CITY OF ELKHART
BOARD OF PUBLIC WORKS MEETING
AGENDA
Common Council Chambers
9:00 A.M., Tuesday, February 16, 2021

I. **Roll Call**

II. **Approve Agenda**

III. **Signature Authorization for Board Vice-President**

IV. **Open Bids** #21-03 N. Main St. Water Replacement
#21-09 Network Building and Pretreatment Office Renovation

V. **Claims**

VI. **Minutes:** Regular Meeting February 2, 2021

VII. **Engineering**

a.) Utility
- Change Order #1 & Final: Lift Station 12 Replacement Project- Bid #20-32
- Request Bid #21-11 Edgewater Lift Station Replacement

b.) Right-of-Way
- Change Order #5 & Final: Jaylan Drive Project- Bid #18-30
- Request Bid #21-06 2021 Asphalt Crack Sealing Project
- Request Bid #21-07 2021 North Curb Ramp Project
- Request Bid #21-08 2021 South Curb Ramp Project
- Request Quote #21-01 2021 Trip Hazard Removal Project
- Change Order #2: Central Green Stage Structure Project- Bid #19-28
- Change Order #2 & Final: State Road 19 Corridor Improvements Project- Bid #19-16
- Request Bid #21-12 South Main Street Streetscape Project

c.) Summary
- Sewer Assessment Application
- Water Assessment application
- Revocable Permit

VIII. **Utilities**

a.) Administration
- Water Utility MRO for January 2021
- Appropriation Request

b.) Regulatory Affairs
- Payment #19 to Keramida Inc. for 1032 E. Beardsley Ave.

Remediation Project
- Payment #20 to Keramida Inc. for 1032 E. Beardsley Ave. Remediation Project

c.) Environmental Compliance
- Notice of Violation: 25% Rule KFC 2709 S. Main St (F2015-183)
- Notice of Violation Failure to Notify Transfer of Ownership Franklin Marathon 1589 W. Franklin St.
- FOG Request for Variance Modification for Harold's Chicken 1514 Benham Ave. (F2019-016)
- FOG Variance Request for Rico's at the Bulldog 3763 E. Jackson

IX. New Business
- Baker Tilly: Potential Conflict of Interest
- Baker Tilly Presentation: Refunding Sewage Works Revenue Bonds
- Fire Apparatus Purchase- Sourcewell Government Bid
- Authorization to Settle Henry Dunker Claim
- Lexington Business Centre Minor Subdivision

X. Public Participation

XI. Adjournment

Any person may access the audio recording of this meeting by submitting a written request to the Clerk of the Board.

Board of Public Works

CLAIM AND ALLOWANCE DOCKET

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

February 10th ,2021

JAMIE ARCE - CITY CONTROLLER

IN RELIANCE ON THE ABOVE CERTIFICATION, CLAIMS IN THE TOTAL AMOUNT OF **$6,015,630.78**, AS LISTED ON THE REGISTER ATTACHED HERETO **CONSISTING OF 108 PAGES**, ARE HEREBY APPROVED EXCLUDING ANY CLAIMS WITHHELD AS SHOWN ON THE SEPARATE SUMMARY OF PENDING CLAIMS.

EXECUTED THIS 16TH DAY OF FEBRUARY 2020 BY:

PRESIDENT

MICHAEL C. MACHLAN

VICE PRESIDENT

CHAD CRABTREE

MEMBER

JAMIE ARCE

MEMBER

RON DAVIS

MEMBER

ROSE RIVERA

ORIGINAL COPY MUST BE RETAINED IN THE CONTROLLER'S OFFICE

BOARD OF PUBLIC WORKS
Tuesday, February 2, 2021

Vice-President Chad Crabtree called a regular meeting of the Board of Public Works to order at 9:01 a.m., Tuesday, February 2, 2021. The Clerk of the Board Nancy Wilson called the roll. Chad Crabtree attended in person. Jamie Arce, Mike Machlan, Rose Rivera and Ron Davis attended on WebEx. Councilman Arvis Dawson attended on WebEx.

1. Approve Agenda

A motion was made by Ron Davis and seconded by Mike Machlan to approve the agenda as presented. On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board amended the agenda by adding a Use and Event Permit for the Frosty 5k on Feb 13, 2021. On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the amended agenda carried 5-0.

2. Signature Authorization

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board gave the Vice-President Chad Crabtree the authority to sign on behalf of the Board for each item passed by motion during this meeting.

3. Claims

On motion by Jamie Arce, seconded by Mike Machlan and carried 5-0, the Board approved the Claim and Allowance Docket in the amount of $4,601,829.90 consisting of 117 pages as prepared on January 29, 2021 at 10:01 a.m.

4. Minutes Regular Meeting January 19, 2021

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board approved the Regular Minutes of January 19, 2021.

5. Engineering

(A.) Administration

Request Bid #20-10 River District Drive and Riverwalk SE

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved plans and specifications and granted permission to advertise Bid #20-10 River District Drive and Riverwalk SE.

(B.) Utility

Control Measure 5- Oakland Avenue Control- Design Date Compliance

On motion by Jamie Arce, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Control Measure 5 Oakland Avenue Control Design Date Compliance memo dated 01-22-21 from Utility Engineer Edgar Moreno.

Proposed Utility Easement- Faith Mission of Elkhart Inc. 800 Benham Ave.

On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the Board ratified the Perpetual Utility Easement for Faith Mission of Elkhart Inc., 800 Benham Avenue.

(C.) Right-of-Way

Change Order #6: Elkhart North Marketplace Project Bid #19-11

On motion by Ron Davis, seconded by Mike Machlan and carried 5-0, the Board approved Change Order #6 for the Elkhart North Marketplace project, Bid #19-11, for a decrease of ($234,293.67), bringing the current Contract price to $1,520,556.20.

6. Utilities

(A.) Administration

Wastewater Treatment Plant MRO for December 2020

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board accepted and placed on file the Wastewater Treatment Plant MRO for December 2020.

(B.) Regulatory Affairs

Board of Works Resolution 21-01 Signatory Authorization Resolution- SRF Loan #WW14162003

On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the Board approved Board of Works Resolution 21-01 Signatory Authorization Resolution SRF Loan #WW14162003.

Amend Agenda

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Agenda was amended by removing the Appropriation Request under VII. (a.) Utilities Administration.

Consent for EPA to Store Equipment and Stage at Public Works

On motion by Mike Machlan, seconded by Rose Rivera and carried 5-0, the Board gave permission and granted access to the EPA to store equipment and set up a mobile lab at Public Works.

PSA Keramida, Inc. for Brownfields 1032 E. Beardsley Project

On motion by Mike Machlan, seconded by Jamie Arce and carried 5-0, the Board approved the Agreement between the City of Elkhart and Keramida Inc. for $21,232.00 for the Brownfields 1032 E. Beardsley Project.

Payment #18 to Keramida, Inc. for 1032 E. Beardsley Remediation Project

On motion by Jamie Arce, seconded by Mike Machlan and carried 5-0, the Board approved payment #18 in the amount of $1,385.00 to Keramida, Inc. for the 1032 E. Beardsley Ave. Remediation Project.

(C.) Environmental Compliance

Notice of Violation: Discharging Without a Valid FOG Certificate Pizza Hut 501 E Jackson. (F2015-257)

A motion was made by Ron Davis and seconded by Jamie Arce to approve a Notice of Violation for discharging without a valid FOG Certificate as required for Pizza Hut at 501 E. Jackson Blvd (F2015-257) and assess a penalty of $2,050.00. Megan Kolaczyk explained the violation to the Board. The FSE did not attend in person, on WebEx, or on Facebook. The penalty covers the time period until until we received their application on January 11, 2021. On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the motion was amended by reducing the penalty to $500.00 since they responded to the violation within 24 hours of receipt of the notice. The amended motion carried 5-0.

