

The Agenda Review Session of the Board of Public Works was convened at 10:44 a.m. on December 8, 2022, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Jordan Gathers and Board Attorney Michael Schmidt present. The 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.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Assistant City Attorney Kylie Connell was available to answer any questions regarding item 9. F: License Agreement – Fraternal Order of Police Lodge No. 36. Attorney Connell explained that she is submitting the lease agreement on behalf of the SBPD and the FOP for the firing range. The current lease expires at the end of December, so this will be a new lease for two (2) years starting in January 2023.

Attorney Schmidt explained that this is a long-standing relationship that SBPD has with the FOP and noted that it is a good thing that it is being documented. The cost is \$35,000 for the first year and \$40,000 for the second year. This provides a safe and private facility for the Department to do a number of firearm training exercises.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

VP Molnar was present to answer any questions regarding item 9.A: Consent for Access to Property – United States Environmental Protection Agency (EPA) to Assist the City to Clean up the Former Drewry’s Brewery. He explained that the City has been working with the EPA for the last few months to complete this remediation and the EPA has agreed to environmentally remediate a large portion of the site like the debris fields as well as any of the tanks or asbestos contained in the remaining system buildings on the site. It was noted that the access agreement is a boilerplate that the federal government has used since the eighties. The City’s legal department tweaked it slightly, but the EPA pushed back on any changes that are not usual things you would see in an access agreement.

Attorney Schmidt noted that the agreement was simple, but what stood out to him was that consent can be revoked if necessary.

RESOLUTIONS

Attorney Schmidt mentioned item 8.A.: Resolution of the City of South Bend, Indiana Board of Public Works Establishing Policy and Procedures for Placement of Honorary Street Signs within the Public Rights of Way or on Public Property. Attorney Schmidt noted that he has talked through this with the Board at previous meetings and explained that there will be a final policy for Board approval at Tuesday’s regular meeting. Some changes include the policy focusing on street signs, not other mechanisms to honor individuals like benches or trees. He advised that this will be the cleanest approach moving forward. There will also be a requirement that the person is deceased. Attorney Schmidt said the hope of the new resolution is that it will replace some of the vagueness in the current resolution and policy and give Board Clerk Theresa Heffner more consistency in the approach to the application process.

VP Molnar stated that Community Investment received a recommendation request for an honorary street sign from Councilman Davis for a woman that is not deceased and where there is already an honorary sign designation. Attorney Schmidt advised that one of the last changes that was identified by Public Works Director Eric Horvath was that we cannot have more than one (1) honorary sign in one (1) location. This resolution will prohibit two (2) or more honorary signs in one location.

VP Molnar asked about the timing of when the signs are removed. Director Horvath stated five (5) years but explained that there is a provision that the Board can extend it.

President Maradik asked Attorney Schmidt if there will be an update to the version currently in the file before Tuesday’s regular meeting. Attorney Schmidt explained that Public Works Deputy Director Jitin Kain circulated some suggestions the evening prior and those have not yet been incorporated. Director Horvath added that the cost of the signs was adjusted from four-hundred dollars (\$400) to two hundred dollars (\$200) to match the cost of making and installing the signs. President Maradik added the application will be one hundred fifty dollars (\$150) with additional

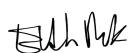
signs at one hundred twenty-five dollars (\$125). It was asked if an honoree should have both local and national significance as the previous Resolution originally only required that the honoree had to be from the City. After further discussion, the Board and attendees determined that people like Cesar Chavez are typically given the street name rather than an honorary sign. Attorney Schmidt advised that the risk of doing national figures is that it makes it harder for the Board to make the judgment on whether they should receive a sign. Director Horvath added that if the person has a national significance that they can promote a road being renamed like Dr. Martin Luther King Jr.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:55 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: December 20, 2022

REGULAR MEETING

DECEMBER 13, 2022

The Regular Meeting of the Board of Public Works was convened at 9:32 a.m. on Tuesday, December 13, 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 9:56 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 November 17, 2022 and November 22, 2022, were approved.

