

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on March 3, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar and Board Members Gary Gilot (absent), Jordan Gathers (arrived at 10:32 a.m.), Murray Miller (virtual), and Board Attorney Clara McDaniels (virtual) present. Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City staff.

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

Award Quotations and Approve Contracts Item – 2022 Biosolids Trucking for Land Application Contract

Attorney McDaniels advised the Board that City Engineer Jacob Klosinski plans to submit a revised memo to the Board due to an issue with the original quoter not meeting the Minority-and-Women-Owned Business Enterprises (MWBE) requirements thus making it a non-responsive bid and allowing the City to request to go to the free-market for quotes.

Mr. Miller requested clarification as to the basis for assigning MWBE contract goals to this contract. Attorney McDaniels clarified that if there is capacity in the market place and it is capable of being subdivided out, an MWBE contract goal will be assigned and bidders need to be able to meet the contract goals or they need to be able to demonstrate good faith effort in trying to meet the goals. Mr. Miller asked if the Board had documentation for the good faith efforts, and Attorney McDaniels informed him that documentation would have been included with the submitted quote. Attorney McDaniels informed Mr. Miller that she could work with him and the Office of Diversity & Inclusion (ODI) outside of the agenda review session.

Resolution No. 13-2022 - Utility Relief Program

Public Works Director, Eric Horvath, stated that he was there to talk about item 7.D., the Utility Relief Program. He mentioned that this is something the City of South Bend has been wanting to do before going back to enacting water shutoffs. He explained the City had a water shutoff moratorium that started back in March of 2020 when the pandemic hit to make sure families that were struggling would not have their water shutoff. He added that now that we are getting out of the pandemic and the emergency orders have been lifted, it was time to start the process back up of water shutoffs for unpaid accounts. The City has seen several families accrue significant back bills in a few short years, and if the City were to move forward with the water shutoff program without any type of relief, it would create major issues and would lead to shutting off water to numerous families that were not able to payback outstanding bills. He clarified that the Resolution authorizes the City to write down debt on active utility bills for City residents that have some portion of their bill that is at least sixty (60) days past the bill due date and if they meet that qualification, the City will write off up to thirty (30) days past the due date amount, so they could become mostly current on their account giving the resident a clean slate to start from. He informed the Board that the money was already budgeted through the South Bend Common Council as part of the American Rescue Plan and this program was exactly what these funds were intended for. He clarified that the money was not utility dollars going into the Utility Relief Program but rather American Rescue Plan dollars. Lastly, Director Horvath added that there would be full forgiveness up to thirty (30) days of solid waste, water, and wastewater. If approved by the Board of Public Works on March 8, 2022, the City will be able to do the write down the debt on March 9, 2022.

Vice President Molnar asked how the \$2,500 cap was determined. Director Horvath explained that the Utility Relief Program funds were intended for all residential properties, which includes apartments. He acknowledged that most of the complexes are paid up, but the City didn't want to have an extra burden on the Utility Relief Program funds because apartments are more commercial entities; however, apartments only accounted for fifty-five (55) accounts that were above the \$2,500 cap out of 5,000 accounts. Vice President Molnar followed up by asking if the money would be applied to the same funds as anyone else paying their water bill to which Director Horvath confirmed that Public Works would write down the debt and then the money will flow into either wastewater, water, clean air, or solid waste.

Mr. Miller asked whether the American Rescue Plan dollars could be applied to Combined Sewer Overflow (CSO) to help cut down on residents' cost burden. Director Horvath explained that the Rescue Plan Funds were programmed throughout the budget process last year and some separate appropriations were done last year. He continued that there is a whole list of projects











WHEREAS, I.C. 5-22-22-1 permits and establishes procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended;

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDS9949, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

BE IT FURTHER RESOLVED that said property be disposed of and removed from the City inventory.

