

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on January 5, 2023, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar (absent), and Board Members Gary Gilot, Jordan Gathers, Murray Miller, and Board Attorney Michael Schmidt present. Board of Public Works Clerk Theresa Heffner presented the Board with a proposed agenda of items presented by the public and by City Staff.

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

LICENSES AND PERMITS

Senior Project Engineer Zach Hurst and the Business Development Manager for Community Investment, Amy Paul, were present to discuss item 7.D: Encroachment/Revocable Permit for Cool Runnings Restaurant & Bar No. 2. It was stated that Cool Runnings initially submitted an application to place a dumpster at the Southeast Corner of the sidewalk on Woodward Ct. where an existing trash can is placed. Mr. Hurst shared his screen to show the Board members where the restaurant owners wished to place their dumpster. He then stated that the Department of Community Investment (DCI) and Engineering agreed that it is an undesirable location for a dumpster. In a path to move forward for Cool Runnings to have a dumpster, DCI and Engineering believe it is reasonable to extend the no parking stretch along the parking garage for placement of the dumpster by way of an encroachment application. Mr. Hurst explained that Woodward Ct. is unique in the downtown grid system in that it needs to serve the back side of the buildings, function as an alley, but it is also a fully functioning one way street; it has parking and sidewalks on both sides with a pedestrian walkway. Currently Cool Runnings takes their trash to Michigan City every business day which is laborious and inconvenient for them. He noted that Cool Runnings does not have any real-estate of their own to put a dumpster on because the back side of the building backs right up to the sidewalk, so they don't have any space where some of the buildings have extra space for a dumpster. Mr. Hurst asked the Board if administratively we can give a favorable recommendation pending adjustments to the application and location.

Mr. Gilot asked if Mr. Hurst was proposing in lieu of a parking space or in lieu of the sidewalk. Mr. Hurst responded he was proposing in lieu of a parking space. Mr. Gilot asked if it would be better out of the right-of-way. Mr. Hurst responded that he did not know where they could place it out of the right-of-way. Mr. Gilot asked if Cool Runnings proposed the location adjacent to the parking garage. Mr. Hurst explained that Cool Runnings had proposed the location where there is an existing trashcan while DCI and Engineering are proposing a parking spot at the corner of the parking garage. From their discussions it was determined this was the best solution for now. Mr. Gilot asked about different placement options to which President Maradik explained that the dumpster has to be placed where it can be picked up by the garbage truck since it is a one-way street.

Mr. Gilot expressed concerns about carving out the very specific circumstances so that there are no other businesses that want to place dumpsters in place of parking spaces all over downtown which would have a negative effect. Business Development Manager for Community Investment Amy Paul explained that she reached out to all of the businesses on the one-hundred (100) block. Cinco Five, J2 Marketing, Chaos, and McCormick's all share a dumpster and are at capacity. Veggie Buddies used to use the dumpster in the Lake City Bank parking lot, but when El Rancho Viejo moved in, they took over that dumpster. Cool Runnings has run out of all options for sharing a dumpster. Woochi has expressed interest in moving their dumpster because it is visible from their outdoor patio, but we told them that we need to finalize placement for Cool Runnings before we can determine if they want to share with Cool Runnings.

Mr. Gathers asked if Woochi was at capacity with their dumpster, and Ms. Paul answered yes. Ms. Paul stated that Cool Runnings reached out to Woochi about paying for a bigger dumpster to share, but then the larger dumpster wouldn't fit on Woochi's property. Cool Runnings also reached out to McCormick's about placing a dumpster behind their building, but McCormick's is not willing to give up the parking spot, since they use it for parking.

President Maradik circled back to ask Attorney Schmidt for guidance since this proposed location by DCI and Engineering is not the location that Cool Runnings requested. Attorney Schmidt advised that the Board needs to act on what was submitted to the Board. He also advised that it should be explained that this is a revocable permit and is not permanent.

Mr. Gilot asked if DCI and Engineering considered getting a price for a commercial pick up daily using the current trash receptacles available in downtown since a trash truck picks up daily. Ms. Paul noted that Cool Runnings has an enormous amount of trash that would more than fill one of those trash cans. Mr. Hurst noted concerns of losing a business in downtown if we cannot come up with a reasonable solution.

Public Works Deputy Director Jitin Kain advised that Solid Waste does pick up trash in downtown, but they focus on residential bins and the downtown area. They do not do any commercial pickup.

Mr. Gilot added that we are making an exception to put a dumpster in a parking spot, so we could look at an exception for commercial pick up for a unique downtown situation to keep a vendor and either exception is setting a precedent. Mr. Hurst noted that we do have a precedent for dumpsters covered by encroachments, like Fiddler's Hearth in 2009. Mr. Hurst also added that there are dumpsters in alleys without encroachments. Mr. Hurst shared his screen to show the Board some examples of dumpsters in other alleys.

