

The Agenda Review Session of the Board of Public Works was convened at 10:30 a.m. on April 20, 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.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Board Attorney Michael Schmidt invited Rhonda Douglas of TheJumpOff Pedal Trolley to answer questions pertaining to item 10.F: Contract - Tiarra Hammond, LLC d/b/a/ TheJumpOff. Attorney Schmidt explained that City Legal has been working with Ms. Douglas for a month to get an agreement that will work in the City and give these entrepreneurs an opportunity to start their business. He noted that it is a unique situation because the City does not have an ordinance for pedal trolleys that regulates this industry. Attorney Schmidt explained that it is basically a giant pedal trolley that will take customers from certain designated locations in town. The City has done an extensive internal review involving SBPD, City Legal, Engineering, and the Mayor's Office, and the proposed agreement on the agenda is the result of these extensive reviews. There are a few outstanding questions that Ms. Douglas, her team, and her legal counsel have asked of the City. The Mayor's Office has been quite busy recently but has committed to find time to sit down with them to work on a few open matters. In the meantime, because they are looking to launch in May, these are the rules and regulations that everyone has agreed to. Lastly, Attorney Schmidt noted that there may be some amendments down the road and has invited Ms. Douglas to answer any questions the Board has, and he would follow up with any legal questions.

Mr. Gilot noted that the agreement references an agreed upon route, but there is no exhibit that shows the route and clarified that if there is a process to petition to amend the route, it would be helpful to see the original route of operation. Mr. Gilot added that he desires to see more right-turn routes than left-turn routes to reduce the hazard of conflict for a trolley with people drinking alcohol on it.

Attorney Schmidt advised that the City's position is that we want to have a knowledge of the locations they will be using on their defined routes, but we are not going to regulate their manner of how they get to one location to the other. They are in the right of way, and they do have some freedom to use the right of way and will have to exercise safety with the City putting an emphasis on safety gear and lighting. Attorney Schmidt added that it was going to be very difficult to microregulate what locations they are going to and how they get from point A to point B, clarifying that the City wants to be notified when there is a change in the routes. Lastly, Attorney Schmidt stated the company has been advised to make as few left turns as possible, but it was not practical to prohibit all left turns.

Director of Public Works Eric Horvath added that their website does list the three (3) different tours that include the anticipated route information.

Attorney Schmidt stated that the City has expressed being mindful of drop off and pick up points in Howard Park so that they don't create meeting and gathering points. He stated Ms. Douglas and her team have been very amenable to those concerns as well.

Mr. Gilot asked how street closures would affect the Trolley. Attorney Schmidt stated that they will be subject to closures for special events.

Mr. Gilot questioned the start time of 11:00 a.m. on Sunday rather than noon. He showed concern that people would be drinking before church service is over. Ms. Douglas noted that they will be amending the hours to be 11 a.m. – 10 p.m. on Fridays and Saturdays and 11 a.m. to 8 p.m. on Sundays. Ms. Douglas added that there will not be any patrons drinking while on the trolley. This was part of the agreement when we started talking about this last year. She noted she thinks it will work in the company's favor since not everyone that participates will want to consume alcohol.

Mr. Gilot noted an important clarification of no drinking on the trolley and asked if that was part of the contract. Attorney Schmidt advised that it is not part of the agreement, but since they do

not have a liquor license, it would be in violation of Indiana's alcohol laws. The City is not the regulatory body of alcohol as that would fall under the Alcohol and Tobacco Commission's responsibility. President Maradik stated that the contract includes a statement about following all state alcohol laws. Attorney Schmidt stated that TheJumpOff Trolley does have rules and has waivers that patrons sign when they participate.

Mr. Gilot noted one (1) more item regarding lighting. He asked if there would be flashing lights that may distract drivers. Ms. Douglas explained that there are many different functions of the lights with some lights flashing to the beat of the music. Mr. Gilot expressed concern that zoning will not allow signs with lights, but we will allow a large trolley with flashing lights. He also noted concerns about the decibel of the music, so that it does not become a nuisance. Attorney Schmidt advised that Mr. Gilot's concerns are noted. The City is taking a leap of faith in creating something that will hopefully be good for our community, visitors, and establishments, but it does not come without some safety concerns.

