

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on June 23, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (arrived at 10:47 a.m.), Murray Miller, and Board Attorney Clara McDaniels (virtual). 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.

#### REJECT BIDS AND QUOTATIONS

Murray Miller raised a question about item 6.A Northwest Elevated Storage Tank Improvements. Mr. Miller asked if the item would go to open market rather than out to be rebid. President Maradik noted that per the City's procurement policy, since no responsive bids were received, it can go to open market. Attorney Clara McDaniels advised that due to the time constraints of the project, the decision was made to go to open market rather than going out to rebid. President Maradik noted that nothing in the package would be changing.

Director of Purchasing Michael Schmidt also noted that this involved a timing issue that includes complexities in shutting down different sources of water that allows a contractor to get in to do the project; even though it is a difficult area to serve, the project still needs to be completed. Director Schmidt also added that the project was slightly over budget with the bids that came in, so this added another element to the rejection.

Engineer Rebecca Plantz explained that she went through the public solicitation for bids and received one bid that was nonresponsive in the responsible bidder ordinance and the MWBE goals. Due to rejecting all bids, Indiana Code 36-1-12-5 allows them to go to the open market as long as they send a written response explaining the rejection which she confirmed was written within the memo in the documents that were posted to the public.

Mr. Miller asked if the scope was going to change since it was over budget. Ms. Plantz said it would not change but going to the open market gives her an opportunity to reach out to companies to find out why they didn't bid on the project and get feedback. If feedback results in cost savings, then she would need to decide whether to change the scope and then rebid. She explained the project would begin in mid-September due to the demand of the summer. She also noted that there is a very tight window to complete the project because it can't be too cold and the City needs to supply water. If the project rolls into the spring, it becomes problematic because other stations will be going down for improvements and this tank is the only one that supplies that zone.

Attorney McDaniels noted that the MWBE goals will remain in place even if it goes to the open market or meets the good faith efforts waiver. Gary Gilot asked if when a bid is rejected for noncompliance for not meeting MWBE goals, there was a standardized letter detailing the process for meeting MWBE goals. Ms. Plantz stated that she cannot speak for her colleagues, but she does not send a letter. She explained that she does have conversations with companies that she works with frequently. Mr. Miller noted that the Office of Diversity and Inclusion was supposed to be sending a standardized letter to companies to help them meet the MWBE goals. Attorney McDaniels advised that she would follow up.

#### PUBLIC HEARING

Mr. Gilot asked about item 2.A. The Wastewater Treatment Plant Final Clarifiers 1, 2, and 3 improvements Preliminary Engineering Report and whether the Board is doing the public hearing for anything other than the State Revolving Fund Loan Application. Attorney McDaniels noted that this will not require any action from the Board, it is simply part of the loan process.

#### CHANGE ORDERS

Mr. Gilot asked about the twenty-one and a half percent (21.5%) increase for item 7 A. Ward Bakery Exterior Masonry Bid Package. He questioned why they didn't see the scope addition ahead of time. President Maradik noted that they may have done the change order for the fifteen and nine-tenths percent (15.9%) and then noticed the unforeseen increase which put them over the discretionary twenty percent (20%).

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot noted that the heading for item 11.C. included the word “negotiation” which does not go along with the bidding process. He noted that when the City has a bid, we don’t have the legal authority to negotiate. He asked that the word be removed. Attorney McDaniels agreed that the word “negotiation” should be removed.

PRIVILEGE OF THE FLOOR

Kieran Fahey, LTCP Director, gave a presentation to the Board on the City’s new combined sewer long-term control plan. Finalized in 2022, the new plan utilizes smart sewer data to better mitigate combined sewer overflow and it will realize savings to the citizens of South Bend of \$437 million, while also improving the environmental outcome for the St. Joseph River.