7. New Business

Uniform Conflict of Interest Disclosure: Susan Lambright

On motion by Rose Rivera, seconded by Jamie Arce and carried 5-0, the Board accepted a Uniform Conflict of Interest Disclosure Statement for Susan Lambright.

BOARD OF PUBLIC WORKS
Tuesday, February 2, 2021

Transfer of Fixed Assets

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved the transfer of eight IPads to the Park Department as outlined in the memo dated 01-27-21 from Gail Smith, Deputy Treasurer.

Request to Send Equipment and Vehicles to Auction

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board approved a request to send equipment and vehicles to the Broyln Auction as detailed in a memo dated 1-25-21 by Josh Holt.

Use & Event Permit Frosty 5k 2-13-21

On motion by Jamie Arce, seconded by Rose Rivera and carried 5-0, the Board approved an event permit for the Frosty 5k and 5-mile on February 13, 2021.

8. Adjournment

On motion by Mike Machlan, seconded by Ron Davis and carried 5-0, the Board of Public Works adjourned at 9:53 a.m.

_____Chad Crabtree, Vice-President

Attest: _____Nancy Wilson, Clerk of the Board

Any person may access the recording of this meeting by submitting a written request to the Clerk of the Board.

City of Elkhart
Engineering

M E M O R A N D U M

DATE: January 28, 2021

TO: Board of Public Works

FROM: Edgar Moreno, Utility Engineer EM

RE: **Change Order Request #1 & Final: Lift Station 12 Replacement project – Bid #20-32**

Attached is change order request #1 & Final for the Lift Station 12 Replacement project. This change order is for the adjustment to final quantities of work by Selge Construction, Inc.

This change order to reduce final Selge contracts costs for final quantity adjustments at a cost of -$39,503.05.

This change order request is for a decrease of $39,503.05 to the current contract price of $258,974.05. Approval of change order #1 would decrease the current contract price to $219,471.00 resulting in a 15.35% decrease from the original contract price of $258,974.05.

It is requested the Board of Public Works:
Approve release of all retainage and Change Order #1 & Final for the Lift Station 12 Replacement project, Bid #20-32, for a decrease of $39,503.05, bringing the final Contract price to $219,471.00.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. **1 and Final**
Dated **1/22/2021**

Project: **Lift Station 12 Replacement** Contract No. **20-32**

To: **SELGE CONSTRUCTION COMPANY, INC.**
Contractor

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

City of Elkhart

By _____
President, Board of Public Works

Dated _____

Nature of Changes

Adjustment to final quantities.	$	(39,503.05)
TOTAL	**$**	**(39,503.05)**

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

Original Contract Price	**$ 258,974.05**
Contract Price Prior to this Change Order	**$ 258,974.05**
Net change resulting from this Change Order	**$ (39,503.05)**
Current Contract Price including this Change Order	**$ 219,471.00**
Current Contract Price % Change from Original Price	**-15.3%**
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

01-28-21
DATE

The above changes are accepted:

By: Scott Riley
Contractor

1-27-21
DATE

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 10, 2020

TO: Board of Public Works

FROM: Edgar Moreno, Utility Engineer EM

RE: **Approval of Plans and Permission to Advertise Edgewater Lift Station Replacement – BID #21-11**

The Department of Public Works requests approval of the design plans and specifications, and permission to advertise the Edgewater Lift Station Replacement project.

The project will consist of the replacement of an existing sanitary sewer lift station, pump replacement, pre-manufactured electrical building, 24" force main replacement, pavement replacement, earthwork, erosion control, bypass pumping and maintenance of traffic.

The design plans and specification for the project were developed by the DLZ Indiana, LLC. and are being presented to the Board of Works for approval and permission to advertise.

This project will be funded through already appropriated 2021 wastewater funds.

It is requested the BOW:
approve the plans and specifications and grant permission to advertise the Edgewater Lift Station Replacement project Bid #21-11.

Project Area
Navajo St
Edgewater Blvd
Edgewater Blvd
Pennsylvania Ave
Navajo St
Navajo St
ana Ave
W Indiana Ave
W Indiana

City of Elkhart
Engineering

M E M O R A N D U M

DATE: January 29, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right-of-Way Engineer RC

RE: **Change Order Request #5 and Final: Jaylan Drive project – Bid #18-30**

Attached is change order request #5 and Final for the Jaylan Drive project. This change order is for additional work by Walsh & Kelly, Inc.

This final adjustment to quantities was due to some additional work that needed to be done on the light fixtures.

Previous change orders #3 and #4 were due to unforeseen circumstances. The total increase from these change orders totaled $132,999.96, a 30.3% increase from the original contract price of $439,434.60.

This change order request is for an increase of $6,934.48 to the current contract price of $640,854.09. Approval of change order #5 and final would increase the current contract price to $647,788.57, resulting in a 47.4% increase from the original contract price of $439,434.60.

It is requested the Board of Public Works:
approve Change Order #5 and final and release all retainage for the Jaylan Drive project, Bid #18-30, for an increase of $6,934.48, bringing the current Contract price to $647,788.57.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. **Five & Final**
Dated **1/5/21**

Project: **Jaylan Drive** Contract No. **18-30**

To: **Walsh & Kelly**
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

Repair to Existing Lighting Fixtures	$2,892.24
Adjustment to Final Quantities	$4,042.24
TOTAL	**$6,934.48**

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

Original Contract Price	**$ 439,434.60**
Contract Price Prior to this Change Order	**$ 640,854.09**
Net change resulting from this Change Order	**$6,934.48**
Current Contract Price including this Change Order	**$ 647,788.57**
Current Contract Price % Change from Original Price	**47.4%**
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: Ryan W Clausonner
Engineer ✓

1/22/21
DATE

The above changes are accepted:

By: _____
Contractor

1-21-21
DATE

✓

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 09, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right of Way Engineer

RE: **Permission to Advertise 2021 Crack Sealing Project - Bid #21-06**

The Department of Public Works requests approval of the specifications, and permission to advertise the 2021 Crack Sealing Project.

The project will consist of crack sealing the pavement at various locations throughout the City of Elkhart.

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

This project will be funded through already appropriated ADA funds.

It is requested the BOW:
approve the specifications and grant permission to advertise the 2021 Crack Sealing Project Bid #21-06.

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 09, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right of Way Engineer

RE: **Permission to Advertise 2021 North Curb Ramp Project - Bid #21-07**

The Department of Public Works requests approval of the specifications, and permission to advertise the 2021 North Curb Ramp Project.

The project will consist of reconstructing curb ramps at various locations throughout the City of Elkhart.

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

This project will be funded through already appropriated ADA funds.

It is requested the BOW:
approve the specifications and grant permission to advertise the 2021 North Curb Ramp Project Bid #21-07.

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 09, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right of Way Engineer

RE: **Permission to Advertise 2021 South Curb Ramp Project - Bid #21-08**

The Department of Public Works requests approval of the specifications, and permission to advertise the 2021 South Curb Ramp Project.

The project will consist of reconstructing curb ramps at various locations throughout the City of Elkhart.

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

This project will be funded through already appropriated ADA funds.

It is requested the BOW:
approve the specifications and grant permission to advertise the 2021 South Curb Ramp Project Bid #21-08.

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 10, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right-of-Way Engineer RC

RE: **Permission to Request Quotes for the 2021 Trip Hazard Removal Project (Quote #21-01)**

The City has historically removed trip hazards from the sidewalks within the ROW. This project is a continuation of those efforts into the new year. This process typically involves grinding down the edges of concrete sections in order to make a smoother transition for pedestrians from section to section.

