

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on April 7, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar and Board Members Gary Gilot, Jordan Gathers (absent), Murray Miller, 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.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Project Engineer Finnian Cavanaugh was present to answer questions about items 6.C. and 6.D, Professional Service Agreements for the Safe Routes to School - Muessel Primary to Holy Cross and Our Lady of Hungary Neighborhood. VP Molnar asked if the homeowners adjacent to the project would be notified and Mr. Cavanaugh confirmed that there will be a notification to homeowners prior to construction. Gary Gilot asked if Shrewberry & Associates was a minority business enterprise. Board Attorney McDaniels confirmed that Shrewberry & Associates is a national Minority Business Enterprise (MBE) and a Disadvantaged Business Enterprise (DBE).

#### CHANGE ORDERS

Assistant City Engineer Leslie Biek was present to discuss item 4.A. Traffic Signal Detection Improvements. Ms. Biek explained that the Traffic Signal Detection Improvements involved five (5) intersection bids and three (3) of them were joint Mishawaka intersections. Since there has not been any communication from the City of Mishawaka on how the project costs and work would be divided, the City has decided to pull the three (3) intersections from the project and move the funds to on-call for signal detection improvements. President Maradik asked if what was bid and awarded relates to the change order. Ms. Biek stated that the money would be spent on similar work, but it would be on-call and undefined. Attorney McDaniels stated that the change order and moving the money to on-call services should be handled separately. After a brief discussion, it was determined that this item should be pulled from the agenda for now.

#### INDUSTRIAL WASTEWATER DISCHARGE PERMIT RENEWAL

Industrial Pretreatment Manager Serena Lozano-Shane was present to answer questions about item 10.A. Gary Gilot mentioned that he had a few questions that he sent by email. Ms. Lozano-Shane was able to answer most of his questions and said she would get back to Mr. Gilot on the other questions she was unable to answer.

#### LICENSES AND PERMITS

VP Molnar wanted to clarify that for item 7.B. Encroachments/Revocable Permits for The Early Bird Eatery, that the planters are three (3) feet tall including the plants. President Maradik asked why The Early Bird Eatery is listed on the agenda with encroachment and a sidewalk café since the fence appears to be temporary. Attorney McDaniels confirmed that the Board would only need to list the sidewalk café on the agenda if the fence is temporary. Board Clerk Heffner said she would get clarification and follow up. VP Molnar noted that if it is a permanent fence that it would need further review.

President Maradik asked for further information on item 7.A. Bald Mountain, LLC encroachment stating that there were no dimension plans in the packet. President Maradik would like to see the size of the equipment, the size of the fence, and how much remaining sidewalk would be available.

#### STREE/ALLEY VACATIONS

VP Molnar requested the recommendation comments for the Five Corners LLC c/o Robert Nichols, item 8.B. President Maradik stated that the comments included a chamfered corner on the residential property to the East, but President Maradik said she would suggest that Mix Use Developments have the burden of providing the turn radius on their own property and not burdening the adjacent residential property. She added that if this is a requirement we want to keep, it should be shifted to their own property.

#### AWARD BIDS AND APPROVE CONTRACTS

Mr. Gilot asked about item 3.B.9. regarding the bid being rejected as non-responsive for Ferguson Waterworks. Mr. Gilot continued to ask if any other company that offers snowplow blade materials in the South bend area. Engineer Scott Kreeger responded that they were non-responsive due to the current conditions of the market. They stated on their bid that they could

only provide unit pricing for thirty (30) days when the contract document requires an annual. Mr. Gilot noted that the City has experienced this before and has allowed a clause that allowed indexing for the price of steel by the national index. Mr. Kreeger noted that they are weighing all of their options.


#### PRIVILEGE OF THE FLOOR

VP Molnar mentioned that there will be some revisions to how valley/street vacations will be handled going forward. Community Investment will be meeting with Engineering to discuss changes in the process and then will present to the Board of Public Works, the leader of the Public Vacations Committee, and the South Bend City Clerk's office.