OPENING OF BIDS – NEXUS CENTER ROOF REPLACEMENT – PROJECT NO. 121-064A (PR-00020455)

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:

MIDLAND ENGINEERING COMPANY, INC.

52369 State Road 933 North

South Bend, IN 46637

lconrad@midlandengineering.com

Bid was signed by Mr. Michael W. Frahn, CPA
 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.

BID:

| | |
|---------------------------|--------------|
| Base Bid Total | \$232,600.00 |
| Alternate #1 Total | \$103,100.00 |
| Alternate #2 Total | \$47,300.00 |
| Alternate #3 Total | \$4,000.00 |
| Alternate #4 Total | \$19,800.00 |
| Alternate #5 Total | \$30,600.00 |
| Alternate #6 Total | \$71,700.00 |

UNIT PRICING

| Item No. | Description | Unit | Deduct | Add |
|----------|---|------|--------|--------|
| 10 | Repair/Replace Rigid Polyiso Insulation Board, 6" thick | SF | | \$7.25 |
| 11 | Repair/Replace Rigid Polyiso Insulation Board, 4" thick | SF | | \$4.85 |

DUDECK ROOFING AND SHEET METAL, INC.

1634 S. Franklin St.
 South Bend, IN 46613
michael@dudeckroofing.com

Bid was signed by Mr. Michael Dudeck
 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.

BID:

| | |
|---------------------------|--------------|
| Base Bid Total | \$253,555.00 |
| Alternate #1 Total | \$119,462.00 |
| Alternate #2 Total | \$37,095.00 |
| Alternate #3 Total | \$15,860.00 |
| Alternate #4 Total | \$27,500.00 |
| Alternate #5 Total | \$41,250.00 |
| Alternate #6 Total | \$44,700.00 |

UNIT PRICING

| Item No. | Description | Unit | Deduct | Add |
|----------|---|------|--------|-------------|
| 10 | Repair/Replace Rigid Polyiso Insulation Board, 6" thick | SF | | \$3.75/sqft |
| 11 | Repair/Replace Rigid Polyiso Insulation Board, 4" thick | SF | | \$2.75/sqft |

SLATILE ROOFING AND SHEET METAL CO., INC.

1703 S. Ironwood Dr.
 South Bend, IN 46613
debra.carothers@slatile.com

Bid was signed by Mr. Gerald Longerot
 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.

BID:

| | |
|---------------------------|--------------|
| Base Bid Total | \$214,812.00 |
| Alternate #1 Total | \$88,812.00 |
| Alternate #2 Total | \$18,812.00 |
| Alternate #3 Total | \$9,812.00 |
| Alternate #4 Total | \$23,812.00 |
| Alternate #5 Total | \$24,812.00 |
| Alternate #6 Total | \$25,812.00 |

UNIT PRICING

| Item No. | Description | Unit | Deduct | Add |
|----------|---|------|---------|---------|
| 10 | Repair/Replace Rigid Polyiso Insulation Board, 6" thick | SF | \$16.85 | \$18.35 |
| 11 | Repair/Replace Rigid Polyiso Insulation Board, 4" thick | SF | \$10.00 | \$12.00 |

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

OPENING OF BIDS – MARTIN LUTHER KING JR. CENTER DEMOLITION – PROJECT NO. 121-066 (PR-00020461)

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:

GREEN DEMOLITION CONTRACTORS, INC.

523 Northbrook Dr.

Michigan City, IN 46360

laura@greendemolitioninc.com

Bid was signed by Mr. Michael J. Brough

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.

Three of Three Addendum(s) Acknowledgement received.

BID:

| | |
|---------------------------|--------------|
| Base Bid Total | \$398,800.00 |
| Alternate #1 Total | \$60.00/LF |

RITSCHARD BROS., INC.

1204 W. Sample St.

South Bend, IN 46619

rit1204@datacruz.com

Bid was signed by Mr. Donald Ritschard, Jr.

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.

Three of Three Addendum(s) Acknowledgement received.

BID:

| | |
|---------------------------|--------------|
| Base Bid Total | \$292,110.00 |
| Alternate #1 Total | \$60.00/LF |

C & E EXCAVATING INC.

