

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on May 18, 2023, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot (virtual), Jordan Gathers (virtual), 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.

AGENDA REVIEW SESSION ACTION ITEMS

OPENING OF PROPOSALS – RAISE PLANNING PROJECT – THE MARKET DISTRICT – PROJECT NO. 123-053

Ms. Leslie Biek, Engineering, advised the Board 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 Michael Schmidt read the names of the following into record companies submitting proposals:

ABONMARCHE CONSULTANTS, INC.

315 W. Jefferson Blvd.

South Bend, IN 46601

Mr. Chad Knip, PE

cknip@abonmarche.com; jlinn@abonmarche.com

Proposal was submitted by Mr. John Linn, PE

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

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.

AMERICAN STRUCTUREPOINT INC.

9025 River Rd., Suite 200

Indianapolis, IN 46240

ccanfield@structurepoint.com; ASkelton@structurepoint.com

Proposal was submitted by Mr. Cash E. Canfield, PE

PROPOSALS RECEIVED

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

APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – 2023 TREE AND STUMP REMOVAL – PROJECT NO. 123-002 (PR-0024705)

In a memorandum to the Board, Mr. Daniel Sexton, Engineering, requested permission to reject all quotes for the above referenced project due to addendum was not acknowledged. Therefore, upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the above request was approved.

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

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Senior Project Manager Zach Hurst was present to discuss item 13. A.: Petition for Variance – South Bend Fire Department. He mentioned that Chief Buchanon and Assistant Chief Skwarcian were also joining him on the call. Senior Project Manager Hurst continued to explain they are requesting approval from the board to sign a petition for variance through the Board of Zoning Appeals for the replacement of Fire Station #8. The City, through the Redevelopment

Commission is funding the replacement of Station 8. The station is located on Twyckenham, South of Ewing Ave., and was built in 1957. It has been an integral part of the surrounding neighborhood, but it is undersized. It does not offer equal facilities and it does not defend against the cancerous contaminants that firefighters face during their daily duties. The South Bend Fire Department would like to replace the fire station and they would like to do so on the same parcel to keep it in the same location. It means a lot to that neighborhood and the residents like having the fire station there. The firefighters also enjoy being a part of the neighborhood, so it is a very cohesive relationship. This project will require a small list of variances through the Board of Zoning Appeals, namely special exception to construct a fire station in a suburban neighborhood. It is a suburban zone area, so a little bit more space between structures and so the larger fire station, to bring it up to current standards and provide enough space for male and female firefighters, the footprint does get a little bit bigger, and it encroaches into setbacks on York Road. Fire stations require an entry point and an exit point as far as driveways go, so that is why we are asking for an increase to the standard one (1) driveway setup that you usually see on a residential parcel. Senior Project Manager Hurst then turned it over to Chief Buchanon to provide additional information.

Chief Buchanon thanked the Board members for giving them an opportunity to discuss a big part of what we do for our community and for our residents, as well as what the taxpayers expect us to do and that is to provide a service and to make sure that we are giving them the best protection and the best fire department that we possibly can give them. We are EMS based fire department. We don't just put out fires, we respond to emergency medical services as well and in order for us to do this in this particular time, we need to make sure that we are taking care of our people as far as their physical well-being, their mental health well-being and just giving an opportunity to go out and do the job that we expect them to do. Having a station sixty (60) plus years old is still standing but not sufficient to keep our firefighters safe, who have to live there for twenty-four (24) hours a day. It is inhabited, so we need to make sure that we are providing them with the safest environment that we can. That station was built for three (3) male persons back in the 1950s. Since then, we have progressed and will continue to progress to not exclude anyone but include everyone. Chief Buchanon then turned it over to Chief Skwarcan to answer any questions the board may have.

Assistant Chief Skwarcan added that this is an exciting project for Twyckenham Hills, the south side, and our firefighters. He appreciates the positive consideration by the Board.

Mr. Gilot stated that he loves the idea of modernizing the station on the same site. It is a good location for the fire department and makes sense to do that. He questioned whether there will be landscape buffering or berm added to buffer the house where we encroach into the normal setback.

Senior Project Manager Hurst advised that we still have an opportunity to include some buffering if needed. He noted that we held an open house at the station a couple of weeks ago where they did not get any kind of pushback whatsoever. People are in favor of it, but that's something that can easily be incorporated into the plans on that South Edge where the parking does get close to the property line.

