

REGULAR MEETING

NOVEMBER 23, 2021

The Regular Meeting of the Board of Public Works was convened at 9:35 a.m. on Tuesday, November 23, 2021, by Board President Elizabeth A. Maradik in the 13th Floor Conference Room of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. The meeting was also streamed live to the public via Microsoft Teams. Acting Board Clerk Laura Hensley confirmed the presence of Board Members Elizabeth A. Maradik, Gary Gilot, Joseph Molnar, Murray Miller, and Board Attorney Clara McDaniels (virtual), with a roll call. Jordan Gathers arrived later. Ms. Maradik reminded virtual attendees to mute their microphones and turn off their cameras when not speaking, and to save their questions and comments for the Privilege of the Floor.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Mr. Molnar, seconded by Mr. Miller and carried by roll call, the minutes of the Regular Meeting of the Board held on November 9, 2021, were approved.

OPENING OF BIDS – CITY OF SOUTH BEND NORTH WATER TREATMENT PLANT IMPROVEMENTS – PROJECT NO. 119-011 (PR-00012417)

This was the date set for receiving and opening of sealed bids for the above referenced project. The Clerk tendered proof of publication of Notice in the South Bend Tribune, which was found to be sufficient. The following bids were opened and publicly read:

No Bids Received

Ms. Maradik stated that since no bids were received, following city procurement policy, engineers could go to the open market to award a contract for the project.

OPENING OF BIDS – RIVERSIDE DRIVE BANK STABILIZATION – PROJECT NO. 118-005B (PR-00011992)

This was the date set for receiving and opening of sealed bids for the above referenced project. The Clerk tendered proof of publication of Notice in the South Bend Tribune, which was found to be sufficient. The following bids were opened and publicly read:

HRP CONSTRUCTION INC.

5777 Cleveland Rd., PO Box 266

South Bend, IN 46624

mattc@hrpconstruction.com

Bid was signed by Mr. Matthew D. Cain

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

Two (2) Addendum Acknowledgement received.

BASE BID TOTAL: \$1,030,000.00

INDIANA EARTH, INC.

10343 McKinley Hwy.

Osceola, IN 46561

jimmyindianearth@yahoo.com

Bid was signed by Mr. Mark Osler

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

Two (2) Addendum Acknowledgement received.

BASE BID TOTAL: \$847,490.00

MILESTONE CONTRACTORS NORTH, INC.

24358 State Road 23

South Bend, IN 46614

akrueger@milestonelp.com

Bid was signed by Mr. Dustin P. Hilary

Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 Two (2) Addendum Acknowledgement received.

BASE BID TOTAL: 816,305.00

Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the above bids were referred to Engineering for review and recommendation.

OPENING OF BIDS – 2021 DEMOLITIONS – PROJECT NO. 121-036 (PR-00012665)

This was the date set for receiving and opening of sealed bids for the above referenced project. The Clerk tendered proof of publication of Notice in the South Bend Tribune, which was found to be sufficient. The following bids were opened and publicly read:

HRP CONSTRUCTION INC.

5777 Cleveland Rd., PO Box 266
 South Bend, IN 46624
matte@hrpconstruction.com

Bid was signed by Mr. Matthew D. Cain
 Non-Collusion, Non-Discrimination Affidavit Form was completed.
 Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 Two (2) Addendum Acknowledgement received.

BID:

Division A Total	\$394,750.00
Division B Total	\$314,000.00
Total	\$708,750.00

GREEN DEMOLITION CONTRACTORS, INC.

523 Northbrook Dr.
 Michigan City, IN 46360
laura@greendemolitioninc.com

Bid was signed by Mr. Michael Brough
 Non-Collusion, Non-Discrimination Affidavit Form was completed.
 Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 Two (2) Addendum Acknowledgement received.

BID:

Division A Total	\$239,570.00
Division B Total	\$137,650.00
Total	\$377,220.00

RITSCHARD BROS., INC.