President Maradik noted that there is a termination clause in the agreement that allows the City ability to terminate if it poses a risk of harm to the public. She also noted that there are nuisance laws that apply. President Maradik stated that there is an Exhibit noted in the file, but there isn't one provided.

Attorney Schmidt asked that a photo of the Trolley be provided before Tuesday's meeting.

RESOLUTIONS

Senior Engineer Charlie Brach was present to answer questions about item 9.C: Policy for Community Wayfinding Signs. She noted that she is waiting to find out if the City is able to charge for something in a policy without having an ordinance for it. She added that they are making sure we are only charging for time and materials and not anything more, so she is waiting on the pricing and will have it before Tuesday's meeting.

Mr. Gilot asked if there should be a minimum included in the resolution along with a maximum. Currently, it states that attractions will have an annual attendance of less than 150,000 people. He asked about the businesses that have ten (10) customers per year, and if they can they petition for a sign or should there be a better definition of which businesses can be promoted in the wayfinding in the ROW.

Ms. Brach responded that this is why they defined what a tourist attraction is. President Maradik noted that there is a definition for a local attraction explained as a key civic cultural and recreational attractions of local or regional significance to the City with an annual attendance of less than 150,000 people. Ms. Brach added that several churches have approached asking for signs and they would be evaluated individually. If it is a historical church and they gave tours and people come just to see it, that would qualify. A church that just has a regular attendance on Sundays would not qualify. Director of Public Works Eric Horvath agreed that there should be a minimum included.

Mr. Gilot asked if this applies to public facilities and do we have wayfinding signs for visitors coming off the toll road. Deputy Director Jitin Kain explained that the City replaced those signs with the tourist-oriented signs that are all over the City that cover our large tourist attractions. The wayfinding signs will get the second-level attractions that are more local. If we miss something or something new comes up, they can be added to this or the tourist-oriented signs.

President Maradik explained that the way this policy is written states that this repeals and replaces any prior existing BPW resolution regarding wayfinding signs. She wanted to ensure that the Board was not repealing any former policy. Deputy Director Kain stated that there was no policy but rather a plan which allows some attractions to have additional signs.

Mr. Gilot advised that the City should be covered for anything in the Right of Way in an event there is an accident and the sign post for the wayfinding is involved and we get sued and there is no authorization to put that sign in the ROW, and they may argue that the injuries were worse due to the sign that is not documented. This is why we do encroachments and revocable permits follow Manual for Uniform Traffic Control Devices (MUTCD), we want to cover ourselves for what has already been done.

Director Horvath explained that MUTCD already provides the guidelines to follow and if we are not following those guidelines, then we will be at risk. They have tourist-oriented design standards in MUTCD.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked what the MWBE goals ended up being for project 7.A: Sibley Center Exterior Renovations. Attorney Schmidt responded that there was a utilization plan change due to an issue with trucking. The trucking was about \$7,000 that was not utilized. There was an increase in the W of about \$4,000, but the scope changed on the project so that led to lack of necessity for trucking.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked what the MWBE goals ended up being for project 7.B: Dubail Avenue Streetscape. Attorney Schmidt responded the goals were exceeded.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked what the MWBE goals ended up being for project 7.C: Grandview Ave. & RR Qwick Kurb Installation. Attorney Schmidt responded there were no goals because the dollar amount was under \$50,000.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked what the MWBE goals ended up being for project 7.D: Lincoln Way West and Olive Streetscape. Attorney Schmidt responded that the utilization plan was approved. This was a trucking issue with trucking. There was evidence that they were not available on some of the days that Reith Riley called them. They did about \$30,000 on the project, but were projected to do \$45,000.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked what the MWBE goals ended up being for project 7.E: Riverside Dr. Bank Stabilization. Attorney Schmidt responded the goals were exceeded.

PROJECT COMPLETION AFFIDAVITS

Mr. Miller asked what the MWBE goals ended up being for project 7.F: 2022 Traffic Calming Rubberform Installation. Attorney Schmidt responded there were no goals because it was originally approved. It was determined to not be commercially reasonable to subdivide the actual installation.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Miller asked for clarification on whether the City will pay for a person to fail the CDL test three (3) times according to item 10. E: MOU – CDL Premium Pay and Testing Reimbursement in the Neighborhood Services Supplemental. Attorney Schmidt advised that this is an effort to get all the different workgroups aligned with the same language. Director Horvath explained that the amount reimbursed decreases for each additional test.

