

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on July 21, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers, Murray Miller, and Board Attorney Clara McDaniels 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.

APPROVAL OF CONTRACT – COAL LINE TRAIL, PHASE IIB – PROJECT NO. 122-035 (TIF RWDA 324.10.102.121.444000)

Mr. Finnian Cavanaugh, Engineering, requested permission for the following contract to be submitted to the Board for approval: Indiana Department of Transportation – Local Public Agency, Contract Signature for Construction of Coal Line Trail DES #2200199 in September 2022, in the amount of \$2,920,000; 80/20 with a cost share between INDOT/City.

Mr. Gilot asked if there was a contractor for the project. Mr. Cavanaugh noted that it would be letting in September, so there was no contractor yet. He also noted that the total amount of the project is \$3,600,000. The maximum contribution that INDOT will supply is \$2,920,000 which equals eighty percent (80%).

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.

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

LICENSES AND PERMITS

Jennifer and Michael Stone, owners of The Early Bird Eatery (117 E. Wayne St., IN 46601), were present to discuss item 14.B. the Encroachment/Revocable Permits for The Early Bird Eatery/Four Stones LLC. President Maradik noted the request is to put bollards in the alley to protect the gas line on the HVAC unit which had favorable recommendations from staff.

President Maradik noted there was a letter in the file related to the HVAC unit and asked if an encroachment/revocable permit was applied for or received for the HVAC unit in the alley. Ms. Stone stated that they were using BW/Cook as their contractor and because the contractor was working with the building department, she had assumed that the contractor had completed everything that needed to be done for a permit. Ms. Stone noted that they didn't find out that a permit wasn't pulled for the HVAC already until they applied for the encroachment/revocable permit for the bollards.

Mr. Gilot asked what the clearance would be in the alley with the bollards. Ms. Stone responded that the bollards would be placed at the same depth as the dumpsters that are in the alley, roughly fifteen feet (15ft), six inches (6in) of clearance. She also pointed out that at the other end of the alley there is a sidewalk in the alley, which decreases the clearance on that end of the alley to roughly nine feet (9ft).

VP Molnar asked how many bollards they would be putting in. Ms. Stone stated that there would be four (4) of them. One to protect the gas line and the other three (3) to protect the HVAC unit. Mr. Gilot advised that they may want to put a bollard on each corner of the extension of the HVAC unit in case a truck were to hit the box, the gas line would be protected. The bollard that will be placed near the dumpsters would prevent someone from being able to run into the dumpsters and take out the gas line. Mr. Gilot asked if Engineering received specs on the bollards. Ms. Stone stated they were planning to use concrete contractor Advanced Concrete. Mr. Stone stated that they would be a standard bollard. President Maradik advised that Engineering should review the specifications on the bollards after they receive an estimate.

Ms. Stone also mentioned that she would like to put a fence around the unit behind the bollards to protect the unit from theft and asked if that could be approved in addition to the HVAC unit and the bollards. President Maradik replied that the documentation and specs for the fence would have to be submitted as a separate application because it would have to be vetted internally before it could be approved by the Board. Mr. Gilot advised that everything that is in the right of way should be documented on the encroachment revocable permit. Mr. Gilot added that the revocable permit means that something can stay in the City's right of way as long as the City doesn't have a project that necessitates it be moved. Ms. Stone raised the concern that if the City had to ever revoke the permit, then they would be put out of business because the HVAC unit is

an essential piece of equipment for the function of their business. President Maradik followed up to state that the Board does not see a reason that the HVAC unit would have to be moved due to a project, but she wanted to make sure it was understood that it is a revocable permit.

Attorney McDaniels noted that the form for the encroachment of the HVAC unit could be found on the City's website. City Engineer Kara Boyles advised that it made sense to just revise the current application for the encroachment to include both the HVAC unit and the bollards. Ms. Stone noted that the building department was aware of the installation of the HVAC unit the entire time and they were never told that they needed to get an encroachment approved. She also noted that they purchased the building and the MOU with the garage never stated anything about the limitations of putting a hood vent in parking spaces or in the alley. Ms. Stone emphasized that they spent \$30,000 on the HVAC unit. Mr. Stone noted that they didn't know how big the unit was going to be until it was installed. Ms. Stone was directed to edit the application and resubmit it for the Tuesday Board meeting and then submit a separate application for the fence later.