The past 3 years of trip hazard removal have all amounted to less than $25,000 per year. We anticipate a less than or similar cost this year.

This project will be paid from ADA funds.

Engineering requests permission to request quotes for the 2021 Trip Hazard Removal Project (Quote #21-01).

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 02, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right-of-Way Engineer RC

RE: **Change Order Request #2: Central Green Stage Structure project – Bid #19-28**

Attached is change order request #2 for the Central Green Stage Structure project. This change order is for a deadline extension for the work to be completed by R. Yoder Construction.

This change order is for an adjustment to quantities, reflecting a reduction in the project cost with regards to the materials used.

This change order request is for a decrease of $58,750.00 to the current contract price of $631,230.00. Approval of change order #2 and final would decrease the current contract price to $572,480.00, resulting in a 9.3% decrease from the original contract price of $631,230.00.

It is requested the Board of Public Works:
approve Change Order #2 for the Central Green Stage Structure project, Bid #19-28, for a decrease of $58,750.00 bringing the current contract price to $572,480.00.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. **Two**
Dated **1/8/21**

Project: **Central Green Stage Structure** Contract No. **19-28**

To: **R-Yoder Construction**
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	
Adjustments to Quantities	($58,750.00)
TOTAL	**($58,750.00)**

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

Original Contract Price	**$ 631,230.00**
Contract Price Prior to this Change Order	**$ 631,230.00**
Net change resulting from this Change Order	**$ (58,750.00)**
Current Contract Price including this Change Order	**$ 572,480.00**
Current Contract Price % Change from Original Price	**-9.3%**
Contract Time prior to this Change Order	_____ (Days or Time)
Net Time **change** resulting from this Change Order	_____ (Days)
Current Contract Time including this Change Order	_____ (Days or Time)

The above changes are approved:

Public Works & Utilities

BY: Ryan W Clymer
Engineer

2/2/21
DATE

The above changes are accepted:

By: _____
Contractor

1-29-21
DATE

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 05, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right-of-Way Engineer RC

RE: **Change Order Request #2 and Final: State Road 19 Corridor Improvements project – Bid #19-16**

Attached is change order request #2 and final for the State Road 19 Corridor Improvements project. This change order is for the final adjustment to the quantities of the work done by Reith-Riley Construction Company.

This change order is for the adjustment to the final quantities for the signal detection and pedestrian improvements that were put in per the permit with INDOT.

This change order request is for a decrease of $30.51 to the current contract price of $570,052.60. Approval of change order #2 and final would decrease the current contract price to $570,022.09, resulting in a 29.6% increase from the original contract price of $440,000.00.

It is requested the Board of Public Works:
approve Change Order #2 and Final and release all retainage for the State Road 19 Corridor Improvements project, Bid #19-16, for a decrease of $30.51, bringing the final Contract price to $570,022.09.

CITY OF ELKHART

PUBLIC WORKS & UTILITIES

Change Order No. **Two/Final**
Dated **2/3/21**

Project: **State Road 19 Corridor Improvements** Contract No. **19-16**

To: **Rieth-Riley Construction Company**
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

Adjustments to Final Quantities	($30.51)
TOTAL	**($30.51)**

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

Original Contract Price	**$ 440,000.00**
Contract Price Prior to this Change Order	**$ 570,052.60**
Net change resulting from this Change Order	**($30.51)**
Current Contract Price including this Change Order	**$ 570,022.09**
Current Contract Price % Change from Original Price	**29.6%**
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: Ryan W Clemons
Engineer ✓

2/5/2021
DATE

The above changes are accepted:

By: Ellen RIETH-RILEY (CM.
Contractor

2-4-2021
DATE

City of Elkhart
Engineering

M E M O R A N D U M

DATE: February 10, 2021

TO: Board of Public Works

FROM: Ryan Clussman, Right-of-Way Engineer RC

RE: **Approval of Plans and Permission to Advertise South Main Street Streetscape Project - Bid #21-12**

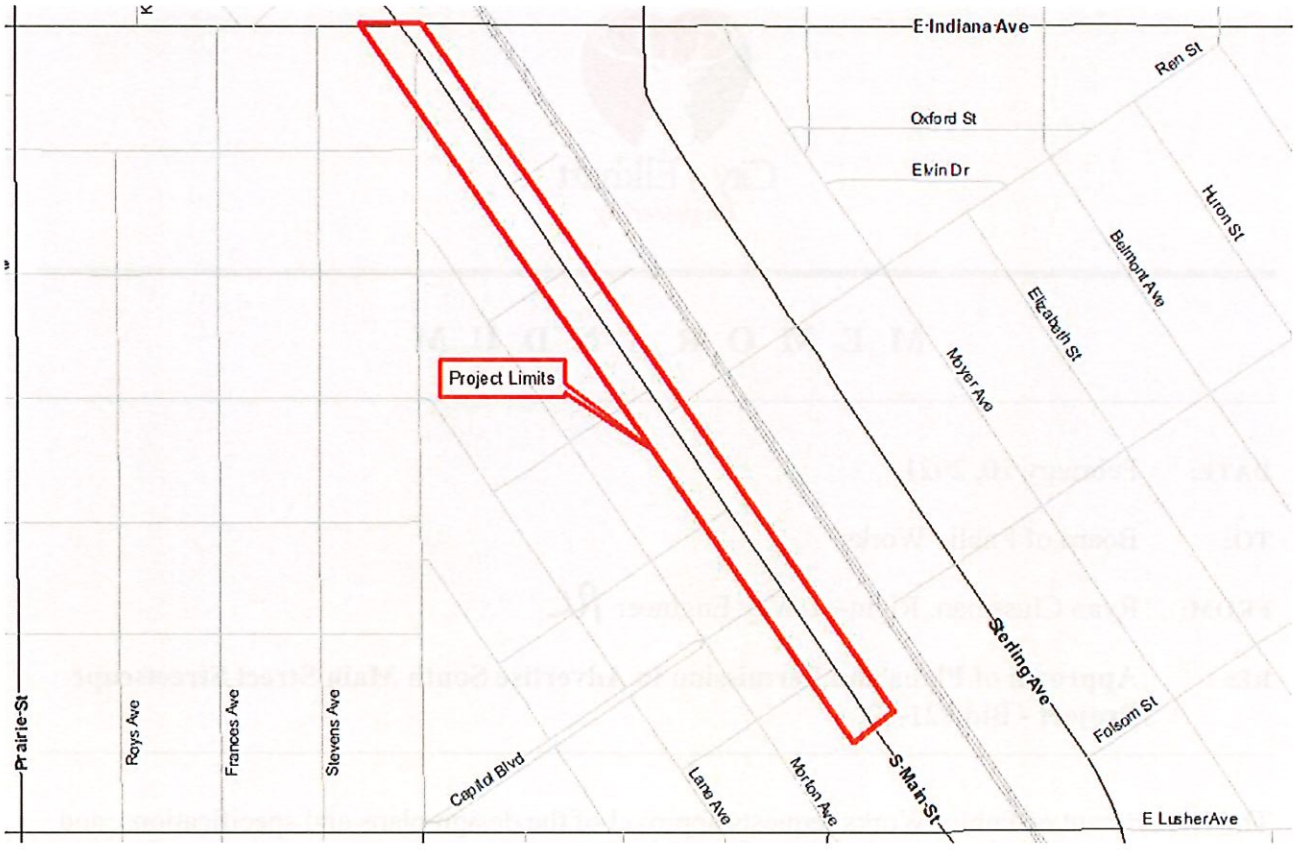
The Department of Public Works requests approval of the design plans and specifications, and permission to advertise the South Main Street Streetscape project.

