

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on August 4, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (arrived at 10:41 a.m.), Murray Miller, and Board Attorney Clara McDaniels (virtual) present. Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City Staff.

AGENDA REVIEW SESSION ACTION ITEMS

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

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

BID:

Division # 1A	\$465,000.00
Division # 2A	\$910,000.00
Division # 3A	\$1,507,000.00
Division # 4	\$677,000.00
Division # 5	\$1,411,000.00
Divisions 1A, 2A, 3A, 4 & 5 Total	\$4,970,000.00

Division # 1B	No Bid
Division # 2B	No Bid
Division # 3B	No Bid
Division # 4	No Bid
Division # 5	No Bid
Divisions 1B, 2B, 3B, 4 & 5 Total	No Bid

RIETH-RILEY CONSTRUCTION CO., INC.

25200 State Road 23
 South Bend, IN 46614
dsnodderly@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.
 One of One Addendum(s) Acknowledgement received.

BID:

Division # 1A	\$479,344.40
Division # 2A	\$975,185.60
Division # 3A	\$1,568,548.60
Division # 4	\$800,242.75
Division # 5	\$1,685,802.65
Divisions 1A, 2A, 3A, 4 & 5 Total	\$5,509,124.00

Division # 1B	No Bid
Division # 2B	No Bid
Division # 3B	No Bid
Division # 4	No Bid
Division # 5	No Bid
Divisions 1B, 2B, 3B, 4 & 5 Total	No Bid

Upon a motion made by VP Joseph Molnar, seconded by Murray Miller and carried by roll call, the above bids were referred to Public Works for review and recommendation. Jordan Gathers did not vote on this action item, because he arrived after the bids were opened.

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Lake Reunion 2022	Street Closure for Special Event	August 6, 2022; 11:00 a.m. to 6:00 p.m.	W. Washington St. from Dundee St. to Falcon St.	Joseph Molnar/ Jordan Gathers

Sergeant Brad Rohrscheib was in attendance to represent the Special Events Committee and to discuss a special event that was submitted late and therefore was approved by the Board with a contingency prior to it being approved by the Special Events Committee. Sergeant Rohrscheib noted that the Committee did not see an issue with the Lake Reunion 2022 event itself, and after a lengthy discussion, the Committee decided to approve the event after considering all safety factors involved. Sergeant Rohrscheib stated that the reason the Committee had a lengthy discussion about the Lake Reunion 2022 event was because of the timeliness of the application. He explained that the application and the Special Event Committee website both state that applications for neighborhood special events must be submitted thirty (30) days prior to the event or it would not be accepted. The issue with this event is that the application was submitted on July 22, 2022 and was well under the thirty (30) days. He asked that going forward, the Board follow the correct order of approvals for special events. Since the Committee approved this event, they would like to get official approval from the Board.

President Maradik noted that the Board just wants to make sure that events are safe. She also noted that she understands that the process was not being followed and recommended that staff take a look at the process to find a way to improve it, find a way to streamline it, or consider looking at a fee structure based on timing while considering the burden on the Committee to review the requests. President Maradik asked Public Works Director Eric Horvath if this were something that could be reviewed at and brought back to the Committee as well as the Board.

Sergeant Rohrscheib added that there is a lot to consider when reviewing events to get all the appropriate people and equipment in place. He stated that the ordinance establishes an expedited fee but that is between thirty (30) and sixty (60) days. They ask for regional event to be more than sixty (60) days out and neighborhood events to be more than thirty (30) days out. Since this application was late, the Committee asked for an expedited fee to be added to the event. Essentially, the expedited fee doubles the regular fee of twenty-five dollars (\$25) for a neighborhood event and fifty dollars (\$50) for a regional event.

Director Horvath stated that for annual events, the Committee could reach out to remind people to submit their applications in advance. Gary Gilot asked if it was possible for people to submit a new application after the completion of the current year's event. Sergeant Rohrscheib stated that anyone can apply a year in advance, and the committee actually prefers that.

Director Horvath added that it would be a good idea to have a period where there is a fee waiver like in February to get people to submit their applications early and he suggested the possibility of adjusting the current fee structure. President Maradik asked that while the process is being reviewed if the event could be defined more clearly so if there are events that are intended to include the neighborhood or the broader community, it would be well defined.