AWARD QUOTATIONS AND APPROVE CONTRACTS

Mr. Gilot asked about item 6.G. Main Street Parking Garage Roof Replacement, if the specifications stayed the same when they went to open market. Project Engineer Zach Hurst advised that there were no changes in the scope of the project.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:55 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President



Gary A. Gilot, Member

Murray L. Miller, Member



Joseph R. Molnar, Vice President



Jordan V. Gathers, Member



Attest: Theresa M. Heffner, Clerk

Date: August 9, 2022

REGULAR MEETING

JULY 26, 2022

The Regular Meeting of the Board of Public Works was convened at 9:31 a.m. on Tuesday, July 26, 2022, by Board Vice President Joseph Molnar in President Elizabeth Maradik's absence. The meeting was held 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 Members Gary Gilot, Jordan Gathers (arrived at 9:40 a.m.), Murray Miller, and Board Attorney Clara McDaniels (virtual), with a roll call.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Murray Miller, seconded by Gary Gilot and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on July 7, 2022 and July 12, 2022, were approved.

OPENING OF BIDS – MORRIS BOX OFFICE RENOVATION – PROJECT NO. 121-029C (PR-00017674)

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:

LARSON DANIELSON CONSTRUCTION CO., INC.

302 Tyler St.
LaPorte, IN 46350
mcd@ldconstruction.com
Bid was signed by Mr. Brian T. Larson
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 TOTAL: \$283,563.00

GIBSON-LEWIS, LLC

1001 West 11th St.
Mishawaka, IN 46544
GHicks@gl.nceusa.com
Bid was signed by Mr. Robert A. Lingenfelter
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 was not received.

BASE BID TOTAL: \$360,600.00

Upon a motion made by Murray Miller, seconded by Gary Gilot and carried by roll call, the above bids were referred to Venues Parks and Arts and Engineering for review and recommendation.

OPENING OF BIDS – EAST BANK TRAIL OVER LEEPER AVENUE BRIDGE REPAIRS – PROJECT NO. 121-075 (PR-00017394)

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 Bid was opened and publicly read:

MILESTONE CONTRACTORS NORTH, INC.

24358 State Road 23
South Bend, IN 46614
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 of Three Addendum(s) Acknowledgement received.

BID:

Base Bid	\$189,679.00
Alternate #1	\$207,765.00
Base Bid Plus Alternate Total	\$397,444.00

Upon a motion made by Murray Miller, seconded by Gary Gilot and carried by roll call, the above bids were referred to Engineering for review and recommendation.

OPENING OF QUOTATIONS – AUTEN ROAD WATER MAIN REPLACEMENT – PROJECT NO. 122-052 (PR-00018246)

VP Molnar advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotation was opened and read:

SELGE CONSTRUCTION CO., INC.

2833 South 11TH St.

Niles, MI 49120

aswinehart@selgeconstruction.com

Quotation was submitted by Mr. Robert Kuhns

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

Five Thousand Dollar (\$5,000) Bid Bond was submitted.

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

QUOTATION: ITEM #1 \$235.00* Per Lineal Footage; ITEM #2 \$650.00* Per Lineal Footage

*The quantity (lineal footage) of water main installation awarded for Quote Item No. 1 and Quote Item No. 2 shall be subject to available budget to fund the Auten Road Water Main Replacement project. The section(s) of water main and quantity of water main replacement shall be selected by the Owner and confirmed at the time of quote award.

Upon a motion made by Murray Miller, seconded by Gary Gilot and carried by roll call, the above quotations were referred to Engineering for review and recommendation.

AWARD BID AND APPROVE CONTRACT – 2022 CONTRACTOR PAVING, ROUND II – PROJECT NO. 122-032 (PR-00017017)

Mr. Scott Kreeger, Engineering, advised the Board that on June 28, 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 an amount not to exceed \$2,090,801. Therefore, Murray Miller made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Gary Gilot seconded the motion, which carried by roll call.