Mr. Gilot noted the need for a bigger footprint of roofs and hard surfaces for things like a drive-through driveway that will handle fire and EMS vehicles. That larger hard surface area means more storm water runoff. Mr. Gilot asked if they would be able to hold more storm water on the site.

Senior Project Manager Hurst explained that that one of the things that the design consultant is working through is stormwater management. This parcel is going to be held to the same standard that every other parcel is, and they are going to have to keep that design storm on that site.

Mr. Gilot noted that we are designing lead silver or equivalent whether we get certification or not, and asked if it will be an energy-efficient station.

Senior Project Manager Hurst advised that it's not going to have any kind of a lead certification, but this is the same design consultant that has designed the past two (2) new fire stations in town, and they are aware that we are expecting them to take energy efficiency into account as much as possible. So, it is on their mind as they design, it just won't be formally lead certified.

Mr. Gilot asked if there would be electrifying things, so no natural gas etc.

Chief Skwarcan explained that because of the tight budget on this project, it is going to have residential-style HVAC and he would expect that there probably will be natural gas involved and further, there probably will not be an opportunity for solar on this project like Station #9 and Station #4. Again, we are just facing really strong headwinds with the costs unfortunately so those things may not make it into the project.

Mr. Gilot advised the Chiefs to check with the City's Sustainability office in Community Investment to see if they could be of help, even secure outside funds. The building is going to be there a long time, so designing it to be energy efficient would make sense.

Senior Project Manager Hurst thanked Mr. Gilot for the recommendation and noted that he would reach out to Sustainability.

VP Molnar asked about the process for determining which fire station gets redeveloped and if there is a matrix or rubric used.

Chief Skwarcan noted that this station and fire station #7 are both of the same vintage. There are eleven (11) fire stations, so the matrix is not very big. We address them as to what is achievable, so age is one factor, location availability of a new site is another factor. For various reasons, different projects are more attainable at different points in time. Right now, Station #8 is in the greatest need as far as its age, its operational capabilities, and its ability to serve the firefighters that we assign out there, so that was the one that Chief Carl pursued first. Station #7 is a very close second, so that would probably be another one that I would look for in the near future. And then with the growth on the north side of town, we have discussed an additional Station #12 or working with Station #11. Station #3 and #6 will be more towards the end of the line.

Senior Project Engineer Hurst added that it was a big challenge to produce a new design that does not overwhelm the neighborhood and sticks out like a sore thumb and so space is at a premium in the existing station. The new station is going to be bigger, but it is still not oversized or anything like that. It is designed specifically for the number of people that are going to be there. It will be a much safer space for health.

Mr. Miller asked about the budget for the project and asked if it was going to be a guaranteed savings contract.

Senior Project Engineer Hurst concluded that it would be going out to public bid with MWBE goals attached.

OPENING OF BIDS

Mr. Miller asked about item 4.A: Monroe Circle Demolition and whether it included the number of days it needed to get done.

Senior Project Engineer Hurst advised that it has a calendar completion date of September 20, 2023.

REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS/QUALIFICATIONS

Mr. Miller asked if item 10.A. & 11.A.: Four Winds Field Renovation & Expansion are both CMc contracts. RFP is a guaranteed savings contract and why the City is moving in that direction. Attorney Schmidt stated that this will follow the same model as Pinhook.

Attorney Schmidt advised that item 10.A. is likely to get tabled after some internal discussions. It will be a CMc.

Mr. Miller asked if there is a reason the City is leaning towards this process. Attorney Schmidt advised that it is the same that has been discussed with the Dream Center and is because the costs of the bids right now are so high, the city's looking for alternative measures to be able to lock in pricing in order to do projects. Decisions have been made at that level of leadership to try these alternative pathways in order to help keep costs under control.

Mr. Miller showed concerns about the process of using the CMc model. His thought is that it adds more cost to the project. He also expressed concerns that there will not be any real savings

and that we do not know how the model is going to work from the first CMc project and now the City is two more projects in.

Attorney Schmidt stated that the intent is to try the process and see how it plays out, see what works and what does not. Attorney Schmidt noted that the hope, the goal, and the feedback that folks have received from other communities that have tried this technique is that the savings are real, and they are there, but we will see how it plays out.

President Maradik clarified that the guaranteed savings contract and the CMc are two different things. President Maradik wanted to clarify that there are not multiple projects moving in this direction.