Future projects include:

Project	Description, Design Criteria, and Performance Criteria	Start Date	End Date
WWTP Storage, Site Piping andControls	Re-routing of existing sewers to accommodate proposedequalizationbasin.	Jan-25	Dec-29
Randolph-Sampson RTB and SitePiping	Minimumsizeof4.7milliongallons.	Jan-25	Dec-29
ThrottleControlat CSO022	Actively controlled sluice gate on capture throttle topreventoverflowsatCSO48nearRiverCrossing#1	Jan-25	Dec-29
Regulator/ThrottleImprovements Upstream of EastRace	Modificationstoregulators/throttlesatCSOs014,018,021,040	Jan-25	Dec-29
Randolph-Sampson RTB and SitePiping	InletandoutletsewersforRandolph-SampsonRTB	Jul-25	Dec-29
Regulator Modifications forRandolph-SampsonRTB	Modificationtoregulatorat CSO022	Feb-26	Dec-29
Basin CSO 040, 041 SeparationSewer	PleasantAvenue;NorthsideBlvd.	Jan-27	Dec-29
MemorialPark RTB	Minimumsizeof3.9milliongallons.	Jan-30	Dec-35
CSOBasin019GSIImprovements	For the capture of stormwater.	Jan-30	Dec-35
CSO 001 Throttle CapacityImprovement	Increase dry weather throttle pipe capacity.	Mar-30	Dec-35
CSOBasin 039,040GSI Improvements	GSI improvements along Pleasant Avenue.Green stormwater infrastructure improvement.	Mar-30	Dec-35
Memorial Park ConsolidationSewersandControls	Large diameter sewers to collect and convey overflowfrom local CSO Basins to MemorialPark RTB;	Apr-30	Dec-35
Regulator Modifications forMemorial Park ConsolidationSewer	Modificationstoregulators.	Apr-30	Dec-35
CSO 019 Throttle CapacityImprovement	Increase throttlepipecapacity.	May-30	Dec-35
River Crossing 2-3 InterconnectSewer	36" diameter interconnecting sewer (reduced from 66")between CSO 14 and River Crossing #2 serving as bothconveyanceand storage.	Jul-30	Dec-35
InterceptorReplacement	24" diameter replacement for existing interceptor fromCSO020toCSO019(1,800lf)	Oct-30	Dec-35
NewRiverCrossing	48" diameter wet weather river crossing (500 lf) to directexcess flow from south side of river to Memorial ParkRTB.	Jan-31	Dec-35
Sluice Gate at CSO 18 RegulatorStructure	Actively controlled modulating sluice gate.	Apr-31	Dec-35
Interceptor Control Upstream ofRiverCrossing #2	Actively controlled interceptor isolation gate to regulateflowdownstreamanddetainexcessinMemorialParkRTB	Jul-31	Dec-35
BrownfieldStorageTank	Minimumsizeof2.0milliongallons.	Jan-36	Dec-38
SouthShoreInterconnectSewer	Interconnecting sewer from Michigan Streetto downstream end of River Crossing #5. Collectsoverflow from CSO Basins 006, 007, 008, 010, 011.	Jan-36	Dec-38
Regulator/ThrottleImprovements Downstream ofEastRace	Modificationstoregulators/throttlesatCSOs003,004,006,007, 025, 026, 027, 028	Jan-36	Dec-38
CSOBasin010GSIImprovements	Green stormwater infrastructure improvements.	Jan-36	Dec-38
CSO 010 Throttle CapacityImprovement	Increase throttle pipe capacity.	May-36	Dec-38
CSO 011 Regulator Improvements and Diversion Sewer	CSO 011 regulator modifications, weir adjustments.	May-36	Dec-38

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:34 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: July 12, 2022

REGULAR MEETING

JUNE 28, 2022

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, June 28, 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, and Board Members Gary Gilot, Jordan Gathers, Murray Miller, and Board Attorney Clara McDaniels, 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 VP Joseph Molnar, seconded by Murray Miller and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on June 9, 2022, and June 14, 2022, were approved.

