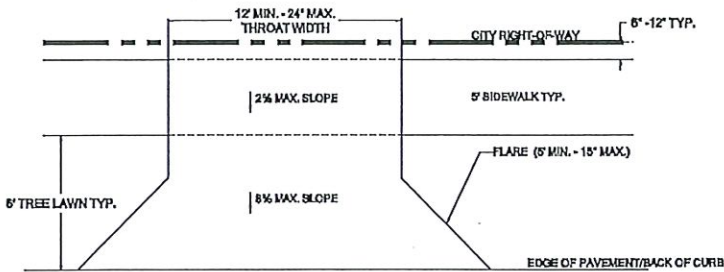
- | | |
|---------------------|-------------------------------|
| ADDRESS | BUILDING SETBACK |
| STREET NAME | BUILDING(S) |
| STREET MATERIAL | DRIVEWAY DIMENSIONS |
| STREET WIDTH | DRIVEWAY MATERIAL & THICKNESS |
| STREET NAME | DRIVEWAY LOCATION ON PROPERTY |
| DRAINAGE STRUCTURES | ADT COUNTS |
| RIGHT-OF-WAY | DECEL/ACCEL LANES IF REQUIRED |

REQUIRED

- | |
|-------------------------------|
| ADDRESS |
| STREET NAME |
| STREET MATERIAL |
| BUILDING(S) |
| DRIVEWAY DIMENSIONS |
| DRIVEWAY MATERIAL & THICKNESS |
| DRIVEWAY LOCATION ON PROPERTY |

Drainage Requirements: Refer to the City of Elkhart Requirements

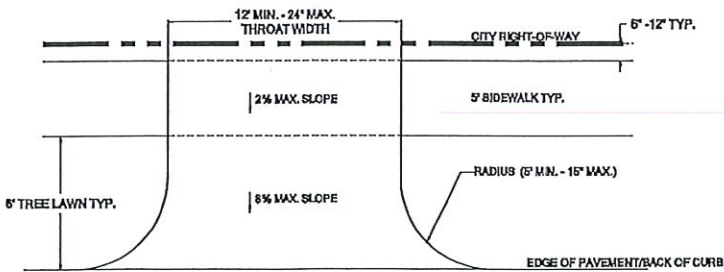
TYPICAL RESIDENTIAL DRIVE ENTRANCE



Driveway Pavement Sections Within City Right-of-Way for Collector or Arterial Streets

Concrete	OR	Bituminous
6" Class 'A'		1 1/2" Bit. Surface
3" Aggregate Base (Compacted)		2" Bit. Binder
		4" Bit. Base
		3" Aggregate Base (Compacted)

July 2000




Please call for a pre-pour inspection and final inspection.

Recommendations



MEMORANDUM

DATE: October 1, 2024
TO: Board of Public Works
FROM: Jeffrey Schaffer, Engineering 
RE: **Driveway Width Variance – 2539 Timberstone Drive East**

On July 3, 2024, the staff received a driveway permit application from David Bortner Revocable Trust (owner) and Dynamic Custom Homes (contractor) for a proposed new driveway at 2639 Timberstone Drive East. The sketch provided labeled the driveway as 30 feet wide, more or less. Unfortunately, this was not further questioned by either the Planning and Zoning Department or Public Works, and the permit application was approved as presented. That sketch is attached.

The actual driveway and driveway approach that have been constructed exceed 40 feet in width.