Mr. Miller added that a CMc is adding another layer to the project and cost. Mr. Patrick Sherman interjected that, when using a CMc, there are a lot of the same costs built-in, and the CM is taking the place of the general contractor. There are some initial fees that are higher but the idea over the long term of the project, your guaranteed a price and there will be no change orders. We are guaranteed a project that we can afford and guarantee we will not have any change orders down the line. Over the course of the entire project, we could actually save money. It is not adding ten percent (10%) of cost to the project. Also, the bid packages will have to include the RBO and follow all of the same state guidelines with MWBE/Veteran goals and is often times more stringent. There is a contractual guaranteed maximum price and follow the same scope.

REQUEST TO ADVERTISE FOR THE RECEIPT OF QUALIFICATIONS

Mr. Gilot asked for item 11.A: WWTP CSO Tank RFQ Guaranteed Savings Contract, he states that the wording is listed as a “guaranteed savings contract” and wanted to clarify that the statute is worded as “guaranteed energy savings contract”, he wanted to know if it’s the same thing.

Attorney Schmidt stated he believed it is guaranteed energy savings contract but will check with Kieran Fahey, Engineering.

Mr. Gilot states that there is a statute which allows for guaranteed energy savings contracts, sometimes called performance contracting. Mr. Gilot is having a hard time seeing the similarity between this and the Pinhook project. Pinhook was an existing project that we could impute an energy saving for the filtration plant and a chemical saving and the efficiency of the filtration process. He was okay with that since it gave an existing facility more chemical and water efficiency. Now we are talking about a new CSO equalization tank before the treatment plant and there is no energy baseline of usage to compare any savings to. The purpose of the tank is to capture and treat more wet weather runoff, more flow to the plant, more solids, more organics, and more everything as required by the CSO long-term control plan consent decree, so it is a necessary project. He states it would be hard to stretch a GESC to fit this circumstance. He does, however, think it is a good project.

Attorney Schmidt stated in the conversations with Mr. Fahey it was discussed following the model of Pinhook. If unable to provide the answers by Tuesday, the item will be tabled.

Mr. Kieran Fahey, Engineering, later joined the meeting to address Mr. Gilot’s questions.

Mr. Gilot recapped his concerns. Mr. Fahey stated that he will need to ask more questions to American Structurepoint as to the confusion and that it is not a GESC. This project is for construction, not energy and does not know why this mechanism keeps getting brought up. It should be under a “guaranteed construction savings contract”. He stated we can table the item until he can get some clarification. This is not an energy project at all. Mr. Fahey is looking to get with the contractor for early design decisions and he will get to the bottom of it. Gary also stated that items 10 and 11 may be following this same issue.

Attorney Schmidt stated it might be his confusion that caused the issue.

STREET/ALLEY VACATIONS

President Maradik noted for item 15.A: The street name should be 1405 Portage Ave., not 1405 Prairie Ave.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked for item 13.B: Authorization of Entry Agreement – Geotill, Inc., his comments are that we have let a number of firms do drilling in the public rights-of-way in the City and we require them to share their reports. In this case, he is more concerned for the adjacent neighborhood and drilling into the aquiclude. If they do not properly grout the boring holes, there could be flooding into neighboring basements. Mr. Gilot would ask for an independent geotechnical review and verification that they properly grout their holes.

CHANGE ORDERS AND PROJECT COMPLETION AFFIDAVITS

Board Attorney Schmidt notes for item 9.A: 2022 Contractor Paving, Round 1 – Project No. 122-008, he wanted to cover for the benefit of Board Member Murray Miller that there was a utilization plan change for this project due to a reduction in the HMA patching. There was a couple thousand dollars off. Hawk Enterprises met their goal however, C.E. Hughes were approximately \$2,000 off goal as well a State Barricade. He stated all contractors were paid.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Attorney Schmidt noted for item 13.C: Utility Easement – University of Notre Dame, that there was a previously discussed and approved back in 2021. He verified that it is the exact same easement executed back in 2021 however, was not properly recorded. The easement for graduate housing will be brought to the Board again for proper signatures and notarization for the St. Joseph Co., Recorder’s office. The project is complete.