The project will consist of a reconstructed roadway along South Main Street from Lusher Avenue to 200' South East of Chase Street.

The design plans and specification for the project were developed by Christopher B. Burke Engineering Ltd. and are being presented to the Board of Works for approval and permission to advertise.

This project will be funded through a combination of already appropriated civil city and redevelopment funds.

It is requested the BOW:
approve the plans and specifications and grant permission to advertise the South Main Street Streetscape Project Bid #21-12.


E Indiana Ave
Ren St
Oxford St
Elvin Dr
Huron St
Belmont Ave
Elizabeth St
Meyer Ave
Project Limits
Sterling Ave
Folsom St
S Main St
E Lusher Ave
Prairie St
Roys Ave
Frances Ave
Stevens Ave
Capitol Blvd
Lane Ave
Morton Ave

B.O.W. SUMMARY
February 16, 2021

Sewer Assessment Application:

Alan Kado
24715 CR 26
Elkhart, IN 46517
Property: 1340 E Indiana Ave
Paid in full, $3,715.00

Water Assessment Application:

Rochelle Kettering
2306 Morton Ave
Elkhart, IN 46517
Property: 2306 Morton Ave
Paid in full: $696.90

Revocable Permit Application:

#6467, Property Owner: Kerry Sparks
Property: 1464 Hudson St
Permit Holder: Fire Bins Dumpster Rentals LLC
Dumpster Placement

Rod Roberson
Mayor

Laura Kolo
Environmental Resources

Tory Irwin, P.E.
Engineering Services

City of Elkhart
the city with a heart

Public Works &
Utilities Department

Administration, Engineering & Laboratory
574.293.2572

Utility Billing
574.264.4273

1201 S. Nappanee St.
Elkhart, Indiana 46516

Memo To: **City of Elkhart Board of Public Works**

From: **Laura Kolo, Environmental Resources Manager**

Date : **February 15th, 2021**

Subject: **Water Utility Monthly Report of Operation for January 2021**

Pumpage Information

Well Field Site Name	Total Monthly Flow (MG)	Average Daily Flow (MG)	Maximum Daily Flow (MG)	Minimum Daily Flow (MG)
North Main St.	113.956	3.676	4.676	2.894
Northwest	59.645	1.924	2.649	0.000
South	33.220	1.072	1.552	0.592
Total	206.821	6.672	Highest Total Pumpage 1/7/21 – 7.509 MG	
December 2019 Total	201.133	6.488	Lowest Total Pumpage 1/2/21 – 5.261 MG	

Finished Water Quality Information (Monthly Averages)

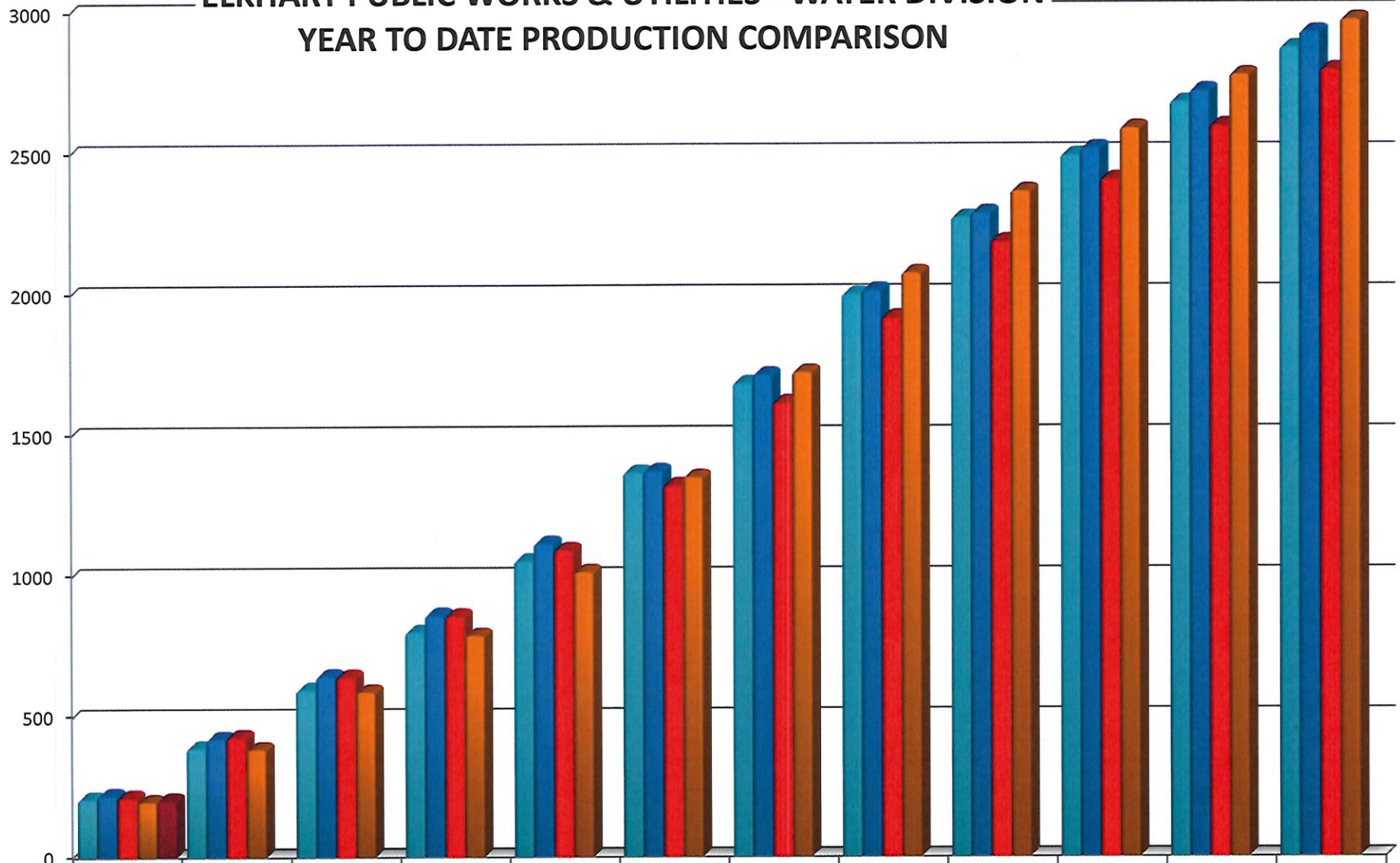
Well Field Site Name	Iron (mg/L)	Manganese (mg/L)	Fluoride (mg/L)	Total Chlorine (mg/L)	Orthophosphate (mg/L)
North Main St.	0.075	0.052	0.95	1.26	0.96
Northwest	0.129	0.050	1.05	1.16	0.96
South	0.045	0.057	0.38	1.41	1.09
Secondary Standard	**0.300**	**0.050**			
Desired Residual			**0.9 – 1.2**	**0.9 to 1.5**	**0.5 – 1.0**

" I certify under penalty of law by this signature, that this document was prepared by me or under my direction and the information submitted, is to the best of my knowledge and belief, true, accurate and complete. I am also aware that there are significant penalties for submitting false information."