PUBLIC HEARING

President Maradik advised that this was the date set for the Board’s Public Hearing concerning the state revolving fund loan application for the Wastewater Treatment Plant Final Clarifiers 1, 2, and 3 Improvements Preliminary Engineering Report. Assistant City Engineer Jacob Klosinski gave a brief overview of the project before turning it over to Ben Burroughs from ARCADIS to give a presentation of the project. There being no one present wishing to address the Board concerning this project, the Public Hearing was closed.

OPENING OF BIDS – 2022 CONTRACTOR PAVING, ROUND II – PROJECT NO. 122-032 (PR-00017017)

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:

**MILESTONE CONTRACTORS NORTH, INC.**

24358 State Road 23

South Bend, IN 46614

[akrueger@milestonelp.com](mailto:akrueger@milestonelp.com)

Bid was signed by Mr. Dustin Hilary

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

Five percent (5%) Bid Bond was submitted.

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

One of One Addendum(s) Acknowledgement received.

BASE BID: \$2,526,000.00

**RIETH-RILEY CONSTRUCTION CO., INC.**

25200 State Road 23

South Bend, IN 46614

[ralvarado@rieth-riley.com](mailto:ralvarado@rieth-riley.com); [hgritton@rieth-riley.com](mailto:hgritton@rieth-riley.com)

Bid was signed by Mr. Jacob K. Kwilas

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

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.  
One of One Addendum(s) Acknowledgement received.

BASE BID: \$2,090,801.00

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

OPENING OF BIDS – 2022 COMMUNITY CROSSINGS ROAD REHABILITATION – PROJECT NO. 122-024 (PR-00016955)

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:

**MILESTONE CONTRACTORS NORTH, INC.**

24358 State Road 23  
South Bend, IN 46614  
[akrueger@milestonelp.com](mailto:akrueger@milestonelp.com)

Bid was signed by Mr. Dustin Hilary  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Five percent (5%) Bid Bond was submitted.  
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.  
One of One Addendum(s) Acknowledgement received.

BID:

<b>Division 1A – Rainbow Drive Base Bid</b>	\$733,000.00
<b>Division 2A – Southlea Drive Base Bid</b>	\$1,541,000.00
<b>Division 3A – Eastmont Drive Base Bid</b>	\$2,402,000.00
<b>Division 4 – Hill Street Base Bid</b>	\$1,053,000.00
<b>Division 5 – Jackson Road Base Bid</b>	\$1,806,000.00
<b>Divisions 1A, 2A, 3A, 4 &amp; 5 Total</b>	\$7,535,000.00
<b>Division 1B – Rainbow Drive Alternates #1</b>	No Bid
<b>Division 2B – Southlea Drive Alternates #1</b>	No Bid
<b>Division 3B – Eastmont Drive Alternates #1</b>	No Bid
<b>Divisions 1B, 2B, 3B, 4 &amp; 5 Total</b>	No Bid

\*\* Note Letter stating impossible to meet the required deadline of October 31, 2022

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

OPENING OF BIDS – 2022 VPA ATHLETIC COURT RENOVATIONS, PHASE II – PROJECT NO. 121-033AR (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. The following Bids were opened and publicly read:

**MILESTONE CONTRACTORS NORTH, INC.**

24358 State Road 23  
South Bend, IN 46614  
[akrueger@milestonelp.com](mailto:akrueger@milestonelp.com)

Bid was signed by Mr. Dustin Hilary  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Five percent (5%) Bid Bond was submitted.  
Two (2) Forms MWBE- 2.0, 2.1 were completed.  
One of One Addendum(s) Acknowledgement received.

