

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on September 22, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers, Murray Miller, and Board Attorney Michael Schmidt 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

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – SHERIDAN & RIVERSIDE PARKING LANE RESURFACING – PROJECT NO. 122-056 (PR-00019271)

In a memorandum to the Board, Mr. Scott Kreeger, Engineering, requested permission to reject all quotations for the above referenced project because quotes exceeded the project budget. Therefore, upon a motion made by VP Joseph Molnar, seconded by Murray Miller and carried by roll call, the above request was approved.

VP Molnar asked if the quote was changed to get a better response. Project Engineer, Scott Kreeger responded that the quote was not changed; originally the only company that responded back for the quote was Reith Riley for \$229,840. The other companies were not familiar with public bidding/quotation process, so he has reached out to them to answer any questions they have.

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

CHANGE ORDERS

Project Engineer Scott Kreeger was present to answer questions about item 6.D.: Installation of School Zone Flashing Beacons. He noted that it is an INDOT project that is one hundred percent (100%) federally funded and the change order is asking the City for five (5) additional flashing beacons that will be nonparticipating items since it is outside the scope. The additional five (5) will be for resupply for any knockdowns or replacement parts. There is a purchase order set up through INDOT, so the City will work through INDOT's current contract with Michiana to acquire them.

President Maradik stated that this change order involves a large percent increase and recalled that a previous change order included the large increase. Project Engineer Kreeger explained that the previous change order was to set up for the additional thirty-eight (38) flashing beacons and the installation whereas the current change order is for five (5) additional beacons which is only a three percent (3%) increase. President Maradik asked that there be a memo included in the file to explain the percentage increases in case the State Board of Accounts reviews the paperwork, they will be able to see the documentation.

Attorney Schmidt explained that this is a supply purchase with no installation. This allows the City to buy supplies through the state contract that has already negotiated this particular rate. It's similar to a back door QPA. Mr. Gilot noted that on signals that are safety sensitive electronic equipment he recommended loading the contract with a critical spare parts inventory that is part of the upfront contract instead of change ordering it in. Project Engineer Kreeger explained that with the INDOT process it is not typically possible since it's federally funded. Mr. Gilot recommended using the term "critical spare part inventory".

CHANGE ORDERS

Project Engineer Scott Kreeger was present to answer questions about item 6.E.: 2022 Contractor Paving Round II. He added that it is for additional mill and resurfacing on Ironwood and Ireland roads.

RESOLUTIONS

City Controller Dan Parker was present to answer questions about item 9.A.: Authorization the purchase of Real Property from the South Bend Community School Corporation. The South Bend Community School Board approved the sale of the building at a meeting on Monday, September 19, 2022 with this resolution being the approval for the City to purchase the building. The resolution authorizes the City to sign the purchase agreement as well as a lease of the building back to the South Bend Community School Corporation while they are building out their new space at Brown Intermediate School.

President Maradik added that the resolution authorized City Controller Parker to execute the purchase agreement, the Lease Agreement, and any other document necessary to effect the City's acceptance of the Property from the South Bend Community School Corporation.

Mr. Gilot asked if the legal challenge of the one-dollar (\$1) transfer to a charter school is resolved. City Controller Parker stated that the Attorney General issued an opinion that stated the Brown School where the School Corporation will be moving did not meet the criteria that was being challenged for the one-dollar (\$1) transfer, so the School Corporation can retain the building since they are renovating that building for future use of administrative offices. If the building had been vacant, it would have met the criteria for the one-dollar (\$1) transfer.

Mr. Miller asked if the School Corporation will only be paying the utilities and the maintenance on the building. City Controller Parker explained that the lease portion of the agreement runs through July 31, 2024, during that time the School Corporation will not pay any rent, just the ongoing operating expenses. If they are unable to vacate the building by July 31, 2024, then they would be required to pay rent of three hundred dollars (\$300) per day.

VP Molnar asked if Assistant City Attorney Jenna Throw could clarify who would be liable if someone was injured in the building, the School Corporation as the lessee or the City as the lessor? Assistant City Attorney Throw noted that the City would likely be named if something were to happen but noted that there are indemnification provisions that if it was caused by the School Corporation's negligence then there would be some recourse.