Mr. Miller asked if this is consistent with other testing reimbursements. Attorney Schmidt responded that he believed so but he will get back to Mr. Miller on this.

RESOLUTIONS

Mr. Gilot raised a question about item 9.B: Granting authority to the Department of Innovation and Technology where technological devices are installed in the ROW. He asked why this isn't subject to the review of the City Engineer as most statutes and ordinances have stewardship of things that are installed in the ROW. Attorney Schmidt advised that the City is trying to create a mechanism so that the Board is aware when activity is occurring, but because it occurs so frequently, we want to have a process to be transparent.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot inquired about item 10.D: MOU with the University of Notre Dame establishing a joint understanding for the improvements being made to pedestrian areas around Angela Blvd. and State Road 23, noting that there is no MOU in the file.

Attorney Schmidt advised that there were last-minute changes, but this is a pedestrian safety agreement for the area of 933 and Twyckenham around Notre Dame.

Director Horvath briefly explained the project and advised that the City will pay roughly \$600,000 to \$800,000 and Notre Dame will pick up the remainder of the \$3,000,000 project costs.

Attorney Schmidt advised that there are a few minor edits needed on the MOU, but we should have it finalized before the meeting or it will be tabled.

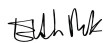
PRIVILEGE OF THE FLOOR

Board member Gary Gilot wanted to recognize the investment that the City has put into traffic calming. In all his years as the Director of Public Works in the past, they were never able to make an investment that big. He stated he believes it is newsworthy noting that traffic calming used to be handled by the SBPD traffic division, but that is no longer the case.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:18 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: May 9, 2023

REGULAR MEETING

APRIL 25, 2023

The Regular Meeting of the Board of Public Works was convened at 9:31 a.m. on Tuesday, April 25, 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 (absent), 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. Gathers and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on April 6, and April 11, 2023, were approved.

OPENING OF BIDS – LASALLE AVENUE STREETScape – PROJECT NO. 122013R (PR-00020064)

This was the date set for receiving and opening of sealed bids for the above referenced project. The Clerk tendered proof of publication of Notice in the South Bend Tribune, which was found to be sufficient. The following bids were opened and publicly read:

MILESTONE CONTRACTORS NORTH, INC.

24358 State Road 23
South Bend, IN 46614
akrueger@milestonelp.com

Bid was signed by Mr. Dustin Hilary
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
Two (2) of Two (2) Addendum(s) Acknowledgement received.

BID:	
Base Bid Total	\$5,655,360.32
Alternate Deduct Total	\$5,502,205.32

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

OPENING OF BIDS – LASALLE PARK IMPROVEMENTS – PROJECT NO. 122-015 (PR-00023569)

This was the date set for receiving and opening of sealed bids for the above referenced project. The Clerk tendered proof of publication of Notice in the South Bend Tribune, which was found to be sufficient. The following Bids were opened and publicly read:

HRP CONSTRUCTION, INC.
5777 Cleveland Rd., P.O. Box 266
South Bend, IN 46624-0266
jeredb@hrpconstruction.com; cindyv@hrpconstruction.com
Bid was signed by Mr. Matthew D. Cain
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
Two (2) of Two (2) Addendum(s) Acknowledgement received.

BID:	
Base Bid Total	\$2,104,084.40
Alternate #1 Total	\$212,671.70

R. YODER CONSTRUCTION INC.
27453 County Road 150
Nappanee, IN 46550
brad@ryoderconstruction.com
Bid was signed by Mr. Jason Yoder
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.
Two (2) of Two (2) Addendum(s) Acknowledgement received.

BID:	
Base Bid Total	\$1,977,062.00
Alternate #1 Total	\$285,620.00

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above bids were referred to Venues Parks & Arts and Public Works for review and recommendation.

OPENING OF BIDS – 2023-2024 WATER TREATMENT WASTEWATER CHEMICALS (PR-00024147)

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:

SOLENIS LLC
2475 Pinnacle Dr.
Wilmington, DE 19803
cvaughanburns@solenis.com
Bid was signed by Ms. Wendy S. Mueller
Non-Collusion, Non-Discrimination Affidavit Form was completed.

