

The Agenda Review Session of the Board of Public Works was convened at 10:34 a.m. on April 21, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (virtual), 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.

OPENING OF QUOTATIONS

Engineer Finnian Cavanaugh was present to answer questions about item 2.A., 2022 Tree and Stump Removal. He noted for the record that at the upcoming Regular Meeting, there will be a quote opening and a quote award for the project. The work will be done by the City's curb and sidewalk crew.

AWARD BIDS AND APPROVE CONTRACTS

Project Engineer Rebecca Plantz was present to answer questions about item 3.A., North Water Treatment Plant Improvements. Ms. Plantz explained the timeline for the project that began back in 2019. When no bids were received during the bid opening on November 23, 2021, the project went to the open market. Bowen and Kokosing provided bids that were in the millions of dollars with Bowen providing the lowest bid. Gary Gilot noted the volatile market related to pricing. Attorney McDaniels advised that even though the contract is in the millions of dollars, all legal aspects were followed stating that there are no monetary limits on open-market contracts. Mr. Gilot asked the Board members to think about whether they would like to see all the contractors questioned at a pre-bid meeting to receive feedback, to amend the plans and specs, and to try bidding again when the project is over a certain amount of money.

Murray Miller asked about how the waivers were issued for Minority and Women-owned Business Enterprise (MWBE) goals that were not met. Ms. Plantz clarified that some of the goals were met and some were not, and for the ones that were not met, a good faith effort was met. Director of Public Works Eric Horvath noted that when a waiver is issued, it should be documented why the waiver was provided. Larry King from the Office of Diversity and Inclusion (ODI) explained that he can assist in providing recommendations to bidders to meet MWBE goals. Mr. Gilot advised that during the competitive bid process one bidder cannot be favored over another so recommendations for meeting MWBE goals should be shared with all bidders equally via an issued addendum.

VP Molnar asked about the timing for completion. Ms. Plantz explained that the work will begin this spring and will finish up in the fall because the vessels cannot be down during the summer.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

VP Molnar asked about item 7.C. the contract cancellation with Vic Butcher Construction. President Maradik stated that they went out of business or were nonresponsive. VP Molnar asked how this would affect the development agreement. President Maradik explained that the remainder of the project would be requested. City Engineer Kara Boyles clarified that the development agreement expired.

REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS

Mr. Gilot inquired about the scope for item 5.A. Northwest Elevated Storage Tank Improvements. City Engineer Kara Boyles explained that the scope involves interior coating, cathodic protection, swing check valves, altitude valves, and other related improvements.

CHANGE ORDERS

President Maradik asked about item 4.B. School Zone Flashing Beacons Installation noting that the percent of the increase is just over thirty-six percent (36%) which is above the twenty percent (20%) threshold. President Maradik noted that even though it is a state-funded project, she wanted to be sure that from a procurement policy and legal standpoint that there wouldn't be any challenges or issues related to that kind of increase since there was no unforeseen condition. City Engineer Boyles explained that the project is one hundred percent (100%) funded by MACOG and that the change order is the result of removing the flashing beacons in order to come within the estimate of funding, but the bid came in lower than the estimate so the Beacons were put back into the project.

LICENSES AND PERMITS

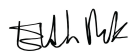
President Maradik requested clarification on item 8.A.9 to confirm why the location of the Westside Memorial Day Parade is listed as TBD. Director Horvath explained that the Parade Committee would like to use the same route they have used in the past, which involves closing several intersections and having enough police available to provide protection. Director Horvath noted that he hoped to have the location and details available before the BPW Regular Meeting on April 26, 2022.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, Ms. Maradik adjourned the meeting at 11:15 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: May 10, 2022

REGULAR MEETING

APRIL 26, 2022

The Regular Meeting of the Board of Public Works was convened at 9:31 a.m. on Tuesday, April 26, 2022, 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. Board Clerk Theresa Heffner confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (arrived at 9:36 a.m.), 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 and Regular Meeting of the Board held on April 7, and April 12, 2022, were approved.