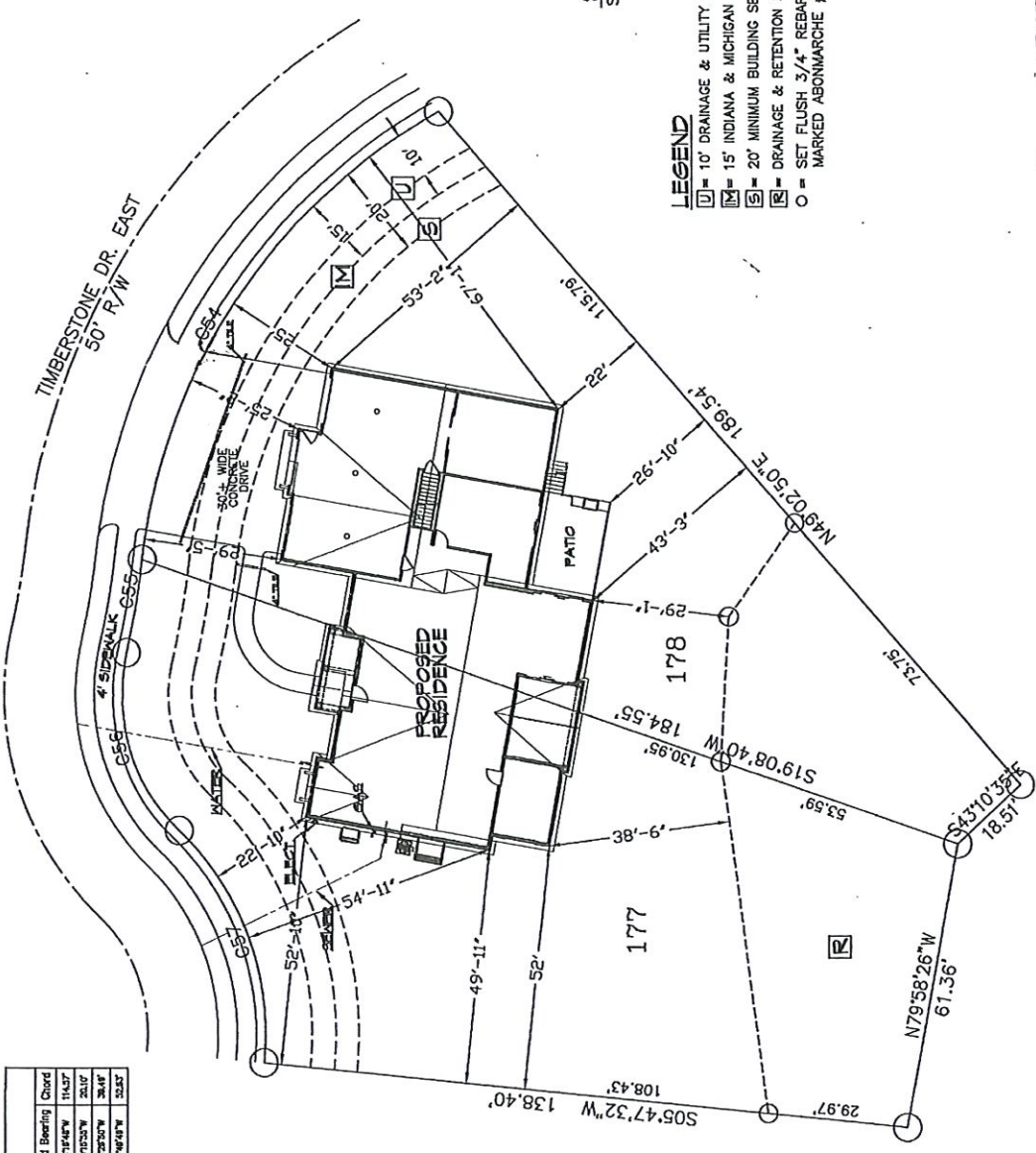
Based on Board's direction at the September 17, 2024, meeting, the staff has documented the following:

1. The Board's stated policy is a maximum driveway width of 24 feet. The staff historically has varied that up to 28 feet.
2. There are three to five driveways widths that exceed 28 feet in Timberstone; the prime example is 4003 Timber Lane. That driveway is 34 feet in width.
3. However, all of those driveways were approved when the development was in the County, not in the City. The City has consistently applied its standards.
4. The maximum driveway width in Timberstone, either one single driveway approach or combination of two driveway approaches, appears to be 34 feet.