#### ADJOURNMENT

There being no further business to come before the Board, Ms. Maradik adjourned the meeting at 11:06 a.m.

#### CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member

Jordan V. Gathers, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: April 26, 2022

#### REGULAR MEETING

APRIL 12, 2022

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, April 12, 2022, by Board President Elizabeth A. Maradik in the 13<sup>th</sup> 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. Board Clerk Theresa Heffner confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar (Virtual), and Board Members Gary Gilot, Jordan Gathers, Murray Miller, and Board Attorney Clara McDaniels (virtual), with a roll call. President 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 Joseph Molnar, seconded by Murray Miller and carried by roll call, the minutes for the Agenda Review Session, Regular and Special Meetings of the Board held on March 17, March 22, and March 31, 2022, were approved.

#### OPENING OF BIDS – 2022-2023 WATER TREATMENT CHEMICALS (PR-00015439)

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:

#### KEMIRA WATER SOLUTIONS, INC.

4321 W. 6<sup>th</sup>. St.

Lawrence, KS 66049  
[tina.imbrogno@kemira.com](mailto:tina.imbrogno@kemira.com)  
Bid was signed by Ms. Christina M. Imbrogno  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$	\$
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$	\$
3	90,000	Ferric Chloride	Gal.	\$1.85	\$166,500.00
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$	\$
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$	\$
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$	\$
8	25,000	Liquid Calcium Nitrate	Gal.	\$	\$
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$	\$
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	\$166,500.00

**EVOQUA WATER TECHNOLOGIES LLC**

2650 Tallevast Road  
Sarasota, FL 34243  
[sheri.whalen@evoqua.com](mailto:sheri.whalen@evoqua.com)  
Bid was signed by Mr. Gary Snyder  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$	\$
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$	\$
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$	\$
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$	\$
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$	\$
8	25,000	Liquid Calcium Nitrate	Gal.	\$3.44	\$86,000.00
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$	\$
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	\$86,000.00

**JCI JONES CHEMICALS INC.**  
600 Bethel Ave.  
Beech Grove, IN 46107  
[nhudson@jcichem.com](mailto:nhudson@jcichem.com)  
Bid was signed by Mr. Justin Wood  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$1,850.00	\$277,500.00
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$250.00	\$35,000.00
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$	\$
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$1,155.00	\$115,500.00
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$	\$
8	25,000	Liquid Calcium Nitrate	Gal.	\$	\$
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$2.15/Gal. \$1.75/Gal.	\$133,300.00 \$108,500.00
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	\$669,800.00

\*SEE BID NOTE

**USALCO, LLC**  
2601 Cannery Ave.  
Baltimore, MD 21226  
[bmccoy@usalco.com](mailto:bmccoy@usalco.com)  
Email was submitted by Mr. Brett McCoy  
No Bid was submitted – See Letter

**WATCON, INC.**  
2215 S. Main St.  
South Bend, IN 46613  
[tresnik@watcon-inc.com](mailto:tresnik@watcon-inc.com)  
Bid was signed by Mr. Thomas Resnik  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Cashier’s Check #2680736 for \$2,910.00 was submitted.  
Indiana Local Business Preference Claim was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$	\$
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$	\$
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$2.58	\$29,025.00

6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$	\$
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$	\$
8	25,000	Liquid Calcium Nitrate	Gal.	\$	\$
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$	\$
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	\$29,025.00

**POLYDYNE INC.**

One Chemical Plant Rd.