OPENING AND AWARD OF QUOTATIONS – 2022 TREE AND STUMP REMOVAL – PROJECT NO. 122-002 (PR-00016075)

Mr. Finnian Cavanaugh, Engineering, advised that this was the date set for the receiving and opening of sealed Quotations for the above referenced project. The following Quotations were opened and read:

K & R TREE SERVICE LLC - AWARDEE

1724 S. Grant St.
South Bend, IN 46613
treecutterkev@yahoo.com

Quotation was submitted by Mr. Kevin J. Kenney
Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION: \$20,006.04

KC TREE, INC.

8913 East US Hwy. 20
New Carlisle, IN 46552
heather@kctreeinc.com

Quotation was submitted by Ms. Lisa N. Keigley
Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION: \$28,600.00

Upon a motion made by Joseph Molnar, seconded by Murray Miller and carried, the above Quotations were referred to Mr. Finnian Cavanaugh, Engineering, for review and recommendation. After reviewing those quotations, Mr. Cavanaugh recommended that the Board award the contract to the lowest responsive and responsible bidder, K&R Tree Service LLC, in the amount of \$20,006.04. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the quotation be awarded as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD BID AND APPROVE CONTRACT – NORTH WATER TREATMENT PLANT IMPROVEMENTS – PROJECT NO. 119-011 (PR-00012417)

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, Bowen Engineering Corporation, 8202 N. Meridian St., Indianapolis, IN 46260, in the amount of \$3,582,800 an open market contract, divisions A-E plus alternates 1-4. 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 – ONE (1) OR MORE, 2021 OR NEWER, TANDEM AXLE STAINLESS STEEL MULTI-USE DUMP TRUCKS – SPEC H (PR-00012871)

Mr. Jeff Hudak, Central Services, advised the Board that on December 14, 2021, bids were received and opened for the above referenced contract. After reviewing those bids, Mr. Hudak recommended that the Board award the contract to the lowest responsive and responsible bidder Truck Centers, Inc., 4145 Ameritech Dr., South Bend, IN 46628, in the amount of \$821,256 a total amount for three (3) trucks. Gary Gilot noted for the record that the timeframe for delivery of the three (3) trucks is 350-420 days. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the bid be awarded as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD BID – 2021 OR NEWER, SINGLE AXLE STAINLESS STEEL MULTI-USE DUMP TRUCK – SPEC I (PR-00012904)

Mr. Jeff Hudak, Central Services, advised the Board that on December 14, 2021, bids were received and opened for the above referenced contract. After reviewing those bids, Mr. Hudak recommended that the Board award the contract to the lowest responsive and responsible bidder Selking International Trucks, 4849 W. Western Ave., South Bend, IN 46619, in the amount of \$206,437. Gary Gilot noted for the record that the timeframe for delivery of the truck is during the first quarter of 2023. Therefore, Joseph Molnar made a motion that the recommendation be accepted, and the bid be awarded as outlined above. Murray Miller seconded the motion, which carried by roll call.

APPROVE CHANGE ORDER NO. 2 – SOUTHEAST NEIGHBORHOOD CENTER (UNITED WAY) – PROJECT NO. 119-093R (PO-0010837)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted Change Order No. 2 on behalf of The Robert Henry Corporation, 404 S. Frances St., South Bend, IN 46617, indicating the contract amount be increased by \$45,348.00 with an additional forty-six (46) days for a new contract sum, including this Change Order, in the amount of \$1,220,338 with a new completion date June 30, 2022. Upon a motion made by Joseph Molnar, seconded by Murray Miller and carried by roll call, the Change Order was approved.

APPROVE CHANGE ORDER NO. 1 – SCHOOL ZONE FLASHING BEACONS INSTALLATION – PROJECT NO. 117-075 (100% FEDERALLY FUNDED)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted Change Order No. 1 on behalf of Michiana Contracting, Inc., 7843 Lilac Rd., Plymouth, IN 46563, indicating the contract amount be increased by \$268,920.91 with an additional sixty (60) days, thirty-eight (38) additional flashing beacons for a new contract sum, including this Change Order, in the amount of \$1,008,548.91 with a new completion date of October 4, 2022. President Maradik noted that this is an INDOT change order and is one-hundred percent (100%) federally funded. Upon a motion made by Joseph Molnar, seconded by Murray Molnar and carried by roll call, the Change Order was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – NORTHWEST ELEVATED STORAGE TANK IMPROVEMENTS – PROJECT NO. 122-018 (PR-00016364)

In a memorandum to the Board, Ms. Rebecca Plantz, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Joseph Molnar, seconded by Murray Miller and carried by roll call, the above request was approved.