Dynamic Custom Homes is requesting a variance to allow the driveway that exceeds 40 feet in width to remain in place and be approved by the Board.

The starting motion suggested by the Board of Public Works for discussion purposes is as follows:

Approve the driveway width variance for David Bortner Revocable Trust (owner) and Dynamic Custom Homes (contractor) for a proposed new driveway at 2639 Timberstone Drive that exceeds 40 feet in width.



SITE PLAN
SCALE: 1"=25'-0"

- LEGEND**
- 10' DRAINAGE & UTILITY EASEMENT
 - 15' INDIANA & MICHIGAN POWER EASEMENT
 - 20' MINIMUM BUILDING SETBACK LINE
 - DRAINAGE & RETENTION EASEMENT
 - SET FLUSH 3/4" REBAR WITH CAP MARKED ABONMARCHÉ #0050.

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C54	118.22'	124.00'	54°33'12"	N86°14'47"W	114.37'
C55	20.11'	174.00'	5°47'00"	N86°12'33"W	20.10'
C56	41.32'	42.00'	57°09'20"	S77°29'30"W	28.48'
C57	54.37'	60.00'	51°52'24"	S84°04'10"W	33.83'

Line #	Bearing	Length
144	S45°10'52"E	14.51'

BORTNER RESIDENCE
DYNAMIC
CONSTRUCTION, LLC
LOT 8171 & 178, TIMBERSTONE, ELKHART, IN
11/2/25

PERMIT No. 21254

Inspected

DATE: 7-3-24

PERMIT FOR DRIVEWAY

IS HEREBY ISSUED TO:

CONTRACTOR: Dynamic Custom Homes

LOCATION OF DRIVEWAY: 2539 Timberstone Dr. E.

TYPE OF DRIVEWAY: Residential 2- Drive


OWNER'S NAME: Dane Barber

Repair

Addition

New

PERMIT EXPIRES: 8-3-24

AUTHORIZED BY: 



DRIVEWAY/DRAINAGE PERMIT APPLICATION

Public Works & Utilities 1201 S. Nappanee St. Elkhart, IN 46516
Phone (574) 293-2572 Fax (574) 293-7658

Driveway Permit No. 5134
Drainage Permit No. _____
Zoning Clearance No. 223-0060
*Application Date: 7-3-24

Address:

- Single Family
- Duplex
- Multi-Unit
- Manufactured Housing Park
- Business
- Manufacturing

*Completed by Applicant

*Property Address: 2539 Timberstone Drive East
*Owner: Dave Portner Phone No.: _____ Cell No.: 574-298-6192

*Address (If different than Property Address): _____

*Contractor: Dynamic Custom Homes Phone No.: _____ Cell No.: 574-612-8297

*Address: 19739 County Road 20 Goshen IN 46528 Fax No.: _____

*Requested By: Property Owner Contractor

*Nearest Side Street: C.R. 15

*Does a State or County Road Border the Property? Yes No Road Name: C.R. 15

Required Bond Amount (Completed by staff)

Blanket Bond of \$10,000 to \$50,000 (Contractors only-if bond has been filed with city)

Residential Drive 12' Wide

- One Drive \$400
- Two Drives \$600

Residential Drive 24' Wide

- One Drive \$600
- Two Drives \$800

Commercial Drive 30' Wide

\$1,500.00

Commercial Drive 40' Wide

\$2,000.00

Two Commercial Drives 30'-40' Wide

\$3,500.00

Additional drives, wider drives, or other special considerations may require bond amounts greater than these guidelines.