ADOPTED this 8TH Day of MARCH, 2022.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:

s/Theresa Heffner, Clerk

**ADOPT RESOLUTION NO. 11-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS APPROVING THE TRADE-IN OF CITY-OWNED PROPERTY ON PROPERTY OF SIMILAR NATURE**

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 11-2022**  
**A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS**  
**APPROVING THE TRADE-IN OF CITY-OWNED PROPERTY ON PROPERTY**  
**OF SIMILAR NATURE**

WHEREAS, it has been determined by the Board of Public Works of the City of South Bend that the following described property is unfit for the purpose for which it was intended and should be traded-in for property of a similar nature:

**FIVE (5) REMINGTON SHOTGUNS**

WHEREAS, I.C. 36-1-11-9 authorized the Board of Public Works to trade in or exchange City-owned property for partial or full reduction in the purchase price of property of similar nature.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, AS FOLLOWS:

1. The following described property shall be traded-in for property of a similar nature and shall be removed from the inventory of the City of South Bend:

Five (5) Remington 870 Marine Magnums

ADOPTED this 8th Day of MARCH, 2022

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:

s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 12-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS AUTHORIZING STAFF TO RECORD RESTRICTIVE COVENANTS REQUIRED FOR THE PERFORMANCE OF LEAD HAZARD CONTROL SERVICES

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 12-2022**

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING STAFF TO RECORD RESTRICTIVE COVENANTS REQUIRED FOR THE PERFORMANCE OF LEAD HAZARD CONTROL SERVICES**

WHEREAS, the City of South Bend, Indiana (the “City”), accepted grants for lead hazard reduction (the “Program”) from the Indiana Housing and Community Development Authority and the United States Department of Housing and Urban Development (“HUD”); and

WHEREAS, the City executed certain grant documents and the Program is administered by the City’s Department of Community Investment (“DCI”); and

WHEREAS, the grant documents require that the Program include a process by which units made lead-safe under the Program are marketed toward and priority given to families with children under six (6) years of age for a period of no less than three (3) years; and

WHEREAS, the City’s process includes the execution and recordation of a Lien and Restrictive Covenant Agreement for Rental Property (“Agreement”), in substantially the same form as attached hereto as Exhibit A, which sets forth the requirements that must be met for the required three (3)-year period in exchange for participation in the Program; and

WHEREAS, the Agreement applies only to rental properties and creates a duty for landlords participating in the Program to market and give priority in renting units to income-eligible families with children under the age of six (6) and documenting all efforts to comply; and

WHEREAS, DCI anticipates that a number of such Agreements will be executed throughout the course of the Program; and

WHEREAS, the Board of Public Works (the “Board”) exists pursuant to Indiana Code Section 36-4-9-5 and is the appropriate body to hold real estate interests of the City pursuant to Indiana Code Section 36-9-6-3; and

WHEREAS, the Board desires to authorize the execution of such Agreements as needed and without additional presentation to the Board, provided that such Agreements are in substantially the same form as attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND AS FOLLOWS:

1. The Board reaffirms its approval of the grant documents in furtherance of the Program.
2. The Board authorizes the President or Vice President and the Clerk of the Board to execute the Agreement on its behalf with regard to any rental property that is a part of the Program, provided that such Agreement is in substantially the same form as Exhibit A.
3. The Board further authorizes any staff member of the City’s Department of Community Investment to accept and present the executed Agreement for recordation and execute on the Board’s behalf any document or take on the Board’s behalf any action that may be required to complete the recordation of the Agreement and carry out the purposes of this Resolution.



3. This Resolution will be in full force and effect upon its adoption.

ADOPTED at a meeting of the Board of Public Works of the City of South Bend, Indiana, held in person and electronically on March 8, 2022.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:  
s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 13-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS APPROVING FORGIVENESS OF RESIDENTIAL UTILITY ACCOUNTS UNDER THE CITY OF SOUTH BEND 2022 UTILITY RELIEF PROGRAM

VP Molnar spoke briefly before the motion to thank the staff for coming up with a solution to help city residents and for finding a path forward toward normalcy. VP Molnar also shared his gratitude for being able to use the American Rescue Plan funds.

