

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on October 6, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar (absent), and Board Members Gary Gilot, Jordan Gathers (absent), 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.

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

RESOLUTIONS

Gary Gilot asked about item 10.A: A Resolution of the City of South Bend, Indiana Board of Public Works for SRF loan program PER Acceptance Resolution; a preliminary engineering report for the consulting firm Arcadis US Inc. Mr. Gilot asked if Assistant City Engineer Jacob Klosinski could provide a high-level overview of the Wastewater Treatment Plant Final Clarifiers 1-3 improvements. President Maradik added that Assistant City Engineer Klosinski and a representative from Arcadis US came to the Board meeting and did a presentation about this project back on June 28, 2022. Assistant City Engineer Klosinski was not available to answer questions at the current agenda review session. Clerk Heffner said she would ask Engineer Klosinski to email Mr. Gilot to answer his questions regarding the scope of the project and to determine if there is a contingency plan given the bidding climate.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked if item 11.E: Open Market Contract with Gibson Lewis, LLC regarding the locker room updates at Four Winds Field Player Facility. He asked if it was public or privately funded. President Maradik noted that she thought it was publicly funded. Assistant City Attorney Michael Schmidt advised that this update is a requirement of the Minor League Baseball Association. Mr. Miller asked if this had to do with their classification within the league. Attorney Schmidt added that he is not sure that it has to do with their classification as a minor league team, but knew it had been mandated across the country that certain ballparks have to meet certain standards to be considered a home team. President Maradik stated that the funding source for this project appears to be a City account. Mr. Gilot asked about the fees paid by the team and the professional sports development fund. President Maradik added that this is an account that is managed by Venues Parks and Arts. Attorney Schmidt advised that once a year the South Bend Cub's president, Joe Hart, would come to the VPA Board meeting to update everyone on the number of tickets sold and number of seats in the stadium and once they met a certain threshold, there is a monetary return to the City. Mr. Gilot stated he was curious how quickly the City receives a return on investment for these projects.

APPROVE 2023 CITY EMPLOYEE HOLIDAY SCHEDULE

President Maradik wanted to note that there was some wording at the bottom of the memo for item 3: 2023 City Employee Holiday Schedule that had a remnant from last year's schedule that should be removed to avoid confusion.

TRAFFIC CONTROL DEVICES

Mr. Gilot asked about item 14.A: Appeal Installation- Denied Handicap Accessible Parking Space Sign at 621 Portage Avenue – Taniesha Perry. President Maradik asked if the original packet of the denial could be included in the file and Mr. Gilot advised that in the past, City Attorney Aladean DeRose was the ADA Compliance person so he would like to hear her advice on the appeal. President Maradik asked that Project Engineer Scott Kreeger and City Attorney DeRose be present for this item in case a decision is to be made. Project Engineer Kreeger arrived at the meeting a short time later to advise that he will be in attendance to the regular meeting in addition to Attorney DeRose. President Maradik asked if Attorney DeRose has reviewed the initial request and if she agrees with the denial. Project Engineer Kreeger added that City Attorney DeRose was the person that denied the request initially. Mr. Gilot asked if the request was denied because the person does not live at the address. Project Engineer Kreeger stated that Ms. Perry lives at the address but would have to cross the street to park because there is no parking on her side of the street. The recommendation was for her to use the parking pad at the back of the house in the alley for easier access.

REJECT BIDS AND QUOTATIONS

Mr. Gilot asked about item 7.A: SBFD Gear Washer Prep Work. Mr. Gilot asked if sustainability was consulted to find out if there is an energy star equivalent that is low on energy and low on water that does gear for the Fire Department. Mr. Gilot added that the City wants to be carbon

neutral by 2050, so when procuring, it would be ideal if a good faith effort could be made to find water and energy conserving appliances that could do any City functions. Attorney Schmidt advised that the project will be rescope, so this would be the appropriate time to go and make that check.