53767 County Road 9

Elkhart, IN 46514

TimB@candeexcavating.com

Bid was signed by Thad Bessinger

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.
 Three of Three Addendum(s) Acknowledgement received.

BID:

| | |
|---------------------------|--------------|
| Base Bid Total | \$278,875.00 |
| Alternate #1 Total | - |

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 VPA for review and recommendation. Mr. Gathers was not present for roll call.

OPENING OF BIDS – SEWER AND MANHOLE REHABILITATION – PROJECT NO. 122-019 (PR-00020477)

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:

NATIONAL POWER RODDING CORP.

2500 W. Arthington St.

Chicago, IL 60612

acamarena@nationalpowerrodding.com

Bid was signed by Mr. William T. Kreidler

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.

BID:

| | |
|-----------------------------|----------------|
| Base Bid Total | \$5,873,441.00 |
| Alternate A-AS Total | \$2,075,650.00 |

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

OPENING OF BIDS – 2022 CURB AND SIDEWALK CONSTRUCTION, ROUND II – PROJECT NO. 122-044 (PR-00020496)

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:

RIETH-RILEY CONSTRUCTION CO., INC.

25200 State Road 23

South Bend, IN 46614

ralvarado@rieth-riley.com; dsauer@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.

BID:

| | |
|--------------------------|--------------|
| Division #1 Total | \$244,696.95 |
| Division #2 Total | \$83,785.50 |
| Division #3 Total | \$302,044.15 |
| Division #4 Total | \$233,360.00 |
| Division #5 Total | \$109,531.90 |

PREMIUM CONCRETE SERVICES, INC.

712 Richmond St.

Elkhart, IN 46516

rbecker@premiumconcreteonline.com

Bid was signed by Mr. Max A. Yeakey

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.

BID:

| | |
|--------------------------|--------------|
| Division #1 Total | \$211,175.00 |
| Division #2 Total | \$64,025.00 |
| Division #3 Total | \$263,895.00 |
| Division #4 Total | \$210,405.00 |
| Division #5 Total | \$82,400.00 |

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.

BID:

| | |
|--------------------------|--------------|
| Division #1 Total | \$226,280.00 |
| Division #2 Total | \$81,080.00 |
| Division #3 Total | \$298,990.00 |
| Division #4 Total | \$246,405.00 |
| Division #5 Total | \$95,430.00 |

SELGE CONSTRUCTION CO., INC.

2833 South 11TH St.

Niles, MI 49120

aswinehart@selgeconstruction.com

Bid was signed by Mr. Justin Butler

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.

BID:

| | |
|--------------------------|---------------|
| Division #1 Total | *\$224,496.50 |
| Division #2 Total | *\$77,715.75 |
| Division #3 Total | *\$249,425.00 |
| Division #4 Total | *\$211,247.00 |
| Division #5 Total | *\$125,587.50 |

*Read into record **REVISED** Bid email received at 8:52 a.m.

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

OPENING OF QUOTATIONS – WALKER FIELD HOUSE RESTORATION – PROJECT NO. 120-010R (PR-00014932)

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:

ACCULEVEL COMMERCIAL GROUP INC.

9495 N. Waldron Rd.

Rossville, IN 46065

nolan@acculevel.com

Quotation was submitted by Mr. Nolan Beery

Non-Collusion, Non-Discrimination Affidavit Form was not completed.

One of One Addendum(s) Acknowledgement received.

QUOTATION:

| | |
|---------------------------|-------------|
| Division A Total | \$28,764.00 |
| Alternate #1 Total | \$45,276.00 |
| Alternate #2 Total | \$25/LF |

KENT COMPANIES

130 60th. St. SW

Grand Rapids, MI 49458

mgnewkowski@kentcompanies.com

Quotation was submitted by Mr. Mike Gnewkowski

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

One of One Addendum(s) Acknowledgement received.

QUOTATION:

| | |
|---------------------------|---------------------------|
| Division A Total | \$46,820.00 |
| Alternate #1 Total | \$71,807.00 |
| Alternate #2 Total | \$235 per 5' extension |

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above quotations were referred to Public Works, Community Investment and VPA for review and recommendation. Mr. Gathers arrived at the meeting as the quote was being read.