Approvals

Inspector: _____ Date: _____

Traffic Approval: _____ Date: _____

Drainage Approval: _____ Date: _____

Board of Public Works: _____ Date: _____

Pettis, Charlotte

From: Pettis, Charlotte
Sent: Wednesday, July 3, 2024 3:26 PM
To: jordan@dynamiccustomhomesllc.com
Subject: City of Elkhart / Driveway Permit 2539 Timberstone DR. E.
Attachments: 20240703153422887.pdf

Importance: High

Please be advised, you must call for a pre-pour and post pour Inspection. To Mark Lucas at **574-293-2572 extension 2448**. The drawing is still needed for the inspector.

Thanks!

Charlotte Pettis
Office Services/Receptionist



1201 South Nappanee St.
Elkhart, IN 46516
(574) 293-2572 ext. 2201



ASPIRE to Aspire Elkhart.
ELKHART

"Tomorrow's Elkhart Starting Today"
Public Works – Street & Utility Infrastructure

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify me immediately by return email and promptly delete this message and its attachments from your computer system.

CONSTRUCTION COMPANY

*IF NOT THE OWNER, RELATIONSHIP TO OWNER

To Be Completed By Office Staff:

Zoning Permit Number: Z23-0060

Required Setbacks: Front Rear R Side L Side

Staff Comments:


Staff Signature: Jason Ughetti Date: 2023-11-20



MEMORANDUM

DATE: October 1, 2024

TO: Board of Public Works

FROM: Jeffrey Schaffer, Engineering 

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

At the September 17, 2024, Board of Public Works meeting, bids were opened for Bid #24-17, State Road 19 Access Management – Permanent Plan – Phase 1. The results are as follows:

Contractor	Bid
John Boettcher Sewer and Excavating	\$438,166.94
Premium Services	\$286,754.00
Rieth-Riley Construction Co.	\$304,000.00

The project is funded by an appropriation from the Redevelopment Commission for this project.

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


Award Bid #24-17, State Road 19 Access Management – Permanent Plan – Phase 1, to Premium Services, who submitted the lowest responsive bid, with a contract price in the amount of \$286,754.00.



MEMORANDUM

DATE: October 1, 2024

TO: Board of Public Works

FROM: Jeffrey Schaffer, Engineering 

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

At the September 17, 2024, Board of Public Works meeting, bids were opened for Bid #24-18, Hively Avenue Overpass – Demolition Contract #5. The results are as follows:

Contractor	Bid
Beer and Slabaugh	\$192,750.00
C&E Excavating	\$195,075.00
John Boettcher Sewer and Excavating	\$186,737.46

The project is funded by an appropriation from the Common Council for the Hively Avenue Overpass Project. This expenditure will be credited to the City as part of the City's financial contribution to the project.

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

Award Bid #24-18, Hively Avenue Overpass – Demolition Contract #5, to John Boettcher Sewer and Excavating, who submitted the lowest responsive bid, with a contract price in the amount of \$186,737.46.



MEMORANDUM

DATE: October 1, 2024
TO: Board of Public Works
FROM: Jeffrey Schaffer, Engineering *JJS*
RE: **Award Bid #24-19, Hively Avenue Overpass – Demolition Contract #6**

At the September 17, 2024, Board of Public Works meeting, bids were opened for Bid #24-19, Hively Avenue Overpass – Demolition Contract #6. The results are as follows:

Contractor	Bid
Beer and Slabaugh	\$95,000.00
C&E Excavating	\$83,395.00
John Boettcher Sewer and Excavating	\$83,225.00

The project is funded by an appropriation from the Common Council for the Hively Avenue Overpass Project. This expenditure will be credited to the City as part of the City's financial contribution to the project.

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

Award Bid #24-19, Hively Avenue Overpass – Demolition Contract #6, to John Boettcher Sewer and Excavating, who submitted the lowest responsive bid, with a contract price in the amount of \$83,225.00.