LICENSES AND PERMITS

President Maradik mentioned item 12.B: License for Public Parking Facility at Mary Coyne Investments, noting that the agenda stated the sign had not been updated, but the day before the meeting the owner reached out to Board Clerk Heffner to get approval for a new sign that was being printed. The new sign includes all the required details, so at the Board of Public Works Regular Meeting, the agenda will be updated to include favorable recommendations.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot disclosed that for item 11.B: Amended and Restated Community Tree Nursery Collaboration Agreement, he is actively involved in this project as a volunteer mentor but has no financial interest in it.

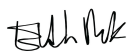
PRIVILEGE OF THE FLOOR

President Maradik noted that there will be an additional agenda item added to the agenda under the agreements section for a temporary access agreement with Near Northwest Neighborhood Inc. She noted that this agreement involves a vacant lot adjacent to one of NNN's properties and they are doing work in the neighborhood to develop a fourplex, so access to this vacant lot would help facilitate this work.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:54 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 25, 2022

REGULAR MEETING

OCTOBER 11, 2022

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, October 11, 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 (arrived at 9:44 a.m.), 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 Molnar, seconded by Mr. Miller and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on September 22, and September 27, 2022, were approved. Mr. Gathers was not present to vote.

PUBLIC HEARING – KING ASIAN MASSAGE

President Maradik advised that this was the date set for the Board's Public Hearing concerning the license application for King Asian Massage at 914 S. Ironwood Dr. It was noted favorable recommendations were received from the Police Department, Fire Department and Community Investments. There being no one else present wishing to address the Board concerning this matter, the Public Hearing was closed. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the license was approved. Mr. Gathers was not present to vote.

APPROVE 2023 CITY EMPLOYEE HOLIDAY SCHEDULE

In a memo to the Board, Ms. Melanie Herendeen, Director of Human Resources, presented the proposed 2023 City Employee Holiday Schedule, approved by the Mayor's Office. Upon a motion by VP Molnar, seconded by Mr. Miller and carried by roll call, the holiday schedule was approved as presented. Mr. Gathers was not present to vote.

APPROVE 2023 BOARD OF PUBLIC WORKS MEETING SCHEDULES

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the Board approved the meeting schedules for the 2023 Agenda Review and Regular Meetings of the Board of Public Works. Mr. Gathers was not present to vote.

OPENING OF BIDS – NEIGHBORHOOD INFRASTRUCTURE - RIVERSIDE DR. AND LELAND AVE. – PROJECT NO. 121-048A-R (PR-00018294)

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 Ms. Lynn J. Bauer

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: \$824,000.00

RIETH-RILEY CONSTRUCTION CO., INC.

25200 State Road 23

South Bend, IN 46614

ralvarado@rieth-riley.com; hgritton@rieth-riley.com

Bid was signed by Mr. Ruben Alvarado

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: \$934,000.00

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above bids were referred to Public Works and Community Investment for review and recommendation. Mr. Gathers was not present to vote.

OPENING OF BIDS – SEVENTEEN (17) MORE OR LESS, 2022 OR NEWER 3/4 TON FOUR WHEEL DRIVE PICK-UP TRUCKS – SPEC A (PR-00019050-52)

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:

No Bids Received

Attorney Schmidt noted that following the City's procurement policy, Central Services may go to the open market for this procurement. He added that this is an ongoing problem for Central Services to get the type of vehicles that they need. He explained there are windows that open up that give roughly forty-eight (48) hours to place an order, or you get shut out for that particular model which makes it difficult for the City to outfit and update its fleet. Mr. Gilot asked that along with going to the open market, the City could check the state Quantity Purchase Agreement (QPA). Attorney Schmidt noted that the state QPA opens with no notice about which trucks will be available which has made it a real challenge for Central Services to meet the demands of the City with how the vehicle market is going nationwide. Mr. Gilot asked if there was a way to recondition some of the City's current units. Attorney Schmidt advised that Central Services does everything to keep the fleet operating smoothly, but when departments have the budget to make a purchase, they prefer to make the purchase.