ADOPT RESOLUTION NO. 21-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Upon a motion made by Joseph Molnar, seconded by Murray Miller and carried by roll call, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 21-2022

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the “Board”) exists pursuant to Indiana Code Section 36-4-9-5, holds real property owned by the City of South Bend, Indiana (the “City”) pursuant to Indiana Code Section 36-9-6-3, and is authorized to transfer such property to another governmental entity pursuant to Indiana Code Section 36-1-11-8; and

WHEREAS, the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of Redevelopment (the “Commission”), exists and operates pursuant to Indiana Code Section 36-7-14 (the “Act”); and

WHEREAS, the Board owns two (2) parcels of real property in the City, one (1) on Walnut Street, and one (1) on Chestnut Street, both more particularly described on Exhibit A (the “Property”); and

WHEREAS, the Board desires to convey the Property to the Commission pursuant to Ind. Code 36-1-11-8 for the purpose of making the Property available for re-use and redevelopment in accordance with the Commission's purposes and powers under the Act; and

WHEREAS, it is anticipated that the Commission will adopt a resolution accepting the Board's conveyance of the Property to the Commission and appointing a representative to accept and record the deed received from the Board.

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

1. The Board hereby approves the conveyance of the Property to the Commission in accordance with Indiana Code Section 36-1-11-8.

2. The President and Clerk of the Board are authorized and instructed to execute and attest, respectively, a quit claim deed in substantially the form attached hereto as Exhibit B, conveying all of the Board's right, title, and interest in the Property to the Commission.

3. The Board authorizes Joseph Molnar or Andrew Netter of the City’s Department of Community Investment to present for recordation in the Office of the Recorder of St. Joseph County, Indiana, the deed conveying the Property to the Commission, as well as to execute any other document necessary to affect the Board’s conveyance to the Commission.
4. This Resolution will be in full force and effect upon its adoption by the Board.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on April 26, 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
Authorization Letter	Studebaker National Museum	Authorization for Annual New Car Raffle at Studebaker National Museum	N/A	Joseph Molnar /Murray Miller
Deed of Dedication	City of South Bend Venues, Parks, and Arts	Right-of-Way Dedication of 3,898 Square Feet for Randolph Park Improvements Project No. 120-049 for Turnaround at Alley	N/A	Joseph Molnar /Murray Miller
Contract Cancellation	Vic Butcher Construction	Cancel Gemini at Colfax – Exterior Renovations - Windows Contract, Division E Project No. 119-103	\$58,001.28 (Remaining) (PO-0006609)	Joseph Molnar /Murray Miller
Parking Lot Lease	Mary Coyne Investments, LLC	Re-Entering into Five (5) Year Lease Agreement, Starting May 1, 2022	\$1,622.98 Per Month (PO-0014052)	Joseph Molnar /Murray Miller
Right of Entry for Construction Agreement	McCormick & Company, Inc.	Allowing McCormick to Construct Improvements to Real Property Owned by the City out of Which it has Operated it’s Local Manufacturing Operations Since the Mid-1970’s	N/A	Joseph Molnar /Murray Miller

APPROVAL OF PERMIT AND LICENSE APPLICATIONS

The following permit and license applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
2 nd Annual Job Fair/Community Party	Street Closure for Special Event	July 14, 2022; 10:00 a.m. to 4:30 p.m.	Fremont St. between Marquette Blvd. and W. Hamilton St.	Joseph Molnar /Murray Miller