Mr. Gilot stated that community events are important in bringing people together, and he noted his appreciation for everyone involved in making sure the events are safe.

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

AWARD BIDS AND APPROVE CONTRACTS

Project Engineer Becca Plantz was present to discuss item 5.A. the Northwest Elevated Storage Tank Rehabilitation. She explained that this was an open market contract. Initially, she received one bid from Viking Painting, LLC. which she had to reject because it was nonresponsive to the

responsible bidder ordinance and MWBE good faith efforts utilization. Once the bid was rejected, she had a conversation with Viking Painting, LLC and tried to help them with utilization and explained why the bid was rejected and how the bid process work. She also reached out to three other companies that were either nonresponsive or explained that they did not have room in their schedule to do the project. Viking Painting, LLC ended up providing an open market contract and this is what is being presented to the Board for approval. Murray Miller asked if the project received a waiver. Ms. Plantz answered yes. Mr. Miller showed concern about the NAICS codes that are assigned to projects and ensuring that the appropriate NAICS codes are included to get a narrower scope. Mr. Gilot noted the large construction cost escalation but asked what the engineer's estimate was for the project. Ms. Plantz responded that the base bid was \$1,100,000. VP Molnar asked why the paint was significant. Ms. Plantz explained that the paint was delaminating so with or without it, the tank sweats and will begin to rust.

OPENING OF BIDS

Director Horvath asked about item 4.A. the sale of city-owned property at 201 s. Lake Street. VP Molnar explained that the Department of Community Investment was approached by Greater Friendship Missionary Baptist Church to purchase the vacant property at 201 S. Lake Street. DCI was reluctant to bring the property to bid because the church owns a plethora of vacant property around the church's lot, both adjacent and across the street and DCI didn't want to sell the property for it to be turned into a parking lot. VP Molnar explained that the church wants to build a bigger church on one of their current vacant lots and then use this property that is up for bid for future parking. If they are awarded the property, DCI would enter into a purchasing agreement that would explain that the planned upgrades would have to be completed within a certain period of time, and if they did not complete the upgrades within that timeframe, the City could take the property back.

Mr. Gilot noted that the soil in that area may cause challenges for building structures, so they may want to be told to have a geotechnical investigation which would add to the cost of their expansion.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked about item 10.A. the Professional Services Agreement with American Structurepoint, Inc. He asked if there was an issue with the building being sold. Director Horvath answered that the sale has been resolved. He explained that they would go in and do a 3-D scan of the entire area. Then they will do a needs assessment, determine what updates are needed, and will also look at the electrical and mechanical mechanisms as well.

Mr. Gilot asked about item 10.B. the Right-of-Way Occupancy Agreement asking if Wolf House Movers of Indiana LLC is a new moving company. Director Todd Zeiger of Indiana Landmarks stated that they have several office locations and have been in business for a long time by consolidating other house movers under their umbrella. He emphasized that Wolf House Movers of Indiana has a very sophisticated moving system which has worked on other historical landmark relocations in the past.

TRAFFIC CONTROL DEVICES

VP Molnar asked if item 10. A., the new installation of seven (7), fifteen (15) minute parking signs were done at the request of the associated businesses. President Maradik followed up by asking if there is a City policy regarding placement since this involves public parking spaces that are not designated to any specific business. Assistant City Engineer Leslie Biek noted that these requests came from the ten (10) minute parking signs the City put out in 2020 that were supposed to only be out for a couple of months. The businesses have gotten fond of the ten (10) minute parking signs, so this is a response to try to make them more permanent. Ms. Biek explained that engineering looked at downtown in general where existing fifteen (15) minute signs are already, where there could be a potential to stop in to get food. Engineering completed a study in the downtown area to determine where the location of the fifteen (15) minute signs would make sense. Director Horvath added that a lot of residents are using the carry-out option for food since COVID-19. The point of having public parking is to allow residents to stop in and pick up food and the fifteen (15) minute parking signs allow for a higher turnover rate which allows more people to utilize the spaces and bring more people into downtown.