AWARD BID AND APPROVE CONTRACT – 2022 CURB AND SIDEWALK, ROUND I – PROJECT NO. 122-001 (PR-00016964)

Mr. Finnian Cavanaugh, Engineering, advised the Board that on July 12, 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 bidders, Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, for Divisions 1 and 2 in an amount not to exceed \$633,484 and Premium Concrete Services, 712 Richmond St., Elkhart, IN 46516, for Divisions 3, 4 and 5 in an amount not to exceed \$393,685.

Mr. Miller asked why Premium Concrete Services was being awarded the bid when they did not meet the MWBE goals and why Reith Riley was not awarded the bid because they did not meet the MWBE goals but were the lowest bidder. Mr. Miller asked if Premium Concrete Services was given a waiver. Director of Purchasing Michael Schmidt noted that they were provided a waiver as they were able to provide documentation that they made good-faith efforts to contact women-owned businesses to do the work. Mr. Miller noted that the information was not provided in the packet to the Board. Mr. Schmidt stated that he is new to the acting role in the Office of Diversity and Inclusion since Larry King's departure, and he was not aware that it needed to be provided to the Board but will provide that information in the future. Project Engineer Finnian Cavanaugh noted that good faith efforts were made by Premium Concrete Services and noted in the memo to the Board.

Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Gary Gilot seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – 2022 SIGNAL KNOCK DOWN AND WIRING INVESTIGATION – PROJECT NO. 122-046 (PR-00018245)

Ms. Leslie Biek, Engineering, advised the Board that on July 12, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Biek recommended that the Board award the contract to the lowest responsive and responsible quoter, JBL Signals and Lighting LLC, 4316 Technology Dr., South Bend, IN 46628, in an amount not to exceed \$50,000. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – INSTALLATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) – PROJECT NO. 121-011 (PR-00016949)

Ms. Leslie Biek, Engineering, advised the Board that on June 14, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Biek recommended that the Board award the contract to the lowest responsive and responsible quoter, Koontz-Wagner Services, LLC, 3801 Voorde Dr., Suite B, South Bend, IN 46628, in the amount of \$64,452.24 with ninety (90) days from notice to proceed for completion. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – 2022 CONTRACTED MICROSURFACING (PR-00017892)

Mr. Scott Kreeger, Engineering, advised the Board that on July 12, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible quoter, National Pavement Maintenance, 1928 N. Campbell Ave., Indianapolis, IN 46218, in an amount not to exceed \$72,910. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – 2022 BRICK PAVEMENT SPOT REPAIR – PROJECT NO. 122-009 (PR-00017954)

Mr. Scott Kreeger, Engineering, advised the Board that on July 12, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible quoter, Acorn Landscaping LLC, 3680 W. Sample St., South Bend, IN 46619, in an amount not to exceed \$145,250. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – 2022 CONTRACTED CRACK SEALING (PR-00017891)

Mr. Scott Kreeger, Engineering, advised the Board that on July 12, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible quoter, Asphalt Restoration Services, PO Box 2484, South Bend, IN 46680, in an amount not to exceed \$92,000. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – PLAZA PARK IMPROVMENTS – PROJECT NO. 122-047 (PR-00017758)

Mr. Patrick Sherman, Venues, Parks and Arts, advised the Board that on July 12, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Sherman recommended that the Board award the contract to the lowest responsive and responsible quoter, Acorn Landscaping LLC, 3680 W. Sample St., South Bend, IN 46619 in the amount of \$132,622.78. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – MAIN STREET PARKING GARAGE ROOF REPLACEMENT (PR-00017784)