BID #24-20: BRISTOL STREET RECONSTRUCTION – CLEARING RIGHT-OF-WAY - BID TABULATION

Item	Description	Estimated Quantity	Units	Homer Tree Service		Paynes Services	
				Unit Price	Subtotal	Unit Price	Subtotal
1	Mobilization and Demobilization, Max 10%	1	LSUM	\$17,000.00	\$17,000.00	\$5,800.00	\$5,800.00
2	Construction Staking	1	LSUM	\$20,000.00	\$20,000.00	\$5,000.00	\$5,000.00
3	Maintenance of Traffic	1	LSUM	\$15,000.00	\$15,000.00	\$35,250.00	\$35,250.00
4	Pollution Prevention and Erosion Control	1	LSUM	\$22,000.00	\$22,000.00	\$5,000.00	\$5,000.00
5	Clearing and Grubbing	2.79	ACRES	\$12,000.00	\$33,480.00	\$5,000.00	\$13,950.00
6	Tree Removal	40	EACH	\$2,000.00	\$80,000.00	\$4,500.00	\$180,000.00
	GRAND TOTAL				\$187,480.00	\$245,000.00	
	INDOT Pre-Qualified Contractor				Yes	No	



MEMORANDUM

DATE: October 1, 2024

TO: Board of Public Works

FROM: Jeffrey Schaffer, Engineering *JPS*

RE: **Change Order #1 and Final for Bid #24-01, 2024 ADA-Funded Curb Ramp Replacement**

Change Order #1 and Final for Bid #24-01, 2024 ADA-Funded Curb Ramp Replacement, is and adjustment to final quantities.

The net total increase in the contract price due to the Change Order is \$7199.50, which is 3.4% of the original contract price of \$210,200.00.

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

Approve Change Order #1 and Final for Bid #24-01, 2024 ADA-Funded Curb Ramp Replacement, increasing the contract value by \$7199.50, resulting in a contract price of \$217,399.50.



M E M O R A N D U M

DATE: September 6, 2024

TO: Board of Public Works

FROM: Paul Wunderlich, Utility Engineer *PW*

RE: Service Line Identification Project:

Ratify the release of retainage through Partial Payment Request #4 to Premium Services

Please see the attached partial pay application #4 to Premium Services for construction services provided for the Service Line Identification Project. This project was approved by the Board of Works to identify unknown water service line materials within our water network. Premiums work successfully identified 453 services. This final pay application is payment of retainage. It will be paid through funds disbursed by the IFA. The final payment for this application totals \$19,977.00

To date, including this payment and all retainage, we have paid \$399,546.00, or 99% of the original \$400,000.00 contract price. Note: the final \$454 was not enough to pay for an additional service line identification and will be returned to the SRF grant fund. The contract will be amended to reflect this change.

It is requested that the BOW:

approve partial payment #4 - Retainage in the amount of \$19,977.00 to Premium Services from the allocated SRF loan for work on the Service Line Identification project

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. 1 & Final
Dated 8/29/2024

Project: Service Line Investigation Project Contract No. 23-15

To: Premium Services
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 contract amount. \$ (454.00)

TOTAL \$ (454.00)

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

Original Contract Price	\$ 400,000.00
Contract Price Prior to this Change Order	\$ 400,000.00
Net change resulting from this Change Order	\$ (454.00)
Current Contract Price including this Change Order	\$ 399,546.00
Current Contract Price % Change from Original Price	-0.1%
Contract Time prior to this Change Order	NO CHANGE (Days or Time)
Net Time change resulting from this Change Order	NO CHANGE (Days)
Current Contract Time including this Change Order	NO CHANGE (Days or Time)

The above changes are approved:

Public Works & Utilities
BY: Paul W. Zunderlitch
Engineer

9/4/2024
DATE

The above changes are accepted:

BY: [Signature]
Contractor

9/9/24
DATE

Application For Final Payment

PROJECT: Service Line Investigation Project
 CONTRACT #: 23-15
 PERIOD ENDING: 8/29/2024

