

The Agenda Review Session of the Board of Public Works was convened at 10:32 a.m. on February 17, 2022, by Board President Elizabeth A. Maradik, Vice President, Joseph Molnar (arrived at 10:34 a.m.), and Board Members Gary Gilot, Jordan Gathers (absent), Murray Miller, and Board Attorney Clara McDaniels (virtual) present. Acting Board of Public Works Clerk, Laura Hensley, presented the Board with a proposed agenda of items presented by the public and by City Staff. Ms. Maradik reviewed the purpose of these meetings. She noted for the record that the agenda session is an informal meeting where staff can present agenda items that have differing or extenuating circumstances, so that the Board is briefed ahead of the regular meeting; if it is a standard item, staff does not need to present. Also, if Board members should have questions on specific items, the items can be addressed. Ms. Maradik asked that if anyone would like to speak, they use the Teams chat function and they need to specify which item they would like to speak about.

Board members discussed the following item(s) from the agenda.

Opening of Quotations Item

Mr. Gilot made a comment about item 2. B regarding the 2022 biosolids trucking for land application contract. Mr. Gilot recalled that in the past, there has been some success with the Minority Business Enterprise, and he said he was hopeful that we are reaching out and trying to maintain that because that's one of the larger dollar value contracts where there is capacity amongst the MBE to do that work. City Engineer Kara Boyles agreed and said that last year they exceeded the goal that was set by the contract, and she would anticipate that to happen again.

Transfer of City Property to South Bend Building Corporation

Assistant City Attorney Jenna Throw offered availability to speak about item 9. A., if the Board had any questions. Ms. Maradik welcomed Attorney Throw to share any information that she would like and asked the Board members if they had any questions for Attorney Throw. Mr. Gilot questioned the diagram showing Greenlawn all the way up McKinley. Mr. Gilot asked for clarification on why the right-of-way would not just be adjacent to the Potawatomi Zoo. Attorney Throw clarified that the segment of streets being transferred is part of the resolution supporting the bond transaction. She continued that there is not a requirement that the streets themselves be related to the zoo but is the property that the lease that supports the transactions is for; the streets in question were selected because they were near the zoo, but there is not a requirement that the entirety of the length of the streets border the zoo or anything of that nature. Mr. Gilot questioned whether it is just a lease and questioned if the City retains the liability issues for accidents that occur in the right-of-way of that street. Attorney Throw confirmed and informed the Board that the South Bend Building Corporation is a city entity and is just the lessor as part of the transaction that supports the bonds. Attorney Throw also noted that since the Board of Public Works is the entity which holds the property of the City, the city would request that the Board of Public Works transfer that property to the Building Corporation so that they may hold the property for the Building Corporation to serve as the lessor and lease the property for the transaction.

Mr. Miller asked if the zoo is a private entity. Attorney Throw responded that she believed the zoological society is a private entity which manages the zoo, and that the city is working with them in the issuance of the bonds. Board Attorney McDaniels confirmed the Potawatomi Zoological Society leases the zoo from the city under a long-term lease. Mr. Miller asked if projects were bid through the city or through the Zoological Society and Mr. Miller gave the example of the newly installed giraffe barn. Attorney McDaniels responded the giraffe project was something the Zoological Society did. She explained that our lease with the Zoological Society is through the Board of Park Commissioners and through the Board of Public Works and under the existing lease, it allows them to do certain projects with respect to the operation of the zoo.

Mr. Miller also wanted to verify whether the city ordinance had to be followed regarding the MBE or WBE requirements like city bid projects. Attorney McDaniels informed the Board that with respect to projects the zoo is doing, if they are the party doing the work or having work performed for them, they do not have to meet the city requirements. Attorney McDaniels noted bringing giraffes to the zoo was not a city project, but Mr. Miller clarified that he was referring to the building portion of the new giraffe exhibit. Ms. Maradik assisted in clarifying that bringing the giraffes to the zoo includes the building and construction to house them, as well as bringing the animals in. She stated that everything the zoo did around that project is something that the

Zoological Society is doing and is responsible for and therefore the zoo does not have to follow city procurement policies, but they are bound to the terms and conditions of the lease. Continuing to address Mr. Miller's questions, Attorney McDaniels added that Mr. Miller could compare that to the frontend developments with the zoological society which the city was involved in and had to follow public bidding requirements.

#### Easement Acquisition

Mr. Molnar raised a question about item 10. C., regarding the easement acquisition of property near 22708 State Road 23 for the Prairie Avenue water main loop project. Mr. Molnar stated the property did not look like it was within the map of the extension zone to him and asked if this was an extension of a water main. Attorney McDaniels advised that this is for the Prairie Avenue water main project, and these are easements the city is acquiring which fall under the agreement the city has in place with the Pokagon Band of Potawatomi Indians. Mr. Molnar asked for clarification on the purchase to which Ms. Maradik stated the City is purchasing an easement so it can extend the water main related to the agreement with the Pokagon Band of Potawatomi Indians; Attorney McDaniels confirmed Ms. Maradik's reply to Mr. Molnar. Mr. Molnar then asked what the end goal of that main project was. Mr. Gilot explained that the easement mentions a loop and the loops are necessary to maintain pressure. He gave the example of a long, dead-end line to a twenty-three (23) story hotel on the perimeter of the city would not work, so looping the line gives pressure from two directions and it also works for fire safety. City Engineer Kara Boyles, added the end goal of the main is closing the loop and Ms. Boyles also mentioned that the project number starts with a 117, meaning the department has been working on this project since 2017.