President Maradik stated that because this is a unique situation and they have exhausted all options, the Board can take action on this item noting that it is a revocable permit. If another option can be found, the Board would prefer it not be in the right-of-way. She requested that if Cool Runnings could submit a letter or email showing they agree to the new proposed location before Tuesday's meeting, that will allow the Board to vote on the encroachment.

AGREEMENTS/CONTRACTS.PROPOSALS/ADDENDA

Attorney Schmidt advised that item 6.A: Lease Agreement for the South Bend Heritage Foundation is not a controversial matter, however, it did not work its way through the City's operating system, so we are trying to ensure that things are not coming before the Board before the appropriate budget checks have been made. He explained that the item may be removed from the agenda if it does not make it through the DFO system, not because it is controversial, but due to administrative reasons.

Mr. Miller asked how the purchase of the South Bend Community School Corporation was going. Attorney Schmidt stated the City has moved forward to get into the space to see how offices would be laid out, but it is still in the beginning stages. President Maradik added that we are leasing the space to the South Bend Community School Corporation until next summer as they transition to the Brown School building.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked about the MWBE goals for item 5.A: Randolph Park Area Improvements. Attorney Schmidt advised that there was a utilization plan change where there was an issue with trucking and the work product on the actual site they were able to reuse more material than they anticipated. From a construction aspect of it, not only were there issues with trucking, but there was less material that needed to be hauled out. Lastly, Attorney Schmidt noted the contractor made an affirmation to the City that because they were coming up short on their goal that they increased the use of a minority contractor on an INDOT project, which is good gesture, but doesn't help with this project.

AWARD BIDS AND APPROVE CONTRACTS

Mr. Miller asked about the MWBE goals for items 4.A and 4.B: Nexus Center Roof Replacement and Main Street Improvements between Dean St. and Sherwood St. Attorney Schmidt noted that all goals have been met for these two projects. Engineering will also be providing a form at pre-construction meetings to give to the prime contractors to provide their project managers with it on the day of or the week of, in case there is an issue, they can fill out the form and get it to the City.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT RENEWAL

Mr. Gilot asked about item 9.B: South Bend Ethanol, LLC. He stated that he read the memo but was having trouble reconciling the math logic on the monthly versus the daily limits. Industrial Pretreatment Manager Sorena Lozano-Shane explained that they are giving the industries the opportunity if they reach a daily max that they sample more often throughout the month. She continued to say that the monthly average is lower than the daily maximum, but they are given an opportunity to show that their daily maximum exceeds could have been a one-off and in

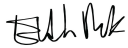
reality, they spent much of the month in compliance. Mr. Gilot stated that they would still be over the monthly limit if they hit the daily maximum all month then questioned the logic of giving a daily max that automatically puts you over a monthly max federal regulation. Ms. Lozano-Shane further explained that numbers are very prescriptive by a federal regulation, so they are not always logical.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11 am.

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: January 24, 2023

REGULAR MEETING

JANUARY 10, 2023

The Regular Meeting of the Board of Public Works was convened at 9:33 a.m. on Tuesday, January 10, 2023, 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 9:50 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 Regular Meeting of the Board held on December 20, 2022, were approved. Mr. Gathers was not present to vote.

OPENING OF BIDS – SIX THOUSAND (6000) MORE OR LESS, UNIVERSAL NESTABLE REFUSE AND YARD WASTE CONTAINERS (PR-00021076)

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 DREAM INTERNATIONAL LLC

32 W. 8th. St., Suite 607

Erie, PA 16501

p.giroux@gdiprime.com

Bid was signed by Mr. Varand Vartanian

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

NO Ten percent (10%) Bid Bond was submitted.

Indiana Local Business Preference Claim was submitted.

BID:

Item No.	Est. Qty.	Item	Unit Price	Total
1	TBD	95 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Rehrig Pacific Company	\$64.74	\$
2	TBD	35 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Rehrig Pacific Company	\$46.20	\$

OTTO ENVIRONMENTAL SYSTEMS

12700 General Dr.

Charlotte, NC 28273

Sandra.Abdow@otto-usa.com

Bid was signed by Ms. Sandra Abdow/Mr. Robert Cheney

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

NO Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Unit Price	Total
1	TBD 560 TL	96 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Otto Environmental Systems	\$60.31	\$33,773.60
2	TBD 760 TL	45/48 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Otto Environmental Systems	\$50.70	\$38,532.00

BEST EQUIPMENT COMPANY, INC.

