

The Agenda Review Session of the Board of Public Works was convened at 10:32 a.m. on October 20, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar (absent), and Board Members Gary Gilot, Jordan Gathers (absent), Murray Miller was present. Corporate Counsel Sandra Kennedy was present in Board Attorney Michael Schmidt (absent) absence. Board of Public Works Clerk, Theresa Heffner, presented the Board with a proposed agenda of items presented by the public and by City Staff.

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 quotations were opened and read:

DAYS CONSTRUCTION & ASPHALT

855 Taft St.

Gary, IN 46404

s.d.shine@sbcglobal.net

Quotation was submitted by Mr. Robert Day

No Non-Collusion, Non-Discrimination Affidavit Form was completed.

None of Three (3) MWBE Forms were completed.

QUOTATION: \$106,500

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

PRIVILEGE OF THE FLOOR

Tim Corcoran Director of Planning and Community Resources gave a brief introduction of the alley vacation process and how the process can be very confusing for the petitioner and City staff. He noted that the presentation that Senior Planner Chris Dressel was giving today would address some of the issues related to alley vacations and some recommendations on how to improve the process for the petitioner and City staff. Mr. Corcoran noted that nothing needed to be voted on today, but there would be ordinance change recommendations coming to a future Board meeting.

Chris Dressel, Senior Planner with Community Investment provided a presentation to the Board with suggested changes to the street/alley vacation process. An overview of the presentation provided the following:

Why Alleys Are Important

- Alleys allow for uses to be accessed from the back of the lot by automobiles
- Removes front facing garages, eliminates driveways at the front of properties, and limits curb cuts on the main road which allows for more of the lot to be take up but the home
- Provides a more consistent residential streetscape
- Allows for more spaces for street trees by providing a continuous tree lawn throughout the block
- Allows for a finer grain development, resulting in the following:
 - City's investment in utilities yields a higher rate of return
 - There is a larger tax base per acre
 - Allows for greater variety of housing and as such a greater variety of housing affordability

Discussion of the Current Alley Vacation Process and Issues

- No proper recommendation criteria
- Applicants lack guidance about value of alleys and challenged by the process
 - Errant referrals suggesting vacation is solution
 - Difficulty preparing petition, particularly the legal description
- Requests do not expire and can change following BPW recommendation
- Lack of staff monitoring through public meeting/hearing process

Current Ordinance Issues

- No proper recommendation criteria

- Current state ordinance criteria applies to “reason for objection”
- No advance notification to appropriate city departments and agencies in advance of petition filing
- Request do not expire and can change following BPW recommendation
- Notifications to property owners may fail to cover the full block beyond the 150-foot radius

Proposed Criteria

If answers to any of the following questions is YES, a request to vacate should be denied:

- Do any property owners currently access the alley
- Do less than fifty percent (50%) of the properties on the full block face have direct access to the street?
- Is this the only midblock connection?
- Is the block length greater than 600 feet?
Will the vacation result in a dead-end alley?
- Will vacating the alley allow for direct street access and interfere with a designated bike route?
- Will vacating the alley allow for direct access to the street in a manner that will not meet minimum engineering standards for traffic safety?
- Are there public or private utilities in the alley?

Proposed Alley Vacation Process

- To add a step to the process where there is an intake of the application to improve consultation with applicants/petitioners and quality of requests
- Notes that Engineering will provide the legal description
- Add 180-day limit between BPW result and petitions filing
- Ensure there is no change to the petition
- Mailed notifications to all property owners within 150 feet also to include entire block with signatures
- City staff attends council hearings where petitions are taking place

Potential Ordinance Changes

- Department of Community Investments and Department of Engineering initiates review of application request using recommendation criteria as determined by Board of Public Works (BPW) and engages with applicant
- Engineering conducts review of any utilities in the area and the preparation of a map/drawing and legal description
- Engineering shares request with appropriate departments and other public agencies determined by the BPW prior to BPW review and filing of petition
- Add “file by” date of 180 days following BPW recommendation
- Amend notification radius to include all properties within block containing alley