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 13-2022  
A RESOLUTION OF THE BOARD OF PUBLIC WORKS APPROVING FORGIVENESS  
OF RESIDENTIAL UTILITY ACCOUNTS UNDER THE CITY OF SOUTH BEND  
2022 UTILITY RELIEF PROGRAM**

**WHEREAS**, the City of South Bend (the “City”), through South Bend Municipal Utilities, charged utility customer accounts for City utility services; and

**WHEREAS**, the charges were not paid to the City as of February 28, 2022 despite multiple billing notices to the persons receiving the services; and

**WHEREAS**, the City issued a moratorium on utility disconnections and late penalties during the COVID-19 pandemic and allowed utility service to remain active despite balances that were significantly past due; and

**WHEREAS**, the City, by and through its Board of Public Works, desires to remove a portion of past due balances from residential utility accounts that are sixty (60) or more days past its bill date as of February 28, 2022 (the “Forgiveness Date”).

**NOW THEREFORE, BE IT RESOLVED** by the City of South Bend, Indiana Board of Public Works as follows:

1. Accounts within the City limits that were designated as active and residential in the City utility billing system, and with amounts over sixty (60) days past its bill date as of the Forgiveness Date will be adjusted to remove past due balances that are thirty (30) days or more past its bill date as of the Forgiveness Date, up to a maximum amount of Two Thousand Five Hundred Dollars (\$2,500).
2. These balances will be forgiven in accordance with this relief program.

ADOPTED this 8<sup>th</sup> Day of March 2022.

CITY OF SOUTH BEND  
 BOARD OF PUBLIC WORKS  
 s/ Elizabeth A. Maradik  
 s/ Joseph R. Molnar  
 s/ Gary A. Gilot  
 s/ Jordan V. Gathers  
 s/ Murray L. Miller

ATTEST:  
 s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 14-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,  
 INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR  
 OBSOLETE PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 14-2022**  
**A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA**  
**BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT**  
**AND/OR OBSOLETE PROPERTY**

**FIREFIGHTER FIRE HELMET AND BOOTS**

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WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City, and which is unfit for the purpose for which it was intended; and

WHEREAS, on February 5, 2022, *Firefighter Douglas Applegate* retired from the South Bend, Indiana, Fire Department after Thirty-Two (32) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

1. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).
2. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on March 8, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:  
s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 15-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR OBSOLETE PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 15-2022**  
**A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA**  
**BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT**  
**AND/OR OBSOLETE PROPERTY**

**FIREFIGHTER FIRE HELMET AND BOOTS**

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WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on February 2, 2022, *Firefighter Ted Carlson III* retired from the South Bend, Indiana, Fire Department after Thirty-Three (33) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

3. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).
4. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on March 8, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:  
s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 16-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,  
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR  
OBSOLETE PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 16-2022  
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT  
AND/OR OBSOLETE PROPERTY**

**FIREFIGHTER FIRE HELMET AND BOOTS**

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WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on January 24, 2022, *Captain Darrell Eiler* retired from the South Bend, Indiana, Fire Department after Two (2) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

5. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).
6. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on March 8, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
 BOARD OF PUBLIC WORKS  
 s/ Elizabeth A. Maradik  
 s/ Joseph R. Molnar  
 s/ Gary A. Gilot  
 s/ Jordan V. Gathers  
 s/ Murray L. Miller

ATTEST:

s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 17-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR OBSOLETE PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 17-2022  
 A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA  
 BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT  
 AND/OR OBSOLETE PROPERTY**

**FIREFIGHTER FIRE HELMET AND BOOTS**

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WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on February 14, 2022, *Firefighter William Fox* retired from the South Bend, Indiana, Fire Department after Twenty-Seven (27) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

7. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).

8. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on March 8, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:  
s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 18-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,  
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR  
OBSOLETE PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 18-2022  
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT  
AND/OR OBSOLETE PROPERTY**

FIREFIGHTER FIRE HELMET AND BOOTS

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WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on February 2, 2022, *Captain Edwin Meyer* retired from the South Bend, Indiana, Fire Department after Thirty-Three (33) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

9. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).

10. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on March 8, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:  
s/Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 19-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,  
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR  
OBSOLETE PROPERTY

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the following Resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 19-2022  
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT  
AND/OR OBSOLETE PROPERTY**

**FIREFIGHTER FIRE HELMET AND BOOTS**

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WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on February 5, 2022, *Captain Joseph Wagner* retired from the South Bend, Indiana, Fire Department after Thirty-One (31) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

11. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).

12. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on March 8, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS  
s/ Elizabeth A. Maradik  
s/ Joseph R. Molnar  
s/ Gary A. Gilot  
s/ Jordan V. Gathers  
s/ Murray L. Miller

ATTEST:  
s/Theresa Heffner, Clerk

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
Open Market Contract	Selge Construction Co., Inc.	Studebaker Fountain Water Improvements Project No. 121-032, Completion Date of April 22, 2022	\$158,440.50 (PR-00014464)	Molnar/Jordan
Memorandum of Understanding	St. Joseph County	2021 Contractor Paving, Round III Project No. 121-049; Resurfacing of Fellows St. from Jackson Rd. to Johnson Rd. and Rose St. from Maple Ln. to Crestwood Blvd.	\$68,786.48 (PR-00010341)	Molnar/Gathers
Professional Services Agreement	Kil Architecture	Design Services for Nexus Center Site Improvements Project No. 121-064	\$35,500 (PR-00015134)	Molnar /Jordan

APPROVAL OF PERMIT AND LICENSE APPLICATIONS

The following permit and license applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
LAZ Parking Midwest, LLC	Public Parking Facility License - Renewal		1228 N. Eddy St.	Molnar/Gathers  *Subject to installing and maintaining the required signage

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

President 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. Public Works and Community Investments approved this subject to gutters draining parallel to the building face and not across the bike lane or sidewalk. President Maradik stated that there had been some discussion about this and asked if either Public Works Deputy Director Jitin Kain or Engineer Zach Hurst could confirm whether they had communication with Aloft about the concerns. Mr. Hurst responded that he did speak to Aloft and let them know that the Board was going to ask them to reduce the width of the encroachment by six (6) inches. President Maradik followed up to ask if the request for the change was received well. Mr. Hurst confirmed that they were very



agreeable. President Maradik asked that the Board approve, subject to providing just the four feet of ADA clearance outside the separated bike lane, which they are aware of and have agreed to. Upon a motion made by VP 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 VP Molnar, seconded by Mr. Gathers and carried by roll call, the following traffic control device request was approved:

NEW INSTALLATION: Two (2) 15 Minute Loading & Unloading Zone Signs  
 LOCATION: 201 S. William St.  
 REMARKS: All Criteria Met

#### APPROVE CONSENTS TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE

President 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. 18147 Cloverleaf Dr. – Water/Sewer (Key No. 002-1015-030557)

Upon a motion by VP 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
Bender's Construction Inc.	Contractor	Released	04/16/2022
Bender's Construction Inc.	Occupancy	Released	04/16/2022

VP 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

VP 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-31823, GBLN-31822, GBLN-32166	02/22/2022	\$1,611,136.73
City of South Bend Claims GBLN-31204, GBLN-31208, GBLN-32330	02/28/2022	\$1,290,115.36
City of South Bend Claims GBLN-32361, GBLN-32365, GBLN-32366	02/28/2022	\$1,939,910.12

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 VP Molnar, seconded by Mr. Gathers, and carried by roll call, the Board ratified the preapproved claims payments.

#### PRIVILEGE OF THE FLOOR

**President Maradik** noted there has been an end to the Public Health Emergency Declaration and the Board has adopted an electronic meetings policy that will be followed going forward. President Maradik continued to provide a high-level overview of the electronic meetings policy.

She explained that Board members can attend up to two (2) consecutive meetings virtually but must attend at least fifty percent (50%) of meetings in person. Restating what Attorney McDaniels noted earlier, President Maradik said if Board members are attending virtually, they must be seen with their camera and heard with their microphone during meetings in order to participate in final actions or votes. She added that at least fifty percent (50%) of the Board members need to be physically present for meetings, and she emphasized the importance of Board members communicating with each other if unable to attend the meeting physically or virtually. VP Molnar asked for clarification on quorum requirements to which Attorney McDaniels and President Maradik replied that three (3) Board members need to be physically present to have a quorum.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:08.

March 22, 2022