Mr. Gilot stated that the City pays a common area maintenance fee on this building to occupy about one-quarter of the building. Mr. Gilot asked if there will be legal challenges about take or pay when the City vacates the building. City Controller Parker responded that he would let Assistant City Attorney Throw answer the legal questions but added that the City pays \$620,000 for the building in common area maintenance which anticipated to keep going down. Currently, the School Corporation pays about \$400,000 to operate that building a year, so that's where we're seeing the payback of the 2.8 million purchase price. Assistant City Attorney Throw noted that the county anticipates the City leaving the County-City Building, so as we go through the process with the School Corporation on their timeline, that will allow us to inform the County on when we will formally be ending our time at the County-City Building and moving to the School Corporation Building.

Mr. Gilot asked if there will be room for the other external departments within the City in the new building. City Controller Parker stated that he doesn't believe there has been a full decision on whether all of the operations will be moving to the new building and that will be an agreement with the architect to do the full space planning. He restated that every operation in the County-City Building will be moving, but the Building Department and Water Works are still up in the air. Relocation depends on whether the space can be configured in such a way to accommodate them properly as well as properly accommodate the needs of the public, for instance paying their water bill. Mr. Gilot asked if the City still rents the office space across from Water Works. City Controller Parker stated yes, that is ideal to move because it does not require public access and moving them to the School Corp. Building would save the City \$65,000 dollars a year in rent.

VP Molnar asked if the City will have access to the School Building or if the City will need to get permission to access the building. Assistant City Attorney Throw noted that the lease does contemplate that the City has access to the building for the City's needs, but in practice, we may still coordinate with the School Corporation as a courtesy.

Mr. Gilot asked about the parking for the new building. City Controller Parker explained that the City owns the attached Wayne Street parking garage and we currently lease spaces in the building to the School Corporation, so we will take over those spaces for the employees. Depending on the timing of the move, the City will no longer have to lease the current parking lot that employees park in on Lafayette and Wayne Street.

AWARD BIDS AND APPROVE CONTRACTS

Mr. Miller asked if the 4.B.: Morris Performing Arts Center Theatre Lighting was just material or also included installation. Mr. Miller noticed that there were not any MWBE goals for this. Attorney Schmidt noted that the installation was not included because there is a separate group

of laborers that handles the stage, under a different guild. Attorney Schmidt continued to explain that it was his understanding that this is mobile equipment, and the group handles the arrangement of the different stage design sets. Attorney Schmidt also advised the Board members that this was not the lowest bid but the other bidder with the lower bid was not responsible and non-responsive.

CHANGE ORDERS AND PROJECT COMPLETION AFFIDAVITS

Mr. Gilot asked about item 7.B.: Old Clay Utilities Sewer Lining. He noticed the long time extension and always worries about precedent setting for other contractors. He asked if there could be something included in the file to explain the extension so there are not other contractors expecting to have five (5) years to complete a project. City Engineer Boyles explained that this project began in 2017 and there were extenuating circumstances surrounding the application of sewer lining. Ms. Boyles clarified that at the time the bid went out, an alarming report came out regarding impacts to residents from sewer lining materials, so the City put a pause on the project internally. The City then had to renegotiate with the contractor to not line but rather a jagged bore or use directional drill pipe in lieu of the lining. In order to do that, the City had to negotiate with the adjacent property owner for an easement with Holy Cross or Saint Mary’s which was a lengthy easement negotiation that never progressed and then to add to it all, the COVID-19 pandemic hit. Ms. Boyles continued to clarify that during the same timeframe the Engineers began doing additional research and decided to continue with the lining since the pipe ran under the toll road and didn’t have any residential connections. Lastly Ms. Boyles informed the Board that the project manager for this project left before its completion, so the Engineering team has been trying to get the project wrapped up. Mr. Gilot asked for a detailed memo to be included in the file and Ms. Boyles said she would provide one.

STREET/ALLEY VACATIONS

President Maradik wanted to note that for 12.A.: Alley Vacation at 912 W. Oak Street, when they come to the Board with favorable recommendations that we include the phrase “subject to removing the approach and installing the sidewalk and curb”. She also noted that the approach appears to be brick, so she asked Engineering to determine if they could use that brick for another purpose.

LICENSES AND PERMITS

Mr. Gilot questioned item 11.A. about the encroachment permit for an awning on the front of 3030 Northside Blvd. President Maradik explained where the right of way is on her property and explained it is a small lot due to the river on one side and the road on the other side, so her house sits extremely close to the property line.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:57 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: October 11, 2022

REGULAR MEETINGSEPTEMBER 27, 2022

The Regular Meeting of the Board of Public Works was convened at 9:33 a.m. on Tuesday, September 27, 2022, by Board President Elizabeth A. Maradik in the 13th Floor Conference Room of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. The meeting was also streamed live to the public via Microsoft Teams. Board Clerk Theresa Heffner confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers, Murray Miller, and Board Attorney Michael Schmidt, 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 Jordan Gathers and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on September 8, 2022 and September 13, 2022, were approved.