Ten percent (10%) Bid Bond was not submitted (coming at a later date).
Indiana Local Business Preference Claim was not submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton		No Bid
2	90,000	Ferric Chloride	Gal.		No Bid
3	100	Sulfur Dioxide – 1 Ton Cylinders	Ton		No Bid
4	40,000	Dry Polymer Flocculent – 50/55 Lb. Polyethylene Bag	Lbs.	\$2.50	\$100,000.00
				TOTAL	\$100,000.00

ALEXANDER CHEMICAL CORPORATION

7593 S. First Rd.
LaPorte, IN 46350
Cheyenne.haney@alexchem.com
Bid was signed by Mr. Robert Davidson
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Ten percent (10%) Bid Bond was submitted.
Indiana Local Business Preference Claim was submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$1,799.00	\$269,850.00
2	90,000	Ferric Chloride	Gal.		No Bid
3	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$999.00	\$99,900.00
4	40,000	Dry Polymer Flocculent – 50/55 Lb. Polyethylene Bag	Lbs.		No Bid
				TOTAL	\$369,750.00

*Price is firm Calendar Quarterly only

KEMIRA WATER SOLUTIONS, INC.

4321 W. 6th. St.
Lawrence, KS 66049
KWSNA.Bids@kemira.com
Bid was signed by Ms. Christina M. Imbrogno
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Ten percent (10%) Bid Bond was submitted.
Indiana Local Business Preference Claim was not submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton		No Bid
2	90,000	Ferric Chloride	Gal.	\$2.35	\$211,500.00
3	100	Sulfur Dioxide – 1 Ton Cylinders	Ton		No Bid
4	40,000	Dry Polymer Flocculent – 50/55 Lb. Polyethylene Bag	Lbs.		No Bid
				TOTAL	\$211,500.00

USALCO, LLC

2601 Cannery Ave.
Baltimore, MD 21226
mrock@usalco.com
Bid was signed by Ms. Melanie Rock

NO BID SUBMITTED

JCI JONES CHEMICALS INC.

600 Bethel Ave.
Beech Grove, IN 46107
nhudson@jcichem.com
Bid was signed by Mr. Justin Wood
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Ten percent (10%) Bid Bond was submitted.
Indiana Local Business Preference Claim was not submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton	\$1,800.00*	\$270,000.00
2	90,000	Ferric Chloride	Gal.		No Bid
3	100	Sulfur Dioxide – 1 Ton Cylinders	Ton	\$1,050.00*	\$105,000.00
4	40,000	Dry Polymer Flocculent – 50/55 Lb. Polyethylene Bag	Lbs.		No Bid
				TOTAL	\$375,000.00

*Price is subject to change Quarterly after 9/30/23 upon 30 days written notice (per letter).

PVS TECHNOLOGIES, INC.

10900 Harper Ave.
Detroit, MI 48213
cgriffith@pvschemicals.com
Bid was signed by Timothy F. Nicholson
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Ten percent (10%) Bid Bond was submitted.
Indiana Local Business Preference Claim was not submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton		No Bid
2	90,000	Ferric Chloride	Gal.	\$2.40	\$216,000.00
3	100	Sulfur Dioxide – 1 Ton Cylinders	Ton		No Bid
4	40,000	Dry Polymer Flocculent – 50/55 Lb. Polyethylene Bag	Lbs.		No Bid
				TOTAL	\$216,000.00

POLYDYNE INC.

One Chemical Plant Rd.
Riceboro, GA 31323
swells@polydyneinc.com
Bid was signed by Mr. Boyd Stanley, Sr.
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Ten percent (10%) Bid Bond was submitted.
Indiana Local Business Preference Claim was not submitted.