Mr. Miller noted that down the line Engineering won't be able to go to open market for certain items. Mr. Miller asked for Attorney Schmidt to explain the difference between "supply" and "public work". Attorney Schmidt explained that when he looks to purchase a vehicle, which is defined by the Indiana Code as a supply or equipment, and is then governed by Indiana Code 5-22 versus a public work which is governed by Indiana code 36.1.12. He continued to explain that when the City is making a purchase under I.C. 5-22 there is an avenue to go to bid, so anything above \$150,000 for equipment or supplies would go to bid. There is an avenue for when a bid under I.C. 5-22 for supplies or equipment that you are able to move on to any procurement method approved by the City, which is commonly referred to as the open market. Under public work, that provision only exists for items that are under \$50,000. If the City is doing an infrastructure project that is \$50,000 or less and it does not get a quote, the City is allowed to pursue the open market. If it is above \$50,000 and there is no response, then there needs to be the determination of whether to rebid with the same specs or rework the specs and try to gain some interest from the local contracting pool. Attorney Schmidt explained that he is very comfortable with his interpretation of the process under Public Works.

Jordan Gather joined the meeting before the next item on the agenda.

AWARD QUOTATION AND APPROVE CONTRACT – ERSKINE WELLHOUSE ROOF REPLACEMENT – PROJECT NO. 122-057 (PR-00019834)

Ms. Rebecca Plantz, Engineering, advised the Board that on September 28, 2022, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Plantz 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 \$17,000. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – SOUTH BEND FIRE DEPARTMENT GEAR WASHER PREP WORK – PROJECT NO. 122-054 (PR-00019186)

In a memorandum to the Board, Mr. Zach Hurst, Engineering, requested permission to reject all bids for the above referenced project due to over the budgetary limit and will be rescope and re-quoted at a later date. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

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 bids for the above referenced project due to the contractor not satisfying all MWBE requirements and re-quote the project at a later date. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

APPROVE CHANGE ORDER NO. 2 – MORRIS PERFORMING ARTS CENTER MAIN LEVEL SLAB REPLACEMENT – PROJECT NO. 121-029A (PO-0014138)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 2 on behalf of Larson Danielson Construction Co., Inc., 302 Tyler St., LaPorte, IN 46350, indicating the contract amount be increased by \$91,451.49 for a new contract sum, including this change order, in the amount of \$962,982.46. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 – MORRIS PERFORMING ARTS CENTER CARPET REPLACEMENT – PROJECT NO. 121-029B (PO-0016539)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 1 on behalf of Carpet Service Outlet, Inc., 1514 Mishawaka Ave., South Bend, IN 46615, indicating the contract amount be increased by \$24,734.50 with an additional thirty (30) days for a new contract sum, including this change order, in the amount of \$197,734.50 with a new completion date of October 28, 2022. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – MAIN STREET IMPROVEMENTS BETWEEN SHERWOOD ST. & DEAN ST. – PROJECT NO. 122-045 (PR-00019724)

In a memorandum to the Board, Ms. Charlotte Brach, 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 Molnar, seconded by Mr. 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 – 205 S. ILLINOIS ST.

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

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – WASTEWATER TREATMENT PLANT FINAL CLARIFIERS 1-3 IMPROVEMENTS – PROJECT NO. 119-069B (PR-00019850)

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 VP Molnar, seconded by Mr. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

ADOPT RESOLUTION NO. 46-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR SRF LOAN PROGRAM PER ACCEPTANCE RESOLUTION

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the following resolution was adopted by the Board of Public Works:

RESOLUTION NO. 46-2022

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS FOR SRF LOAN PROGRAM PER ACCEPTANCE RESOLUTION

Whereas, the **City of South Bend, Indiana** has caused a Preliminary Engineering Report (“PER”), dated **April 29, 2022**, to be prepared by the consulting firm of **Arcadis U.S.** ; and

Whereas, said PER has been presented to the public at a public hearing held on **June 28, 2022**, at the Board of Public Works Meeting at 227 W. Jefferson Boulevard, South Bend, Indiana 46601, for public comment; and

Whereas, the **City of South Bend, Indiana Board of Public Works** finds that there was not sufficient evidence presented in objection to the recommended project in the PER.