Riceboro, GA 31323

[swells@polydyneinc.com](mailto:swells@polydyneinc.com)

Bid was signed by Mr. Boyd Stanley

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

Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$	\$
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$	\$
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$	\$
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$	\$
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$2.350/Lb.	\$94,000.00
8	25,000	Liquid Calcium Nitrate	Gal.	\$	\$
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$	\$
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	\$94,000.00

**SOLENIS LLC**

2475 Pinnacle Dr.

Wilmington, DE 19803

[sbbrown@solenis.com](mailto:sbbrown@solenis.com)

Bid was signed by Mr. Jason Burhans

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

Ten percent (10%) Bid Bond was **NOT** submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$	\$
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$	\$
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant	Lbs.	\$	\$

		Agent			
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$	\$
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag 655BSKFNC	Lbs.	\$2.25	\$90,000.00
8	25,000	Liquid Calcium Nitrate	Gal.	\$	\$
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$	\$
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	<b>\$90,000.00</b>

**ALEXANDER CHEMICAL CORPORATION**

7593 S. First Rd.

LaPorte, IN 46350

[Jennifer.Stewart@alexchem.com](mailto:Jennifer.Stewart@alexchem.com)

Bid was signed by Mr. Robert Davidson

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

Ten percent (10%) Bid Bond was submitted.

Indiana Local Business Preference Claim was submitted.

**BID:**

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$1,899.00	\$284,850.00
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$159.00	\$22,260.00
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons *Price Below 1973 Gal. Price Above 1943 Gallons	Gal.	\$2.79 \$2.49	*\$36,270.00 \$32,370.00
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$	\$
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$1,094.00	\$109,400.00
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$	\$
8	25,000	Liquid Calcium Nitrate	Gal.	\$2.40	\$60,000.00
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons * Price Below 1973 Gal. Price Above 1800 Gallons ** Price Above 1943 Gal.	Gal.	\$2.70 2.26	*\$167,400.00 **140,120.00
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	<b>***See Directly Below</b>

\*\*\* Unsure how to compute a total with two (2) line items having multiple quantity quotes. (ie. Above/Below for Fluorisilicic Acid and Sodium Hypochlorite.)

**SHANNON CHEMICAL CORPORATION**

PO Box 376

Malvern, PA 19355

[shanchem@shannonchem.com](mailto:shanchem@shannonchem.com)

Bid was signed by Mr. Daniel C. Flynn

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

Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$	\$
2	140	Chlorine – 150 lb. Cylinder	Cyl.	\$	\$
3	90,000	Ferric Chloride	Gal.	\$	\$
4	13,000	Fluorisilicic Acid – 23% Price Below 1943 Gallons Price Above 1943 Gallons	Gal.	\$	\$
5	11,250	Pyrophosphate Sequestrant Agent	Lbs.	\$2.87/#	\$32,287.50
6	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$	\$
7	40,000	Dry Polymer Flocculent – 50/55 lb. Polyethylene Bag	Lbs.	\$	\$
8	25,000	Liquid Calcium Nitrate	Gal.	\$	\$
9	62,000	Sodium Hypochlorite – 12.5% Price Below 1800 Gallons Price Above 1800 Gallons	Gal.	\$	\$
10	1,100	Struvite Remover 275 Gallon Totes	Gal.	\$	\$
				<b>TOTAL</b>	\$32,287.50

**CARUS LLC**  
[Samantha.Pumo@carusllc.com](mailto:Samantha.Pumo@carusllc.com)  
Email was submitted by Ms. Samantha Pumo  
No Bid was submitted – See Email

Upon a motion made by Joseph Molnar seconded by Murray Miller and carried by roll call, the above bids were referred to Public Works for review and recommendation.

**OPENING OF BIDS – 2022 VPA ATHLETIC COURT RENOVATIONS, PHASE II - BID PACKAGE I – PROJECT NO. 121-033A (PR-00015677)**  
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. Attorney McDaniels advised that there were no bids for this project. President Maradik noted that following City Procurement Policy, since there were no bids, staff can move forward to open market.