CONTRACTOR: Premium Services
 ADDRESS: 712 Richmond St.
 Elkhart, IN 46516

ORIGINAL CONTRACT PRICE \$ 400,000.00
 CHANGE ORDERS THIS PAYAPP \$ (454.00)
 TOTAL CHANGE ORDERS \$ (454.00)
 CURRENT CONTRACT PRICE \$ 399,546.00

ITEM NO.	DESCRIPTION	ORIGINAL CONTRACT QUANTITIES			QUANTITIES THIS PERIOD		ACTUAL QUANTITIES TO DATE				
		ESTIMATED QUANTITY	UNIT COST	ESTIMATED COST	UNITS THIS PERIOD	COST THIS PERIOD	ACTUAL UNITS	COST TO DATE			
1	Service Line Identification	453	EA	\$ 882.00	\$ 399,546.00	0	EA	\$ -	453	EA	\$ 399,546.00
	Total				\$ 399,546.00			\$ -			\$ 399,546.00
GROSS AMOUNT DUE										\$	399,546.00
LESS PREVIOUS PAYMENTS										\$	379,568.70
AMOUNT DUE THIS APPLICATION										\$	19,977.30

CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of work done under the Contract referred to the above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with work covered by prior Applications for Payment; and (2) title to all materials and equipment incorporated in said work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as covered by Bond acceptable to OWNER).

Dated _____, 20____

Justin R. Kelly

 BY CONTRACTOR

ENGINEER'S RECOMMENDATION:

This Application (with accompanying documentation) meets the requirements of the Contract documents and payments of the above AMOUNT DUE THIS APPLICATION is recommended. I certify that I have verified this Periodical Estimate, and that to the best of my knowledge and belief it is a true and correct statement of work performed.

Dated _____, 20____

Paul W. Wunderlich

 BY ENGINEER



M E M O R A N D U M

DATE: September 19, 2024

TO: Board of Public Works

FROM: Jason Simnick, Project Manager JS

RE: **Oakland Avenue Forcemain – Phase A – SA7878: Approval of Partial Payment Request #16 to C&E Excavating**

Please see the attached partial pay application #16 from C&E Excavating for construction services provided for the Oakland Avenue Forcemain – Phase A project for work performed during the period thru August 30th, 2024. This partial pay application, in the amount of \$598,358.00, includes payment for water main, storm sewer, pavement, force main, and water service installation and as payment for retainage. It will be paid through the two SRF loans for this project. The partial payment this application breaks down as follows:

	WW22162005	DW22232001
Payment Due	\$ 506,086.00	\$ 62,354.00
Retainage Held	\$ 26,637.00	\$ 3,282.00
Total Amount	\$ 532,723.00	\$ 65,636.00

To date, including this payment and all retainage, we have paid \$6,069,753.00, or 52.90% of the \$11,473,861.38 current contract price for Division I (WW22162005) and \$248,216.00, or 30.34% of the current \$818,195.00 current contract for Division II (DW22232001).

This will be SRF Disbursement Request #35 from WW22162005 and Request #8 from DW22232001.

It is requested that the BOW:

ratify partial payment request #16 in the amount of \$532,723.00 to C&E Excavating from SRF loan WW22162005 and \$65,636.00 from loan DW22232001 for construction on the Oakland Avenue Forcemain – Phase A project.



M E M O R A N D U M

DATE: September 19, 2024
TO: Board of Public Works
FROM: Jason Simnick, Project Manager *JS*
RE: **Oakland Avenue: Project C – Harrison Street**
Ratify Partial Payment Request SRF#36 to American Structurepoint

Please see the attached invoice #180395 from American Structurepoint for professional services provided for the Oakland Avenue Project C Design for work performed between August 1, 2024 and August 31, 2024. This payment of \$43,730.00 has been rounded as required by the SRF and represents the 36th cost incurred from the SRF loan.

To date, including this payment, we have paid \$115,619.00 or 14.39% of the original contract price of \$803,400.00.