Now, therefore be it resolved that:

1. The PER dated **April 29, 2022** be approved and adopted by the **City of South Bend, Indiana Board of Public Works**; and
2. Said PER be submitted to the State Revolving Fund Loan Program for review and approval.

Adopted and Passed by the **Board of Public Works** of the **City of South Bend, Indiana** this **11th** day of **October** of **2022**.

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

ATTEST:

s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 47-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS FOR SRF LOAN PROGRAM SIGNATORY
AUTHORIZATION RESOLUTION

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the following resolution was adopted by the Board of Public Works:

RESOLUTION NO. 47-2022

**A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC
WORKS FOR SRF LOAN PROGRAM SIGNATORY AUTHORIZATION
RESOLUTION**

Whereas, the **City of South Bend, Indiana**, (the “Participant”) has plans for a **Wastewater** infrastructure improvement project to meet State and Federal regulations and the Participant intends to proceed with the construction of such project:

Now, therefore, be it resolved by the Board of Public Works, the governing body of the Participant, that:

1. **Eric C. Horvath, Director of Public Works**, be authorized to make application for a State Revolving Fund Loan (“SRF Loan”) and provide the SRF Loan Program such information, data and documents pertaining to the loan process as may be required, and otherwise act as the authorized representative of the Participant; and
2. The Participant agrees to comply with State and Federal requirements as they pertain to the SRF Loan Program; and
3. Two certified copies of this Resolution be prepared and submitted as part of the Participant’s Preliminary Engineering Report.

Adopted and Passed by the **Board of Public Works** of the **City of South Bend, Indiana** this **11th** day of **October** of **2022**.

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS
s/ Elizabeth A. Maradik
s/ Joseph R. Molnar
s/ Gary A. Gilot

s/ Jordan V. Gathers
s/ Murray L. Miller

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 48-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS POLICY FOR ESTABLISHING TEMPORARY PARKLET INSTALLATION WITHIN CITY RIGHT-OF-WAY
Staff asked that this item be tabled, so upon a motion to table made by President Maradik, seconded by VP Molnar and carried by roll call, the following resolution was approved by the Board of Public Works:

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 |
|---|---|--|-------------------------------------|------------------------|
| Real Property Transfer Agreement | 466 Works Community Development Corporation | Transfer City Property at 236 E. Dayton St. for Development of Affordable Housing | N/A | VP Molnar / Mr. Miller |
| Amended & Restated Community Tree Nursery Collaboration Agreement | Venue, Parks, and Arts | Updating Agreement for Temporary Use of City Property for Establishment of Native Tree Nursery | N/A | VP Molnar / Mr. Miller |
| Professional Services Agreement | A&Z Engineering, LLC | Design Services for 2023 Small Drainage Improvements Project No. 123-006 | NTE \$61,766 (Hourly) (PR-00019826) | VP Molnar / Mr. Miller |
| Professional Services Agreement | Frost Engineering and Consulting Company | Provide Condition Assessment for Kennedy Water Park Pool Project No. 122-058 | \$28,000 (Hourly) (PR-00019862) | VP Molnar / Mr. Miller |
| Open Market Contract | Gibson-Lewis, LLC | Locker Room Updates at Four Winds Field Player Facility | \$1,348,000 (PR-00016880) | VP Molnar / Mr. Miller |
| Sewer and Water Service Agreement | S&J Real Estate Holdings LLC | Utility Extension at 2240 Prairie Ave. Project No. DP22-018 | N/A | VP Molnar / Mr. Miller |
| Temporary Access Agreement | Near Northwest Neighborhood Inc. | Temporary User Agreement at 701 Harrison Ave. for Two (2) Months at NNN Fourplex Apartment Building. | N/A | VP Molnar / Mr. Miller |