Summary of Proposal

- Introduce proper evaluation criteria
- Use of pre-application form/engagement process
- Provide additional guidance to applicants/petitioners
- Update ordinance language to reflect changes to criteria, process, and responsibilities
- Set an expiration date for requests
- Follow requests through the public hearing process

Next Steps

- Meeting with Public Works & Property Vacation Committee Chair
- Present to Council Public Works & Property Vacation Committee
- Revisit with Board of Public Works
- Present to Common Council for ordinance adoption
- Conclude with Board of Public Works for policy consideration

Mr. Gilot asked if there should be a link to existence of alleys as being related to zoning ordinances for residential. R1 zones have wider lots which are designed for driveways in the front. Mr. Gilot stated that he may be incorrect on the zone names.

Mr. Corcoran explained that S1 is a suburban lot which is designed for frontloading garages on bigger lots. When you get into Urban 1 and 2, they can be subdivided down to fifteen (15) feet wide .

Mr. Gilot asked if that is a buildable lot. Mr. Corcoran answered absolutely, a townhouse.

Mr. Corcoran stated that the city is very flexible about the different types of housing products that can be built. The zoning ordinance tries to address the changes in demographics that are happening in the nation, not just in South Bend, and being able to deliver the types of housing that the Ordinance is set up to help us deliver on those and require if there is an alley present, the owner use that alley.

Mr. Corcoran noted that the street department is putting together a GIS map of where all the alleys are and the condition of the alley. The street department may also be included in the alley vacation recommendation process.

Mr. Miller asked if that means maintenance of the alley.

Mr. Corcoran stated that the maintenance of the alley is a two (2) step issue. Overgrowth of trees and grass is to be maintained by the property owner just as the tree lawn is. The surface itself, we are trying to figure out ways to do better at grading, etc.

Mr. Gilot noted that the city used to use to send trash trucks down the alleys that would allow two (2) routes to go through, even though it would cost us some mirrors.

Mr. Corcoran advised that we are all trying to find a solution for that would work that the City can pay for.

Mr. Gilot noted that there is no funding for alley maintenance where there is for streets.

President Maradik thanked Mr. Corcoran and Mr. Dressel for presenting to the Board.


ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:08 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: November 8, 2022

REGULAR MEETINGOCTOBER 25, 2022

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, October 25, 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 9:39 a.m.), Murray Miller (absent), and Board Attorney Michael Schmidt (virtual), 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 Gary Gilot and carried by roll call, the minutes for the Agenda Review Session and Regular Meeting of the Board held on October 6, and October 11, 2022, were approved. Jordan Gathers was not present for roll call.

OPENING OF BIDS – 2022 CONTRACTOR PAVING, ROUND III – PROJECT NO. 122-048 (PR-00017693)

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.

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

Four of Four Addendum(s) Acknowledgement received.

BID: \$2,951,000.00

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.

Four of Four Addendum(s) Acknowledgement received.

BID: \$2,267,500.00

Upon a motion made by VP Joseph Molnar, seconded by Gary Gilot and carried by roll call, the above bids were referred to Public Works for review and recommendation. Jordan Gathers was not present for roll call.

OPENING OF BIDS – CAMPEAU STREET STREETScape – PROJECT NO. 121-073 (PR-00019420)

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:

HRP CONSTRUCTION, INC.

5777 Cleveland Rd., P.O. Box 266

South Bend, IN 46624-0266

cindyv@hrpconstruction.com

Bid was signed by Mr. Matthew D. Cain

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: \$2,539,900.00

MILESTONE CONTRACTORS NORTH, INC.

24358 State Road 23

South Bend, IN 46614

akrueger@milestonelp.com

Bid was signed by Mr. Dustin Hilary

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

Five percent (5%) Bid Bond was submitted.

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

One of One Addendum(s) Acknowledgement received.