1204 W. Sample St.
 South Bend, IN 46619
rit1204@datacruz.com

Bid was signed by Mr. Donald Ritschard
 Non-Collusion, Non-Discrimination Affidavit Form was completed.
 Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 Two (2) Addendum Acknowledgement received.

BID:

Division A Total	\$259,691.00
Division B Total	\$179,625.00
Total	\$439,316.00

INDIANA EARTH, INC.

10343 McKinley Hwy.
 Osceola, IN 46561

jimmyindianaearth@yahoo.com

Bid was signed by Mr. Mark Osler
 Non-Collusion, Non-Discrimination Affidavit Form was completed.
 Five percent (5%) Bid Bond was submitted.
 Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
 Two (2) Addendum Acknowledgement received.

BID:

Division A Total	\$325,500.00
Division B Total	\$177,150.00
Total	\$502,650.00

Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the above bids were referred to Engineering and Neighborhood Services and Enforcement for review and recommendation.

AWARD BID AND APPROVE CONTRACT – POTAWATOMI ZOO PARKING LOT EXPANSION – PROJECT NO. 120-014 (PR-00012218)

Ms. Rebecca Plantz, Engineering, advised the Board that on November 9, 2021, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Plantz recommended that the Board award the contract to the lowest responsive and responsible bidder, Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, in the amount of \$438,265.82 for the Division #1 Base Bid. Therefore, Mr. Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

AWARD BID AND PURCHASE AGREEMENT – SALE OF CITY-OWNED PROPERTY – 411 COTTAGE GROVE AVE.

Mr. Andrew Netter, Community Investments, advised the Board that on November 9, 2021, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Netter recommended that the Board award the contract to the lowest responsive and responsible bidder, VIP FLIP LLC, Mr. Walter Costa, 906 Fuerbringer St., South Bend, IN 46616, in the amount of \$960 in total with fees: \$1,074.80 and a certified check is required as payment. Therefore, Mr. Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

AWARD BID AND PURCHASE AGREEMENT – SALE OF CITY-OWNED PROPERTY – 442 S. BROOKFIELD ST.

Mr. Andrew Netter, Community Investments, advised the Board that on November 9, 2021, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Netter recommended that the Board award the contract to the lowest responsive and responsible bidder, Ms. Marcia Morocho, 441 S. Brookfield St., South Bend, IN 46619, in the amount of \$1,310 in total with fees: \$1,424.80 and a certified check is required as payment. Therefore, Mr. Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

RESCIND AWARD QUOTATION – COVELESKI STADIUM FIELD LIGHTING INSTALLATION (PR-00012574)

In a memorandum to the Board, Mr. Patrick Sherman, Venues Parks & Arts, requested permission to rescind the quotation award for the above referenced project to All Purpose Erectors, Inc., 1112 Starlifter Dr., Lebanon, IL 62254. The Board at its October 26, 2021 meeting conditioned the award to All Purpose Erectors, Inc. subject to the contractor meeting the 4.3% WBE contract goal (\$6,445.70). The condition was made since the contractor listed a range for potential WBE utilization from \$5,000-\$7000, or 3.3%-4.6% and indicated that it had not been successful in contacting the WBE subcontractor. Following the award, the contractor was not able to commit to the \$6,445.70 (4.3%) WBE subcontracting condition, even though it was in the range listed in the contractor’s Utilization Form. Venues Parks & Arts recommends the rescinding of the award. Therefore, Mr. Molnar made a motion that the recommendation be accepted, and the previously awarded quote be rescinded as outlined above. Mr. Gathers

seconded the motion, which carried by roll call. Mr. Gilot commented that the next lowest bid for the project was substantially larger and by rescinding the award to the lowest bidder for not meeting the MWBE requirements, the City showed how serious it takes these requirements.