Report, charts, and MROs approved by Laura Kolo Laura Kolo *cert. # 024184*

LK/trb

ELKHART PUBLIC WORKS & UTILITIES - WATER DIVISION
YEAR TO DATE PRODUCTION COMPARISON



	January	February	March	April	May	June	July	August	September	October	November	December
2017	211.255	393.505	598.090	801.311	1054.702	1368.188	1683.353	1998.287	2269.835	2490.564	2678.208	2870.072
2018	224.119	426.681	645.836	862.254	1117.013	1373.134	1713.952	2013.110	2286.960	2515.308	2718.250	2925.083
2019	217.229	432.910	643.987	859.264	1093.755	1322.951	1615.546	1917.350	2186.004	2405.334	2594.994	2791.420
2020	201.133	389.840	591.275	790.491	1016.326	1352.495	1723.451	2075.318	2364.491	2587.108	2774.545	2969.145
2021	206.794											

City of Elkhart
Public Works and Utilities

M E M O R A N D U M

Date January 28, 2021
To Mike Machlan, Board of Works President
From Laura Kolo, Utility Services Manager
RE Appropriation Request

Elkhart Public Works is respectfully requesting an appropriation of $11,720.00 to 601-5-737-636.0000 for an application programming interface (API) to allow Indiana811 to communicate directly with the work request / asset management software program, Lucity.

The two Distribution Locators respond to average of approximately 1000 locate requests per month. This interface will automatically direct 811 requests to the tablets of the appropriate Locator, either the North or South Locator, via the Lucity work order system. This will eliminate the need to manually collect the requests from a designated printer, sort and assign the locate requests to the appropriate Locator.

City of Elkhart
Public Works and Utilities

Memorandum

Date: February 16, 2021

To: Board of Public Works

From: Sarah Mitchell, Regulatory Affairs Director

RE: 1032 E. Beardsley Ave. Remediation Project - Approval of Payment Request #19 to Keramida, Inc.

Please see the attached invoice #79060 from Keramida, Inc. for environmental assessment work conducted at 1032 E. Beardsley Ave. This environmental assessment project is being paid for with funds from the State Revolving Loan Fund Series 2009 B Bond, loan number WW09302002.

The Brownfields Program is respectfully requesting the Board approve payment request #19 in the amount of $3290.00 to Keramida, Inc. for the 1032 E. Beardsley Ave. Remediation Project.

KERAMIDA, Inc
401 N College Avenue
Indianapolis, IN 46202
800/508-8034

City of Elkhart
Sarah Mitchell
1201 South Nappanee Street
Elkhart, IN 46516

Invoice number 79060
Date 12/03/2020

Project **18835 CITY OF ELKHART - BERGERSON - REMEDIATION**

For Professional Services rendered through 11/30/2020

GROUNDWATER SAMPLING (8 QTRS)

Professional Fees

	Date	Hours	Rate	Billed Amount
Project Coordination				
Xuqing Xiong, P.E.				
	11/04/2020	0.25	85.00	21.25
sampling coordination				
	11/05/2020	1.00	85.00	85.00
sampling coordination				
	Subtotal	1.25		106.25
Field Work				
Kevin Burkett				
	11/16/2020	10.00	65.00	650.00
GWS				
	11/17/2020	10.00	65.00	650.00
GWS				
	Subtotal	20.00		1,300.00
	Professional Fees subtotal	21.25		1,406.25

Reimbursable Expenses

	Date	Units	Rate	Billed Amount
Field Vehicle/day				
	11/16/2020	1.00	40.00	40.00
	11/17/2020	1.00	40.00	40.00
Mileage/Field Vehicle				
	11/16/2020	174.00	0.60	104.40
	11/17/2020	174.00	0.60	104.40
Field Supplies				
Cardmember Service - 7514				
	11/16/2020			27.05
	11/17/2020			4.95
	Reimbursable Expenses subtotal			320.80

GROUNDWATER SAMPLING (8 QTRS)

Consultant

	Date	Units	Rate	Billed Amount
Laboratory				
Pace Analytical				
	11/30/2020			728.20
Pine Environmental, Inc.				
	11/20/2020			182.55
	Consultant subtotal			910.75
	Phase subtotal			2,637.80

GROUNDWATER SAMPLING REPORT (8 QTRS)

Professional Fees

	Date	Hours	Rate	Billed Amount
Project Management				
Mike Devir, P.E.				
	11/03/2020	0.25	135.00	33.75
Send GW Report to IDEM for review				
	11/04/2020	0.25	135.00	33.75
Communication on publish of report				
	11/05/2020	0.75	135.00	101.25
Issue final letter report; schedule Nov GW Sample Review sampling parameters				
	11/10/2020	0.25	135.00	33.75
Client communications				
	11/12/2020	0.25	135.00	33.75
Sampling coordination				
	11/13/2020	0.25	135.00	33.75
Ajera task review				
	11/16/2020	0.50	135.00	67.50
Call w field sampler on project scope				
	11/17/2020	1.50	135.00	202.50
Communications w GW sampling technician Evaluation of water elevation mapping and data COC inspection;				
	11/19/2020	0.50	135.00	67.50
Lab communications on COC corrections				
	11/23/2020	0.25	135.00	33.75
Water Level Data				
	Subtotal	4.75		641.25
Clerical				
Julie Baker				
	11/05/2020	0.25	42.00	10.50
finalize report				
	Subtotal	0.25		10.50
	Professional Fees subtotal	5.00		651.75
	Phase subtotal			651.75

Invoice total ~~3,289.55~~ 3290.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
77918	10/05/2020	1,899.00		1,899.00			
78425	11/04/2020	1,145.00	1,145.00				
79060	12/03/2020	3,289.55	3,289.55				
	Total	6,333.55	4,434.55	1,899.00	0.00	0.00	0.00

City of Elkhart
Public Works and Utilities

Memorandum

Date: February 16, 2021

To: Board of Public Works

From: Sarah Mitchell, Regulatory Affairs Director

RE: 1032 E. Beardsley Ave. Remediation Project - Approval of Payment Request #20 to Keramida, Inc.

Please see the attached invoice #80309 from Keramida, Inc. for environmental assessment work conducted at 1032 E. Beardsley Ave. This environmental assessment project is being paid for with funds from the State Revolving Loan Fund Series 2009 B Bond, loan number WW09302002.

The Brownfields Program is respectfully requesting the Board approve payment request #20 in the amount of $2145.00 to Keramida, Inc. for the 1032 E. Beardsley Ave. Remediation Project.

KERAMIDA, Inc
401 N College Avenue
Indianapolis, IN 46202
800/508-8034

City of Elkhart
Sarah Mitchell
1201 South Nappanee Street
Elkhart, IN 46516

Invoice number 80309
Date 02/08/2021

Project **18835 CITY OF ELKHART - BERGERSON - REMEDIATION**

For Professional Services rendered through 01/31/2021

GROUNDWATER SAMPLING (8 QTRS)

Professional Fees

	Date	Hours	Rate	Billed Amount
Project Management				
Brian Harrington				
	01/22/2021	0.25	135.00	33.75
Supplmental injection plan review				
Mike Devir, P.E.				
	01/19/2021	0.50	135.00	67.50
Communication w Roberts Enviornmental on sampling of MW-7				
	01/25/2021	1.00	135.00	135.00
Client comunicaitons on proposal work scope and water source Review of Tersus Design				
	Subtotal	1.75		236.25
Data Management/Review				
Mike Devir, P.E.				
	01/06/2021	1.00	135.00	135.00
Vendor communications on supplemental injection design-costs				
	01/08/2021	1.00	135.00	135.00
Injection vendor design communications				
	Subtotal	2.00		270.00
	Professional Fees subtotal	3.75		506.25
	Phase subtotal			506.25

GROUNDWATER SAMPLING REPORT (8 QTRS)

Professional Fees

	Date	Hours	Rate	Billed Amount
Project Management				
Mike Devir, P.E.				
	01/08/2021	0.50	135.00	67.50
PM cost review and revisions				
	01/19/2021	1.00	135.00	135.00
PM budget review, update of report dates				
	Subtotal	1.50		202.50
Document Review				
Xuqing Xiong, P.E.				
	01/22/2021	4.00	85.00	340.00