Mr. Patrick Sherman, Venues, Parks and Arts, advised the Board that on June 28, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Sherman recommended that the Board award the contract to the lowest responsive and responsible quoter, Slatile Roofing & Sheet Metal Company, Inc., 1703 S. Ironwood Dr., South Bend, IN 46613, in the amount of \$18,218. Board noted that this was an open market quote with no scope changes. Therefore, Jordan Gathers made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Murray Miller seconded the motion, which carried by roll call.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – SOUTH WELL FIELD BACKWASH LINE RELOCATION – PROJECT NO. 117-059C (PR-00017366)

In a memorandum to the Board, Mr. Jacob Klosinski, Engineering, requested permission to reject the bid for the above referenced project due to project exceeded engineer's estimate and will be re-advertised and re-bid with an adjusted completion schedule. Therefore, upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – FOUR WINDS FIELD PLAYER FACILITIES IMPROVEMENTS – PROJECT NO. 122-021 (PR-00016880)

In a memorandum to the Board, Mr. Zach Hurst, Engineering, requested permission to reject the bid for the above referenced project as non-responsive due to MWBE goals not met and may proceed to open market. Therefore, upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the above request was approved.

APPROVE TITLE SHEET– COAL LINE TRAIL, PHASE IIB – PROJECT NO. 122-035 (TIF RWDA 324.10.102.121.444000)

Mr. Finnian Cavanaugh, Engineering advised that the title sheet for the above referenced project was being presented at this time for execution. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the above referenced title sheet was approved and signed.

APPROVE CHANGE ORDER NO. 1 – MORRIS PERFORMING ARTS CENTER-MAIN LEVEL SLAB REPLACEMENT – PROJECT NO. 121-029A (PO-0014138)

VP Molnar advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 1 on behalf of Larson Danielson Construction Co., Inc., 302 Tyler St., LaPorte, IN 46350, indicating the contract amount be decreased by \$1,319 for a new contract sum, including this change order, in the amount of \$875,055.83. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 3 – WASTEWATER TREATMENT PLANT FINAL CLARIFIERS 4-5, AERATION TANKS 1-4, AND DISINFECTION IMPROVEMENTS – PROJECT NO. 119-069A (PO-0005021)

VP Molnar advised that Mr. Jacob Klosinski, Engineering, has submitted change order number 3 on behalf of Bowen Engineering Corporation, 8802 North Meridian St., Indianapolis, IN 46260, indicating the contract amount be increased by \$68,781.27 with an additional one hundred (100) days for a new contract sum, including this change order, in the amount of \$4,475,585.23 with a new completion date of August 25, 2022. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) – STUDEBAKER FOUNTAIN WATER IMPROVEMENTS – PROJECT NO. 121-032 (PO-0015537)

VP Molnar advised that Ms. Sarah Beam, Engineering, has submitted change order number 1 on behalf of Selge Construction Co., Inc., 2833 South 11th St., Niles, MI 49120, indicating the contract amount be decreased by \$7,527.50 with an increase of sixty-nine (69) days for a new contract sum, including this change order, in the amount of \$150,913 with a new completion date of June 30, 2022. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 3 – SOUTHEAST NEIGHBORHOOD CENTER (UNITED WAY) – PROJECT NO. 119-093R (PO-0010837)

VP Molnar advised that Mr. Zach Hurst, Engineering, has submitted change order number 3 on behalf of The Robert Henry Corporation, 404 S. Frances St., South Bend, IN 46617, indicating the contract amount be increased by \$3,700 with an additional seventy-one (71) days for a new contract sum, including this change order, in the amount of \$1,224,038 with a new completion date of September 9, 2022. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – SOLID WASTE PARKING LOT DRAINAGE IMPROVEMENTS – PROJECT NO. 121-010 (PO-0014716)

VP Molnar advised that Mr. Toy Villa, Engineering, has submitted change order number 1 (final) on behalf of Rieth-Riley Construction Co., Inc., 25200 State Road 23, South Bend, IN 46614, indicating the contract amount be decreased by \$2,020.83 for a new contract sum, including this change order, of \$158,317.35. Also submitted was the project completion affidavit indicating this new final cost of \$158,317.35. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, change order number 1 (final) and the project completion affidavit were approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – BENDIX DRIVE FROM LATHROP TO INDIANA TOLL ROAD – PROJECT NO. 114-065 (PO-005628)

