

The Agenda Review Session of the Board of Public Works was convened at 10:44 a.m. on February 9, 2023, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (absent), Murray Miller (absent), 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.

AGREEMENT/CONTRACTS/PROPOSALS/ADDENDA

Assistant City Attorney Jenna Throw was present to answer questions about item 7.G: Memorandum of Understanding – Teamsters Local Union No. 364. Mr. Gilot was curious about this not coming up during a normal contract negotiation but in between negotiations. Attorney Throw advised that this MOU is similar to one for the Public Works Teamster workgroup that was approved in December 2022. This MOU is for the Central Services Teamsters workgroups. Mr. Gilot asked if the MOU gets assimilated into the contract when it comes up. Attorney Throw replied yes. The last time the City went through the negotiations they went through all of the existing MOUs prior to the new contract. They will use the same process the next time they negotiate.

AWARD QUOTATIONS AND APPROVE CONTRACTS

Mr. Gilot asked about item 4.B: Pure Green Farms Basin Seeding. He noted that they received two very different bids. He asked if this was for more than just the seeds. Attorney Schmidt explained that he reached out to City Engineer Kara Boyles and knows it has been reviewed by Engineering leadership and it is a very unique quote. The memo to the Board does reflect that the scope is being met and is agreed to by Pure Green Farms. We want to ensure we are doing our best to spec the job, but ultimately the benefactor is happy with the services outlined by Naturally Native Nursery. President Maradik noted that the memo stated that the two (2) quotes took different approaches to soil prep and laying the seed.

CHANGE ORDERS

Mr. Gilot asked about the twenty percent (20%) threshold for item 5.D: 2022 Rubber Speed Table & Speed Cushion Installations. Attorney Schmidt added that this caught his eye as well and he checked the math on it which means we are at the cap.

Mr. Gilot asked if there was a discretionary decision to do more of them. Attorney Schmidt stated that this involves a combination of the installation, and it is where the price happened to fall. President Maradik added that there was no memo in the file regarding this and since it is at the twenty percent (20%) threshold it is prudent to have this documentation included in the meeting file.

Mr. Gilot stated that he understands that there is a lot of demand for neighborhood traffic calming using these devices, so he doesn't have an objection, but wants to be able to explain it when it is right at the limit.

Senior Project Engineer Charlotte Brach explained that the City wanted to do three (3) additional installations on Lathrop Street. Since there was an existing contract and they decided to add it in, the contractor priced below their original unit pricing to come in right at the twenty percent (20%) to do the additional three (3). Mr. Gilot asked if this information could be included in a memo to the Board.

Attorney Schmidt advised that this item has not made it through DFO, so it may be pulled from the agenda, but does not prevent the Board from having a discussion of its merits at the agenda review.

AWARD QUOTATIONS AND APPROVE CONTRACTS

Attorney Schmidt called attention to item 4.A: Walker Field House Restoration Project to the Board. He noted the very unique set of circumstances involved and said a Good Faith waiver would be granted. The good faith would be due to the resignation of Michael Patton in the Office of Diversity and Inclusion. Attorney Schmidt stated it was reviewed by the legal department, City Engineer Kara Boyles, and the Chief of Staff to the Mayor, Kacey Gergely. He noted that the City has not had a situation like this present itself since the ordinance went into effect. He emphasized that this project had been bid on multiple times in the last year and this was the last

attempt before losing grant funding. Attorney Schmidt stated the vendor has not done business with the City, so DCI has made extreme efforts to coach up and educate those that were submitting quotes on how our MWBE requirements work. He continued to add that if this were just a base bid, DCI wouldn't have required goals on this project, but because this was a remnant of 2020 it still had the goals attached to it.

VP Molnar thanked staff for their work on this and noted that sometimes when we lose grant funding the structure has to be removed and I don't think anyone would want that to happen. Attorney Schmidt wanted to note special credit to Project Engineer Rebecca Plantz for all her efforts on this.