Angel of Hope Ride	Street Closure for Special Event	August 20, 2022; 9:00 a.m. to 12:00 p.m.	Pinhook Park – See Map	Joseph Molnar /Murray Miller
Cedar Neighborhood Block Party & Open House	Street Closure for Special Event	May 7, 2022; 3:00 p.m. to 7:00 p.m.	Cedar St. between Walsh St. and N. Arthur St.	Joseph Molnar /Murray Miller
Concours d'Elegance at Copshaholm	Street Closure for Special Event	July 9, 2022; 10:00 a.m. to 5:00 p.m.	Washington St. between Chapin St. and Laurel St.	Joseph Molnar /Murray Miller
Fallen Heroes Family Ride	Street Closure for Special Event	June 26, 2022	Starting at Portage Ave.	Joseph Molnar /Murray Miller
First Fridays May	Street Closure for Special Event	May 6, 2022; 2:00 p.m. to 9:00 p.m.	200 Block of S. Michigan St.	Joseph Molnar /Murray Miller
First Fridays June through October	Street Closure for Special Event	June 3, July 1, August 5, September 2, October 7, 2022; 2:00 p.m. to 9:00 p.m.	200 Block of S. Michigan St.	Joseph Molnar /Murray Miller
March to the Memorial	Street Closure for Special Event	September 11, 2022; 9:11 a.m.	South Bend Metro Area from Ireland Rd. to St. Joseph County Park's 9/11 Memorial	Joseph Molnar /Murray Miller
South Bend Westside Memorial Day Parade	Street Closure for Special Event	May 30, 2022; 6:00 a.m. to 12:00 p.m.	TBD - Along Ford St.	Joseph Molnar /Murray Miller Subject to City approval of the route and security
The Great Race	Street Closure for Special Event	June 22, 2022; 8:00 a.m. to 5:00 p.m.	Thomas St. between Chapin St. and Laurel St.	Joseph Molnar /Murray Miller
Chinese Massage Spa	Massage Establishment		2614 S. Michigan St.	Joseph Molnar /Murray Miller
Massage by Suzanne	Massage Establishment		914 Lincolnway West	Joseph Molnar /Murray Miller
Summer Spa Massage	Massage Establishment		3601 E. Jefferson Blvd.	Joseph Molnar /Murray Miller
Sun Flower Massage Spa LLC (formerly Top Oriental Massage)	Massage Establishment		421 N. Hickory Rd.	Joseph Molnar /Murray Miller

Therapeutic Indulgence	Massage Establishment		903 E. Jefferson Blvd.	Joseph Molnar /Murray Miller
AEP Indiana Michigan Transmission Company Inc.	Long Term Occupancy Permits	April 3, 2022 – May 6, 2022	East Bank Trail between Northshore and Crescent	Joseph Molnar /Murray Miller

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 requests were approved:

DENIAL: Handicapped Accessible Parking Space Sign
LOCATION: 621 Portage Ave.
REMARKS: Criteria Not Met

REMOVAL: Handicapped Accessible Parking Space Sign
LOCATION: 1711 Kendall St.
REMARKS: All Criteria Met

NEW INSTALLATION: Handicapped Accessible Parking Space Sign
LOCATION: 1221 W. Ford 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. Steve Cooreman, 4404 Technology Dr., South Bend, IN 46628
 - 1. 52759 Common Eider Trail – Water/Sewer (Key No.021-1038-061976/71-02-23-400-084.000-029

Upon a motion by Joseph Molnar, seconded by Murray Miller 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
Laray Carter	Contractor	Approved	04/07/2022
Larson-Danielson Construction Co., Inc.	Contractor	Released	05/01/2022
Graycor Industrial Constructors Inc.	Excavation	Approved	04/07/2022
Graycor Industrial Constructors Inc.	Occupancy	Approved	04/07/2022
Laray Carter	Occupancy	Approved	04/07/2022
Taino Properties LLC	Occupancy	Released	05/19/2022

Joseph Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Murray Miller 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-34315, GBLN-34617	04/07/2022	\$409,814.21

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 Murray Miller, and carried by roll call, the Board ratified the preapproved claims payments.

PRIVILEGE OF THE FLOOR

Gary Gilot asked whether the policy on virtual attendance could be revised to apply the two consecutive meeting virtual attendance limitation only to Regular Meetings where board action is taken and not to the Agenda Review Sessions. Attorney McDaniels agreed to research the issue.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 9:54 a.m.

BOARD OF PUBLIC WORKS

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: May 10, 2022