#### Right-of-Way Occupancy Agreement

Mr. Molnar asked Attorney McDaniels if everything has been resolved to her satisfaction with agenda item 10 I. regarding the right-of-way occupancy agreement with Lykowski Construction, Inc. and Indiana Landmarks for the house move from 130 Park Lane to 846 Park Ave. Attorney McDaniels responded with a yes, and that all the terms and conditions have been negotiated. She informed the Board a signed agreement had already arrived and would soon be dispersed to the Board members before Tuesday's meeting.

#### Streetlight Service Agreement – Indiana Michigan Power Company

Mr. Gilot raised a question about item 10. K. regarding the streetlight service agreement with Indiana Power Company and asked if anyone could provide some background. Ms. Maradik also mentioned that she was left with some questions as it stated that the contract was originally approved in 2020 but she didn't notice that information in the packet that she received. City engineer Kara Boyles responded that the 2020 part might have to do with the fact that that is when the AEP settlement agreement happened, and as part of that settlement agreement, this is now the closure on the City's part of this LED streetlight conversion. Ms. Boyles continued to add that it took some time due to internal negotiations with AEP to go through the process of identifying the appropriate color temperature and wattage. She also explained how the city was going to go about the conversion to ensure that their cost did not increase with our newly projected costs such as the attempt to have a one-to-one conversion that what you experience now in terms of high-pressure sodium lighting has been improved and is equal, if not better, with our LED lighting. Ms. Boyles finished by saying that during the time of COVID, when this was agreed upon with IURC, it just took some time to figure out. Attorney McDaniels confirmed that there was a settlement agreement under the IURC, and one of the things that needed to be done was the negotiation of the streetlight's agreement. Attorney McDaniels noted the settlement occurred in 2020 and this is the process for getting all the terms and conditions of specifics about those lights negotiated and finalized. Ms. Boyles added that South Bend has about 8,000 high-pressure sodium city lights, as well as some decorative lights, and they will all be converted this year to LED assuming the supply chain does not get in the way.

Seeking clarification, Mr. Gilot asked about the 3,000 wavelengths for warmth. He mentioned engineering getting some feedback from residents on wanting a warmer temperature of light and he asked if the 3,000 wavelength lights were responsive to the resident requests, or if the decision came down to independent, engineering judgement. Ms. Boyles stated that the wavelength choice of the lights was what was best recommended in terms of circadian rhythm in recent literature. She informed the Board that the department will be meeting with Council at the next Council meeting to share a little bit more news and that the department will be doing a pilot study. She said the pilot will involve putting lighting on a residential street and on a collector

street so we can see the range of brightness. She stated a residential street needs lower wattage versus a collector street and the two (2) week pilot will allow for everyone to take a look and make any quick adjustments as AEP wants to get the supply chain moving because of their concerns with procurement.

Mr. Gilot followed up about the language in the documents and asked if the language referred to all resin and wood poles, not just the wood poles. Ms. Boyles clarified that the language is referring to all AEP owned lights, and the city has done a separate initiative over the last few years of changing all of the city-owned lights out. She continued by elaborating that the city did a large procurement at the end of last year of LED lights for city owned lights, so most of the City's lights will already be converted. Mr. Gilot expressed his concerns over the energy cost difference of LED lights versus high pressure sodium lights. Mr. Gilot asked specifically if anyone knew what the reduced carbon footprint or reduced energy of the lighting would be each year, and what amount of kilowatt hours could be saved. Ms. Boyles responded with saying that may be a calculation that city engineer Finn Cavanaugh has, but stated she knew that the new lights will have a ten (10) year life cycle versus traditional high-pressure sodium lights where there is about three and a half (3.5) year of lifecycle and she noted expenses will be significantly reduced in this monthly junction. Mr. Gilot suggested it should be easily calculable since we know the hours the light will run as well as the wattage and that would be good to add to the greenhouse gas inventory for South Bend. Ms. Maradik noted Mr. Cavanaugh responded in the meeting chat that there is currently no carbon footprint calculation on hand from AEP, but we can ask AEP for it.

Mr. Molnar recalled the new lights last on average of ten (10) years. He inquired if AEP was prepared for the changing of the lights and if the light replacements would be staggered to avoid large outages throughout the city. Ms. Boyles agreed and stated that it is still AEP's responsibility to keep them up. Ms. Boyles thanked Mr. Cavanaugh for shepherding this project along.