AGREEMENT/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot noted a public policy issue for item 7.B: Authorization, Access, and Indemnification Agreement – Northern Indiana Public Service Company. Mr. Gilot stated that the question that came to him was whether we have had a higher-level conversation on avoiding a recurrence of this issue claiming that if you put hydraulic root saws through that sewer and hit a bunch of gas lines, you might blow up some houses. He asked how can we avoid blind cross boring in the future and suggested requiring a televised verification where they do that. Mr. Gilot explained that while working in Elkhart the water utility department was cross boring and hit an electrical duct bank in the downtown and started an underground electrical fire that took out most of downtown's power. Deputy Director Jitin Kain explained that this is a safety program by NIPSCO. They will provide all the televised video that will help out crews and have a good record of maintenance.

Mr. Gilot asked if they will be televising to see if they want to verify that they didn't cause damage or if they already know they did cause damage. Deputy Director Kain stated that they do not know if they have caused any damage and with this new safety program, they want to make sure if they accidentally cross bore, they will come back and fix it.

President Maradik noted that she skimmed part of the agreement and thought it stated that they want to televise before and after the boring. Deputy Director Kain stated that they want to prevent any cross boring from happening even though it may have happened in the past.

AGREEMENT/CONTRACTS/PROPOSALS/ADDENDA

Attorney Schmidt noted item 7. F: Memorandum of Understanding – AEP Indiana Michigan Transmission Company Inc. He explained that they have reached an agreement and there are no dollars being exchanged. We are protecting our underground utility easements, but AEP will have some aerial rights.

LICENSES AND PERMITS

President Maradik inquired about items 8.C. and 8.D: Sidewalk Café Permits, related to Aloft and Fiddlers Hearth. She noted that in the past it was required the business post a shared zone sign, so the Board should consider approving the items subject to the posting of the shared zone signs.

STREET/ALLEY VACATIONS

President Maradik inquired about item 9.A: Robert Nichols for Five Corners, LLC. Stating it looks as though the applicant applied to vacate the right of way (ROW) adjacent to their properties leaving a small piece of the ROW on the corner in front of the neighbor's house. When the application was reviewed by Community Investment, it was recommended that the corner ROW also be vacated. President Maradik asked if the homeowner was notified about this. Senior Project Engineer Zach Hurst explained that the vacation came from Abonmarche Inc. and it excluded the one outlying parcel, so it was Community Investment and Engineering's recommendation that it would be favorable as long as it includes the one outlying parcel and it gets vacated to the property owner on the corner lot. Once approved by the Board of Public Works, it will go to Common Council as favorable and then once Council approves, the neighbor will have an opportunity to push back and say they are not interested in obtaining the ROW which would leave the City with one outlying parcel. President Maradik stated that the property owner should be notified ahead of time so that they are aware that the process is moving forward so they are not caught off guard. After the meeting Board Clerk Theresa Heffner confirmed with Abonmarche that the developer would be reaching out to the homeowner.

CHANGE ORDERS

Project Engineer Finnian Cavanaugh was present to discuss item 5.C: Beck's Lake LaSalle Park EPA Master Plan. He noted that this is the second and final change order and wanted to point out that the total percent of change should be a net decrease; this amount is minor quantity adjustments to reflect what was actually built. There was a substantial amount of additional fill brought in to level the soccer fields which was not Engineering's intent, but the owner requested it and City Legal agreed to pay for it. This will still be subject to the fifty percent (50%) reimbursement by Honeywell.

Mr. Gilot asked if the soccer fields can be irrigated. Engineer Cavanaugh explained that they have been irrigated. The one in the northwest corner and the main field in the center have been irrigated, so only a few lines to match the new elevations needed replaced.

TRAFFIC CONTROL DEVICES

President Maradik asked about item 10.A: Two Honorary Street Signs and the noted concerns of the placement of the signs claiming it appears one (1) location already has another honorary sign.

Mr. Gilot asked about the placement of the current honorary sign and the requested honorary sign. President Maradik stated that the recommendation from Traffic and Lighting (T&L) stated that the Honorary sign already installed on the AEP pole will need to be removed and installed on the street name pole making that pole have four (4) signs attached to it. She also noted concerns from T&L regarding the street name signs from Colfax and Elm on the NW corner which would rename two (2) sections of Elm and that is the entrance to the City Cemetery. On the South side there is a big tree that blocks the stop sign. President Maradik asked if there has been a review of the location to see if the placement is workable.