**AWARD BID AND APPROVE CONTRACT – RANDOLPH PARK AREA IMPROVEMENTS – PROJECT NO. 120-049 (PR-00014497)**  
Mr. Finnian Cavanaugh, Engineering, advised the Board that on March 8, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Cavanaugh 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 an amount not to exceed \$139,465. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

**AWARD BID AND APPROVE CONTRACT – 2022 STREET AND SEWER MATERIAL BID – PROJECT NO. 122-028 (PR-00015077)**  
Mr. Scott Kreeger, Engineering, advised the Board that on March 22, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible bidders, Division A, Items A-1, A-2, A-3, A-4, A-6, A-7, and A-8: Ozinga Ready Mix Concrete, Inc. Division A, Item A-5: Smith Ready Mix. Division B, Items B-1. B-2, and B-5: Rieth-Riley Construction Co., Inc. Division B, Item B-3: Klink Trucking Inc. and Rieth-Riley Construction Co., Inc. Division B, Items B-4, and B-6: Klink Trucking Inc. Division C: Ferguson Waterworks. Division D: American Highway Products. Division E: No bids received; City may proceed to



open market. Division F, Items F-1 through F-7: Bid rejected as non-responsive; City may proceed to open market. Division F, Item F-8: K-Tech Specialty Coatings. Division G: Bit-Mat Products of Indiana. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Murray Molnar seconded the motion, which carried by roll call. Gary Gilot encouraged the use of a steel price index that is regionally accepted to account for the volatility of the market. If staff modified the bid in this manner it would need to be rebid, rather than going to open market.

AWARD BID AND APPROVE CONTRACT – 2022 ASPHALT MATERIALS BID – PROJECT NO. 122-029 (PR-00015079)

Mr. Scott Kreeger, Engineering, advised the Board that on March 22, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible bidder, Rieth-Riley Construction Co., Inc., 25200 State Road 23, South Bend, IN 46614, in the amount of Unit Prices; A-1 \$77, A-2 \$77, A-3 \$70, A-4 \$49, A-5 \$90, A-6 \$102, A-7 \$122. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD BID AND APPROVE CONTRACT – 2022 CONTRACTOR PAVING ROUND 1 – PROJECT NO. 122-008 (PR-00015103)

Mr. Scott Kreeger, Engineering, advised the Board that on March 22, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible bidder, Rieth-Riley Construction Co., Inc., 25200 State Road 23, South Bend, IN 46614, in the amount of \$1,350,781.84; Base Bid and Alternate No. 1. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Jordan Gathers seconded the motion, which carried by roll call.

APPROVAL OF REQUEST TO RESCIND QUOTATIONS – MASONRY WORK FOR ERSKINE GOLF COURSE (PO-00015425)

In a memorandum to the Board, Ms. Sarah Hull, Venues, Parks & Arts, requested permission to rescind the contract for the above referenced project due to the scope of the work changing. Therefore, upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above request was approved. Gary Gilot asked if they had mobilized. Attorney McDaniels advised that they had not mobilized and the recommendation was a change in the scope of the work.

APPROVE CHANGE ORDER NO. 14 – OLIVE STREET RECONSTRUCTION, PHASE I – PROJECT NO. 114-064 (PO-0009357)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted Change Order No. 14 and final recommendation for acceptance on behalf of INDOT and Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, indicating the contract amount be increased by \$58,185.62; Total (\$0 Local) for a new contract sum, including this Change Order, in the amount of \$3,854,945.45. Upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the Change Order was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – REINSTALLATION OF SJHS FLASHING CROSSWALK SIGN FOUNDATIONS – PROJECT NO. 121-080 (PR-00013870)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Martell Electric, 4601 Cleveland Rd., South Bend, IN 46628, for the above referenced project, indicating a final cost of \$2,378. Upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – 2021 CURB AND SIDEWALK REPAIR – PROJECT NO. 121-001 (PO-0010116)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Rieth-Riley Construction Co., Inc., 25200 State Road 23, South Bend, IN 46614 for the above referenced project, indicating a final cost of \$454,193. Upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the Project Completion Affidavit was approved.