RESOLUTIONS

Mr. Zach Hurst questioned item 12. A.: Resolution No. 26-2023, what is the end result of this resolution? VP Molnar explained that this resolution is specific to scattered residential sites owned by the City/Board. In the past five (5) to ten (10) years, the City has been working with a non-profit housing developer to apply for low-income housing tax credit project this fall. They are desiring to build duplexes on most of the lots. This rezoning process would have certain staff members sign rezoning and zoning variance applications. The end goal would be to take it to the Council to rezone prior to transferring them to the non-profit developer. That agreement will be brought to the Board later. Mr. Hurst clarified that this would have nothing to do with his item for Fire Station No. 8. President Maradik confirmed that this Resolution is specific to residential scattered sites more appropriate for infill. VP Molnar stated that it simply gives the three (3) staff members authority to sign the paperwork and will not go through Council first.

NOTICE OF PUBLIC HEARING

Mr. Gilot asked for item 18.A: Wastewater Preliminary Engineering Report (PER) for CSO Funding, asking if this is something new or changes in the plan. Mr. Fahey stated that this public hearing is a requirement for the funding and to meet the obligations for the CSO Tank #18. There is also a Preliminary Engineering Report available to the public in the engineering office.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 11:16 a.m.

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President



Gary A. Gilot, Member



Murray L. Miller, Member



Joseph R. Molnar, Vice President



Jordan V. Gathers, Member



Attest: Theresa M. Heffner, Clerk

Date: _____ June 13, 2023

REGULAR MEETINGMAY 23, 2023

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, May 23, 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 is not in attendance so, Laura Hensley (acting clerk) confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers, Murray Miller (virtual), and Board Attorney Michael Schmidt (virtual), with a roll call. President Maradik reminded virtual attendees to mute their microphones and turn off their cameras when not speaking, and to save their questions and comments for the Privilege of the Floor.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by VP 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 May 4, and May 9, 2023, were approved.

OPENING OF BIDS – MONROE CIRCLE DEMOLITION – PROJECT NO. 123-048 (PR-00024630)

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:

IMPROVEMENT SOLUTIONS – E.L.F. EXCAVATING
15905-4B Road
Plymouth, IN 46563
elfexcavating@gmail.com; Improve.estonia@gmail.com
Bid was signed by Mr. Christopher Hulse
Non-Collusion, Non-Discrimination Affidavit Form was Not completed.
\$119,857.74 Check was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were Not completed.
Addendum(s) Acknowledgement Not received.

BID:

Base Bid Total	\$2,347,154.54
Alternate #1 Total	\$50,000.00
Base Bid Plus Alternate #1 Total	\$2,397,154.00

INDIANA EARTH, INC.
10343 McKinley Hwy.
Osceola, IN 46561
earth92inc@sbcglobal.net
Bid was signed by Mr. Mark Osler
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Base Bid Total	\$1,783,380.00
Alternate #1 Total	\$84,300.00
Base Bid Plus Alternate #1 Total	\$1,867,680.00

RITSCHARD BROS., INC.
1204 W. Sample St.
South Bend, IN 46619
rit1204@datacruz.com

Bid was signed by Ms. Rachelle R. Dolniak
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Base Bid Total	\$1,526,230.00
Alternate #1 Total	\$202,131.00
Base Bid Plus Alternate #1 Total	\$1,728,361.00

GREEN DEMOLITION CONTRACTORS, INC.

315 Brighton Street, Suite 1
LaPorte, IN 46350
jason@greendemolitioninc.com

Bid was signed by Mr. Jason Bennett
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Base Bid Total	\$742,800.00
Alternate #1 Total	\$108,800.00
Base Bid Plus Alternate #1 Total	\$851,600.00

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 BIDS – WEST RACE GATE REPAIR – PROJECT NO. 122-063 (PR-00024383)

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 Bid was 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 P. Hilary
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
MWBE Forms 1.0 & 2.1 were completed. MWBE Form 2.0 was incomplete.
One (1) of One (1) Addendum(s) Acknowledgement received.

BASE BID TOTAL: \$632,316.00

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 BIDS – VPA ATHLETIC COURT RENOVATIONS, PHASE III – PROJECT NO. 123-040 (PR-00023268)

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 Bid was 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 P. Hilary
Non-Collusion, Non-Discrimination Affidavit Form was completed.

Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Park Breakout Base Bid Total	\$460,846.55
Park Breakout Alternates Total	\$763,749.00
Keller Park Tennis Base Bid Total	\$236,752.55
Coquillard Tennis Base Bid Total	\$224,094.00
Riverside Park Basketball & Tennis Alt. 1	\$284,622.65
St. Clair Tennis Alt. 2	\$238,017.35
Marshall Tennis Alt. 3	\$241,109.00

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 Venues Parks & Arts for review and recommendation.