Attorney Schmidt advised that these are all valid reasons for the Board to reject the request and ask that the locations be amended. He stated the Board can table it and do that informally or can take action on it based on concerns for safety and confusion.

Mr. Gilot noted that we should check with T&L to see if they have the hardware to hang four (4) signs on a pole. President Maradik stated that this application is following the old resolution, but the new resolution does not allow for an honorary sign to be placed where one (1) already exists. Deputy Director Jitin stated that he would send someone to look at the location.

President Maradik advised that the Board may need to table the item until an appropriate placement of the signs can be determined.

OPENING OF PROPOSALS

Mr. Gilot asked if item 2.A: Safe Routes for School – Kennedy School was for design. City Engineer Kara Boyles answered yes.

PRIVILEGE OF THE FLOORADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:19 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: February 28, 2023

REGULAR MEETING**FEBRUARY 14, 2023**

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, February 14, 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, 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 January 19, 2023 and January 24, 2023, were approved.

OPENING OF PROPOSALS – SAFE ROUTES TO SCHOOL - KENNEDY SCHOOL – PROJECT NO. 123-017

Ms. Gemma Stanton, Engineering, advised that this was the date set for the receiving and opening of sealed proposals for the above referenced project. President Maradik stated the Proposals will be reviewed and scored based on a matrix system, by a team made up of City representatives. Board Attorney Michael Schmidt read the names of the following companies submitting proposals:

A&Z ENGINEERING, LLC

1220 Ruston Pass

Fort Wayne, IN 46825

mdisque@az-engineering.net; jamal@az-engineering.net

Proposal was submitted by Mr. Jamal Anabtawi, P.E.

TROYER GROUP

3930 Edison Lakes Pkwy.

Mishawaka, IN 46545

jel@troyergroup.com; jsg@troyergroup.com

Proposal was submitted by Mr. Stephan Summers

ABONMARCHE CONSULTANTS, INC.

315 W. Jefferson Blvd.

South Bend, IN 46601

Mr. Chad Knip, PE

cknip@abonmarche.com; jgunderson@abonmarche.com

Proposal was submitted by Ms. Jen Gunderson

DLZ INC.

2211 E. Jefferson Blvd.

South Bend, IN 46615

aglenn@dlz.com; nhover@dlz.com

Proposal was submitted by Mr. Anthony Glenn, PE

UNITED CONSULTING

8440 Allison Pointe Blvd., Suite 200

Indianapolis, IN 46250

Terry.Minix@ucindy.com; Jennifer.Murphy@ucindy.com

Proposal was submitted by Mr. Terry Minix

JONES PETRIE RAFINSKI CORP.

325 S. Lafayette Blvd.

South Bend, IN 46601

acunningham@jpr1source.com; mvoll@jpr1source.com

Proposal was submitted by Mr. Andrew Cunningham, PLA, LEED AP

VOLKERT, INC.

1251 N. Eddy St., Suite 217

South Bend, IN 46617

brian.arterbery@volkert.com

Proposal was submitted by Mr. Brian Arterbery, PE

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above proposals were referred to Engineering for review and recommendation.

AWARD BID AND APPROVE CONTRACT – MARMAIN APARTMENTS ROOF REPLACEMENT – PROJECT NO. 122-061 (PR-00021364)

Mr. Zach Hurst, Engineering, advised the Board that on January 24, 2023, 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 \$436,012, Base Bid Plus Alternate. 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.

AWARD QUOTATION AND APPROVE CONTRACT – WALKER FIELD HOUSE RESTORATION PROJECT – PROJECT NO. 120-010R (PR-00014932)

Ms. Rebecca Plantz, Engineering, advised the Board that on January 24, 2023, 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, Acculevel Commercial Group, Inc., in the amount of \$74,040, Base Bid \$28,764 Plus Alternate 1 \$45,276. 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.