OPENING OF QUOTATIONS – SOUTH BEND FIRE DEPARTMENT GEAR WASHER
PREP WORK – PROJECT NO. 122-054 (PR-00019186)

President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

HERRMAN & GOETZ, INC.

3419 N. Home St.

Mishawaka, IN 46545

tadams@hgservices.com

Quotation was submitted by Mr. Thomas Adams

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

QUOTATION: \$93,764.00

THE ROBERT HENRY CORPORATION

404 S. Frances St.

PO Box 1407

South Bend, IN 46624

rkuntz@roberthencycorp.com

Quotation was submitted by Mr. Brian Henry

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

QUOTATION: \$178,300.00

Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above quotations were referred to the Fire Department and Public Works for review and recommendation.

OPENING OF QUOTATIONS – APPROVE CONTRACT – SHERIDAN & RIVERSIDE
PARKING LANE RESURFACING – PROJECT NO. 122-056 (PR-00019271)

President Maradik 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:

DAYS CONSTRUCTION - ASPHALT

855 Taft St.

Gary, IN 46404

s.d.shine@sbcglobal.net

Quotation was submitted by Mr. Robert Day

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

One of Three (3) MWBE Forms were completed.

QUOTATION: \$91,500.00

Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above quotations were referred to Mr. Scott Kreeger, Engineering, for review and recommendation. After reviewing those quotations, Mr. Kreeger recommended that the Board not award the contract and allow him to work with the Office of Diversity and Inclusion regarding the MWBE goals set for the project to see if the bidder made a good faith effort.

AWARD BID AND APPROVE CONTRACT – SALE OF CITY-OWNED PROPERTY – 205 LAKE ST.

Mr. Andrew Netter, Community Investment, advised the Board that on August 9, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Netter recommended that the Board award the contract to the lowest responsive and responsible bidder, Greater Friendship Missionary Baptist Church, Inc., 206 S. Falcon St., South Bend, IN 46619, in the amount of \$2,425, for a total amount of \$2,581, inclusive of the Associated Fees referenced in the enclosed Purchase Agreement. 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 BID AND APPROVE CONTRACT – MORRIS PERFORMING ARTS CENTER THEATER LIGHTING (PR-00016092)

Mr. Patrick Sherman, Venues Parks & Arts, advised the Board that on September 13, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Sherman recommended that the Board award the contract to the lowest responsive and responsible bidder, TPC Technologies, Inc., 185 Bell Rd., Niles, MI 49120, in the amount of \$297,843.85; List A & B Items. 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 – 2022 RUBBER SPEED TABLE & SPEED CUSHION INSTALLATIONS – PROJECT NO. 122-014A (PR-00019224)

Ms. Charlotte Brach, Engineering, advised the Board that on September 13, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Brach recommended that the Board award the contract to the lowest responsive and responsible quoter, HRP Construction Inc., 5777 Cleveland Rd., P.O. Box 266, South Bend, IN 46624-0266, in the amount of \$117,600. 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.

APPROVE CHANGE ORDER NO. 1 (FINAL) – SOUTH BEND POLICE DEPARTMENT ROOF REHABILITATION AND REPLACEMENTS – PROJECT NO. 119-080 (PO-0012762)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order number 1 on behalf of Midland Engineering Company, Inc., 52369 State Road 933 North, South Bend, IN 46637, indicating the contract amount be increased by \$27,100 for a new contract sum, including this change order, in the amount of \$1,295,500. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) – SAMPLE AND MAYFLOWER INTERSECTION IMPROVEMENTS – PROJECT NO. 120-052R (PO-0010526)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order number 1 on behalf of Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, indicating the contract amount be decreased by \$9,168.61 with an additional two hundred and forty (240) days for a new contract sum, including this change order, in the amount of \$338,467.54 with a new completion date of July 10, 2022. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NOS. 1-3 – OLIVE STREET RECONSTRUCTION, PHASE II – PROJECT NO. 114-064 (PO-0015217)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order numbers 1-3 and final recommendation for acceptance on behalf of INDOT and Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, indicating the contract amount be increased by \$5,167.65; Total (\$1,033.53 Local) for a new contract sum, including these Change Orders, in the amount of \$660,447.85. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 2 – INSTALLATION OF SCHOOL ZONE FLASHING BEACONS – PROJECT NO. 117-075 (PR-00019568)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 2 on behalf of Michiana Contracting, Inc., 7843 Lilac Rd., Plymouth, IN 46563, indicating the contract amount be increased by \$30,017.45 for a new contract sum, including this change order, in the amount of \$1,038,566.36. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 2 – 2022 CONTRACTOR PAVING, ROUND II – PROJECT NO. 122-032 (PO-0018048)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 2 on behalf of Rieth-Riley Construction Co., Inc., 25200 State Road 23, South Bend, IN 46614, indicating the contract amount be increased by \$67,181 for a modified contract sum, including this Change Order, in the amount of \$2,157,982. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – 2022 CONTRACTED MICROSURFACING – PROJECT NO. 122-011 (PO-0017963)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted change order number 1 (final) on behalf of National Pavement Maintenance, 1928 N. Campbell Ave., Indianapolis, IN 46218, indicating the contract amount be decreased by \$3,150 for a new contract sum, including this change order, of \$69,760. Also submitted was the project completion affidavit indicating this new final cost of \$69,760. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, change order number 1 (final) and the project completion affidavit were approved.