OPENING OF QUOTATIONS – LEXINGTON AVE. AND DARDEN RD. HYDRANT INSTALLATION – PROJECT NO. 122-053 (PR-00021028)

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:

NO QUOTATIONS SUBMITTED

OPENING OF QUOTATIONS – MULTI-COMPONENT STRIPING – PROJECT NO. 122-065 (PR-00021150)

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:

NO QUOTATIONS SUBMITTED

AWARD QUOTATION AND APPROVE CONTRACT – GRANDVIEW AVE. AND RAILROAD QUICK KURB INSTALLATION – PROJECT NO. 117-114 (PR-00020921)

Ms. Rebecca Plantz, Engineering, advised the Board that on November 29, 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, Selge Construction Co., Inc., 2833 South 11th St., Niles, MI 49120, in the amount of \$17,785. 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.

APPROVE CHANGE ORDER NO. 2 – NORTH SHORE DRIVE BANK STABILIZATION – PROJECT NO. 118-005A (PO-0006383)

President Maradik advised that Ms. Kara Boyles, City Engineer, has submitted change order number 2 on behalf of HRP Construction Inc, 5777 Cleveland Rd., PO Box 266, South Bend, IN 46624, indicating the contract amount be increased by \$96,662.43 with an additional five hundred fifty-four (554) days for a new contract sum, including this change order, in the amount of \$276,296.43 with a new completion date of December 30, 2022. 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 (FINAL) – 2021 COMMUNITY CROSSINGS, ROUND II – PROJECT NO. 121-052 (PO-0015007)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order number 1 on behalf of Rieth-Riley Construction Co. Inc., 25200 State Road 23, South Bend, IN, 46614, indicating the contract amount be decreased by \$14,366.95 for a new contract sum, including this change order, in the amount of \$1,257,357.45. 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. 4 – OLIVE STREET RECONSTRUCTION, PHASE II – PROJECT NO. 114-064 (PO-0015217)

President Maradik advised that Ms. Leslie Biek, Engineering, has submitted change order number 4 on behalf of INDOT and Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, indicating the contract amount be increased by an additional forty-five (45) days for a new contract sum, including this change order, in the amount of \$660,447.85 with a new completion date of December 12, 2022. 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. 2 (FINAL) – RIVERSIDE DRIVE BANK STABILIZATION – PROJECT NO. 118-005B (PO-0014105)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 2 on behalf of Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, indicating the contract amount be increased by \$11,633.91 for a new contract sum, including this change order, in the amount of \$845,057.61. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – POLICE DEPARTMENT ROOF REHABILITATION AND REPLACEMENT – PROJECT NO. 119-080 (PO-0015157)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of Midland Engineering Company, Inc., 52369 State Road 933 North, South Bend, IN 46637, for the above referenced project, indicating a final cost of \$1,295,500. Mr. Miller asked Attorney Schmidt if the MWBE goals were met for this project. Attorney Schmidt advised that the goals were met. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – POTAWATOMI ZOO PARKING LOT EXPANSION – PROJECT NO. 120-014 (PO-0013320)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of Milestone Contractors North, Inc., 24358 State Road 23, South Bend, IN 46614, for the above referenced project, indicating a final cost of \$457,471.82. Mr. Miller asked Attorney Schmidt if the MWBE goals were met for this project. Attorney Schmidt advised that there was a utilization plan change. There was an instance where some of the trucking and hauling was a little bit lower because a subcontractor subbed out some of the work to a minority subcontractor that was not certified. Even though a minority business contractor did the work, the language in the Ordinance will require a utilization plan change. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – 2021 ROADWAY RECONSTRUCTION – PROJECT NO. 121-008 (PO-0010116)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of Rieth-Riley Construction Co. Inc., 25200 State Road 23, South Bend, IN, 46614, for the above referenced project, indicating a final cost of \$2,106,346.88. Mr. Miller asked Attorney Schmidt if the MWBE goals were met for this project. Attorney Schmidt advised that there was also a utilization plan change. There was a letter from one of the subcontractors to the prime contractor that the prime contractor provided to Engineering entailing an explanation of why the subcontractor had removed itself from the project because they simply did not have the staffing that they had hoped to do the work. Upon a motion made by VP Molnar seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – CSO 18 BACKWATER GATE REPLACEMENT – PROJECT NO. 120-017 (PO-0012466)