AWARD QUOTATION AND APPROVE CONTRACT – PURE GREEN FARMS BASIN SEEDING – PROJECT NO. 121-056A (PR-00022097)

Mr. Zach Hurst, Engineering, advised the Board that on January 24, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Hurst recommended that the Board award the contract to the lowest responsive and responsible quoter, Naturally Native Nursery, in the amount of \$4,000. 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.

APPROVE CHANGE ORDER NO. 1 – MUESSEL GROVE PARK RESTROOM – PROJECT NO. 118-099R2 (PO-0019070)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 1 on behalf of Gibson-Lewis LLC, indicating the contract amount be increased by \$6,187 for a new contract sum, including this change order, in the amount of \$403,687. 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 (FINAL) – SOUTHEAST NEIGHBORHOOD CENTER (UNITED WAY) – PROJECT NO. 119-093R (PO-0010837)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 4 (final) on behalf of The Robert Henry Corporation, indicating the contract amount be increased by \$11,724 with an additional eighty-seven (87) days for a new contract sum, including this change order, in the amount of \$1,235,762 with a new completion date of December 5, 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) – BECK’S LAKE LASALLE PARK EPA MASTER PLAN – PROJECT NO. 120-053 (PO-00017158)

Presdeint Maradik advised that Mr. Finnian Cavanaugh, Engineering, has submitted change order number 2 (Final) on behalf of HRP Construction Inc., indicating the contract amount be increased by \$111,232.70 for a new contract sum, including this change order, in an amount not to exceed \$1,832,216.65. 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 – 2022 RUBBER SPEED TABLE & SPEED CUSHION INSTALLATIONS – PROJECT NO. 122-014A (PO-00019194)

President Maradik advised that Ms. Charlotte Brach, Engineering, has submitted change order number 1 on behalf of HRP Construction Inc., indicating the contract amount be increased by \$23,520 with an additional ninety-nine days for a new contract sum, including this change order, in the amount of \$141,120 with a new completion date of March 9, 2023. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

ADOPT RESOLUTION NO. 03-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR OBSOLETE 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. 03-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT
AND/OR OBSOLETE PROPERTY**

FIREFIGHTER FIRE HELMET AND BOOTS

WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on January 8, 2023, **Captain Robert Brecht** retired from the South Bend, Indiana, Fire Department after Thirty Plus (30+) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter’s fire helmet and boots (“Property”) are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

1. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).

2. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on February 14, 2023, 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/ Murray L. Miller

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 04-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR
OBSOLETE 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. 04-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT
AND/OR OBSOLETE PROPERTY**

FIREFIGHTER FIRE HELMET AND BOOTS

WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on January 7, 2023, **Firefighter Michael Brown** retired from the South Bend, Indiana, Fire Department after Twenty-Three Plus (23+) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

1. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).

2. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on February 14, 2023, 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/ Murray L. Miller

ATTEST:

s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 05-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR
OBSOLETE 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. 05-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT
AND/OR OBSOLETE PROPERTY**

FIREFIGHTER FIRE HELMET AND BOOTS

WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on January 7, 2023, **Firefighter Brian Duszynski** retired from the South Bend, Indiana, Fire Department after Twenty-Seven Plus (27+) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

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ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on February 14, 2023, 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/ Murray L. Miller

ATTEST:

s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 06-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR
OBSOLETE 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. 06-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT
AND/OR OBSOLETE PROPERTY**

FIREFIGHTER FIRE HELMET AND BOOTS

WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on January 6, 2023, **Firefighter Steve Searfoss** retired from the South Bend, Indiana, Fire Department after Thirty-four (34) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

WHEREAS, the Board has determined that the Property is worthless as that term is defined in I.C. 5-22-22-8(b); and

WHEREAS, I.C. 5-22-22 permits and establishes procedures for the disposal of personal property which is either unfit for the purpose for which it was intended, no longer needed by the City, or property which is deemed worthless.