APPROVE PROJECT COMPLETION AFFIDAVIT – BENDIX THEATER ESPORTS ARENA – PROJECT NO. 119-106D (PO-0006634)

VP Molnar advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of Nelco Media, Inc, 505 Howard St., San Antonio, TX 78212, for the above referenced project, indicating a final cost of \$419,058.02. Upon a motion made by Jordan Gathers, seconded by Gary Gilot and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – STUDEBAKER FOUNTAIN WATER IMPROVEMENTS – PROJECT NO. 121-032 (PO-0015537)

VP Molnar advised that Ms. Sarah Beam, Engineering, has submitted the project completion affidavit on behalf of Selge Construction Co., Inc., 2833 S. 11th St., Niles, MI 49120, for the above referenced project, indicating a final cost of \$150,913. Upon a motion made by Jordan Gathers, seconded by Gary Gilot and carried by roll call, the project completion affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – WASTEWATER TREATMENT PLANT COMPRESSOR BUILDING MASONRY IMPROVEMENTS – PROJECT NO. 121-046 (PR-00018587)

In a memorandum to the Board, Mr. Jacob Klosinski, 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 Gary Gilot 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 – MORRIS PERFORMING ARTS CENTER THEATER LIGHTING (PR-00016092)

In a memorandum to the Board, Mr. Patrick Sherman, Venues Arts & Parks, requested permission to advertise for the receipt of bids for the above referenced project. Therefore, upon a motion made by Jordan Gathers, seconded by Gary Gilot and carried by roll call, the above request was approved.

ADOPT RESOLUTION NO. 42-2022 – 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 Gary Gilot and carried by roll call, the following resolution was adopted by the Board of Public Works:

RESOLUTION NO. 42-2022
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 DANIEL MORYL** retired effective July 25TH, 2022, from the South Bend Police Department after thirty (30) 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. NDT0766, 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 9TH Day of AUGUST, 2022.

			addition to NNN Community Center	
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APPROVE/DENY TRAFFIC CONTROL DEVICES

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

NEW INSTALLATION: Seven (7) 15 Minute Parking/Loading Signs
 LOCATION: Nom Nom Pho
 Fiddler's Hearth
 Fatbird
 Woochi Fusion
 Java Café
 Cinco 5
 Dainty Maid Co.
 REMARKS: All Criteria Met

APPROVE RENEWAL OF WASTEWATER DISCHARGE PERMIT(S)

In a Memorandum to the Board, Serena Lozano-Shane, Division of Wastewater, submitted the following wastewater discharge permit(s) for renewal and recommended approval:

Suzuki Garphyttan Corporation, 4404 Nimitz Parkway

Gary Gilot noted that he appreciated the explanation that Industrial Pretreatment Manager Serena Lazano-Shane gave him via email about this renewal. He stated that they succinctly and accurately answered his questions, and he appreciated it. There being no further discussion, upon a motion made by Jordan Gathers, seconded by Gary Gilot and carried by roll call, the wastewater discharge permit(s) was approved.

RATIFY APPROVAL AND/OR RELEASE CONTRACTOR, EXCAVATION, AND OCCUPANCY BONDS

The Division of Engineering Permit Department recommended that the following bonds be ratified pursuant to Resolution 100-2000 and/or released as follows:

Business	Bond Type	Approved/ Released	Effective Date
Frickson Construction LLC	Contractor	Released	09/05/2022
Dean Baughman, LLC	Occupancy	Released	07/20/2022
Geyer Construction Co.	Occupancy	Released	08/18/2022
Performance Companies Inc.	Occupancy	Released	08/10/2022
Beach House LLC	Occupancy	Released	09/06/2022

Jordan Gathers made a motion that the bond's approval and/or release as outlined above be ratified. Gary Gilot 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-39882, GBLN-39883	07/11/2022	\$690,046.60
City of South Bend Claims GBLN-39885, GBLN-39964	07/14/2022	\$3,352,594.21
City of South Bend Claims GBLN-39942, GBLN-40690, GBLN-40478	07/19/2022	\$2,581,300.63
City of South Bend Claims GBLN-40714, GBLN-40715	07/22/2022	\$677,157.39
City of South Bend Claims GBLN-40740	07/26/2022	\$2,155,550.63
City of South Bend Claims GBLN-40777	07/29/2022	\$200,000
City of South Bend Claims GBLN-40408, GBLN-40737	07/29/2022	\$923,494.20

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 Gary Gilot, 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 Joseph Molnar adjourned the meeting at 9:52 a.m.

~~\$XJXVW~~□