

The Agenda Review Session of the Board of Public Works was convened at 10:31 a.m. on July 6, 2023, by Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (absent), Murray Miller, and Board Attorney Michael Schmidt (virtual) 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

Assistant City Engineer Leslie Biek was present to add what will be item 10.E: Amendment No. 1 – Professional Services Agreement – Black and Veatch Corporation. She explained that this item is for the Century Center Electrical and HVAC Improvements. She noted the City had done a preliminary engineering contract with them to look at the Morris and the Century Center for electrical and HVAC improvements and decided to proceed with the design for the electrical improvements so, we will be able to bring in a portable generator if there is a power outage. The Century Center is an emergency center in those types of situations.

Mr. Gilot noted that the Century Center is on the downtown redundant power network which has two (2) transformers and two (2) networks that feed it. He asked if a third is needed. Ms. Biek stated that this has happened before, and a generator was needed. Mr. Gilot advised that someone should make sure they understand the downtown network is redundant. The rest of the city is not, but the downtown is.

AWARD BIDS AND APPROVE CONTRACTS

Attorney Schmidt spoke about item 5.A: Southeast Park Playground Resurfacing. He advised the Board members that there has been an ongoing discussion amongst the City leadership as to what to do with this project with respect to the MBE & WBE goals. He clarified that there is internal dialogue as to whether a waiver will be granted on this. He added that this is a unique situation where we have Sinclair Recreation as a WBE and they met the MBE goals, but their WBE is outside of our geographic region. Attorney Schmidt added that he did not know if this item will be on the agenda come Tuesday, as it depends upon where the internal dialogue goes between leadership from ODI and public works.

Mr. Miller noted concerns stating the last time a similar situation presented itself, it was not awarded.

Attorney Schmidt explained that this is a unique situation. Attorney Schmidt clarified that the instance Mr. Miller was referencing was a construction project from last fall where the contractor made no effort to meet the WBE goals and in this current situation, both the MBE and WBE goals have been met, but the WBE is out of our geographic scope.

Mr. Gilot asked if it was possible to specify a playground surface that may not be proprietary, but very limited number of contractors in the country who are certified to install it or is it a ubiquitous product that any local contractor who has done surfaces around parks could do this surface.

Attorney Schmidt answered yes and no stating the goals are set on NAICS codes and they include things like site improvements as a NAICS code. To some extent you have a specialized surface and there is some work surrounding the project that does get captured in the NAICS code calculation, so it is tricky.

Mr. Gilot stated that he understands how site prep could be generic, but wondered if the architect engineer on the job specified a product that only a few companies in the country could put down.

Attorney Schmidt added that it would be more along the lines of the specified material that only a few companies purchase, but the installation of it is not necessarily unique.

Mr. Miller asked if the project was using site security and dumpster service and asked if the MBE is through trucking and then questioned why there were trucking services.

Attorney Schmidt explained that the project includes tearing up a current facility and hauling away a variety of materials. He added that he is not aware of the details for the site security. Attorney Schmidt added that this item may be tabled at Tuesday’s meeting.

STREET/ALLEY VACATION

President Maradik brought up some concerns about item 12.B: East/West Street at 1101 King St. off Kessler Blvd. She noted that it does have favorable recommendations, but there were concerns provided by the Fire Department regarding the fire hydrant. She thought it was worthy of a discussion to determine where the point of where to vacate up to so that there is still adequate access to the hydrant.

Mr. Gilot noted that there is always a possibility of moving the hydrant a few feet. The developer could pay for it or we could because it’s an important redevelopment project with a partner (Transformation Ministries). He clarified that these are people who do mentoring programs and they are looking to do more job training and upscaling of people which is something we want to encourage. Mr. Gilot claimed that if we had to move the hydrant a few feet, it would not be the end of the world, but if it can be buffered so they can accomplish what they need, that is even better.