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

ATTEST:

s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 07-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR
OBSOLETE 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. 07-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT
AND/OR OBSOLETE PROPERTY**

FIREFIGHTER FIRE HELMET AND BOOTS

WHEREAS, pursuant to I.C. 36-9-6-1 *et. seq.*, the Board of Public Works ("Board") has the duty and authority to have custody, control, use, and to dispose of real and personal property owned by the City of South Bend, Indiana; and

WHEREAS, IC 5-22-22-6 permits and establishes the procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, on January 7, 2023, **Firefighter Steve Vandervort** retired from the South Bend, Indiana, Fire Department after Thirty Plus (30+) years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, Chief Carl Buchanon has advised the Board that this Firefighter's fire helmet and boots ("Property") are of no further use to the Department, are of no practical value, and have an estimated market value of less than one-thousand dollars (\$1,000.00); and

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1. The Property is no longer needed by the City of South Bend, is unfit for the purposes for which was intended, and has an estimated value of less than one-thousand dollars (\$1,000.00).

2. The Property may be demolished, junked or otherwise disposed in a manner determined by the Fire Chief, including donation to the Firefighter as a token for his years of service to the City of South Bend.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on February 14, 2023, 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/ 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
Open Market Contract	R. Yoder Construction, Inc.	Nexus Center Site and Building Improvements Project No. 121-064	\$293,270 (PR-00022098)	VP Molnar / Mr. Miller
Authorization, Access and Indemnification Agreement	Northern Indiana Public Service Company	Involves NIPSCO Televising the City Sewer to Verify and Identify Any Damage from Cross Boring Gas Lines and Repaired at NIPSCO’s Expense	N/A	VP Molnar / Mr. Miller
Amendment No. 6 to Professional Services Agreement	SmithGroup Inc.	Additional Services for Seitz Park Reconstruction, Phase I Project No. 117-093A	NTE \$89,300 (Hourly); New Adjusted Amount \$1,229,016 (PO-0006606)	VP Molnar / Mr. Miller *Subject to DFO approval
Amendment No. 1 to Professional Services Agreement	Lochmueller Group	Additional Services for Seitz Park Reconstruction, Phase I Project No. 117-093A	NTE \$209,560 (Hourly); New Adjusted Amount \$786,040 (PO-0007779)	VP Molnar / Mr. Miller *Subject to DFO approval
Amendment No. 2 to Professional Services Agreement	American Structurepoint, Inc.	Additional Services for Seitz Park Retaining Wall Study and Design Project No. 121-079	NTE \$75,100 (Hourly); New Adjusted Amount \$118,500 (PO-0013274)	VP Molnar / Mr. Miller
Memorandum of Understanding	AEP Indiana Michigan Transmission Company, Inc.	Acquire Easement Located Northwest Corner of Kern Rd. and Michigan St., Owned by JAI Jagdish, Inc.	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
Memorial	Public Parking	Seven (7)	100 W. Navarre St.,	VP Molnar /

Hospital/Beacon Health System; Three (3) Garages	Facility License-Renewal - Compliance with City Code 4-39	Days per Week, Twenty-Four (24) Hours per Day	621 Memorial Dr., 707 N. Michigan St.	Mr. Miller
Café Navarre	Sidewalk Café Permit	Mon. to Wed. 4:00 p.m. to 9:30 p.m., Thurs. 4:00 p.m. to 10:00 p.m., Fri. to Sat. 4:00 p.m. to 10:30 p.m., Sun. 4:00 p.m. to 9:00 p.m.	101 N. Michigan St.	VP Molnar / Mr. Miller *Subject to following ADA minimum clearance widths and requirements
Aloft South Bend	Sidewalk Café Permit – Subject to Planters Stay Within Footprint of Pergola Structure	24/7, 365 Days Per Year	111 N. Main St.	VP Molnar / Mr. Miller *Subject to following ADA minimum clearance widths an requirements and planters stay within footprint of pergola structure, and installing shared zone signage
Fiddlers Hearth Inc.	Sidewalk Café Permit – Subject to Fencing to Maintain 2-Foot Distance from Bike Path	Mon. to Thurs. 5:00 p.m. to 10:00 p.m., Fri. 5:00 p.m. to 11:00 p.m., Sat. 3:00 p.m. to 11:00 p.m.	127 N. Main St.	VP Molnar / Mr. Miller *Subject to following ADA minimum clearance widths and requirements and fencing to maintain 2-foot distance from bike path, and installing shared zone signage
Purple Porch Co-op	Sidewalk Café Permit	Mon. to Sat. 8:00 a.m. to 8:00 p.m., Sun. 11:00 a.m. to 6:00 p.m.	123 N. Hill St.	VP Molnar / Mr. Miller *Subject to following ADA minimum clearance widths and requirements
Woochi Japanese Fusion & Bar	Sidewalk Café Permit	Tues. to Sun. 11:00 a.m. to 9:00 p.m.	119 N. Michigan St.	VP Molnar / Mr. Miller *Subject to