BID:

<b>Park Breakout Base Bid</b>	\$2,525,671.87
<b>Park Breakout Alternates</b>	\$84,488.00
<b>Voorde Park Basketball &amp; Tennis Base Bid</b>	\$346,628.14
<b>Riverside Park Basketball &amp; Tennis Base Bid</b>	\$240,502.65

<b>Keller Park Tennis Base Bid</b>	<b>\$195,688.00</b>
<b>Boehm Park Pickleball Base Bid</b>	<b>\$515,416.44</b>
<b>St. Clair Tennis Base Bid</b>	<b>\$204,820.89</b>
<b>St. Clair Basketball Base Bid</b>	<b>\$230,232.25</b>
<b>Boland Tennis Base Bid</b>	<b>\$201,950.00</b>
<b>Boland Basketball Base Bid</b>	<b>\$177,582.00</b>
<b>Brownfield Basketball Base Bid</b>	<b>\$43,537.50</b>
<b>Coquillard Tennis Base Bid</b>	<b>\$174,499.00</b>
<b>Marshall Tennis Base Bid</b>	<b>\$194,815.00</b>
<b>LaSalle Park Basketball – Alternate</b>	<b>\$84,488.00</b>

Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above bids were referred to VPA for review and recommendation.

**AWARD BID AND APPROVE CONTRACT – STUDEBAKER MUSEUM ROOF REPAIRS – PROJECT NO. 122-030 (PR-00016907)**

Mr. Zach Hurst, Engineering, advised the Board that on June 14, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Hurst recommended that the Board award the contract to the lowest responsive and responsible bidder, Slatile Roofing and Sheet Metal Co., Inc., 1703 S. Ironwood Dr., South Bend, IN 46613, in the amount of \$230,612 for the base bid plus alternate #2. Therefore, VP 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.

**AWARD QUOTATION AND APPROVE CONTRACT – SB FIRE STATION NO. 9 FENCE INSTALLATION (PR-00017373)**

Mr. Todd Skwarczan, Fire Department, advised the Board that on June 15, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Skwarczan recommended that the Board award the contract to the lowest responsive and responsible quoter, Milestone Fence LLC, 3723 N. Home St., Mishawaka, IN 46545, in the amount of \$3,625. Therefore, VP Joseph Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Jordan Gathers seconded the motion, which carried by roll call.

**APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – NORTHWEST ELEVATED STORAGE TANK IMPROVEMENTS – PROJECT NO. 122-018 (PR-00016364)**

In a memorandum to the Board, Ms. Rebecca Plantz, Engineering, requested permission to reject the bid from Viking Painting LLC for the above referenced project as non-responsive due to the MWBE goals were not met and will proceed to open market procurement. Therefore, upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above request was approved.

**APPROVE CHANGE ORDER NO. 1 – WARD BAKERY EXTERIOR RENOVATIONS-MASONRY BID PACKAGE – PROJECT NO. 121-061R (PO-0014206)**

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 on behalf of C&S Masonry, 3725 Foundation Ct., South Bend, IN 46628, indicating the contract amount be increased by \$34,393 for a new contract sum, including this change order, in the amount of \$194,393. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

**APPROVE PROJECT COMPLETION AFFIDAVIT – EDDY STREET COMMONS, PHASE II – PROJECT NO. DP17-05**

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of KRG Eddy Street Land II, LLC, 30 S. Meridian St., Suite 1100, Indianapolis, IN 46204, for the above referenced project, indicating a final cost of \$2,706,746. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the project completion affidavit was approved.

**APPROVE PROJECT COMPLETION AFFIDAVIT – STAR 001-PROPOSED C-STORE AND GAS STATION – PROJECT NO. DP18-025**

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of Selge Construction Co., Inc., 2833 S. 11<sup>th</sup> St., Niles, MI 49120, for the

above referenced project, indicating a final cost of \$190,000. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the project completion affidavit was approved.

**APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2022 BRICK PAVEMENT SPOT REPAIRS – PROJECT NO. 122-009 (PR-00017684)**

In a memorandum to the Board, Mr. Scott Kreeger, Engineering, requested to table the request to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above request was tabled.

**APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2022 CONTRACTOR PAVING, ROUND III – PROJECT NO. 122-048 (PR-00017693)**

In a memorandum to the Board, Mr. Scott Kreeger, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above request was approved.

**APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – MORRIS BOX OFFICE RENOVATION – PROJECT NO. 121-029C (PR-00017674)**

In a memorandum to the Board, Ms. Rebecca Plantz, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

**ADOPT RESOLUTION NO. 20-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR THE SEWER LATERAL REIMBURSEMENT PROGRAM POLICY**

Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the following resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 20-2022**

**THE BOARD OF PUBLIC WORKS  
OF THE CITY OF SOUTH BEND, INDIANA  
SEWER LATERAL REIMBURSEMENT PROGRAM POLICY**

**AUTHORITY**

The Board of Public Works (the “Board”) of the City of South Bend (the “City”) adopts this statement of policy (this “Policy”) pursuant to the Board’s authority for supervision of streets, alleys and City property under Indiana Code Section 36-9-6-2 and South Bend Municipal Code Chapter 17.

**STATEMENT OF PURPOSE AND INTENT**

The cost associated with new sewer lateral connections, including pavement replacement, act as a barrier to reinvestment in our existing urban neighborhoods. To support efficient infill development and reinvestment into our community, the City of South Bend has developed a new program to assist with these costs.

The Sewer Lateral Reimbursement Program assists property owners with the complete replacement of a sewer lateral from the house to the City’s main sewer line. The program only applies to new residential infill construction.

**PROGRAM GUIDELINES**

**Section 1: Eligibility**

Through the Sewer Lateral Reimbursement Program, the City will reimburse property owners for qualifying expenses of new sewer lateral connections. To be eligible for participation, an

applicant must have plans to construct a new residential or neighborhood scaled multifamily residential structure within a qualifying zoning district.

## **Section 2: Property Qualifications**

Properties must meet the following qualifications:

- (i) Location:** Property must be located in areas zoned under the South Bend Zoning Ordinance as U1 Urban Neighborhood 1, U2 Urban Neighborhood 2, U3 Urban Neighborhood 3 as well as residential uses within UF Urban Flex and NC Neighborhood Center.
- (ii) Building Type:** The new infill construction must be for a residential development up to five (5) dwelling units. Infill development is construction on land that has been vacant, unused, or underutilized within current City limits where municipal water and sewer services are already available. The residential structure can be home owner occupied or rental. The policy also covers residential infill developments consisting of five (5) units or more, whether developed at one time or over a period of time, for infill residential housing units constructed by not-for-profit development companies or supported by low-income housing tax credits.
- (iii) Residential structure valuation:** To target the program for low and moderate income housing, applicants will have to show proof that their project meets certain thresholds:
  - The unit sale price must fall at or below the *Median Sale Price of Houses Sold for the Midwest Census Region (determined by the US Census Bureau and the US Department of Housing & Urban Development)*.
- (iv) Ineligible locations:** A greenfield site (i.e. land previously undeveloped), is not eligible for participation.

## **Section 3: Reimbursement Amount**

The City will reimburse the applicant up to \$20,000 for qualifying expenses. The property owner may be responsible for a portion of the project expenses and such cost share shall be outlined in the program application.

**Section 4: Qualified Expenses:** Funding for the replacement of new sewer laterals will be provided as reimbursement to applicants who meet all the qualifications of the program. Funding may be used towards the cost of the entire sewer lateral (from the main line to the residential structure). Qualifying costs for reimbursement include: labor and materials for the sewer lateral work, pavement restoration, sidewalks, curbs, and traffic control. Engineering and permitting costs are not eligible for reimbursement.

## **Section 5: Program Application**

Interested property owners will apply for the program prior to starting any construction on the sewer lateral. The application will be available on the City of South Bend's website and will be reviewed by City staff.

Once a completed application is submitted and approved by City staff, the applicant may begin work on their sewer lateral project. The work must be performed by private, bonded, licensed contractors and in accordance with the City's Standard Specifications. After completion of work, the applicant may seek reimbursement.

Construction work on the sewer lateral shall be completed no more than one year after approval of the application.

This resolution shall be in full force and effect as of the date of its adoption by the board.