President Maradik advised that Mr. Jacob Klosinski, Engineering, has submitted the project completion affidavit on behalf of Selge Construction Co., Inc., 2833 South 11th St., Niles, MI 49120, for the above referenced project, indicating a final cost of \$124,980. Mr. Miller asked

Attorney Schmidt if the MWBE goals were met for this project. Attorney Schmidt advised that he does not have the answer on the goals. He believes there were some scope changes to the project that will likely require a utilization plan change. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – SIX THOUSAND (6000) MORE OR LESS, UNIVERSAL NESTABLE REFUSE AND YARD WASTE CONTAINERS (PR-00021076)

In a memorandum to the Board, Kelly Smith, Director of Solid Waste, 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.

ADOPT RESOLUTION NO. 58-2022 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ESTABLISHING POLICY AND PROCEDURES FOR PLACEMENT OF HONORARY STREET SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY OR ON PUBLIC PROPERTY

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. 58-2022

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF
THE CITY OF SOUTH BEND, INDIANA ESTABLISHING POLICY AND
PROCEDURES FOR PLACEMENT OF HONORARY STREET SIGNS WITHIN THE
PUBLIC RIGHTS-OF-WAY OR ON PUBLIC PROPERTY

WHEREAS, pursuant to I.C. § 36-9-6-2 and I.C. §36-9-6-3, the City of South Bend, Indiana (“City”) Board of Public Works (“Board”) has authority over the use of public rights of way and is responsible for the supervision of streets, alleys and other property of the City; and

WHEREAS, the Board receives numerous requests for permission to install street signs within the public right-of-way and on public property in honor of or in memory of deceased persons who were key contributing residents of the City or community leaders (“Honoree”); and

WHEREAS, the Board desires to establish a policy and to adopt guidelines for approval or such honorary or memorial signage ("Honorary Street Sign") within the public right-of-way or on public property ; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Works of the City of South Bend that the following policies, guidelines and procedures are hereby established:

General Guidelines and Procedure.

1. This Board Resolution shall replace in its entirety Board Resolution 48-2009.
2. The Board shall be the sole designating body for placement and installation of Honorary Street Signs within the public right-of-way or on public property. The Board, at its discretion, may consult with other boards, commissions and authorities as to the proposed Honorary Street Sign.
3. The policies and procedures established by the Board in this Resolution shall be applicable to all requests seeking installation of Honorary Street Signs within the public right-of-way or on public property. Any and all approvals granted by the Board for such requests shall be subject to these policies.
4. Persons or groups seeking to honor or memorialize an Honoree shall submit a petition together with a fee of One Hundred Fifty and 00/100 Dollars (\$150.00). The Petition and fee shall be filed with the Clerk of the Board of Public Works, 1300 County-City Building, 227 West Jefferson, South Bend, Indiana 46601 not less than eight (8) weeks

prior to the proposed date for installation. If approved, this fee will be applied toward the cost of producing and installing the first sign.