#### Encroachments/Revocable Permits

Ms. Maradik raised a question for item 11. B., regarding the Aloft encroachment request. Ms. Maradik said the drawings were not dimensioned drawings that showed the encroachment related to the sidewalk and the cycle track in the packet that the Board had. She asked if anyone could clarify and if anyone was in possession of those drawings to refer to. Ms. Maradik clarified that she was trying to understand where the edge of the pergola falls relative to the bike path. She noted that based on recommendations, it was recommended that there is still ADA clearance from the edge of the pergola. She asked if she could get confirmation on that there was at least four (4) feet to the edge of the cycle track. City Engineer Kara Boyles stated that Ms. Maradik's observations would also be her assumption since Ms. Boyles stated she also did not have the drawings as they were not submitted with the packet. Ms. Maradik followed up by saying it would be helpful to have those questions clarified because she would not be in favor of allowing a permanent structure that didn't allow at least four (4) feet plus the bands and then the cycle track. Ms. Boyles agreed with Ms. Maradik and noted that she is very confident that they reviewed it for that issue but would get confirmation.

#### PRIVILEGE OF THE FLOOR

Charlotte Brach with Engineering asked Acting Clerk Laura Hensley about the residential parking zone that had been tabled at a prior meeting and asked if it was on the agenda. Ms. Maradik noted that it was not currently on the agenda to which Acting Clerk Laura Hensley confirmed that it would be on the agenda, but the item didn't make it on the review session agenda. Ms. Brach shared that more questions had come up and needed to be worked through with the ordinance language based on results of the license plates survey

Mr. Gilot asked to revisit a recent agenda item where the Board rescinded and approved the restated agreement that had to do with lots for growing trees. After revisiting the appendix, he said he was left with several concerns which included the investment of short-term use of the lots by the city, monetary calculations of the investment over time, how the























Little League Opening Day Parade	Special Event	2022; 7:00 a.m. to 9:00 a.m.	Ave., Continuing to Boland and Riverside Dr. to Park	/ Murray Miller
St. Patrick's Day Parade	Street Closure for Special Event	March 12, 2022; 9:30 a.m. to 12:30 p.m.	E. Jefferson Blvd. from S. Frances St. to Niles Ave., Niles Ave. from Jefferson Blvd. to Washington St., Washington St. to Niles Ave. to N. Hill Ave.	Joseph Molnar / Murray Miller

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – 111 N. MAIN ST.

Ms. Maradik stated an application for an Encroachment and Revocable Permit has been received from the Aloft South Bend for the purpose of allowing a pergola to be placed in the right-of-way on the front side of the building to extend the patio space. 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 Elizabeth Maradik, seconded by Joseph Molnar and carried by roll call, the Revocable Permit was Tabled for further discussion.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE ALLEY RUNNING FROM DUEY AVE. ON THE EAST TO HOWARD ST. ON THE WEST FOR A DISTANCE OF 205 FEET +/-

Ms. Maradik indicated that Mr. Mike Danch, Five Corners LLC, 814 Marietta St., South Bend, IN 46610, has submitted a request to vacate the above referenced alley. Ms. Maradik advised the Board is in receipt of favorable recommendations concerning this Vacation Petition from the Street Department, Fire Department, Police Department Community Investment, and Engineering who all state the request meets the criteria of I.C. 36-7-3-13. Therefore, Joseph Molnar made a motion recommending favorable recommendation to Council. Murray Miller seconded the motion which carried by roll call.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE STREET AND ALLEY NEAR 1101 KING ST.

Ms. Maradik indicated that Ms. Maggie VanZalen – Transformation Ministries, 1101 King St., South Bend, IN 46616, has submitted a request to vacate the above referenced street and alley. Ms. Maradik advised the Board is in receipt of favorable recommendations concerning this Alley Vacation Petition from the Street Department, Fire Department, Police Department Community Investment, and Engineering who all state the request meets the criteria of I.C. 36-7-3-13. Public Works, Community Investment & Fire are not in favor of the Street vacation, this does not meet two (2) of the four (4) I.C. 36-7-3-13 criteria (2,4) and due to loss of fire hydrant access. Therefore, Joseph Molnar made a motion to send the alley vacation with favorable recommendations and the street vacation with unfavorable recommendations due to the comments submitted by staff. Murray Miller seconded the motion which carried by roll call.

APPROVE/DENY TRAFFIC CONTROL DEVICES

Upon a motion made by Joseph Molnar, seconded by Murray Miller and carried by roll call, the following traffic control device request was approved:

- NEW INSTALLATION: Three (3) Honorary Street Signs - Pastor Leroy Sutton St.
- LOCATION: Napoleon St. & St. Louis Blvd., Napoleon St. & St. Peter St., Napoleon St. & Notre Dame Ave.
- REMARKS: All Criteria Met
  
- NEW INSTALLATION: Residential Parking by Permit Zone M-F 6am-6pm Sign
- LOCATION: 500 Block of W. Jefferson Blvd.
- REMARKS: All Criteria Met

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



March 8, 2022