APPROVE CHANGE ORDER NOS. 1-3 – COAL LINE TRAIL, PHASE I – (DES#1401810) PROJECT NO. 115-063 (PR-00013335)

Ms. Maradik advised that Mr. Kyle Silveus, Engineering, has submitted Change Order Nos. 1-3 on behalf of Indiana Department of Transportation, LaPorte District Contractor (Selge Construction Co., Inc.). Change Order No. 1 indicates the contract amount be increased by \$345,000 for asphalt and \$252,000 for concrete with a total amount of \$156,161.50. Change Order No. 2 indicates the contract amount be increased by \$4,511.05. Change Order No. 3 indicates the contract amount be increased by \$18,222.96 for a new contract sum, including these Change Orders, in the amount of \$178,895.51 amount with a new total for all change orders in an amount not to exceed \$1,802,596.85. Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the Change Orders were approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – HOWARD PARK REDEVELOPMENT AND ST. LOUIS BLVD. IMPROVEMENTS – PROJECT NO. 117-047B (PO-0006607)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Larson-Danielson Construction Co., Inc., 302 Tyler St., LaPorte, IN 46350, for the above referenced project, indicating a final cost of \$18,967,837.73. Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – CURB AND SIDEWALK REPAIRS – PROJECT NO. 120-001A (PO-006102)

Ms. Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of TX Concrete LLC, 24899 Fillmore Rd., South Bend, IN 46619, for the above referenced project, indicating a final cost of \$81,805. Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the Project Completion Affidavit was approved.

APPROVE TITLE SHEET– OLIVE STREET PAVEMENT RECONSTRUCTION - PHASE II – (DES#1902178) PROJECT NO. 114-064

Ms. Leslie Biek, Engineering, advised that the Title Sheet for the above referenced project was being presented at this time for execution. Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the above referenced Title Sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – WARD BAKERY EXTERIOR IMPROVEMENTS – PROJECT NO. 121-061R (PR-00013370)

In a memorandum to the Board, Mr. Kyle Silveus, Engineering, requested permission to re-advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the Title Sheet. Therefore, upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the above request was approved.

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following Agreements/Contracts/Proposals/Addenda were submitted to the Board for approval:

Type	Business	Description	Amount/ Funding	Motion/ Second
Emergency Sewer Repair	HRP Construction Inc.	Emergency Repair of Fifteen (15) Inch Sewer on Darden Rd. East of Lily Rd. Project No. 121-053	\$140,507.50 (PO-0010575)	JM/JG
Amendment No. 1 to INDOT Local Public Agency Project Coordination Contract	Indiana Department of Transportation	Extend Term and Schedule for Coal Line Trail Phase II DES#1401811, July 1, 2022 to June 30, 2023	N/A	JM/JG

Professional Services Agreement	American Structurepoint, Inc.	Study and Design Services for Seitz Park Retaining Wall Project No. 121-079	NTE \$33,400 (PR-00013166)	JM/JG
Addendum to Agreement	Industrial Door of Northern Indiana, Inc.	Two (2) Year Extension through December 31, 2023 for Proposal Award to Standardize and Streamline City-Wide Overhead Door Services	Hourly Rates per Service	JM/JG
Amendment and Restate Agreement	Venues Parks & Arts, Park Commissioners, Center for Civic Innovation, Redevelopment Commission and Board of Public Works	Add and Utilize Properties for Community Tree Nursery Collaboration	N/A	TABLED JM/JG
Natural Gas Purchase Contract	Interstate Gas Supply, Inc.	Action #1 - Rescind Previously Approved Contract Due to the Turbulent Global Energy Industry Action #2 - Approve One (1) Year Extension, April 2023 - March 2024; One (1) Year Automatic Extension Every April with Maximum Total Term of Five (5) Years	N/A	#1-JM/JG #2- JM/JG
Professional Services Agreement	Norfolk Southern Railway Company	Railroad Improvements for Olive St. Reconstruction, Phase II, Project No. 114-064	\$768,195 Eligible for 80% Reimbursed from Federal Funds (PR-00013182)	JM/JG
Agreements	Northern Indiana Commuter Transportation District (NICTD)	Action #1 - License Agreement for Concrete Curb and Channelization Median at Grandview Ave. Action #2 - Permit and Indemnification Agreement Concrete Curb and Channelization Median at Grandview Ave.	N/A	TABLED JM/JG

City Attorney Clara McDaniels asked the Board to refer back to the professional services agreement for Norfolk Southern Railroad Company. She wanted to ensure that the board saw and approved the most recent version of the agreement as there was a last-minute change. Ms. Maradik stated she saw and reviewed the most updated version as there was an email sent out announcing the update and the rest of the board shook their heads in agreement. Ms. Maradik noted that Acting Board Clerk Laura Hensley had the most recent agreement in the file and reassured Attorney McDaniels that would be the agreement that would be signed.