Adopted at a meeting of the Board of Public Works of the City of South Bend, Indiana held on June 28, 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. 34-2022 – 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 Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the following resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 34-2022  
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 June 4, 2022, ***Firefighter Michael Filipski*** retired from the South Bend, Indiana, Fire Department after Thirty-Four (34) 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 June 28, 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. 35-2022 – 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 Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the following resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 35-2022  
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 June 2, 2022, ***Firefighter Chad Ammerman*** retired from the South Bend, Indiana, Fire Department after Twenty-Five (25) 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 June 28, 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
Rescind LPA/Utility Reimbursement Agreement	St. Joseph County Board of Commissioners	City to Reimburse County for Relocating Five (5) Hydrants at Auten Road Trail Project No. 122-036	\$19,410 (PR-00016939)	Joseph Molnar/ Jordan Gathers
Purchase Agreement	WSJM INC.	City to Purchase Parcels at 300 E. Block of Monroe St. for Future Development of Monroe Park Neighborhood	\$29,000	Joseph Molnar/ Jordan Gathers
Amendment No. 1 to Owner-Engineer Agreement	Meticulous Design Architecture, LLC	Design Services, Bidding and Negotiation, Construction Administration for South Bend MLK, Jr. Community Dream Center Phase II	\$1, 174,500; New Total \$1,352,700 (American Rescue Plan Fund #263)	Joseph Molnar/ Jordan Gathers
Amendment No. 1 to Owner-Engineer Agreement	Troyer Group, Inc.	Scope Expansion Fee to Contract for LaSalle Park Amenity Improvements	\$20,000; New Total \$44,500 (PO-0012158)	Joseph Molnar/ Jordan Gathers
Amendment No. 1 to Professional Services Agreement	Jones Petrie Rafinski Corporation	Increasing the Scope of Services, Extend the Contract Period and Clarify the Fee Service Schedule for DTSB Façade Grant Project No. 121-065	Use Remaining Grant Funds Totaling \$30,000 (Hourly) (PR-00011774)	Joseph Molnar/ Jordan Gathers

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
2022 Urban Adventure Games	Street Closure for Special Event	July 9, 2022; 8:00 a.m. to 3:00 p.m.	St. Louis Blvd. between E. Jefferson Blvd. and St. Peter St. and Wayne St.	Joseph Molnar/ Jordan Gathers
Clark Graduation Party	Street Closure for Special Event	July 4, 2022; 2:00 p.m. to 9:30 p.m.	Haney Ave. between Columbia St. and Fellows St.	Joseph Molnar/ Jordan Gathers
Coffee and Cars	Street Closure for Special Event	July 9, 2022; 6:00 a.m. to 2:00 p.m.	Eddy St. between Angela Blvd. to Napoleon St.	Joseph Molnar/ Jordan Gathers
Irby Block Party	Street Closure for Special Event	July 4, 2022; 9:00 a.m. to	Allen St. between Vanburen St. and	Joseph Molnar/

		9:00 p.m.	California Ave.	Jordan Gathers
July First Fridays Fireworks	Street Closure for Special Event	July 1, 2022; 2:00 p.m. to 11:30 p.m.	E. Jefferson Blvd. Bridge	Joseph Molnar/ Jordan Gathers
Morris 100 Festival	Street Closure for Special Event	September 29-October 1, 2022; 9:00 a.m. to 11:00 p.m.	Colfax Ave. between Dr. Martin Luther King Jr. Blvd. and Michigan St. and LaSalle Ave.	Joseph Molnar/ Jordan Gathers
Rebel Art Fest	Street Closure for Special Event	September 25, 2022; 8:00 a.m. to 10:00 p.m.	Wall St. from Potawatomi Zoo Parking Lot Entrance Off Southwood Ave. to Greenlawn Ave.	Joseph Molnar/ Jordan Gathers
Sweat the City	Street Closure for Special Event	September 27, 2022; 5:00 p.m. to 11:30 p.m.	E. Jefferson Blvd. Bridge	Joseph Molnar/ Jordan Gathers

UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE ALLEY AT 2203 S. TWYCKENHAM DR. BETWEEN E. EWING ST. & E. FOX ST. & S. TWYCKENHAM DR. AND S. VERNON ST.