VP Molnar advised that Mr. Scott Kreeger, 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 \$4,035,424.95. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – WASTEWATER TREATMENT PLANT MASONRY IMPROVEMENTS GALLERY BUILDINGS 1, 2, 3, & 4 – PROJECT NO. 120-036 (PO-00005683)

VP Molnar advised that Mr. Jacob Klosinski, Engineering, has submitted the project completion affidavit on behalf of Slatile Roofing & Sheet Metal Co., Inc., 1703 S. Ironwood Dr., South Bend, IN 46613, for the above referenced project, indicating a final cost of \$440,704. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the project completion affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – NEIGHBORHOOD INFRASTRUCTURE - RIVERSIDE DR. & LELAND AVE. – PROJECT NO. 121-048A (PR-00018294)

In a memorandum to the Board, Ms. Leslie Biek, 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 Jordan Gathers, seconded by Murray Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – SALE OF CITY-OWNED PROPERTY – 201 S. LAKE ST.

In a memorandum to the Board, Mr. Andrew Netter, Community Investment, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the above request was approved.

ADOPT RESOLUTION NO. 36-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY

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

**RESOLUTION NO. 36-2022
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **PATROLMAN FIRST CLASS ALAN DELINSKI** retired effective June 20TH, 2022, from the South Bend Police Department after twenty-six (26) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT0002, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 26TH Day of JULY, 2022.

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

ATTEST:

s/ Theresa Heffner, Clerk

**ADOPT RESOLUTION NO. 37-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY**

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

**RESOLUTION NO. 37-2022
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **SERGEANT ANGELA KLINE** retired effective June 23RD, 2022, from the South Bend Police Department after twenty-five (25) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT0608, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 26TH Day of JULY, 2022.

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

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 38-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY
Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the following resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 38-2022
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, PATROLMAN FIRST CLASS RONALD KASZAS retired effective July 2ND, 2022, from the South Bend Police Department after twenty-eight (28) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT0603, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 26TH Day of JULY, 2022.

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

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 39-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY
Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the following resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 39-2022
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **DETECTIVE CHRISTOPHER KRONEWITTER** retired effective July 9TH, 2022, from the South Bend Police Department after twenty-four (24) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT0611, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 26TH Day of JULY, 2022.

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

ATTEST:

s/ Theresa Heffner, Clerk

**ADOPT RESOLUTION NO. 40-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY**

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

**RESOLUTION NO. 40-2022
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **DETECTIVE ANTWON JONES** retired effective July 16TH, 2022, from the South Bend Police Department after twenty-one (21) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDT0602, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

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

ADOPTED this 26TH Day of JULY, 2022.

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS
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 for Entry Agreement	David A. Nufer, LLC	Authorizing Entry Upon Public Property for Drilling Purposes and Revocable Permit for Environmental Remediation at 2626 Mishawaka Ave. (Burton’s Laundry)	N/A	Jordan Gathers/ Murray Miller
Professional Services Agreement	Frost Engineering & Consulting Company	Provide Condition Assessment for Potawatomi Pool Project No. 122-051	\$28,000 (PR-00018195)	Jordan Gathers/ Murray Miller

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Back to School Bash	Street Closure for Special Event	August 20, 2022; 9:00 a.m. to 8:00 p.m.	Allen St. between Lincoln Way West and Lindsey St.	Jordan Gathers/ Murray Miller
Clark Run 5K	Street Closure for Special Event	October 1, 2022; 10:00 a.m. to 11:30 a.m.	Ridgedale Dr. East Crossing at Miami St.; Counter-Clockwise to Cross Miami/Donmoyer to Stanley Clark School	Jordan Gathers/ Murray Miller
E. LaSalle Ave. Block Party	Street Closure for Special Event	August 21, 2022; 11:00 a.m. to 6:00 p.m.	E. LaSalle Ave. between N. Jacob St. and Twyckenham Dr.	Jordan Gathers/ Murray Miller
SBC 5K Peace Run/Walk	Street Closure for Special Event	September 3, 2022; 7:00 a.m. to 12:00 p.m.	Notre Dame Ave. West on Howard St. to Hill St., Right on Madison St.	Jordan Gathers/ Murray Miller
Tim’s Birthday	Street Closure for Special Event	August 20, 2022; 12:00 p.m. to 8:00 p.m.	Golden Ave. between Riverside Dr. and Woodward Ave.	Jordan Gathers/ Murray Miller
Wellington Street Block Party	Street Closure for Special Event	August 13, 2022; 12:00 p.m. to 9:00 p.m.	S. Wellington St. from Ford St. to W. Dunham St.	Jordan Gathers/ Murray Miller
Lake Reunion 2022	Street Closure for Special Event	August 6, 2022; 11:00	W. Washington St. from Dundee St. to	Jordan Gathers/