APPROVAL OF PERMIT AND LICENSE APPLICATIONS

The following permit and license applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Horizon	Long Term	December 7,	1010 Corby Blvd.	JM/JG

Construction Group	Occupancy of City Right-of-Way	2021 to May 1, 2022		
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Mr. Gilot asked the board to fill in the bond amounts. Acting Board Clerk Laura Hensley added the extension amount of \$700 to the application and permit.

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – 315 WEST JEFFERSON BLVD.

Ms. Maradik stated an application for an Encroachment and Revocable Permit has been received from Cressy Commercial Real Estate for the purpose of allowing awnings above the doors to be placed in the right-of-way at 315 W. Jefferson Blvd. The encroachment shall remain in the right of way until the time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and same flow of traffic. Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the Revocable Permit was approved.

APPROVE/DENY TRAFFIC CONTROL DEVICES

Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the following traffic control device request was approved:

- NEW INSTALLATION: Temporary Reserved Handicapped Accessible Parking Space Sign
- LOCATION: North Side of Jefferson Blvd. East of Lafayette Blvd., #3
- REMARKS: All Criteria Met

- NEW INSTALLATION: One (1) 15-Minute Loading Zone Sign
- LOCATIONS: 3505 W. Washington St.
626 Portage Ave.
- REMARKS: All Criteria Met

- DENIAL: Residential Parking Zone
- LOCATION: 500 Block W. Jefferson Blvd.
- REMARKS: Criteria Not Met - TABLED

Santiago Flores, 520 W. Jefferson Blvd., came before the board seeking reconsideration of the denial of his residential parking zone request. He said he felt that because his property is technically only two (2) hour parking, he and his family couldn't legally park in front of his own residence which has been a struggle with his family having five (5) cars. He stated that the lack of a residential parking zone in front of his property affected the quality of his life as people park on and drive through his leaf piles which lead to them not being collected by the city. Mr. Flores requested the board approve his request or resubmit it for further evaluation and study. Ms. Maradik thanked Mr. Flores for coming before the board and recommended the issue be sent back to staff for reevaluation based on the information presented in hopes that they could come up with a solution that meets the city's ordinances requirements and Mr. Flores' needs. Upon a motion made by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the item was tabled until the next BPW meeting with the request that staff clarify the recommendations

APPROVE CONSENTS TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE

Ms. Maradik stated that the Board is in receipt of the following Consents to Annexation and Waivers of Right to Remonstrate. The Consents indicate that in consideration for permission to tap into public water/sanitary sewer system of the City, to provide water/sanitary sewer service to the below referenced properties, the applicants waive and release any and all rights to remonstrate against or oppose any pending or future annexations of the properties by the City of South Bend:

- A. Mr. Brian Miller, PO Box 706, Osceola, IN 46561
 - 1. 52080 Cloverleaf Dr., East – Water/Sewer (Key No. 002-1015-030539)

Upon a motion by Mr. Molnar, seconded by Mr. Gathers and carried by roll call, the Consents to Annexation and Waivers of Right to Remonstrate were approved as submitted.