APPROVE CHANGE ORDER NO. 2 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – OLD CLAY UTILITIES SEWER LINING – PROJECT NO. 117-087 (UTILITY CONTRACT ACTUAL SERVICES/OTHER)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted change order number 2 (final) on behalf of Selge Construction Co., Inc., 2833 South 11th St., Niles, MI 49120, indicating the contract amount be decreased by \$20,757.75 with an additional one thousand five hundred & eighty-five (1,585) days for a new contract sum, including this change order, of \$208,047.25 with a new completion date of September 5, 2022. Also submitted was the project completion affidavit indicating this new final cost of \$208,047.25. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, change order number 2 (final) and the project completion affidavit were approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – CAMPEAU STREET STREETScape – PROJECT NO. 121-073 (PR-00019420)

In a memorandum to the Board, Mr. Scott Kreeger, 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. 45-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM THE SOUTH BEND COMMUNITY SCHOOL CORPORATION

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. 45-2022

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM THE SOUTH BEND COMMUNITY SCHOOL CORPORATION

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the "Board of Public Works") exists pursuant to I.C. § 36-4-9-5, holds real property owned by the City of South Bend,

Indiana (the "City") pursuant to I.C. § 36-9-6-3, and is authorized to receive such property from another governmental entity pursuant to I.C. § 36-1-11-8; and

WHEREAS, the South Bend Community School Corporation (the "School Corporation") owns certain real property in South Bend, Indiana, commonly known as 215 Dr. Martin Luther King, Jr. Boulevard, South Bend, Indiana 46601, and more particularly described in attached **Exhibit A** (the "Property") and wishes to transfer its interests in that real estate to the City of South Bend as further described in the Purchase Agreement attached hereto as **Exhibit B** after determining a transfer to a governmental entity rather than a sale or lease to a nongovernmental entity would be in the best interests of School Corporation and the public; and

WHEREAS, the South Bend Community School Corporation (the "School Corporation") is authorized to transfer property to another governmental entity pursuant to I.C. § 36-1-11-8 upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity; and

WHEREAS, the School Corporation desires to sell and the City desires to acquire the Property, in exchange for the transfer of Two Million Eight Hundred Thousand Dollars (\$2,800,000.00) from the City to the School Corporation.

WHEREAS, in order for the City and the School Corporation to execute the Purchase Agreement and Closing Documents, the Board of Public Works desires to authorize the City's purchase of the Property from the School Corporation pursuant to I.C. § 36-1-11-8 and subject to the terms of this Resolution.

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

1. The Board of Public Works hereby approves the purchase of the Property from the School Corporation in accordance with I.C. § 36-1-11-8. The City Controller, Daniel T. Parker, is authorized and directed, in the name of the City, to execute a Purchase Agreement in a form substantially similar to the document attached hereto as **Exhibit B**, in a final form approved by the City of South Bend Department of Law. The City Controller, Daniel T. Parker, is also authorized to execute a Lease Agreement for the School Corporation's lease of the Property, in a form substantially similar to the document attached in **Exhibit C**, in a final form approved by the City of South Bend Department of Law.
2. The Board of Public Works hereby authorizes City Controller, Daniel T. Parker, in the name of the City, or his designee to execute any other document necessary to effect the City's acceptance of the Property from the School Corporation.
3. This Resolution will be in full force and effect upon its adoption by the Board of Public Works.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on September 27, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601 and electronically.