OPENING OF BIDS – LOCUST ROAD IMPROVEMENTS FROM ASSUMPTION DRIVE TO STATE ROAD 23 – PROJECT NO. 123-018 (PR-00024465)

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 Bid was opened and publicly read:

RIETH-RILEY CONSTRUCTION CO., INC.
25200 State Road 23
South Bend, IN 46614
ralvarado@rieth-riley.com; gvanparys@rieth-riley.com
Bid was signed by Mr. Jacob K. Kwilas
Non-Collusion, Non-Discrimination Affidavit Form was completed.
Five percent (5%) Bid Bond was submitted.
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.
One (1) of One (1) Addendum(s) Acknowledgement received.

BASE BID TOTAL: \$2,834,497.01

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 AND AWARD OF QUOTATIONS – APPROVE CONTRACT – 2023 TREE AND STUMP REMOVAL – PROJECT NO. 123-002 (PR-00024705)

Mr. Daniel Sexton, Engineering, 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:

K & R TREE SERVICE LLC - AWARDEE
1724 S. Grant St.
South Bend, IN 46613
treecutterkev@yahoo.com
Quotation was submitted by Mr. Kevin J. Kenney
Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION: \$30,508.02

HIGHER GROUND TREE CARE, LLC
12586 Heather Park Dr.
Granger, IN 46530
matt@hgtreecare.com
Quotation was submitted by Mr. Matt Hogarth
Non-Collusion, Non-Discrimination Affidavit Form was completed.

QUOTATION: \$38,600.00

Upon a motion made by VP Molar, seconded by Mr. Gathers and carried by roll call, the above quotations were referred to Mr. Daniel Sexton for review and recommendation. After reviewing those quotations, Mr. Sexton recommended that the Board award the contract to the lowest responsive and responsible bidder, K & R Tree Service, LLC, in the amount of \$30,508.02. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion and carried by roll call.

AWARD BID AND APPROVE CONTRACT – LASALLE PARK IMPROVEMENTS – PROJECT NO. 121-015 (PR-00023569)

Mr. Patrick Sherman, Engineering, advised the Board that on April 25, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Sherman recommended that the Board award the contract to the lowest responsive and responsible bidder, HRP Construction Inc., in the amount of \$2,104,084.40 (base bid only). 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.

AWARD BID AND APPROVE CONTRACT – JOHNSON & FELLOWS INTERSECTION DRAINAGE IMPROVEMENTS – PROJECT NO. 122-016A (PR-00024005)

Ms. Rebecca Plantz, Engineering, advised the Board that on May 9, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Plantz recommended that the Board award the contract to the lowest responsive and responsible bidder, Selge Construction Co., Inc., in the amount of \$242,458. 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.

AWARD BID AND APPROVE CONTRACT – SMALL DRAINAGE IMPROVEMENTS-BEALE STREET & CHAPIN STREET – PROJECT NO. 121-006B (PR-00024002 & 00024004)

Ms. Rebecca Plantz, Engineering, advised the Board that on May 9, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Ms. Plantz recommended that the Board award the contract to the lowest responsive and responsible bidder, HRP Construction Inc., in the amount of \$171,378.50 (Division 1), Division 2 bids rejected due to budgetary restraints. 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.

AWARD QUOTATION AND APPROVE CONTRACT – CENTURY CENTER PARKING LOT SEAL AND STRIPE – PROJECT NO. 122-060B (PR-00024012)

Mr. Patrick Sherman, Engineering, advised the Board that on May 1, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Sherman recommended that the Board award the contract to the lowest responsive and responsible quoter, National Pavement Maintenance LLC, in the amount of \$49,123.50. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – SOUTH BEND FIRE DEPARTMENT PARKING LOT REHAB – PROJECT NO. 123-049 (PR-00024234)

Ms. Gemma Stanton, Engineering, advised the Board that on May 9, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Ms. Stanton recommended that the Board award the contract to the lowest responsive and responsible quoter, Rieth-Riley Construction Co., Inc., in an amount not to exceed \$96,821. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Gathers seconded the motion, which carried by roll call.

