

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









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 11<sup>th</sup> 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)









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.





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:

<b>Name</b>	<b>Date</b>	<b>Amount of Claim</b>
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

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