				following ADA minimum clearance widths and requirements
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FAVORABLE RECOMMENDATION - PETITION TO VACATE THE RIGHT-OF-WAY AT THE SOUTH SIDE OF CORBY BLVD., WEST OF ARTHUR ST.

President Maradik indicated that Robert Nichols for Five Corners, LLC, has submitted a request to vacate the above referenced right-of-way. President Maradik advised the Board is in receipt of favorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does meet the criteria of I.C. 36-7-3-13. President Maradik clarified for the record that the favorable recommendations where favorable subject to the legal descriptions for the proposed new right of way line maintaining the same distance from the back of curb and the same degree of the curve of the road so that they match. She continued to note that staff also recommended vacating a portion of the right of way to the east to help clean up the right of way, and the developer has reached out to the property owner to let them know that the property owner may absorb that vacated portion of right of way. Therefore, VP Molnar made a motion to send to Council with a favorable recommendation subject to staff recommendations. Mr. Miller seconded the motion which carried by roll call.

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:

NEW INSTALLATION:
LOCATION:

REMARKS:

Two (2) Honorary Street Signs - Adeline Jones Blvd.
W. Washington St. & Elm St. and W. Colfax Ave.
& Elm St.
All Criteria Met
President Maradik noted that staff has gone out to visit the site to review the request and there are solutions related to signage. There were potentially multiple signs and just figuring out how to coordinate those on poles to be done safely. It does have favorable recommendations.

Common Councilman Henry Davis Jr. thanked the board.

Sonya Chism, coworker of Adeline Jones asked if the last name on the sign could be changed to Wigfall. President Maradik advised her that the meeting was almost over, so if she could stay, the Board could talk to her afterward and update the application.

NEW INSTALLATION:
LOCATION:
REMARKS:

Reserved Handicapped Accessible Parking Space Sign
East Side of Lafayette, North of Jefferson Blvd., #5
All Criteria Met

APPROVE CONSENTS TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE

President Maradik stated that the Board is in receipt of the following consents to annexation and waivers of rights to remonstrate. The consents indicate that in consideration for permission to tap into public water/sanitary sewer system of the City, to provide water/sanitary sewer service to the below referenced properties, the applicants waive and release any and all rights to remonstrate against or oppose any pending or future annexations of the properties by the City of South Bend:

- A.

Mr. Robert J. Urbanski, 320 E. Colfax, Unit 203, South Bend, IN 46617

1. 51268 Christian Dr. – Water (Key No. 004-1007-009032)
- B.

Ms. Felicia Farr, 51644 N. Ironwood Dr., South Bend, IN 46635

1. 51644 N. Ironwood Dr. – Water (Key No.002-2013-0256)

Upon a motion by VP Molnar, seconded by Mr. Miller and carried by roll call, the consents to annexation and waivers of rights to remonstrate were approved as submitted.

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
A-BTO, LLC	Excavation	Approved	01/23/2023
A-BTO, LLC	Occupancy	Approved	01/23/2023
Newkirk Electric Associates, Inc.	Occupancy	Approved	02/02/2023

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-50523, GBLN-50613	01/23/2023	\$1,074,546.68
City of South Bend Claims GBLN-50688	01/24/2023	\$1,719,672.09
City of South Bend Claims GBLN-50605	01/26/2023	\$2,494.80

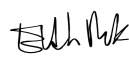
Each claim is fully supported by an invoice; the person receiving the goods or services has approved the claims; and the claims have been filed with the City Fiscal Officer and certified for accuracy. Therefore, upon a motion by VP Molnar, seconded by Mr. Miller, and carried by roll call, the Board ratified 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 9:47 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: February 28, 2023