APPROVE CHANGE ORDER NO. 1 – 2022 CURB & SIDEWALK, ROUND I (DIVISION 1 & 2) – PROJECT NO. 122-001 (PO-0018049)

President Maradik advised that Mr. Daniel Sexton, Engineering, has submitted change order number 1 on behalf of Milestone Contractors North, Inc., indicating the contract amount be decreased by \$14,937.62 with an additional twenty-one (21) days for a new contract sum,

including this change order, in an amount not to exceed \$618,546.38 with a new completion date of November 18, 2022. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 – 2022 CURB & SIDEWALK, ROUND I (DIVISION 3, 4, & 5) – PROJECT NO. 122-001 (PO-0018633)

President Maradik advised that Mr. Daniel Sexton, Engineering, has submitted change order number 1 on behalf of Premium Concrete Services, Inc., indicating the contract amount be increased by \$9,852.98 with an additional twenty-one (21) days for a new contract sum, including this change order, in an amount not to exceed \$403,537.98 with a new completion date of November 18, 2022. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 3 – FOUR WINDS FIELD PLAYER FACILITIES IMPROVEMENTS – PROJECT NO. 122-021 (PO-0019560)

President Maradik advised that Mr. Zach Hurst, Engineering, has submitted change order number 3 on behalf of Gibson-Lewis LLC, indicating the contract amount be increased by \$9,762 for a new contract sum, including this change order, in the amount of \$1,411,868. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – 2022 CONTRACTOR PAVING, ROUND 1 – PROJECT NO. 122-008 (PO-0016019)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 1 (final) on behalf of Rieth-Riley Construction Co., Inc., indicating the contract amount be decreased by \$75,233.42 with an additional thirty-two (32) days for a new contract sum, including this change order, of \$1,275,548.42 with a new completion date of September 2, 2022. Also submitted was the project completion affidavit indicating this new final cost of \$1,275,548.42. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, change order number 1 (final) and the project completion affidavit were approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF QUALIFICATIONS – WASTEWATER TREATMENT PLANT CSO TANK RFQ GUARANTEED SAVINGS CONTRACT – PROJECT NO. 121-071 (INDIANA FINANCE AUTHORITY)

In a memorandum to the Board, Mr. Kieran Fahey, Engineering, requested permission to advertise for the receipt of qualifications for the above referenced project. Therefore, upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above request was approved.

Regarding a discussion from the agenda review session, Attorney Schmidt updated the Board that the tweak with the guaranteed savings ties in the conservation measures and it is anticipated there will be several different conservation measures attached with this project in areas for improvements. It is important the guaranteed savings ties into those conservation measures, not the entirety of the project under Indiana Code 36-1-12-5.5. Mr. Gilot had all of his questions answered and Board Member Murray Miller voted no.

ADOPT RESOLUTION NO. 26-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS APPOINTING CITY STAFF MANAGER TO CONDUCT CERTAIN ADMINISTRATIVE ACTS RELATING TO OWNERSHIP OF 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. 26-2023

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS APPOINTING CITY STAFF MANAGER TO CONDUCT CERTAIN ADMINISTRATIVE ACTS RELATING TO OWNERSHIP OF PROPERTY

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the “Board”) exists pursuant to Indiana Code Section 36-4-9-5; and

WHEREAS, I.C. 36-9-6-3 provides that the Board holds real property owned by the City of South Bend, Indiana (the “City”); and

WHEREAS, over the preceding years, the City has acquired property for the purposes of neighborhood infill development; and

WHEREAS, City staff members have identified key properties where rezoning or petitioning for a zoning variance could expand opportunities for neighborhood infill development and benefit the residents of South Bend; and

WHEREAS, new rezoning and variance applications for real property owned by the City need owner’s signature; and

WHEREAS, the City’s staff members are familiar with the property owned by the Board; and

WHEREAS, the Board desires to expressly authorize certain members of the City’s staff to sign rezoning and zoning variance applications on the Board’s behalf for the purpose of applying for rezoning or variances of Board owned property.

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

- 1. The following staff members of the City are authorized, on behalf of the Board, to sign all rezoning and zoning variance applications related to Board owned property, on behalf of the Board, throughout the calendar year 2023:
 - a. Caleb Bauer;
 - b. Tim Corcoran
 - c. Joseph Molnar
- 2. This Resolution shall be in full force and effect after its adoption.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on May 23, 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
s/ Murray L. Miller