BID:

Item No.	Est. Qty.	Item	Units	Unit Price	Total
1	150	Chlorine – 1 Ton Cylinders	Ton		No Bid
2	90,000	Ferric Chloride	Gal.		No Bid
3	100	Sulfur Dioxide – 1 Ton Cylinders	Ton		No Bid
4	40,000	Dry Polymer Flocculent – 50/55 Lb. Polyethylene Bag	Lbs.	\$2.23	\$89,200.00

				TOTAL	\$89,200.00
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PENCCO, INC.
PO Box 600
San Felipe, Texas 77473
sarah@pencco.com; jguajardo@Pencco.com
Bid was signed by Sarah Duffy

NO BID SUBMITTED

Attorney Schmidt advised the board that Solenis Inc. sent an email to BPWbids and stated that they would not be able to obtain their bid bond by the time the bid needed to be submitted. Attorney Schmidt encouraged them to submit their bid without the bid bond, but work to get their bid bond as quickly as possible. As the lawyer, he advised them to submit their bid, so that we could have the most robust competitive environment as it’s been a real struggle the past couple of years.

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above bids were referred to Public Works for review and recommendation.

OPENING OF PROPOSALS – MLK DREAM CENTER CONSTRUCTION MANAGER AS CONSTRUCTOR SERVICES – PROJECT NO. 121066 (PR-00023681)

Mr. Patrick Sherman, 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. Attorney Schmidt read the names of the following companies submitting proposals:

WEIGAND CONSTRUCTION CO., INC.
108 N. Main St., Suite 202
Fort Wayne, IN 46825
mmiller@weigandconstruction.com
Proposal was signed by Mr. Mike Miller

C.H. GARMONG & SON INC.
5988 N. Michigan Rd.
Indianapolis, IN 46228
mihannum@garmong.net
Proposal was signed by Mr. Mitch Hannum

DJ CONSTRUCTION
3414 Elkhart Rd.
Goshen, IN 46526
matt@djconstruction.com
Proposal was signed by Mr. Matt Schrock

LARSON DANIELSON CONSTRUCTION CO., INC.
302 Tyler St.
LaPorte, IN 46350
ndl@ldconstruction.com
Proposal was signed by Mr. Nick Larson

Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above proposals were referred to Venues Parks & Arts and Public Works for review and recommendation.

AWARD BID AND APPROVE CONTRACT – 2023 TRAFFIC CALMING – PROJECT NO. 122-014C (PR-00023274)

Senior Engineer, Charlotte Brach, advised the Board that on April 11, 2023, 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, Selge Contruction Co., Inc., in the amount of \$1,750,570.00. Therefore, VP Molnar made a

motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

Mr. Gilot noted for the record that this is a historic level of investment in neighborhood traffic calming.

AWARD BID AND APPROVE CONTRACT – 2023 CONTRACTOR PAVING ROUND 1 – PROJECT NO. 123-021 (PR-00023513)

Project Engineer, Scott Kreeger, advised the Board that on April 11, 2023, bids were received and opened for the above referenced contract. After reviewing those bids, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible bidder Rieth Riley Construction Co., Inc., in the amount of \$1,060,700. Therefore, VP Molnar made a motion that the recommendation be accepted, and the bid be awarded as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

REJECT QUOTATIONS – CENTURY CENTER PARKING LOT SEAL AND STRIPE – PROJECT NO. 122-060B (PR-00024012)

Project Engineer, Patrick Sherman, advised the Board that on April 11, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Sherman recommended that the Board reject the contract to the lowest responsive and responsible quoter, National Pavement Maintenance, in the amount of \$60,504. This was due to the quotes exceeding the project budget. Therefore, VP Molnar made a motion to reject the quote. Mr. Gathers seconded the motion, which carried by roll call.

REJECT BID – 2023 VPA ATHLETIC COURT RENOVATIONS – PROJECT NO. 123-040 (PR-00023268)

Project Engineer, Patrick Sherman, advised the Board that on April 11, 2023, bids were received and opened for the above referenced project. After reviewing those quotations, Mr. Sherman recommended that the Board reject the contract to the lowest responsive and responsible bidder, Milestone Contractors Nort, Inc., in the amount of \$1,196,595.55. This was due to lack of good faith effort to meet MWBE goals. Therefore, VP Molnar made a motion to reject and readvertise the bid. Mr. Gathers seconded the motion, which carried by roll call.