5550 Poindexter Dr.

Indianapolis, IN 46235

mikebinkerd@bestequipmentco.com

Bid was signed by Ms. Maria Dahlmann

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

NO Ten percent (10%) Bid Bond was submitted.

BID:

Item No.	Est. Qty.	Item	Unit Price	Total
1	TBD	96 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Toter	\$55.75	\$34,788.00 for 624 carts
2	TBD	45/48 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Toter	\$47.75	\$43,548.00 for 912 carts

Plus Freight: \$3,146.53 per truck load

PYRAMID EQUIPMENT, INC.

211 S. Prairie

Rolling Prairie, IN 46371

acurtis@pyramidequipmentinc.com
Bid was signed by Mr. Greg Dadlow
Non-Collusion, Non-Discrimination Affidavit Form was completed.
NO Ten percent (10%) Bid Bond was submitted.
Indiana Local Business Preference Claim was submitted.

BID:

Item No.	Est. Qty.	Item	Unit Price	Total
1	TBD	96 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Cascade Engineering	\$56.50	\$TBD
2	TBD	64 – Gallon Universal/Nestable Refuse and Yard Waste Container Complete Manufacturer: Cascade Engineering	\$49.75	\$TBD

Attorney Schmidt noted that since this is a supply for equipment there is no bid bond included.

Mr. Gilot asked if none of the items were per spec, but rather volunteer offerings differing from what we asked for. Attorney Schmidt advised that there is a little spectrum on what size the yard waste tote can be, but it does need to meet our basic requirements for the lift on the vehicle for pick up. Solid Waste did request bids for 96 gallon and 45-48 gallon containers.

Attorney Schmidt advised that there was a twelve (12) to fifteen (15) page questionnaire included in the bid spec to be sure the product that we are purchasing is within the proper dynamics for our service so it is not disruptive. We have had some problems over the past couple of years due to COVID -19 with vendors increasing their price even though we have been getting publicly let pricing, so there is some language included to try to hold the awarded vendor more accountable. Mr. Gilot added that if it is multiyear to include petroleum price indexing.

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

OPENING OF BIDS – 2023 WATER WORKS UTILITY SERVICE LINE REPAIR PROGRAM
This was the date set for receiving and opening of applications 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:

NIEZGODSKI PLUMBING, INC.
PO Box 3096
South Bend, IN 46619
niezplum@comcast.net
Bid was signed by Mr. Grant Niezgodski
Non-Collusion, Non-Discrimination Affidavit Form was completed.
A \$25,000.00 Performance Bond was Submitted

Attorney Schmidt noted that the bid is to provide a list of qualified vendors. Public Works Director Eric Horvath added that the Board approves the pricing each year and it was approved at the last meeting on December 20, 2022.

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 to vote.

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:

NO QUOTATIONS SUBMITTED

AWARD BID AND APPROVE CONTRACT – NEXUS CENTER ROOF REPLACEMENT – PROJECT NO. 121-064A (PR-00020455)

Mr. Zach Hurst, Engineering, advised the Board that on December 13, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Hurst recommended that the Board award the contract to the lowest responsive and responsible bidder, Slatile Roofing & Sheet Metal Co., Inc., in the amount of \$214,812. Therefore, VP Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call. Mr. Gathers was not present to vote.

AWARD BID AND APPROVE CONTRACT – MAIN STREET IMPROVEMENTS BETWEEN DEAN ST. AND SHERWOOD ST. – PROJECT NO. 122-045 (PR-00019724)

Ms. Charlotte Brach, Engineering, advised the Board that on November 8, 2022, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Brach recommended that the Board award the contract to the lowest responsive and responsible bidder, Milestone Contractors North, Inc., in the amount of \$398,000 for the Base Bid. Therefore, VP Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call. Mr. Gathers was not present to vote.

APPROVE PROJECT COMPLETION AFFIDAVIT – RANDOLPH PARK AREA IMPROVEMENTS – PROJECT NO. 120-049 (PO-0016023)

President Maradik advised that Mr. Toy Villa, Engineering, has submitted the project completion affidavit on behalf of Milestone Contractors North, Inc., for the above referenced project, indicating a final cost of \$139,465. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the project completion affidavit was approved. Mr. Gathers was not present to vote.