RATIFY APPROVAL AND/OR RELEASE CONTRACTOR, EXCAVATION, AND OCCUPANCY BONDS

The Division of Engineering Permit Department recommended that the following bonds be ratified pursuant to Resolution 100-2000 and/or released as follows:

Business	Bond Type	Approved/Released	Effective Date
K&R Tree Service, LLC	Contractor	Approved	11/03/2021
Linear Construction & Management, LLC	Contractor	Approved	11/10/2021
Fiber Optic Management LLC	Excavation	Released	12/10/2021
JMS Capital Group Development Co.	Occupancy	Approved	11/02/2021
Linear Construction & Management, LLC	Occupancy	Approved	11/10/2021
Holladay Property Services Midwest, Inc.	Occupancy	Approved	11/04/2021
Burns Rent-Alls Inc.	Occupancy	Released	11/10/2021
Fiber Optic Management LLC	Occupancy	Released	12/10/2021

Mr. Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Mr. Gathers seconded the motion, which carried by roll call

RATIFY PREAPPROVED CLAIMS PAYMENTS

Mr. Molnar stated the Board received notices of the following preapproved claim payments from the City’s Department of Administration and Finance:

Name	Date	Amount of Claim
City of South Bend Claims GBLN-26065, GBLN-26242	11/09/2021	\$1,244,350.69
City of South Bend Claims GBLN-25469, GBLN-25470, GBLN-25901	11/09/2021	\$1,301,956.71
City of South Bend Claims GBLN-26284, GBLN-26709, GBLN-26710	11/15/2021	\$784,660.22
City of South Bend Claims GBLN-26970, GBLN-27060	11/16/2021	\$2,332,242.28

Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by Mr. Molnar, seconded by Mr. Gathers, and carried by roll call, the Board ratified the preapproved claims payments.

PRIVILEGE OF THE FLOOR

Mr. Huey Schoby, 3415 Riverside Drive, came before the board to follow up with his request that he presented at the BPW meeting on October 26, 2021. The request involved the relocation of Dr. Martin Luther King Jr. Blvd. by extending it through the City throughfare from Route 20 to Angela Blvd. and changing the location of Charles Martin Sr. Drive, stating that it should be moved to Cottage Groves where the street runs North past the Charles Martin Building. Ms. Maradik informed Mr. Schoby that the presented document was referred to staff and reviewed internally and that Mr. Schoby should be in receipt of or will soon be in receipt of a letter from staff with their decision. Ms. Maradik stated that due to the complex nature of renaming streets with community leaders and public meetings, staff had decided they would not be an expansion or moving forward with his request. Mr. Schoby expressed his dissatisfaction with the decision made and stated his next step would be seeking legal counsel. Mr. Gilot asked City Attorney Clara McDaniels if Mr. Schoby’s threat of litigation meant that Mr. Schoby can no longer speak directly with the Board or staff. Attorney McDaniels informed the Board that once Mr. Schoby has legal representation that would be the case and if that were to happen, then all communication should be between Mr. Schoby’s legal representation and the City’s Legal team.

Mr. Joseph Molnar addressed the Board to ask if there is a process with the City, if a resident closes a right-of-way via erecting a fence or curbing off allies and are there legal remedies that the City can pursue. He indicated that the Zoning Department has encountered two incidents of

this happening. Director of Public Works, Eric Horvath asked if we could have exact locations and specific details of the situations. Mr. Molnar asked if the Board could intervene or how to proceed. Mr. Horvath advised that if it has not been legally vacated, the resident does not have a right to do so. Staff will follow up with our legal department and review ordinances and state law. The resident will most likely need to remove the barriers preventing access to a public right-of-way. Attorney Clara McDaniels asked Mr. Molnar to clarify that the fence was not pursuant to securing a permit and the City allowing the alley to be vacated. Mr. Molnar advised that the fence was installed without a permit and the Zoning Department was acting. Mr. Molnar also stated a new development build a curb that was not in the original plans. Attorney McDaniels advised that we can act with additional information. Mr. Gilot also advised that the specific timing of the encroachments is important regarding legal enforcement. Attorney McDaniels agreed and will do additional research regarding timing as this has just come to our attention.

ADJOURNMENT

There being no further business to come before the Board, Ms. Maradik adjourned the meeting at 10:27 a.m.

HFHPEHU□