ATTEST:
s/ Laura Hensley, Acting 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
Petition for Variance	South Bend Fire Department	Board of Zoning Appeals Petition for Variance for Replacement for Fire Station No. 8 Project No. 122-034	N/A	VP Molnar/ Mr. Gathers
Authorization	Geotill, Inc.	Authorizing Entry Upon	N/A	VP Molnar/

for Entry Agreement		Public Property for Drilling Purposes Along St. Joseph River Soil Borings at North Shore Dr., Parkovash Ave., Riverside Dr. and Golden Ave.		Mr. Gathers
Utility Easement	University of Notre Dame	Authorizing Permanent Utility Easements for University of Notre Dame (Landings Development)	N/A	VP Molnar/ Mr. Gathers

Regarding the Authorization for Entry Agreement, Mr. Gilot asked for a second expert to look at how boring holes would be resealed. Mr. Eric Horvath, Director of Public Work, stated that the state requires fill materials for plugging. He also confirmed that NIPSCO is planning to do a river crossing. Mr. Gilot defers to staff.

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Clover Street Block Party	Street Closure for Special Event	July 8, 2023; 8 a.m. to 8 p.m.	Clover St. between Ruskin and Hildreth	VP Molnar/ Mr. Gathers
Corpus Christi Procession	Street Closure for Special Event	June 11, 2023; 2:15 p.m. to 4:30 p.m.	Huron between Meade/Olive, Phillipa between Huron/Ford, Ford between Phillipa /Walnut, Walnut between Ford/Dunham, Dunham between Walnut/Webster	VP Molnar/ Mr. Gathers
Eddie C. Tyler IV Memorial	Street Closure for Special Event	June 3, 2023; 12 p.m. to 8 p.m.	N. Johnson between Frederickson and Rupel	VP Molnar/ Mr. Gathers
Fallen Officer Scholarship Ride	Street Closure for Special Event	August 26, 2023; 12 p.m. to 11 p.m.	Brief interruptions at intersections along pre-approved route	VP Molnar/ Mr. Gathers
Fun in the Park	Street Closure for Special Event	June 10, 2023; 11:00 a.m. to 2:00 p.m.	Sorin between Patterson and Preston	VP Molnar/ Mr. Gathers
Perry Graduation Party	Street Closure for Special Event	June 10, 2023; 3:00 p.m. to 8:00 p.m.	Bissell St. between Arthur and Eddy	VP Molnar/ Mr. Gathers
Neighborhood Block Party	Street Closure for Special Event	June 17, 2023; 10:00 a.m. to 7:00 p.m.	S. 31 st St. between Vine St. and Pleasant St.	VP Molnar/ Mr. Gathers
St. Joseph County 4-H Fair	Transient Merchant License	June 30, 2023 to July 8, 2023; Friday to Saturday 7:00 a.m. to 11:00 p.m.	5117 Ironwood Dr.	VP Molnar/ Mr. Gathers
Dig Deep Massage Co.	Massage Establishment		401 E. Colfax Ave., Suite 180	VP Molnar/ Mr. Gathers
Southside Massage Retreat	Massage Establishment		401 E. Colfax Ave., Suite 180	VP Molnar/ Mr. Gathers
Chicory Cafe	Sidewalk Café Permits	Monday to Sunday 7:30 a.m. to 9:00	105 E. Jefferson Blvd.	VP Molnar/ Mr. Gathers

		p.m.		
Cinco International	Sidewalk Café Permits	Monday to Saturday 11:00 a.m. to 11:00 p.m.	112 W. Colfax Ave.	VP Molnar/ Mr. Gathers
Dainty Maid Food Hall/The Breakfast Club South Bend	Sidewalk Café Permits - Subject to Parking Signs and Walkway Around Tables to Follow ADA Minimum Clearance Widths and Requirements	Sunday to Thursday 8:00 a.m. to 3:00 p.m.; Friday to Saturday 5:00 p.m. to 9:00 p.m.	231 N. Michigan St.	VP Molnar/ Mr. Gathers
Fatbird	Sidewalk Café Permits	Sunday to Thursday 11:30 a.m. to 10:00 p.m.; Friday to Saturday 11:30 a.m. to 11:00 p.m.	103 W. Colfax Ave.	VP Molnar/ Mr. Gathers

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE ALLEY AT 1405 PORTAGE AVE.; NORTHWEST CORNER OF PORTAGE AVE. AND ELWOOD RUNS NORTH-SOUTH BETWEEN LOT 8 AND LOT C TOWARDS AN EAST-WEST 14’ ALLEY RIGHT-OF-WAY

President Maradik indicated that Peak Investment & Asset Management, LLC, has submitted a request to vacate the above referenced alley. 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. Therefore, VP Molnar made a motion recommending approval of the request for vacation. Mr. Gathers seconded the motion which carried by roll call.