5. All Petitions shall include the name, address, date and signature of not less than two hundred (200) residents of the City of South Bend as evidence of local support for the Honorary Street Sign. The signatories must be at least eighteen (18) years of age and be residents of South Bend, Indiana at the time of signature. [Note: All names and addresses on the petition must be legible in order to be considered.]
6. The fee shall be paid at the time that the Petition is submitted to the Board. If the Board does not approve the petition, the fee shall be refunded. The Board will not authorize a work order for production of any signage unless the fee is timely submitted.
7. Only deceased persons who were residents of the City during their lifetime shall be considered for designation of an Honorary Street Sign.
8. The Board may deny any petition if the Board, in its sole discretion, determines that the proposed Honorary Street Sign: (i) will constitute a public safety hazard or public nuisance; (ii) does not meet the criteria set forth in this resolution; or (iii) the signage would interfere with normal City operations or services.
9. If the Board approves the petition, the petitioner must pay Two Hundred and 00/100 (\$200.00) per sign to be manufactured and installed by City employees. The City will neither approve or install more than four (4) Honorary Street Signs per Honoree.
10. All Petitions seeking installation of an Honorary Street Sign shall include the following information:
 - a. Detailed information about the proposed Honoree summarizing the Honoree's accomplishments, connection and contribution to the City, and reasons as to why the person should be publicly recognized through the installation of an Honorary Street Sign.
 - b. A suggested location for the Honorary Street Sign, including an explanation for the significance of the proposed location in relation to the Honoree's life and works. An Honorary Street Sign cannot be in a location where another Honorary Street Sign already exists. It is recommended that Petitioner provide written support or other evidence from residents or applicable neighborhood associations in which the Honorary Street Sign is intended to be located. Such evidence will be favorably weighed by the Board.
 - c. Honorary Street Signs shall be of a different color from the City's standard street sign. The Honorary Street Sign shall be installed adjacent to the City's standard street sign, or just below the standard street sign height if placed on a pole that does not have a standard street sign attached. The name of the Honoree must fit on a standard size street sign.
 - d. Additional Honorary Street Signs may be purchased to present to family members or associates of the Honoree, subject to payment of an additional fee of One Hundred Twenty Five and 00/100 (\$125.00) per sign. These additional signs may not be installed within the public right-of-way or on public property but are provided solely as a memento of the occasion.
 - e. The Honorary Street Sign may remain in place, and the City shall maintain the sign for a period not to exceed five (5) years. However, the Board retains the sole discretion whether to extend this time limitation upon receipt of request for renewal which shall be accomplished through the same procedures as the original Petition.

Nothing in this Resolution shall be construed to require approval by the Board, nor prevent the Board from imposing additional conditions or restrictions that the Board,

in its sole discretion, deems necessary or desirable in carrying out the general intents and purposes of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS THAT:

The Board, under the power vested by the City shall adopt the above process and fees related to the petition for an Honorary Street Signs.

ADOPTED this 13th day of December, 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

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 |
|--|---|--|---|---|
| Consent for Access to Property | United States Environmental Protection Agency | Assisting the City to Cleanup Former Drewry's Brewery | N/A | VP Molnar / Mr. Miller |
| Amendment No. 1 to Professional Services Agreement | Frost Engineering and Consulting Company | Additional Design Services and Present Study Results to Park Board for Potawatomi Pool Assessment Project No. 122-051 | Increase \$3,167.79; New Adjusted Amount \$31,167.79 (PO-0017966) | VP Molnar / Mr. Miller |
| Ratify Contracted Emergency Work | HRP Construction, Inc. | Emergency Sanitary Sewer Repair at Edison Rd. and Edgewater Rd. after Gravity Sewer Collapse | \$19,066.25 (PR-00020706) | VP Molnar / Mr. Miller |
| Professional Services Agreement | DLZ Indiana, LLC | Design and Grant Application Assistance for Kennedy Park Improvements Project No. 123-008 | \$436,500 (PR-00021057) | VP Molnar / Mr. Miller |
| Deep of Dedication-Public Right-of-Way | Civil City of South Bend | Cleaning-Up the Right-of-Way at Chippewa Ave. and Michigan St. Roundabout Project No. 114-045 | N/A | VP Molnar / Mr. Miller |
| License Agreement | Fraternal Order of Police Lodge No. 36 | Use of Property Solely for Training Purposes for Active and Retired Members of South Bend Police Department at 23527 State Road 23 | \$35,000 for 2023; \$40,000 for 2024 | VP Molnar / Mr. Miller Subject to DFO approval |

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

| Applicant | Description | Date/Time | Location | Motion Carried |
|-------------------------------------|--|------------------|--------------------|------------------------|
| Rachael T. Massage & Essential Oils | Massage Establishment Licenses Renewal | | 616 E. Colfax Ave. | VP Molnar / Mr. Miller |