APPROVE CHANGE ORDER NO. 1 – 2022 CONTRACTOR PAVING ROUND 3 – PROJECT NO. 122-048 (PO-00020444)

President Maradik advised that Project Engineer, Scott Kreeger, has submitted change order number 1 on behalf of Rieth Riley Construction Co., Inc., indicating the contract amount be increased by \$20,826 for a new contract sum, including this change order, in the amount of \$2,288,326. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the change order was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – SIBLEY CENTER EXTERIOR RENOVATIONS – PROJECT NO. 121-021 (PO-0013644)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Slatile Roofing & Sheet Metal Co., Inc., for the above referenced project, indicating a final cost of \$228,940. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – DUBAIL AVENUE STREETSCAPE – PROJECT NO. 120-009 (PO-0011413)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Rieth-Riley Construction Co., Inc., for the above referenced project, indicating a final cost of \$1,645,315.35. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – GRANDVIEW AVE. & RR QWICK KURB INSTALLATION – PROJECT NO. 117-114 (PO-0020695)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted the project completion affidavit on behalf of Selge Construction Co., Inc., for the above referenced project, indicating a final cost of \$17,785. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – LINCOLN WAY WEST AND OLIVE STREETScape – PROJECT NO. 119-108 (PO-0009634)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Rieth-Riley Construction Co., Inc., for the above referenced project, indicating a final cost of \$1,849,784.74. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – RIVERSIDE DR. BANK STABILIZATION – PROJECT NO. 118-005B (PO-00141105-1)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of Milestone Contractors North, Inc., for the above referenced project, indicating a final cost of \$845,057.61. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the project completion affidavit was approved.

APPROVE PROJECT COMPLETION AFFIDAVIT – 2022 TRAFFIC CALMING RUBBERFORM INSTALLATION – PROJECT NO. 122-014A (PR-00019224)

President Maradik advised that Mr. Kyle Ludlow, Engineering, has submitted the project completion affidavit on behalf of HRP Construction Inc., for the above referenced project, indicating a final cost of \$141,120. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the project completion affidavit was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – WEST GATE REPAIR AT CENTURY CENTER – PROJECT NO. 122-063 (PR-00024383)

In a memorandum to the Board, Senior Engineer, Zach Hurst, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. President Maradik noted that approval is subject to the City Engineer signing the title sheet. Therefore, upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above request was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – MONROE CIRCLE DEMOLITION – PROJECT NO. 123-048

In a memorandum to the Board, Senior Engineer, Zach Hurst, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. President Maradik noted that approval is subject to the City Engineer signing the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above request to advertise was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – LOCUST ROAD IMPROVEMENTS FROM ASSUMPTION DR. TO SR 23 – PROJECT NO. 123-018

In a memorandum to the Board, Project Engineer, Scott Kreeger, requested permission to advertise for the receipt of bids for the above referenced project. Also presented at this time for approval and execution was the title sheet. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

ADOPT RESOLUTION NO. 18-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR THE DISPOSAL OF SURPLUS PROPERTY

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

**RESOLUTION NO. 18-2023
A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS FOR THE
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 11, 1988, Ordinance No. 7847-88 which mandates the Board of Public Works of the City of South

Bend to determine that the sidearm of a police officer who retires in good standing is surplus property and no longer useful to the City of South Bend; and

WHEREAS, **DIVISION CHIEF ERIC CRITTENDON** retired effective April 8th, 2023 from the South Bend Police Department after thirty two (32) years of service, and the Board of Public Safety of the City of South Bend has determined that he retired in good standing; and

WHEREAS, I.C. 5-22-22-1 permits and establishes 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;

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that handgun Serial No. NDS9995, a Smith and Wesson M&P Handgun, is no longer needed by the City and is unfit for the purpose for which it was intended and has an estimated fair market value of less than Five Hundred Dollars (\$500.00).

BE IT FURTHER RESOLVED that said property be disposed of and removed from the City inventory.

ADOPTED this 25th day of April, 2023.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

s/ Elizabeth A. Maradik
s/ Joseph R. Molnar
s/ Gary A. Gilot
s/ Jordan V. Gathers

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 19-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS TO GRANT AUTHORITY TO THE CITY OF SOUTH BEND DEPARTMENT OF INNOVATION & TECHNOLOGY WHERE TECHNOLOGICAL DEVICES ARE INSTALLED IN THE ROW

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

RESOLUTION NO. 19-2023

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND APPROVING RIGHT-OF-WAY ACCESS TO THE DEPARTMENT OF INNOVATION AND TECHNOLOGY