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:

REMOVAL:

LOCATION(S):

REMARKS:

Handicapped Accessible Parking Space Sign
1135 E. Broadway St.
1325 E. Donald St.
1409 W. Western Ave.
2122 S. Arnold St.
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. Paul Kulesa, 11816 NE 146th. St., Liberty, MO 64068
1. 21536 Golden Maple Ct. – Water (Key No. 004-1007-009045)
- B. Mr. David Schroeter, 127 E. Pendle St., South Bend, IN 46637
1. 127 E. Pendle St. – Water/Sewer (Key No. 003-1135-0369)
- C. Mr. Cesar Hernandez Ceron, 60075 Fellows St., South Bend, IN 46614
1. 60075 Fellows St. – Sewer (Key No. 71-08-36-128-007.000-001)

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

NOTICE OF PUBLIC HEARING

Mr. Kieran Fahey, Engineering, advised that this was the date set for the Board’s Public Hearing concerning Wastewater Preliminary Engineering Report (PER). Jordan McCormick of American Structure Point was also present to assist in the presentation.

The following project need, and general summary was provided with Mr. Kieran’s presentation:

Project Need and General Summary:

This Preliminary Engineering Report (PER) is for engineering design, bidding, construction, and start-up for the City of South Bend's Combined Sewer Overflow (CSO) System CSO 045 2.0 MG Equalization Basin and for improvements to the current Wastewater Treatment Plant (WWTP).

The City of South Bend, Indiana is currently under a 2021 Consent Decree with the United States EPA, US Department of Justice, and the State of Indiana Department of Environmental Management. The purpose of the Consent Decree is to require the City of South Bend to comply with the Clean Water Act as it relates to combined sewer discharges to the ground or to Waters of the United States. As part of the Consent Decree, the City of South Bend completed a Long-Term Control Plan (LTCP) for addressing these issues. The Consent Decree establishes a specific timeline for compliance and establishes a schedule for initiating and completing each project in the plan.

The two (2) projects discussed in this report, the WWTP CSO 045 Equalization Basin Project and the WWTP Hydraulic Improvements Project, are part of the work required for the purpose of reducing the volume and/or frequency of CSO events from the City's collection system and increasing the capacity of the WWTP. This project involves the first of four CSO tanks installed as part of the Long-Term Control Plan.

The Funding Request is for all services related to design, bidding, construction, and start-up for the projects.

Mr. Gilot asked if the above ground utilization basin had a cone at the base. Mr. McCormick answered it was a circular basin and the bottom would be sloped for drainage.

Mr. Gilot asked if it was mixed (trying to keep the solids in the slurry). Mr. McCormick answered no and that it would have a flushing mechanism in it to flush the solids down and clean out the tank.

Mr. Gilot asked how tall it was. Mr. McCormick answered fifteen (15) to seventeen (17) feet above ground and about three-million gallons.

Mr. Gilot asked about the exterior appearances. Mr. McCormick answered that was a work in progress, but they want to create something that is appealing.

VP Molnar asked if this was the first part of the larger CSO plan and if it was on scheduled. Mr. Fahey answered yes but there was a pause for the renegotiation, but this was the first connection system.

Mr. Gilot asked if they would disinfect if this tank capacity were exceeded by an extraordinary storm. Mr. McCormick answered no, the interceptor would overflow and there would be no requirement to disinfect.

There being no one else present wishing to address the Board concerning this matter, the Public Hearing was closed. Therefore, upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, they were approved.

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-55936	05/02/2023	\$2,777,312.88
City of South Bend Claims GBLN-56325	05/09/2023	\$2,687,740.95
City of South Bend Claims GBLN-56178, GBLN-56383	05/11/2023	\$10,809.23
City of South Bend Claims GBLN-56329, GBLN-56552, GBLN-56559	05/15/2023	\$2,331,607.82

City of South Bend Claims GBLN-56775	05/16/2023	\$2,440,698.59
--------------------------------------	------------	----------------

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

VP Molnar wanted to acknowledge that President Maradik has accepted the position of Chief Neighborhood’s Officer and Board Members congratulated her.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:17 a.m.

BOARD OF PUBLIC WORKS

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President



Gary A. Gilot, Member



Murray L. Miller, Member



Joseph R. Molnar, Vice President



Jordan V. Gathers, Member



Attest: Theresa M. Heffner, Clerk

Date: _____ June 13, 2023