APPROVE/DENY TRAFFIC CONTROL DEVICES

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the following traffic control device request was approved:

| | |
|-------------------|---|
| RENEWAL: | Reserved Handicapped Parking Space Sign Permit |
| LOCATION: | East Side of Lafayette Blvd., North of Jefferson Blvd., No. 1 |
| REMARKS: | All Criteria Met |
| NEW INSTALLATION: | Handicapped Accessible Parking Space Sign |
| LOCATION(S): | 1711 Catalpa Ave. 3502 Fellows St. 1004 N. Johnson St. |
| REMARKS: | All Criteria Met |

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 |
|-----------------------------------|------------------|--------------------------|-----------------------|
| Keith's Lawns, Inc. | Excavation | Approved | 11/10/2022 |
| Kent's Excavating & Plumbing, LLC | Excavation | Released | 11/26/2022 |
| Keith's Lawns, Inc. | Occupancy | Approved | 11/10/2022 |
| Kent's Excavating & Plumbing, LLC | Occupancy | Released | 11/26/2022 |
| JMS Capital Group Development | Occupancy | Released | 11/21/2022 |

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 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. 3,057 (Total # of Accountholders) as of the 4th. Quarter of 2022

In her memo, she stated Water Works 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 Molnar, seconded by Mr. Miller and carried by roll call, the approval of reduced rates was ratified.

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-47555 | 11/18/2022 | \$7,718.72 |
| City of South Bend Claims GBLN-48168, GBLN-48148 | 11/22/2022 | \$132,141.34 |
| City of South Bend Claims GBLN-48102 | 11/22/2022 | \$4,104,994.43 |
| City of South Bend Claims GBLN-48294 | 11/29/2022 | \$1,002,780.40 |
| City of South Bend Claims GBLN-48304, GBLN-48657 | 12/5/2022 | \$5,795.99 |
| City of South Bend Claims GBLN-48600 | 12/6/2022 | \$4,368,662.98 |

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

Jodi Aker, President of The Meow Mission at 2915 E. Mishawaka Avenue, South Bend spoke about the work they do at The Meow Mission to reduce the free-roaming cat population with their trap/neuter/return practices. Since many of their volunteers are senior citizens, and their parking lot can only accommodate two (2) cars behind the building with a one (1) hour limitation for street parking in front of the building, Ms. Aker requested the one (1) hour limitation between 20th and 30th street be removed so that volunteers would not have to walk long distances, especially during inclement weather.

President Maradik asked if Ms. Aker had filled out paperwork or had been in contact with anyone in Engineering for an internal review of her request. Engineer Charlie Brach informed the Board that they were looking into this request but were not able to get the recommendation on the current BPW regular meeting agenda in time, but they planned to have it ready for the next BPW regular meeting on December 20th.

Mr. Huey Schoby, 3415 Riverside Drive, was present to request street closures for South Bend Heritage’s 2023 Dr. Martin Luther King Jr. Celebration and Memorial March. He explained that he would like the road to be closed on W. Jefferson between Lafayette Blvd. and MLK Blvd., and then along MLK Blvd. to E. Washington St. President Maradik requested that after the meeting, Board Clerk Heffner get Mr. Schoby the appropriate application for special event street closures. President Maradik emphasized to Mr. Schoby that he would need to fill out and return the application as soon as possible so that it could get to the Special Events Committee for review.

Board Member Murray Miller expressed concern about the passing of the permanent signs concerning trash bin placement on Phillip St. and around that area. He stated that his mom lives near there and her trash did not get picked up. He stated he called 311 to try to resolve this issue but it is quite a process, and they don’t let you talk directly to department heads. Mr. Miller explained that it happened a second time and he was told that if it is not within the property line, the system will tell the driver not to pick it up. He expressed concerns that this may be happening to other residents. Solid Waste Director Kelly Smith explained that she would be happy to come out and look at it and get it sorted out. Mr. Miller stated that 311 would not let him talk to Ms. Smith. Ms. Smith added that she would be happy to talk to Mr. Miller after the meeting.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:33 a.m.

BOARD OF PUBLIC WORKS

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: December 20, 2022