It is requested that the BOW:

ratify partial payment request SRF #36 of SRF loan WW22162005 in the amount of \$43,730.00 to American Structurepoint from the allocated SRF loan for professional services on the Oakland Avenue: Project C – Harrison Street Design.



M E M O R A N D U M

DATE: September 24, 2024

TO: Board of Public Works

FROM: Jason Simnick, Engineering Project Manager JS

RE: **Change Order Request #1: CSO 39 Sewer Separation – SA7913 / WA7914**

Attached is change order request #1 for the CSO 39 Sewer Separation Project. This change order is for upsizing a manhole, changes to the headwall and pipe outfall, and for lost time due to an unknown city force main found during excavation.

When having their supplier work on submittals, it was found that one of the structures on the job could not be done with a 10' manhole. The consultant that designed the project checked with a supplier that a 10' manhole would be sufficient, but we believe the City's requirement of a boot was overlooked by this supplier. We have replaced one of the planned 10' structures with a 12' manhole.

The planned outfall called for thirty inches of riprap stone to be installed between the outfall and out into the river about twenty feet. After awarding the project, the City was introduced to a product called Flexamat at a stormwater training event. We requested the contractor to investigate the cost because this project seemed like a perfect application for the product. After researching the costs, we found that it would be a savings to the City and it would give us a good product.

For this project, a cast-in-place headwall was planned, but the contractor requested to use a pre-cast headwall. They submitted plans that matched what was going to be built on site, and was a savings to the City, so the pre-cast headwall was accepted.

During installation of the storm sewer, we ran into an unknown 30" cast iron pipe that was in conflict with the new pipe. The City staff researched in the office and in the field to determine the pipe's history. We eventually found that the pipe was an old abandoned force main that was no longer in use and was safe to cut out of the way. The contractor lost most of a day while we came up with a plan for how to tackle this issue.

It is requested the Board of Public Works:

Approve Change Order #1 for the CSO 39 Sewer Separation Project for an increase of \$9,811.25, bringing the current Contract price to \$5,161,907.45.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. One
Dated 9/17/2024

Project: CSO 39 Sewer Separations - SA7913 / WA7914 Contract No. 23-14

To: Selge Construction Co., 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

Addition of Manhole, 12' Dia.	\$60,010.00
Installation of Flexamat	\$30,700.00
Pre-Cast Headwall & Wingwall, In Lieu of Items 62 & 63	\$90,500.00
T&M for Downtime during Investigation of 20" Forcemain near Outfall	\$5,001.25
Change in Quantities for Line Item #31, 48, 62, 63	(\$176,400.00)

TOTAL \$ **9,811.25** ✓

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

Original Contract Price	\$ 5,152,096.20
Contract Price Prior to this Change Order	\$ 5,152,096.20
Net change resulting from this Change Order	\$ 9,811.25
Current Contract Price including this Change Order	\$ 5,161,907.45 ✓
Current Contract Price % Change from Original Price	0.2%
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
9-24-24
DATE

The above changes are accepted:

By: [Signature]
Contractor
9-23-24
DATE

Roderic Roberson
Mayor

Jamie Arce
City Controller



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

574.294.5471
Fax: 574.294.8491

Memo

To: Board of Public Works
From: Erin Koons, Deputy Controller -EK
Regarding: Tyler Technologies AP Automation Contract
Date: September 23, 2024

Attached you will find a contract from Tyler Technologies regarding additional services to our current financial management software ERP Pro. AP Automation will allow for us to significantly enhance our accounts payable process by eliminating paper from our workflow and improve our records retention process. Legal has reviewed this contract.

It is requested that the Board of Public Works approves and authorizes the City Controller to execute and sign the agreement with Tyler Technologies.