BASE BID TOTAL: \$2,836,000.00

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: \$2,315,275.24

Upon a motion made by VP Joseph Molnar, seconded by Gary Gilot and carried by roll call, the above bids were referred to Public Works and Community Investment for review and recommendation. Jordan Gathers arrived during the bid reading and was present for roll call.

**OPENING OF QUOTATIONS – DREWRY’S BREWERY FENCE REPLACEMENT –
PROJECT NO. 119-031B (PR-00020167)**

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:

RITSCHARD BROS., INC.

1204 W. Sample St.

South Bend, IN 46619

rit1204@datacruz.com

Quotation was submitted by Mr. Donald Ritschard, Jr.

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

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

QUOTATION: \$118,260.00

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

**APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – 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 reject all bids for the above referenced project due to the bids exceeded the available budget for the project and will be re-advertised. Therefore, upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers 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 quotations for the above referenced project due to the quote documentation was not sufficient and Engineering is evaluating how to proceed. Therefore, upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the above request was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) – POTAWATOMI ZOO PARKING LOT EXPANSION – PROJECT NO. 120-014 (PO-0013320)

President Maradik advised that Ms. Rebecca Plantz, 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 increased by \$19,206 for a new contract sum, including this change order, in the amount of \$457,471.82. 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) – AIRPORT ANNEXATION AREA WATER MAIN EXTENSION – PROJECT NO. 120-026 (PO-0013841)

President Maradik advised that Mr. Jacob Klosinski, Engineering, has submitted change order number 1 on behalf of G.E. Marshall, Inc, 1351 Joliet Rd., Valparaiso, IN 46385, indicating the contract amount be decreased by \$75,740.30 with an additional sixty-five (65) days for a new contract sum, including this change order, in the amount of \$237,456.10 with a new completion date of July 31, 2022. Upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers and carried by roll call, the change order was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – NEIGHBORHOOD INFRASTRUCTURE - LONGFELLOW AVE. & SOUTH ST. INTERSECTION – PROJECT NO. 121-048B (PR-00019884)

In a memorandum to the Board, Ms. Leslie Biek, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by 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.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – NEIGHBORHOOD INFRASTRUCTURE - FORD ST. & WALNUT ST. INTERSECTION – PROJECT NO. 121-048C (PR-00019886)

In a memorandum to the Board, Ms. Leslie Biek, Engineering, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by 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.

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
Temporary Access Agreement	Rescue Incorporated d/b/a Hope Ministries	Access Property to Conduct Weather Amnesty Services at 510 S. Main St. from October 25, 2022 to April 30, 2023	N/A	VP Molnar/ Mr. Gathers
Professional Services Agreement	VS Engineering, Inc.	Design and Inspection Services for Linden Avenue Streetscape at College St. to Birdsell St. Project No. 122-050	\$191,000 (PR-00019888)	VP Molnar/ Mr. Gathers
Professional Services Agreement	DLZ Indiana, LLC	Design Services for Angela Boulevard Pedestrian Safety Improvements SR 933 and Twyckenham Dr.	NTE \$159,900 (Hourly) (PR-00020234)	VP Molnar/ Mr. Gathers

Amendment No. 2 to Professional Service Agreement	Donohue & Associates, Inc.	Additional Engineering Services for South Well Field Improvements Project No. 117-059C	NTE \$181,995 (Hourly) (PR-0000038)	VP Molnar/ Mr. Gathers
Professional Services Agreement	Jones Petrie Rafinski Corporation	Design Services for New Automatic Entrance Gates and Parking Lot Improvements at Century Center Project No. 122-060	NTE \$12,200 (Hourly) (7304.42010.000099)	VP Molnar/ Mr. Gathers

ADOPT RESOLUTION NO. 49-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

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. 49-2022

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the “Board”) exists pursuant to Indiana Code Section 36-4-9-5, holds real property owned by the City of South Bend, Indiana (the “City”) pursuant to Indiana Code Section 36-9-6-3, and is authorized to transfer such property to another governmental entity pursuant to Indiana Code Section 36-1-11-8; and