APPROVAL OF LICENSE AND PERMIT APPLICATIONS
The following license and permit applications were presented for approval:

| Applicant | Description | Date/Time | Location | Motion Carried |
|-----------------------|----------------------------------|---|--|------------------------|
| Chapin Park Halloween | Street Closure for Special Event | October 30, 2022; 2:00 p.m. to 7:00 p.m. | Manitou Pl. between Park Ave. and Forest Ave. | VP Molnar / Mr. Miller |
| St. Nick 6K + 3K | Street Closure for Special Event | December 3, 2022; 6:00 a.m. to 12:00 p.m. | St. Louis Blvd. to N. Niles Ave. between Howard St. (Northshore) to E. | VP Molnar / Mr. Miller |

| | | | | |
|--|--|---|--|---------------------------|
| | | | Madison St. | |
| Trick or Treat Eddy Street Commons | Street Closure for Special Event | October 25, 2022; 2:00 p.m. to 8:00 p.m. | Eddy St. between Angela Blvd. & Napoleon St. | VP Molnar / Mr. Miller |
| Mary Coyne Investments | Public Parking Facility - Sign Has Been Updated and Installed | 24/7 | 123 N. Main St. | VP Molnar / Mr. Miller |

UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE EAST-WEST ALLEY BETWEEN MANITOU PL. AND RIVERSIDE DR. FROM 831 TO 835 PARK AVE. TO FIRST NORTH-SOUTH ALLEY

President Maradik indicated that Ms. Karen Gindele, 831 Park Ave., South Bend, IN 46616, has submitted a request to vacate the above referenced alley. Ms. Maradik advised the Board is in receipt of unfavorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who state the request does not meet two (2) of the four (4) I.C. 36-7-3-13 criteria. Therefore, VP Molnar made a motion to send to Common Council with an unfavorable recommendation. Mr. Miller seconded the motion which carried by roll call.

UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE NORTH-SOUTH ALLEY FROM 1813 TO 1807 LINCOLN WAY WEST TO FIRST EAST-WEST ALLEY BETWEEN N. COLLEGE ST. AND N. BROOKFIELD ST.

President Maradik indicated that Mr. Marco Morocho, 1807 Lincoln Way West, South Bend, IN 46628, has submitted a request to vacate the above referenced alley. President Maradik advised the Board is in receipt of unfavorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who state the request does not meet two (2) of the four (4) I.C. 36-7-3-13 criteria. Therefore, VP Molnar made a motion to send to Common Council with an unfavorable recommendation. Mr. Miller seconded the motion which carried by roll call.

TRAFFIC CONTROL DEVICES

APPEAL DENIAL: Handicapped Accessible Parking Space Sign
LOCATION: 621 Portage Ave.
REMARKS:

President Maradik recapped the original request that was previously denied by the Board of Public Works.

Virtually attending, Ms. Perry acknowledged that the Board’s reason for the denial was because there is a parking pad behind the house that she rents in the alley for parking which is safer than crossing Portage to park on the other side of the street. She stated that she has had two (2) broken feet at the same time due to a fall at work. She continued to explain that it is much easier for her to park across the street on Portage because it is closer to the front door rather than parking in the alley. She added that she uses an electric cart to get around and the alley is much more difficult to access, and she feels the alley is not as safe. She was confused about the denial since her doctor provided a letter detailing her medical issues.