GROUNDWATER SAMPLING REPORT (8 QTRS)

Professional Fees

	Date	Hours	Rate	Billed Amount
Document Review				
Xuqing Xiong, P.E.				
review doc and discuss with Mike regarding supplemental injection				
	Subtotal	4.00		340.00
Report Review				
Brian Harrington				
	01/07/2021	1.00	135.00	135.00
Review				
	Subtotal	1.00		135.00
Data Analysis				
Mike Devir, P.E.				
	01/04/2021	0.25	135.00	33.75
Draft invoice review				
	01/05/2021	2.00	135.00	270.00
Call w Tersus on the Q4 GW data and how injection performing; evaluate supplemental injection;				
	01/06/2021	2.00	135.00	270.00
GW letter review for internal review				
	01/08/2021	1.00	135.00	135.00
GW letter edits; issue for IFA and Client Review				
	01/15/2021	1.00	135.00	135.00
Report final review and publish				
	Subtotal	6.25		843.75
CADD				
Susan Grady				
	01/21/2021	1.50	50.00	75.00
Proposed injection locations				
	Subtotal	1.50		75.00
Clerical				
Julie Baker				
	01/15/2021	1.00	42.00	42.00
finalize 4Q 2020 report				
	Subtotal	1.00		42.00
	Professional Fees subtotal	15.25		1,638.25
	Phase subtotal			1,638.25

Invoice total ~~2,144.50~~ 2145.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
79750	01/07/2021	1,384.84		1,384.84			
80309	02/08/2021	2,144.50	2,144.50				
	Total	3,529.34	2,144.50	1,384.84	0.00	0.00	0.00

City of Elkhart
Public Works & Utilities

To: Members of the Board of Public Works

From: Lynn Brabec, Environmental Compliance Manager

Date: February 8, 2021

Re: Notice of Violation: 25% Rule Violation – KFC (CARLISLE ELKHART SOUTH), 2709 S MAIN ST (F2015-183)

As a result of a failed grease interceptor inspection on July 21, 2020, KFC (CARLISLE ELKHART SOUTH), 2709 S MAIN ST is required to submit quarterly pumping records for a year. **Based on the grease control device pumping report submitted to Pretreatment staff on January 29, 2021, the grease interceptor at KFC (CARLISLE ELKHART SOUTH), 2709 S MAIN ST was found to be in violation of the 25% Rule.** The 25% Rule is defined in Ordinance No. 5434 as amended Section 5.11 and the Best Management Practices outlined in the Elkhart Public Works and Utilities Guide to Wastewater Utility Policies Section 15.6.1. This is the second 25% Rule Violation within a year.

Failure to operate or maintain FOG control device in proper working order (Ord. No. 5434 as amended)

Violation Date & FOG Amount	Staff Recommendation:*	Met all requirements outlined in Notice of Violation? Requirements included submission of written response, signed certification statement and FOG application	Additional Violation?
11/20/2020 70%	**$200**	**Yes**	**No**

For KFC (CARLISLE ELKHART SOUTH), located at 2709 S MAIN ST, second 25% Rule Violation offense within a year, staff recommends assessing a $200 penalty.

Action taken by Board of Public Works: **Penalty:** $_____

Approved this _____ of _____ 2021.

Michael Machlan	Date
Chad Crabtree	Date
Jamie Arce	Date
Ronnie Davis	Date
Rose Rivera	Date

Additional notes or requirements from the Board of Public Works:

-OVER-

*According to the "FSE FOG Penalty Guideline Table" contained in the Elkhart Public Works and Utilities "Guide to Wastewater Utility Policies", July 2019 revision, the following penalty is recommended for the second offense (within a year) of the 25% Rule:

Offense	First offense	Second offense	Third offense	Fourth & subsequent offense(s)
15.9.3 Failure to operate or maintain FOG control device in proper working order (Ord. No. 5285 as amended)	$100	$200	$250	$300

City of Elkhart
Public Works & Utilities

To: Members of the Board of Public Works

From: Lynn Brabec, Environmental Compliance Manager LB

Date: February 9, 2021

Re: **Notice of Violations: Failure to Notify of a Transfer of Ownership Within the Required Timeframe – Franklin Marathon** 1589 W. Franklin St.

Franklin Marathon, located at 1589 W. Franklin St. received a Notice of Violations for Failure to Notify of a Transfer of Ownership within the Required Timeframe. To date, Franklin Marathon has not responded to the Notice of Violation received on January 19, 2021. **Pretreatment staff recommends assessing $200 in combined penalties.**

Per Ordinance No. 5434, as amended Section 4.2, food service establishments that have changed ownerships are required to notify Public Works & Utilities within 5 days of the change of ownership AND complete a Fats, Oil and Grease Registration Certificate Application within 15 days of notifying Public Works & Utilities of the change of ownership.

Change of Ownership: On or before November 9, 2020
Due date for the change of ownership notification: November 15, 2020 Violation #1

Violation #1: Failure to Notify of a Transfer of Ownership Within the Required Timeframe

Date of Violation:	Staff Recommendation:*	Met all requirements outlined in Notice of Violation? Requirements included submission of written response, signed certification statement and FOG application	Additional Violation?
November 15, 2020	**$100**	**No**	**Yes (see Violation #2)**

Violation #2: Failure to repsond to the Notice of Violation (Written response, signed certification statement and FOG Renewal Application) received on January 19, 2021.

Date of Violation:	Staff Recommendation:**
February 3, 2021	$100

Pretreatment staff recommends the Board assess the following in COMBINED penalties:

Location:	Date of Violation:	Staff Recommendation:	BOW Assessed Penalty:
Franklin Marathon 1589 W. Franklin St.	November 15, 2020	$200	**$**

Approved this _____ of _____ 2021.

_____ _____
Michael Machlan Date

_____ _____
Chad Crabtree Date

-OVER-

Jamie Arce	Date
Ronnie Davis	Date
Rose Rivera	Date

Additional notes or requirements from the Board of Public Works:

*According to the "FSE FOG Penalty Guideline Table" contained in the Elkhart Public Works and Utilities "Guide to Wastewater Utility Policies", July 2019 revision, the following recommended penalties may be assessed for this violation:

Offense	First offense	Second offense	Third offense	Fourth & subsequent offense(s)
15.9.2 Discharging without a valid FOG Certificate	$100 first 30 days of violation	$10 per day for day 31 and thereafter	N/A	N/A
15.9.7 Failure to submit new or renewal application as required	$100 for first 15 days past due date	$5 per day for day 16 and thereafter	N/A	N/A
15.9.11 Failure to notify of remodeling or transfer of ownership as required	$100	N/A	N/A	N/A

**According to the guidance in the Enforcement Response Plan Penalty Matrix the following recommended penalties may be assessed if in violation:

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT OFFENSE(S)
9.3.3 Failure to respond to Notice of Violation :	$100	$200	$500

Per Ordinance No. 5434, as amended Section 4.2 Transfer of Ownership:

A registered holder shall not assign, transfer, or sell any Certificate issued under this Ordinance. Transfer of ownership will render the current Certificate null and void on the transfer date of the FSE. The new owner shall:

4.2.1 Notify the within 5 calendar days after taking ownership of the FSE; and

4.1.2 Apply for a new Certificate within 15 calendar days after notifying the Utility

City of Elkhart
Public Works & Utilities

To: Members of the Board of Public Works

From: Lynn Brabec, Environmental Compliance Manager

Date: February 9, 2021

Re: **FOG Request for Variance Modification for Harold's Chicken – 1514 Benham Ave.** (#F2019-016)

Harold's Chicken, located at 1514 Benham Ave., is requesting the Board of Public Works modify the verification of compliance for their variance from Category A requirements, from annual visual monitoring to annual sampling (see attached request).