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/	Motion/
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			Funding	Second
Amendment No. 1 to Owner-Engineer Agreement	Kil Architecture/Planning	Design Services to Incorporate Roof Replacement for Nexus Center Site Improvements Project No. 121-064	\$24,200; Adjusted Agreement Total: \$59,700 (PO-0015309)	Joseph Molnar/Jordan Gathers
Ratify Contracted Emergency Work	Selge Construction Co., Inc.	Emergency Repairs for CSO 27/28 Outfall Pipe and Water Main	Original Estimate \$155,000; Final Cost \$251,360.23 (PO-0017455)	Joseph Molnar/Jordan Gathers
Ratify Contracted Emergency Work	Selge Construction Co., Inc.	Emergency Repairs for Sewer Lines at 417 Napoleon	Original Estimate \$25,000; Final Cost \$23,519.23 (PO-0018024)	Joseph Molnar/Jordan Gathers
Ratify Contracted Emergency Work	Selge Construction Co., Inc.	Emergency Repairs for Utilities & Streets/Sewer at Quince Road & Edison Road	Original Estimate \$50,000; Final Cost \$41,686.84 (PO-0018236)	Joseph Molnar/Jordan Gathers
Amendment No. 3 to Owner-Engineer Agreement	Black & Veatch Corporation	Additional Services for Changed Scope for North Water Treatment Plant Improvements Project No. 119-011	Increase \$16,940; New Adjusted Total NTE \$250,731 (Hourly) (PO-005261)	Joseph Molnar/Jordan Gathers
Memorandum of Understanding	NIPSCO	Agreement with NIPSCO to complete underground work in the City ROW before Milestone Contractor’s North, Inc., completes surfacing at the intersection of Sample and Mayflower Project No. 120-052R	\$6,800 (PO-0010526)	Joseph Molnar/Jordan Gathers

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – 3030 NORTHSIDE BLVD.

President Maradik stated an application for an encroachment and revocable permit has been received from Ms. Beverly Steele, 3030 Northside Blvd., South Bend, IN 46615 for the purpose of allowing a seven (7) foot awning on the front of the house to be placed in the right-of-way. 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 VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the encroachment and revocable permit was approved.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE NORTH/SOUTH ALLEY RUNNING BETWEEN 912 AND 908 OAK STREET TO THE FIRST EAST/WEST ALLEY

President Maradik indicated that Ms. Aubrie Thornton, 912 W. Oak St., South Bend, IN 46616, has submitted a request to vacate the above referenced alley. Ms. 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 for favorable recommendations to the Common Council subject to the removal of the approach and installing sidewalk and curb as appropriate. Jordan Gathers seconded the motion which carried by roll call.

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
John Ward Concrete, Inc.	Contractor	Released	09/14/2022
Baseline NXC, LLC	Excavation	Released	10/26/2022
Glass Traditions LLC	Occupancy	Approved	09/02/2022
Wolfe House Movers of Indiana, LLC	Occupancy	Approved	09/12/2022

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. 3,122 (Total # of Accountholders) as of the 3rd Quarter of 2022

In her memo, she stated Solid Waste 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 VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the approval of reduced rates was ratified.

Mr. Gilot asked if the City had considered a policy change to include income requirements so that the City is serving senior citizens on a fixed income rather than three (3) generations living in one household with the senior citizen’s name on the bill. President Maradik noted that there are no income requirements in the ordinance. VP Molnar added that any time you put more layers of requirements on a person to fill out more paperwork you will reduce the amount of people that receive the aid that might actually need assistance. If you make it as easy as possible you are casting a wide net, and maybe some people slip through that don’t need it, but anytime we put income qualifications it becomes difficult for people who aren’t good at filling out forms. VP Molnar continued to note that it is easy to clarify an age whereas income verification has to be verified yearly. VP Molnar asked if these residents are able to take advantage of the utility assistance program in addition to the reduced senior trash rate. Director of Public Works Eric Horvath said it is separate but that they could take advantage of both programs.

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 GLBN-43734	09/13/2022	\$1,771,942.69
City of South Bend Claims GLBN-43841, GBLN-44020, GBLN-44057	09/19/2022	\$73,182.99
City of South Bend Claims GLBN-43241, GBLN-43609	09/19/2022	\$679,393.74

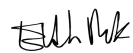
Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by VP Joseph Molnar, seconded by Jordan Gathers, and carried by roll call, 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 9:59 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



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Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: October 11, 2022