President Maradik responded to Ms. Perry to let her know that the Board Attorney had some comments and could provide an overview of the review process. Attorney Schmidt thanked Ms. Perry for her time and explained that City Attorney Aladean DeRose, who handles this type of ADA work, provided him with some notes to explain how the determination was made. Attorney Schmidt advised that we are being reasonable with the request with the guidance of the Americans Disability Act. The accommodation needs to be reasonable and a genuine improvement over the options without the accommodation. By providing the handicap spot on Portage, it needs to be a reasonable improvement over the parking pad behind her residence. He continued to add that the concern the City has and why they believe it is not a reasonable or genuine improvement is because the City would be encouraging Ms. Perry to cross a busy street. He clarified by noting that Ms. Perry would need to walk along Portage to the crosswalk to safely cross the road which would be a longer walk for her whereas the parking pad in the back would provide a safer place to park and walk.

Ms. Perry also asked about the business across the street from her residence. She noted that the City gave them a fifteen (15) minute parking sign with no hours listed on it and was wondering if that would be looked into because it affects her and others parking there after hours.

President Maradik added that Project Engineer Scott Kreeger would look into the parking sign noted above.

Mr. Miller asked if the Board needs to take any action on the appeal. President Maradik advised that based on Legal’s review and analysis of the information provided, the Board affirms that the denial was the appropriate action in this request.

REMOVAL:Handicapped Accessible Parking Space Sign

LOCATION:809 Walnut St.

REMARKS:All Criteria Met

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the following traffic control device request 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 |
|---|------------|-----------------------|----------------|
| Five Star Concrete & Construction LLC | Contractor | Released | 09/15/2022 |
| Alex Garcilazo dba Take Down Tree Service | Contractor | Approved | 09/23/2022 |
| D & D Custom Concrete Contractors Inc. | Contractor | Approved | 09/23/2022 |
| Minnesota Limited, LLC | Excavation | Approved | 09/21/2022 |
| Mid-States Construction, Inc. | Excavation | Approved | 09/28/2022 |
| Creed Excavating Co., Inc. | Excavation | Released | 09/24/2022 |
| Minnesota Limited, LLC | Occupancy | Approved | 09/21/2022 |
| Alex Garcilazo dba Take Down Tree Service | Occupancy | Approved | 09/23/2022 |
| D & D Custom Concrete Contractors Inc. | Occupancy | Approved | 09/23/2022 |
| Mid-States Construction, Inc. | Occupancy | Approved | 09/28/2022 |
| Martinez Sons Construction LLC | Occupancy | Released | 10/20/2022 |
| Rene Esparza | Occupancy | Released | 11/18/2022 |

VP Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Mr. Miller seconded the motion, which carried by roll call.

RATIFY PREAPPROVED CLAIMS PAYMENTS

Mr. 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-44338 | 09/20/2022 | \$3,992,963.82 |
| City of South Bend Claims GBLN-44436, GBLN-44462, GBLN-44545 | 09/20/2022 | \$953,770.87 |
| City of South Bend Claims GBLN-41558, GBLN-43118 | 09/20/2022 | \$274,121.90 |
| City of South Bend Claims GBLN-44185, GBLN-44208 | 09/26/2022 | \$172,490.93 |
| City of South Bend Claims GBLN-44656 | 09/27/2022 | \$1,221,325.77 |
| City of South Bend Claims GBLN-44686, GBLN-44868 | 09/28/2022 | \$25,226.36 |

| Name | Date | Amount of Claim |
|--|------------|-----------------|
| City of South Bend Claims GBLN-44777, GBLN-44934 | 09/29/2022 | \$1,167,545.34 |

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 Molnar, seconded by Mr. Miller, and carried by roll call, the Board ratified the preapproved claims payments.

PRIVILEGE OF THE FLOOR

Attorney Michael Schmidt introduced the new Director of Purchasing, Mickey Lovey, to the Board Members.

Board Member Gary Gilot raised some concerns regarding the ADA appeal and asked if something could be done to accommodate her request, whether that be lighting or an automated gate. Attorney Schmidt advised that the City has a legal responsibility to makes a reasonable effort to accommodate people with disabilities.

City Engineer Kara Boyles clarified that the fifteen (15) minute sign at the business across the street from the residence does have business hours on it, so people can park in that spot outside of business hours.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:16 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 25, 2022