On June 4, 2019, the Board of Public Works approved Harold's Chicken's request for a variance from Category A Requirements. As a result, the Board of Works allowed Harold's Chicken to use the existing 75 GPM grease trap and required them to conduct annual visual monitoring.

From June 4, 2019 BOW meeting minutes: "Latrell Chambers came forward to speak. They had a contractor come out and verify the size of the trap. Mike made sure he understood the annual visual monitoring requirement which is standard procedure for this type of FOG Variance to make sure the grease is not going in the sewer. Mr. Chambers said ok. Mike closed discussion and called for the vote. The motion carried 3-0."

Staff does not support this request. The 4" cleanout in the sidewalk on the south side of the building is not suitable for collecting FOG samples in accordance with the methodology referenced in 40 CFR Part 136. Staff met to brainstorm alternative options to verify compliance with the FOG Ordinance and found none.

Request to modify annual verification of compliance: ☐ Approved ☐ Denied

If approved, required to: ☐ Annual sampling for FOG (no acceptable sampling location for sample collection according to methodology referenced in 40CFR Part 136) (Due by February 15 annually)

In addition, Harold's Chicken is requesting an extension for this year's annual verification of compliance. Staff does not support this request. Staff provided this establishment with a reminder of the requirement almost 4 weeks prior to the deadline.

Request for extension of annual verification of compliance: ☐ Approved ☐ Denied

If approved, annual verification of compliance must be completed no later than: February 26, 2021

Note: This is a one-time extension. Future annual verification of compliance must be completed annually by February 15.

Approved this _____ of _____ 2021.

Michael Machlan	Date
Chad Crabtree	Date
Jamie Arce	Date
Ronnie Davis	Date

-OVER-

Rose Rivera

Date

Additional notes or requirements from the Board of Public Works:

Kolaczyk, Megan

From: david chambers <chamberscorp@yahoo.com>
Sent: Tuesday, February 9, 2021 1:30 PM
To: Kolaczyk, Megan; Robertson, Donald; Brabec, Lynn
Subject: Re: Requested Information

Hi because of the non correct information I received about the process of sending through Lynn Bracbec letting me know I need to contact board secretary Ann. After finding that the process is to go through the water department to send off information. I would have had more time to check information. This is on going non correct info from past options from first variance we did not know of a sampling test of water and restaurants enjoying savings of it or of out side agencies to test I would have like to have a out side agency collect water samples if water department could not or not have the variance at all because we are take out. We don't have all disposable food, never changed food products in this establishment that could be grand fathered. We did not have to have variance because we met the points we needed just we would have had a water sample test done more frequent. We would like a extension til after the board decides to have complete the visual test up on your decision Thank you

Sent from Yahoo Mail. Get the app

On Tuesday, February 9, 2021, 11:05:29 AM EST, Kolaczyk, Megan <megan.kolaczyk@coei.org> wrote:

Thank you Nancy!

In Service,

Megan Kolaczyk

Industrial Waste Specialist

Elkhart Public Works and Utilities

Phone: 574-293-2572

Fax: 574-975-2715

Email: megan.kolaczyk@coei.org

Facebook: www.facebook.com/ElkhartPublicWorks

Twitter: www.twitter.com/ElkhartPubWorks

Address: 1201 S. Nappanee St.

Elkhart, IN 46516

City of Elkhart
Public Works & Utilities

To: Members of the Board of Public Works

From: Lynn Brabec, Environmental Compliance Manager

Date: February 9, 2021

Re: FOG Variance Request for Rico's at the BullDog – 3763 E. Jackson Blvd.

Rico's at the BullDog will be a new food service establishment located at 3763 E. Jackson Blvd. and **is requesting a variance from the grease interceptor installation requirement. The Pretreatment Staff will remain neutral for this FOG Variance Request.** As a new Food Service Establishment, Ordinance No. 5434 as amended, provides a mechanism for Food Service Establishments (FSEs) to request a variance from the Board of Works to change classifications. (Application attached.)

When determining which category Rico's at the BullDog will fall into, it received 35 points for the type of operation, equipment and hours of operation. Any facility that receives 24 or more points is considered a Category A facility and is required to install an outdoor grease interceptor. This site currently has a shared septic tank that serves as a pass-through for the 3 units in the building. Sanitary and kitchen waste from the building enter the septic tank which is then connected to the City of Elkhart's sewer network. Based on the number of seats, expected number of meals served, equipment and hours of operation, etc., Rico's at the Bulldog is required to install at minimum a 1,755 gallon grease interceptor. **Rico's at the BullDog is requesting a one-year variance from Category A grease interceptor installation requirements and is requesting to utilize the existing septic tank a pseudo grease control device until a grease interceptor is installed later in the summer of this year.**

If approved, Rico's at the BullDog would be required to verify compliance with the variance. There is not an existing control manhole on site for Pretreatment Staff to conduct routine sampling, therefore **Pretreatment staff recommends annual visual monitoring in the instance that the proper grease control device is not installed within the year**. In summary, **Pretreatment Staff is neutral regarding the approval of the variance request, however, if approved, Pretreatment staff recommends annual visual monitoring.**

Board of Works Actions:

Variance Request from Category Sizing A Requirements ☐ Approved ☐ Denied

If approved, required to: ☐ Annual visual Monitoring no later than February 15, 2022

Approved this _____ of _____ 2021.

Michael Machlan	Date
Chad Crabtree	Date
Jamie Arce	Date
Ronnie Davis	Date
Rose Rivera	Date

-OVER-

Additional notes or requirements from the Board of Public Works:

City of Elkhart
Public Works and Utilities

FATS, OILS AND GREASE
APPLICATION FOR VARIANCE

PLEASE FILL OUT COMPLETELY & PRINT CLEARLY!
(Incomplete forms will be denied.)

Name of FSE: Rico's at the Bull Dog
Name of Owner of FSE: Rico M. Iavagnilio
Physical Address: 3763 E. Jackson BLVD
City: Elkhart State: I.N. Zip Code: 46516
Mailing Address: Same as above
City: State: Zip Code:
Telephone Number: (574) 389-4411
Email Address: michaelsRestaurant1210@gmail.com
Is there a control manhole on site? Yes * (No)
*If yes, please attach a map indicating the location.

Current FSE Category: (A) B C
Is this variance renewal request? (Yes) No

Detailed reason for applying. (Please attach additional sheets if necessary.)

Asking for a variance to be able to open ASAP and have time to install Interceptor in Summer when weather is comparable to do work needed to install.

I certify that the information submitted is true, accurate and complete to the best of my knowledge.
Signature: Rico M Iavagnilio **Date:** 2-8-2021
Printed Name: Rico M. Iavagnilio
Title: President

VARIANCE REQUEST: Approved Not Approved

Required: Annual Sampling

Annual Visual Monitoring (to be completed between Jan. 15 and Feb. 15)

Other: -

Please Return This Form & Associated Documents To:
Elkhart Public Works & Utilities
Pretreatment Division
1201 S. Nappanee St.

Elkhart, IN 46516 **Revised: 6/20/19**

Roderic Roberson
Mayor

Jamie Arce
City Controller

City of Elkhart
Controller

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

574.294.5471
Fax: 574.294.8491

Memo

To: Mike Machlan, President Board of Works
From: Jamie Arce, City Controller
Date: 2/5/2021
Regarding: Baker Tilly Potential Conflict of Interest

Baker Tilly Municipal Advisors (BTMA) reached out to me regarding a potential conflict of interest. They note that under the Dodd-Frank Act and the Municipal Advisor rule that they have specific fiduciary responsibilities to the City of Elkhart, the Elkhart County Regional Sewer District, and Ontawa Township, MI.