WHEREAS, the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of Redevelopment (the “Commission”), exists and operates pursuant to Indiana Code Section 36-7-14 (the “Act”); and

WHEREAS, the Board owns one (1) parcel of real property in the City, 510 S. Main St., more particularly described on Exhibit A (the "Property"); and

WHEREAS, the Board desires to convey the Property to the Commission pursuant to Ind. Code 36-1-11-8 for the purpose of making the Property available for re-use and redevelopment in accordance with the Commission's purposes and powers under the Act; and

WHEREAS, it is anticipated that the Commission will adopt a resolution accepting the Board's conveyance of the Property to the Commission and appointing a representative to accept and record the deed received from the Board.

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

1. The Board hereby approves the conveyance of the Property to the Commission in accordance with Indiana Code Section 36-1-11-8.
2. The President and Clerk of the Board are authorized and instructed to execute and attest, respectively, a quit claim deed in substantially the form attached hereto as Exhibit B, conveying all of the Board's right, title, and interest in the Property to the Commission.
3. The Board authorizes Joseph Molnar of the City’s Department of Community Investment to present for recordation in the Office of the Recorder of St. Joseph County, Indiana, the deed conveying the Property to the Commission, as well as to execute any other document necessary to affect the Board’s conveyance to the Commission.
4. This Resolution will be in full force and effect upon its adoption by the Board.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held

on October 25, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

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

ATTEST:
s/ Theresa Heffner, Clerk

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

Applicant	Description	Date/Time	Location	Motion Carried
Linden Grill	Sidewalk Café Permits - Pending Minimum ADA Clearances	Monday – Saturday 11:00 a.m. to 9:00 p.m.	119 S. Michigan St.	VP Molnar/ Mr. Gathers

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE EAST/WEST ALLEY FROM N. HILL ST. TO NORTH/SOUTH ALLEY BETWEEN E. CORBY BLVD. AND E. KALORAMA ST. AT 824 N. HILL STREET

President Maradik indicated that the Board approve the revised description of the East/West alley from N. Hill St. to the North/South alley between E. Corby Blvd. and E. Kalorama St. President Maradik advised the Board is in receipt of favorable recommendations concerning this vacation petition from the Fire Department, Police Department. Community Investment and Public Works Department recommend approval pending the applicant hiring a bonded and permitted contractor to remove the existing alley entrance apron between sidewalk and N. Hill Street and installing a new six (6) inch curb across the opening within thirty (30) days. Based on the recommendations, the request does meet the criteria of I.C. 36-7-3-13. Therefore, VP Joseph Molnar made a motion to approve sending City Council a favorable recommendation subject to removing the alley approach and installing a curb and sidewalk. Jordan Gathers seconded the motion which carried by roll call.

APPROVE RENEWAL OF WASTEWATER DISCHARGE PERMIT(S)
In a Memorandum to the Board, Ms. Serena Lozano-Shane, Division of Wastewater, submitted the following wastewater discharge permit(s) for renewal and recommended approval:

Imagineering Finishing Technologies, 3722 Foundation Court
TK Finishing, 3702 W. Sample St.

There being no further discussion, upon a motion made by VP Joseph Molnar, seconded by Jordan Gathers 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
Martinez Sons Construction LLC	Contractor	Released	10/20/2022
Coder Home Services, LLC	Occupancy	Approved	10/06/2022
Delta III Inc.	Occupancy	Approved	10/06/2022
KRG Eddy Street Land III, LLC	Occupancy	Approved	10/04/2022
Inland Water Pollution Control Inc.	Occupancy	Released	11/12/2022

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 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 GBLN-45121, GBLN-45122	10/07/2022	\$705,733.89
City of South Bend Claims GBLN-45351	10/11/2022	\$2,804,342.12
City of South Bend Claims GBLN-45347	10/11/2022	\$5,297,412.02
City of South Bend Claims GBLN-45524, GBLN-45567	10/17/2022	\$3,774.64
City of South Bend Claims GBLN-45932	10/18/2022	\$3,268,967.71

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 9:50 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: November 8, 2022