President Maradik indicated that Mr. & Mrs. Adam Underwood, 2203 S. Twyckenham Dr., South Bend, IN 46613, has submitted a request to vacate the above referenced alley. President Maradik advised the Board is in receipt of unfavorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does not meet two (2) of the four (4) I.C. 36-7-3-13 Criteria. Therefore, VP Joseph Molnar made a motion to send to Common Council with unfavorable recommendation. Jordan Gathers seconded the motion which carried by roll call.

UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE EAST/WEST ALLEY FROM S. JACKSON ST. WEST TO FIRST NORTH/SOUTH ALLEY BETWEEN WESTERN AVE. AND W. HURON ST.

President Maradik indicated that Humberto Del Real and Patricia Robies, 435 S. Jackson St., South Bend, IN 46619, has submitted a request to vacate the above referenced alley. President Maradik advised the Board is in receipt of unfavorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does not meet three (3) of the four (4) I.C. 36-7-3-13 Criteria. Therefore, VP Joseph Molnar made a motion to send to Common Council with unfavorable recommendation. Jordan Gathers seconded the motion which carried by roll call.

UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE NORTH/SOUTH ALLEY FROM W. EDWARD ST. TO EAST/WEST ALLEY BETWEEN S. ARNOLD ST. AND S. MCPHERSON ST.

President Maradik indicated that Mr. Marshall Smith, 1513 S. McPherson St., South Bend, IN 46613, has submitted a request to vacate the above referenced alley. President Maradik advised the Board is in receipt of unfavorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does not meet three (3) of the four (4) I.C. 36-7-3-13 Criteria. Therefore, VP Joseph Molnar made a motion to send to Common Council with unfavorable recommendation. Jordan Gathers seconded the motion which carried by roll call.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE ALLEY BETWEEN VICTORIA ST. AND A 14' WIDE ALLEY TO THE NORTH AT PRAIRIE AVE.

President Maradik indicated that Mr. Steve Ruby (Representing Mandeep Singh), 2413 Prairie Ave., South Bend, IN 46614, 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 Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does meet the criteria of I.C. 36-7-3-13.

Therefore, VP Joseph Molnar made a motion to send to Common Council with a favorable recommendation. Jordan Gathers seconded the motion which carried by roll call.

APPROVE/DENY TRAFFIC CONTROL DEVICES

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

NEW INSTALLATION:No Parking (Right Arrow) Sign and Diagonal Stripe

LOCATION:1128 Georgiana St.

REMARKS:All Criteria Met

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
Richard Atkinson d/b/a Concrete Work	Contractor	Released	07/29/2022
Richard Atkinson d/b/a Concrete Work	Contractor	Released	07/29/2022
Jackson Services	Occupancy	Approved	06/09/2022
Niblock Excavating, Inc.	Occupancy	Approved	06/09/2022
Macon Concrete LLC	Occupancy	Released	08/11/2022

VP 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 REDUCED SENIOR TRASH RATE

In a memo to the Board, Ms. Kelly Smith, Solid Waste, requested the Board ratify the approval of reduced trash collection rates for the following residents, per Municipal Code 16-6:

1. 3,138 (Total # of Accountholders) as of the 2<sup>nd</sup> Quarter of 2022

In her memo, she stated Water Works customer service staff verified that all of the applicants are head of the households and have submitted proof of age sixty-five (65) or older. There being no further discussion, upon a motion made by Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the approval of reduced rates was ratified.

RATIFY PREAPPROVED CLAIMS PAYMENTS

VP 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-38046, GBLN-37858, GBLN-38063	06/07/2022	\$753,122.09
City of South Bend Claims GBLN-38315	06/14/2022	\$1,157,819.51
City of South Bend Claims GBLN-38458	06/17/2022	\$6,909.40

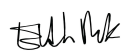
Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by VP Joseph Molnar, seconded by Jordan Gathers, and carried by roll call, 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 10:15 am.

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: July 12, 2022