The attached letter required my acknowledgment as Controller. This serves as notification and defines the steps that BTMA would take if a situation arises where the policy or business interests of the City of Elkhart, the Elkhart County Regional Sewer District, and Ontawa Township, MI diverge as it relates to utility rates or other pertinent matters. In the event that this is triggered BTMA will prohibit communication between parties unless authorized by all parties.

I request that the Board accept this communication from Baker Tilly Municipal Advisors regarding a potential conflict of interest and place on file.

bakertilly
MUNICIPAL ADVISORS

February 1, 2021

Baker Tilly Municipal Advisors, LLC
112 IronWorks Ave, Ste C
Mishawaka, IN 46544
United States of America

T: +1 (574) 935 5178
F: +1 (574) 935 5928
bakertilly.com

Carlos J. Arce, Controller
City of Elkhart
229 South Second Street
Elkhart, IN 46516

Dear Jamie,

When a situation arises where two of our clients may have real or perceived competing business interests regarding a specific project, the clients involved and the Chief Compliance Officer are notified that a potential conflict may exist or has the potential to exist. Under the Dodd-Frank Act and the Municipal Advisor rules, Baker Tilly Municipal Advisors (BTMA) has specific fiduciary responsibilities to the City of Elkhart, IN, Elkhart County Regional Sewer District and Ontwa Township, MI as their municipal advisor. To fulfill that responsibility, it is essential that we formally make all parties aware of any potential conflicts of interest as they arise. The purpose of this email is to put forth this potential conflict as it relates to the ongoing engagements with the Elkhart Municipal Utilities.

The City of Elkhart, IN Utilities are currently represented by BTMA Director Alex Hilt, the Elkhart County Regional Sewer District by BTMA Partner Jeffrey Rowe and Ontwa Township, MI by BTMA Director Andy Campbell on the rate matter. If a situation arises where the policy or business interests of the City of Elkhart, IN, Elkhart Country Regional Sewer District and Ontwa Township, MI diverge, we will prohibit communication between the parties about the utility rates or other pertinent matters, unless authorized by all parties.

Please acknowledge your receipt of this letter by signing below as a means of indicating your understanding of this potential conflict as it relates to BTMA's involvement in this engagement. The other parties have been asked the same of them by their representatives.

Signature Section:

Name: Jamie Arce
Title: Controller
Date: 2/5/2021

Very truly yours,

BAKER TILLY MUNICIPAL ADVISORS, LLC

Alex Hilt | *Jeffrey P. Rowe* | *Andy Campbell*

Alex Hilt, CPA, Director | Jeff Rowe, Partner | Andy Campbell, CPA, Director

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bakertilly
MUNICIPAL ADVISORS

now joined with
Springsted and Umbaugh

February 10, 2021

Board of Public Works
City of Elkhart
229 South Second Street
Elkhart, Indiana 46516

Baker Tilly Municipal Advisors, LLC
112 IronWorks Ave, Ste C
Mishawaka, IN 46544
United States of America

T: +1 (574) 935 5178
F: +1 (574) 935 5928
bakertilly.com

Dear Board Members:

Please find a summary of the key points of the refunding opportunity for the Sewage Works to aid in meeting discussions and the decision whether or not to pursue this opportunity:

Bonds Eligible –	$1,148,685 Sewage Works Revenue Bonds of 2009 Series A @ 3.62%,
	$4,531,149 Sewage Works Revenue Bonds of 2009, Series B @ 2.56%
	$440,067 Taxable Sewage Works Revenue Bonds of 2009 Series D @ 3.00%
Net Present Value Savings -	$191,500
Gross Savings -	$19,000 to $25,000 per year
Refunding Bond Term –	2022 through 2030
Refunding Bond Par -	$6,350,000
Estimated Net Interest Cost –	1.5%
Bond Ordinance Intro -	March 2021
Bond Ordinance Approval -	April 2021
Current Targeted Sale –	May 2021
Current Targeted Closing –	June 2021

As always if you have any questions do not hesitate to contact us.

Thank you,

BAKER TILLY MUNICIPAL ADVISORS, LLC

Alex Hilt

Alex Hilt, Director

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City of Elkhart
Fire Department

MEMO

Rod Roberson
Mayor

Shaun Edgerton
Fire Chief

Rodney Dale
Assistant Fire Chief

Kristi Sommer
Assistant Fire Chief

Bette Howard
Administrative Assistant

Fire Department
500 East Street
Elkhart, Indiana 46516

Phone: (574) 293-8931
Fax: (574) 522-1023

Email:
fire@elkhartfire.org

TO: Board of Public Works

FROM: Chief Shaun Edgerton

DATE: 2/11/2021

RE: Fire Apparatus Purchase/Government Bid

Members of the Board,

The Elkhart Fire Department is officially requesting the Board of Public Works approve the purchase of rescue apparatus from Sutphen corporation, using Sourcewell contract 022818-SUT (Government Procurement Contract).

EFD is utilizing this method of procurement in order to minimize the timeline associated with this type of purchase and also to gain the most advantages financial terms available. The funds have been allocated and method for this have been acknowledged by the Common Council.

We (The Elkhart Fire Department) ask that the Board of Works approve the purchase as outlined.

Respectfully submitted,

Shaun Edgerton, Fire Chief

Rod Roberson
Mayor

City of Elkhart
the city with a heart

Department of Law
229 S. Second St.
Elkhart, IN 46516

574.294.5471
Fax: 574.522.6794

Please Respond To:

February 11, 2021

Michael Machlan
Chad Crabtree
Ronnie Davis
Jamie Arce
Rose Rivera

RE: Authority to settle Henry Dunker workers' compensation claim

Dear Board:

Henry Dunker has been an employee of the City of Elkhart for a considerable length of time. He worked at the Fire Department from 1989 to 2006 and at Public Utilities since 2006. At both jobs he was exposed to loud noises. His injury is that he has been exposed to noises loud enough to cause him a loss of hearing. The first report of injury was made on December 22, 2015.

The City is represented by Kathryn Moll, a seasoned workers' compensation attorney. She has offered $6,000.00 which was not accepted by Mr. Dunker. Due to the risks of an adverse amount being awarded, she has recommended an offer of $10,000.00 to settle this matter. If the $10,000.00 offer is accepted by Mr. Dunker, the amount if reasonable in light of the permanent injuries and possible outcomes less favorable to the City. Additionally, Mr. Ducker and his attorney have remained reasonable and reasonably compromising throughout this claim.

As such, the board is requested to make a motion to grant authority for Ms. Moll to settle Mr. Dunker's claim for the sum of $10,000.00. I thank the board for its consideration.

Respectfully,

Randall K. Arndt

Randall K. Arndt, Deputy City Attorney

Rod Roberson
Mayor

City of Elkhart

Planning & Development
Community Development
Economic Development
Planning Services
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To: Board of Public Works

From: Ryan Smith

Date: February 9, 2021

Re: Lexington Business Centre

On January 19, 2021, the Plat Committee approved a two (2) lot subdivision located on Lexington Avenue East. The proposed subdivision consolidates a total of 7 existing parcels into two; Lot 1 on the north will retain an events center and a Lot 2 to the south that will continue as a parking lot. As part of the process, .059 acres of right of way will be vacated and .143 acres of right of way will be dedicated. The subdivision conforms to the terms of the zoning ordinance. The proposed minor subdivision does lie within a Flood Hazard Area; the property at 530 E. Lexington is permitted by variance #18-BZA-17.