		a.m. to 6:00 p.m.	Falcon St.	Murray Miller
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APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT - 117 E. WAYNE ST.

VP Molnar stated an application for an encroachment and revocable permit has been received from The Early Bird Eatery/Four Stones LLC for the purpose of allowing the Makeup Unit (HVAC System) and the concrete bollards to protect the gas line on the HVAC unit to be placed in the right-of-way at 117 E. Wayne St. The encroachment shall remain in the right of way until the time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and same flow of traffic. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the encroachment and revocable permit was approved.

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – 1902 S. MAIN ST.

VP Molnar stated an application for an encroachment and revocable permit has been received from Partners In Opportunities, Inc. for the purpose of allowing west facing storefront canvas door canopies to be placed in the right-of-way at 1902 S. Main St. The encroachment shall remain in the right of way until the time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and same flow of traffic. Upon a motion made by Jordan Gathers, seconded by Murray Miller and carried by roll call, the encroachment and revocable permit was approved.

APPROVE/DENY TRAFFIC CONTROL DEVICES

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

REMOVAL:	Handicapped Accessible Parking Space Sign
LOCATIONS:	621 E. Dayton St. 919 E. Calvert St. 923 S. Ironwood Dr. 1119 W. Jefferson Blvd. 1339 Randolph St. 2022 S. Michigan St. 134 E. Dubail Ave. 1916 Taylor St.
REMARKS:	Residents No Longer Need

APPROVE CONSENTS TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE

VP Molnar stated that the Board is in receipt of the following consents to annexation and waivers of rights 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. Joseph Yoho, 1346 Mossy Ln., Mishawaka, IN 46544
 - 1. 20043 Johnson Rd. – Sewer (Key No.001-1017-0346)
- B. Mr. Joseph A. Dooley, 3702 W. Sample St., South Bend, IN 46619
 - 1. 24900 Research Dr. – Water/Sewer (Key No. 004-1021-036302)

Upon a motion by Jordan Gathers, seconded by Murray Miller and carried by roll call, the consents to annexation and waivers of rights 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
A Plus Plumbing Heating & Cooling LLC	Excavation	Approved	08/10/2022
Indiana Fiber Network, LLC	Occupancy	Released	08/10/2022

Kokosing Industrial	Occupancy	Released	05/29/2022
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Jordan Gathers 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

VP Molnar stated the Board received notices of the following preapproved claim payments from the City’s Department of Administration and Finance:

Name	Date	Amount of Claim
City of South Bend Claims GBLN-39672	07/08/2022	\$55,000.00
City of South Bend Claims GBLN-32484, GBLN-0034237	07/08/2022	\$150,906.60
City of South Bend Claims GBLN-39563, GBLN-39628	07/08/2022	\$827,269.74
City of South Bend Claims GBLN-37740, GBLN-39562	07/08/2022	\$206,872.56

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 Jordan Gathers, seconded by Murray Miller, 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, VP Molnar adjourned the meeting at 9:56 a.m..

BOARD OF PUBLIC WORKS

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President



Gary A. Gilot, Member

Murray L. Miller, Member



Joseph R. Molnar, Vice President



Jordan V. Gathers, Member



Attest: Theresa M. Heffner, Clerk

Date: August 9, 2022