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the “Board”) has custody of real property owned by the City of South Bend, Indiana (the “City”) pursuant to Ind. Code Section 36-9-6-3, including City rights-of-way;

WHEREAS, the City of South Bend Department of Innovation and Technology has an ongoing need to install, remove, and maintain certain technological devices in the City’s rights-of-way for City purposes; and

WHEREAS, the Board desires to approve access to City rights-of-way on an ongoing basis to the Department of Innovation and Technology; and

WHEREAS, the Board and the Department of Innovation and Technology mutually desire transparency with respect to the locations where such technological devices may be installed, removed, and maintained; and

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

1. The Board approves access to City rights-of-way to the Department of Innovation and Technology for the purpose of installing, removing, or maintaining technological devices, subject to coordination with the City Engineer, or their designee.

2. On or before the first Board meeting of each calendar year, the Department of Innovation and Technology shall provide an updated list to the Board of the intersections at which technological devices have been installed, removed, or maintained pursuant to this grant of access.

3. This Resolution will be in full force and effect upon its adoption by the Board.

ADOPTED at a meeting of the Board of Public Works of the City of South Bend, Indiana, held on April 25, 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/ Jordan V. Gathers

ATTEST:
s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 20-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND,
INDIANA BOARD OF PUBLIC WORKS ADOPTING A POLICY FOR COMMUNITY
WAYFINDING SIGNS (CWS)

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

**RESOLUTION NO. 20-2023
A RESOLUTION OF THE BOARD OF PUBLIC WORKS
FOR THE CITY OF SOUTH BEND, INDIANA, ADOPTING A POLICY FOR
COMMUNITY WAYFINDING SIGNS (CWS)**

WHEREAS, the Board of Public Works ("BPW") is a contracting body of the City of South Bend (the "City") and exists and operates under the provisions of I.C. 36-4-9-5, as amended from time to time (the "Act"); and

WHEREAS, pursuant to I.C. §36-9-6-2 and I.C. §36-9-6-3, the City of South Bend, Indiana 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 BPW has received requests from local entities for the installation of wayfinding signs, and

WHEREAS, the BPW has determined that in order to provide consistency in signs located in the public right-of-way, a policy for wayfinding signs for local attractions be developed; and

WHEREAS, signs located within the City's right-of-way are to adhere to sound traffic engineering principles, in compliance with the Indiana Manual on Uniform Traffic Control Devices, and be limited in their locations; and

WHEREAS, the wayfinding signs should not be used for purposes of advertising a location and are not intended to imply specific routing but rather a marker to indicate the appropriate access from a major route; and

WHEREAS, the cost associated with signs made and installed for entities should not be a burden on the citizens of South Bend; and

WHEREAS, BPW shall empower the City’s team of engineers, street, and public safety professionals to establish the process for designing, locating, and installing wayfinding signs for local entities.

WHEREAS, the foregoing resolution hereby repeals and replaces, it its entirety, any prior existing BPW resolution, relating to wayfinding signs, which may or may not previously exist with the exception of any plans or BPW action authorizing the installation of Tourist-Oriented signage in the public right-of-way.

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

The Board of Public Works for the City of South Bend, under the power vested by the City of South Bend Municipal Code Section 20-3, shall do the following in regards to wayfinding signs:

- 1. Adopt the Community Wayfinding Sign policy to guide the installation of signs for local attractions in the public right-of-way.
- 2. Direct the City’s Engineering Division to manage the application process for Community Wayfinding Signs per the procedures represented in Exhibit A.

ADOPTED this 25th day of April, 2023.

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

ATTEST:
s/ Theresa Heffner, Clerk

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following agreements/contracts/proposals/addenda were submitted to the Board for approval:

Type	Business	Description	Amount/ Funding	Motion/ Second
Contract	Indiana Department of Transportation – Local Public Agency	Safe Routes to School Kennedy Academy Project No. 123-017	Estimated Total \$240,000 (2023 Fiscal Year Projected Total for Construction Phase) (80% Federal / 20% City Cost Share)	VP Molnar / Mr. Gathers
Professional Services Agreement	DLZ Indiana, LLC	Design of Safe Routes to School around Kennedy Academy PR-00024155	\$294,875	VP Molnar / Mr. Gathers
Authorization Letter	Studebaker National Museum	Authorization for Annual New Car Raffle at Studebaker National Museum	N/A	VP Molnar / Mr. Gathers
Memorandum of Understanding	University of Notre Dame	Establishes Joint Understanding for the Improvements Being Made to Pedestrian Areas Around Angela Blvd. and	City Responsible for all Project Construction Work; Notre	VP Molnar / Mr. Gathers