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Martin Luther King Jr. Celebration March	Street Closure for Special Event	January 16, 2023; 11:00 a.m. to 1:00 p.m.	W. Jefferson Blvd. between Lafayette Blvd. & Dr. Martin Luther King Jr. Blvd.	VP Molnar / Mr. Miller Mr. Gathers was not present to vote.
33 rd Annual Stand By Me Walk	Street Closure for Special Event	June 10, 2023; 6:30 a.m. to 12:00 p.m.	E. Jefferson Blvd. to Main St., Main St. to Colfax Ave., Colfax Ave. to Michigan St., Michigan St. to E. Jefferson Blvd. Return to Howard Park	VP Molnar / Mr. Miller Mr. Gathers was not present to vote.
Girls on the Run/Walk 5K	Street Closure for Special Event	May 20, 2023; 5:00 a.m. to 12:00 p.m.	Potawatomi Park to E. Jefferson Blvd., S. Ironwood Dr., Wall St., and Twyckenham Dr.	VP Molnar / Mr. Miller Mr. Gathers was not present to vote.

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT – 129 N. MICHIGAN ST.

President Maradik stated an application for an encroachment and revocable permit has been received from Cool Runnings Restaurant & Bar No. 2 for the purpose of allowing a garbage can to be placed in the right-of-way at the West side of Woodward Ct. President Maradik noted that the restaurant owner requested a dumpster be placed on the sidewalk, but Engineering and Community Investment reviewed and determined a more prudent place in the right-of-way. Cool Runnings submitted a letter stating that they are okay with the new proposed location since they have been hauling the trash from the restaurant back home to Michigan City every day. President Maradik also noted that there is documentation in the meeting file about the uniqueness of this property in that they do not have any additional property to place the dumpster and they have contacted multiple business owners in nearby blocks to see if there was excess room in existing dumpsters that they could share, but at this time there is no other option.

Mr. Gilot added that this would not indicate a policy shift to where solid waste containers would go in the right-of-way. He clarified that this is an extraordinary exception downtown on a street that looks like a service court and this was not a new policy position of the Board.

City Engineer Kara Boyles advised that Engineering has not exhausted all of their resources and if it is the best solution, she was not convinced. She stated Engineering and the Board do not want to set a precedent for setting a dumpster in the right-of-way that we have to defend down the road. Ms. Boyles added that trash is a private business responsibility not the responsibility of the right-of-way.

VP Molnar stated that they have been trying to figure out a good place for a dumpster because they are hauling their trash home to Michigan City each day. The owner is happy to appease the City in whatever they decide.

Mr. Gilot added that the City could revoke the revocable permit if a better answer is found in the near future.

Senior Project Engineer Zach Hurst explained that Engineering and Community Investment are looking at this encroachment as a temporary solution. He added that they are going to implore DTSB to foster a little more communication. He noted there are grants through the City to activate some spaces to store a collective dumpster, so this is a temporary solution.

Ms. Boyles was pleased that it is being stated as temporary on the record. She added that it is in the uniqueness of DTSB to solve these types of problems, not necessarily in the right-of-way.

VP Molnar asked if a time limit should be added. President Maradik stated that this is a revocable permit, so this can be a temporary option while exploring other opportunities. VP Molnar added that when things are temporary with no deadline, they tend to become permanent. Ms. Boyles noted that the Board can give Engineering, Community Investment, and DTSB the calendar year of 2023 to find a solution.

The encroachment will be permitted to remain through the remainder of the 2023 calendar year. The City, through DTSB, will be coordinating a more permanent solid waste solution. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the encroachment and revocable permit was approved. Mr. Gathers was present to vote on this agenda item and all following agenda items.

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 Accessible Parking Space Sign
LOCATION:	North Side of Jefferson Blvd. East of Lafayette Blvd., #2
REMARKS:	All Criteria Met
RENEWAL:	Reserved Handicapped Accessible Parking Space Sign
LOCATION:	North Side of Jefferson Blvd. East of Lafayette Blvd., #3
REMARKS:	All Criteria Met

REMOVAL:Handicapped Accessible Parking Space Sign

LOCATION:1721 S. Taylor St.

REMARKS:All Criteria Met

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:

Submit to Board Local Limits Technical Evaluation

Five (5) Year Record Required by EPA in Conjunction with Reissuance of NPDES Permit

South Bend Ethanol, LLC, 3201 W. Calvert St.

There being no further discussion, upon a motion made by VP Molnar, seconded by Mr. Miller 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
Quality Excavating Corp.	Excavation	Released	12/13/2022
Quality Excavating Corp.	Occupancy	Released	12/13/2022

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

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-48956, GBLN-49484	12/21/2022	\$11,168.99
City of South Bend Claims GBLN-49231	12/21/2022	\$2,714,205.60
City of South Bend Claims GBLN-49671, GBLN-49705	12/28/2022	\$2,048,345.20
City of South Bend Claims GBLN-49687	12/28/2022	\$1,776,730.56

Mr. Gilot wanted to thank the staff for their consciousness response to his questions.

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

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 9:57 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member

Jordan V. Gathers, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: January 24, 2023