APPROVE PROJECT COMPLETION AFFIDAVIT – EDISON FILTRATION FAN REPLACEMENT – PROJECT NO. 121-069 (PO-0014641)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the Project Completion Affidavit on behalf of Ideal Consolidated Inc., 1125 S. Walnut St., South Bend, IN 46619, for the above referenced project, indicating a final cost of \$4,020. Upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the Project Completion Affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – PERMANENT MUNICIPAL SANITARY SEWER EASEMENT – PROJECT NO. DP-20-041

President Maradik advised that Ms. Charlotte Brach, Engineering, has submitted the Project Completion Affidavit on behalf of DEV H12, LLC (Drive and Shine), 16915 Cleveland Rd., Granger, IN 46530, for the above referenced project. Upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the Project Completion Affidavit 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
Deed of Dedication	Bartlett Street Roundabout, Phase II	Right of Way for Bartlett and Michigan Roundabout Project No. 114-032B	N/A	Joseph Molnar / Jordan Gathers
Amendment No. 1 to Owner-Engineer Agreement	Lawson-Fisher Associates P.C.	On-Call Drainage Design – Project Development Services Project No. 120-010	NTE \$3,500 (Hourly); New Total \$23,500 (PO-0006377)	Joseph Molnar / Jordan Gathers
Professional Services Agreement	Troyer Group	Local Public Agency Services for Safe Routes to School Muessel Primary and Holy Cross School, DES#1900447	NTE \$188,500; Cost Share by INDOT (80% Federal / 20% Local) (PR-00016029)	Joseph Molnar / Jordan Gathers
Professional Services Agreement	Shrewsberry & Associates	Local Public Agency Services for Safe Routes to School Our Lady of Hungary Neighborhood, DES#2100025	NTE \$119,232; Cost Share by INDOT (80% Federal / 20% Local) (PR-00016027)	Joseph Molnar / Jordan Gathers
Amendment No. 1 to Owner-Engineer Agreement	Jones Petrie Rafinski Corp.	Additional Design Scope to Perform Boundary Survey and Deed of Dedication Plat for Right-of-Way at Randolph Park Improvements Project No. 120-049	NTE \$4,500; Adjusted Total \$48,685 (PR-0005892)	Joseph Molnar / Jordan Gathers
Letter of Agreement for Custom Work & Estimate of Actual Cost	AT&T	Special Purchase for Southeast Neighborhood Center (United Way) Project No. 119-093R; Relocate Existing Facility Underground on Columbia Ct.	\$43,923.9 (PR-00015827)	Joseph Molnar / Jordan Gathers

APPROVAL OF PERMIT AND LICENSE APPLICATIONS

The following permit and license applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Memorial Hospital/Beacon	Public Parking Facility License-	Seven (7) Days per	100 Navarre St., 621 Memorial Dr.,	Joseph Molnar /

Health System; Three (3) Garages	Renewal - Bartlett Garage Not in Compliance with City Code 4-39	Week, Twenty-Four (24) Hours per Day	707 N. Michigan St.	Jordan Gathers  Approved subject to installing signage at all locations that is compliant with Municipal Code requirements.
The Early Bird Eatery, LLC	Sidewalk Café Permit - Fencing/Planters (including plants) must be 3' maximum height. Mr. Molnar confirmed the fence and planters are not permanent and meets zoning requirements.	Monday- Friday 8:00 a.m. to 2:00 p.m., Saturday & Sunday 9:00 a.m. to 2:00 p.m.	117 E. Wayne St.	Joseph Molnar / Jordan Gathers  Approved subject to meeting zoning ordinance requirements as noted by staff

#### APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – 201 S. MAIN STREET

President Maradik stated an application for an Encroachment and Revocable Permit has been received from Bald Mountain LLC for the purpose of allowing the installation of a black aluminum fence to be placed in the right-of-way at 201 S. Main Street. 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. Community Investment also noted, minimum fence depth (approx. 4 ft.) with solid/opaque design minimizing sidewalk encroachment. VP Molnar made a motion subject to staff comments. Jordan Gathers seconded the motion which carried by roll call, the Revocable Permit was approved.

#### UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE FIRST NORTH-SOUTH ALLEY LYING WEST OF EDDY ST. BOUNDED ON THE SOUTH BY THE NORTH ROW OFF QUIMBY ST. APPROX. 99.99 LINEAL FEET IN LENGTH

President Maradik indicated that Elliot Properties, LLC c/o Terry Lang, PS, 1023 Quimby St., South Bend, IN 46617, has submitted a request to vacate the above referenced alley. Ms. Maradik advised the Board is in receipt of unfavorable recommendations concerning this Vacation Petition from the Street Department, Fire Department, Police Department Community Investment, and Engineering who all state the request does not meet three (3) of the I.C. 36-7-3-13 Criteria. Therefore, Joseph Molnar made a motion recommending to send to City Council with unfavorable recommendations. Jordan Gathers seconded the motion which carried by roll call.

#### FAVORABLE RECOMMENDATION - PETITION TO VACATE THE EAST-WEST ALLEY BETWEEN SOUTH BEND AVE. AND NORTH-SOUTH ALLEY

President Maradik indicated that Mr. Robert Nichols with Five Corners, LLC, 814 Marietta St., South Bend, IN 46601, has submitted a request to vacate the above referenced alley. President 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 with a recommendation from Public Works to obtain an access easement “chamfer” at the Southeast corner of the intersection of N/S & E/W for better turning angle for large vehicles. President Maradik suggested any additional space needed to allow for turning movements at the “L” alley intersection be located on the petitioner’s property so as not to burden the adjacent residential property owner. Also noting that the petitioner should consult with City Engineering to

determine if / how much additional space is needed for turning movements. Therefore, Joseph Molnar made a motion recommending sending to City Council with favorable recommendations subject to the turning radius being located on the petitioner’s property. Jordan Gathers seconded the motion which was carried by roll call.

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. Steve Cooreman, 4404 Technology Dr., South Bend, IN 46628
1. 52469 Blue Winged Trail – Water/Sewer (Key No.071-1038-061972/71-02-23-400-078.000-029)

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

APPROVE RENEWAL OF WASTEWATER DISCHARGE PERMIT(S) RENEWAL

In a Memorandum to the Board, Ms. Serena Lozano-Shane, Division of Wastewater, submitted the following Wastewater Discharge Permit(s) for renewal and recommended approval:

St. Joseph Energy Center, 54745 Walnut Rd.

There being no further discussion, upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the renewal of the permits was approved.

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
Verita Telecommunications Corp.	Excavation	Approved	03/23/2022
Asplundh Construction, LLC	Excavation	Approved	03/23/2022
Verita Telecommunications Corp.	Occupancy	Approved	03/23/2022
Asplundh Construction, LLC	Occupancy	Approved	03/23/2022

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

RATIFY PREAPPROVED CLAIMS PAYMENTS

Joseph 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-32959, GBLN-33286, GBLN-33426	03/22/2022	\$1,356,322.29
City of South Bend Claims GBLN-33326, GBLN-33692, GBLN-33693	03/22/2022	\$719,504.68
City of South Bend Claims GBLN-33966, GBLN-33942	03/29/2022	\$2,255,968.01
City of South Bend Claims GBLN-33740, GBLN-33707, GBLN-33914	03/29/2022	\$1,696,230.35
City of South Bend Claims GBLN-33971, GBLN-33972, GBLN-33957	03/30/2022	\$577,333.75
City of South Bend Claims GBLN-34040, GBLN-34044, GBLN-34051	04/04/2022	\$1,267,317.37

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

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:04 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Elizabeth A. Maradik, President

  
\_\_\_\_\_  
Joseph R. Molnar, Vice President

  
\_\_\_\_\_  
Gary A. Gilot, Member

\_\_\_\_\_  
Jordan V. Gathers, Member

  
\_\_\_\_\_  
Murray L. Miller, Member

  
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Attest: Theresa M. Heffner, Clerk  
Date: April 26, 2022