		SR 23	Dame to Reimburse the City for all the Design Work	
Memorandum of Understanding	Teamsters Local Union No. 364	CDL Premium Pay and Testing Reimbursement in the Neighborhood Services Supplemental	Refer to MOU	VP Molnar / Mr. Gathers
Contract	Tiarra Hammond, LLC dba TheJumpOff	Agreement to operate Pedal Trolley within the Public Right of Way	N/A	VP Molnar / Mr. Gathers
Amendment No. 4 – Professional Services Agreement	Black & Veatch	North Water Treatment Plant Improvements	Increase of: \$3,400; New Adjusted Total: \$254,131	VP Molnar / Mr. Gathers

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Cinco de Mayo Festival	Street Closure for Special Event	May 6, 2023; 11:00 a.m. to 6:00 p.m.	Grace St. Between Meade St. and S. Olive St.	VP Molnar / Mr. Gathers
Back to the Bricks Promo Tour	Street Closure for Special Event	June 12, 2023; 1:00 p.m. to 7:30 p.m.	Michigan St. Between Colfax/Wayne and Wayne St. to Western	VP Molnar / Mr. Gathers
Leeper Park Art Fair	Street Closure for Special Event	June 16-19, 2023; 11:00 a.m. to 7:00 p.m.; 10:00 a.m. to 6:00 p.m.; 10:00 a.m. to 5:00 p.m.; 12:00 p.m. to 3:00 p.m.	Riverside Dr. Between Lafayette Blvd./N. Michigan St.	VP Molnar / Mr. Gathers
Sanchez Sweet Sixteen (16) Party	Street Closure for Special Event	July 1, 2023; 12:00 p.m. to 11:30 p.m.	Dunham St. Between Olive/Meade	VP Molnar / Mr. Gathers
King Asian Massage	Massage Establishment License - Renewal		914 S. Ironwood Dr.	VP Molnar / Mr. Gathers
Rachael T. Massage & Essential Oils	Massage Establishment License - Renewal		616 E. Colfax Ave.	VP Molnar / Mr. Gathers

APPROVE/DENY TRAFFIC CONTROL DEVICES

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

NEW INSTALLATION:

LOCATION(S):

REMARKS:

Handicapped Accessible Parking Space Sign

413 Altgeld St. was incorrect; should have approved 413 S. Albert Ave. at last meeting

All Criteria Met

NEW INSTALLATION:

LOCATION:

REMARKS:

Stop Signs

Armstrong Dr. and Slater Dr.

All Criteria Met

TRANSFER OF OWNERSHIP OF MONARCH INDUSTRIAL 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:

Monarch Linen, 1601 Lincoln Way West

There being no further discussion, upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the wastewater discharge permit(s) was approved.

RATIFY APPROVAL AND/OR RELEASE CONTRACTOR, EXCAVATION, AND
OCCUPANCY BONDS

The Division of Engineering Permit Department recommended that the following bonds be ratified pursuant to Resolution 100-2000 and/or released as follows:

Business	Bond Type	Approved/ Released	Effective Date
TR Concrete Construction	Contractor	Released	June 1, 2023

VP Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Mr. Gathers 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 GLBN-54432	04/04/2023	\$1,270,421.73
City of South Bend Claims GLBN-54729	04/11/2023	\$1,689,042.85
City of South Bend Claims GLBN-54818, GBLN-54816	04/12/2023	\$760,230.30
City of South Bend Claims GLBN-54589, GBLN-54899	04/13/2023	\$12,687.26

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. Gathers, and carried by roll call, the Board ratified the preapproved claims payments.

PRIVILEGE OF THE FLOOR

Board Member Gary Gilot wanted confirmation that the City Controller approved item 10.C: Authorization for Annual New Car Raffle at Studebaker National Museum before the Board of Public Works approved. City Controller Kyle Willis confirmed his support.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:12 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: April 9, 2023