Sales Quotation For:
 City of Elkhart
 229 S 2nd St
 Elkhart IN 46516-3112

Quoted BY Alex Koenig
Quote Expiration 9/30/24
Quote Name AP: Automation Capture
 and Disbursements

Tyler Annual Software – SaaS		Annual
Description	ERP Pro	
ERP Pro 10 Financial Management Suite		
AP Automation Capture with Disbursements		\$ 34,096
TOTAL:		\$ 34,096

Tyler Fees per Transaction		Net Unit Price
Description	ERP Pro	
ERP Pro 10 Financial Management Suite		
AP Automation Disbursements		\$ 0.00



UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

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

Indiana Code 35-44.1-1-4

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

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

1. **Name and Address of Public Servant Submitting Statement:** Annie Klehfoth
3110 Wild Cherry Ridge, Mishawaka, IN 46544
2. **Title or Position With Governmental Entity:** Environmental Projects Coordinator
3. a. **Governmental Entity:** Elkhart Environmental Center
b. **County:** Elkhart
4. **This statement is submitted (check one):**
 - a. as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or
 - b. as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.
5. **Name(s) of Contractor(s) or Vendor(s):** Wicked Opossum Records, LLC
6. **Description(s) of Contract(s) or Purchase(s)** *(Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship.):*
Running sounds/contracting live music with local bands (October 24-26)
Michael Paniccia (owner/operator Wicked Opossum Records, LLC); husband

7. **Description of My Financial Interest** *(Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.):*

Will be paid by city for services rendered

(Attach extra pages if additional space is needed.)

8. **Approval of Appointing Officer or Body** *(To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university.):*

I (We) being the _____ of
(Title of Officer or Name of Governing Body)

_____ and having the power to appoint
(Name of Governmental Entity)

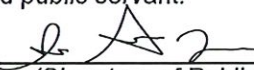
the above named public servant to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 35-44.1-1-4; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

_____	_____
_____	_____
_____	_____
Elected Official	Office

9. **Effective Dates** *(Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.):*

_____	_____
Date Submitted <i>(month, day, year)</i>	Date of Action on Contract or Purchase <i>(month, day, year)</i>

10. **Affirmation of Public Servant:** This disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: 
(Signature of Public Servant)

Date: 8/28/2024
(month, day, year)

Printed Name: Sara Annie Klehfoth
(Please print legibly.)

Email Address: Annie.Klehfoth@coei.org

Within fifteen (15) days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts by uploading it here https://gateway.ifionline.org/sboa_coi/ which is the preferred method of filing, or by mailing it to the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2765 and the Clerk of the Circuit Court of the county where the governmental entity took final action on the contract or purchase.

Rod Roberson
Mayor

Laura Kolo
Environmental Resources

Tory Irwin, P.E.
Engineering Services



Public Works &
Utilities Department

Administration, Engineering
& Laboratory
574.293.2572

Utility Billing
574.264.4273

1201 S. Nappanee St.
Elkhart, Indiana 46516

MEMORANDUM

TO: BOARD OF PUBLIC WORKS

FROM: MAGGIE MARNOCHA, PWU ATTORNEY

DATE: October 1, 2024

RE: PROPERTY TAX ISSUES RELATING TO 111 W. LEXINGTON

The Board is aware that the City Administration is working through the receivership process regarding 111 W. Lexington Ave. That process is not yet complete. The Elkhart County Treasurer has placed the property on the tax sale list which will take place prior to the Court's appointment of a receiver. If it is not removed from the list, the property is open to any buyer for any purpose. These types of sales often result in out-of-town buyers who have little or no interest in renovating the property. The Indiana Code limits that reasons that the Treasurer is allowed to remove the property from tax sale. One of those reasons is a written agreement with the Treasurer for the City to pay the outstanding taxes of \$6290.09 by June 30, 2025, if a receiver has not been appointed. We currently have three interested parties and feel confident that the taxes will be paid prior to the June 30, 2025 deadline.

Please approve and sign the attached agreement for the City to pay the taxes by June 30, 2025, should they remain unpaid at that time.