President Maradik wanted to note that the requester was asking for the vacation so they could have access to their business. She wanted to make sure that Transformation Ministries are understanding that when the vacation occurs, they likely would only get half of the street. She continued to explain that Transformation Ministries would need to make sure that half of the street would accommodate their needs and uses and if they needed additional space they would have to have an understanding or reach an agreement privately with the other adjacent property owners. President Maradik noted that the provided picture of the potential vacation appears to be relatively wide, but she emphasized the importance of someone reaching out to them and explaining the division of the vacated street and concerns based on where the fire hydrant is located.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked what change was involved in item 10.D: Real Property Transfer Agreement – Advantix Development Corporation. VP Molnar responded that they removed the parcel that he was concerned about and the rest of them are single family home lots. VP Molnar clarified that the rezoning to make it residential was pulled, so it will remain industrial.

PRIVILEGE OF THE FLOOR

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:53 a.m.

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Elizabeth A. Maradik, President

  
\_\_\_\_\_  
Gary A. Gilot, Member

  
\_\_\_\_\_  
Murray L. Miller, Member

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Joseph R. Molnar, Vice President

  
\_\_\_\_\_  
Jordan V. Gathers, Member

  
\_\_\_\_\_  
Attest: Theresa M. Heffner, Clerk

Date: July 25, 2023

REGULAR MEETINGJULY 11, 2023

The Regular Meeting of the Board of Public Works was convened at 9:33 a.m. on Tuesday, July 11, 2023, by Board President Elizabeth A. Maradik in the 13<sup>th</sup> Floor Conference Room of the County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. The meeting was also streamed live to the public via Microsoft Teams. Board Clerk Theresa Heffner confirmed the presence of Board President Elizabeth A. Maradik, Vice President Joseph Molnar, and Board Members Gary Gilot, Jordan Gathers (arrived at 9:45 a.m.), Murray Miller, and Board Attorney Michael Schmidt, with a roll call. President Maradik reminded virtual attendees to mute their microphones and turn off their cameras when not speaking, and to save their questions and comments for the Privilege of the Floor.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the minutes for the Agenda Review Session and Regular Meetings of the Board held on June 22, and June 27, 2023, were approved. Mr. Gathers was not present for this vote.

OPENING OF BIDS – PURE GREEN FARMS SITE IMPROVEMENTS – PROJECT NO. 121-056 (PR-00021363)

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:

**C&E EXCAVATING, INC.**

53767 County Road 9

Elkhart, IN 46514

[jbonadies@candeexcavating.com](mailto:jbonadies@candeexcavating.com);

Bid was signed by Mr. Thad Bessinger

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

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

Two (2) of Two (2) Addendum(s) Acknowledgement received.

BID: \$378,801.00

**RIETH-RILEY CONSTRUCTION CO., INC.**

25200 State Road 23

South Bend, IN 46614

[ralvarado@rieth-riley.com](mailto:ralvarado@rieth-riley.com); [dsnodderly@rieth-riley.com](mailto:dsnodderly@rieth-riley.com)

Bid was signed by Mr. Ruben Alvarado

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

Five percent (5%) Bid Bond was submitted.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

Two (2) of Two (2) Addendum(s) Acknowledgement received.

BID: \$488,820.00

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

OPENING OF BIDS – 2023 CONTRACTOR PAVING, ROUND II – PROJECT NO. 123-024 (PR-00025457)

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](mailto: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.  
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Base Bid Total	\$1,937,900.00
Alternate #1 Total	\$87,050.00

**RIETH-RILEY CONSTRUCTION CO., INC.**

25200 State Road 23  
South Bend, IN 46614  
[ralvarado@rieth-riley.com](mailto:ralvarado@rieth-riley.com); [dsauer@rieth-riley.com](mailto:dsauer@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.

BID:

Base Bid Total	\$1,781,300.00
Alternate #1 Total	\$159,300.00

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

**OPENING OF BIDS – 2023 BRICK SPOT REPAIR – PROJECT NO. 123-057 (PR-00025460)**  
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:

**ACORN LANDSCAPING, LLC**  
3680 W. Sample St.  
South Bend, IN 46619  
[dehoath@gmail.com](mailto:dehoath@gmail.com); [jeffritschard@yahoo.com](mailto:jeffritschard@yahoo.com)  
Quotation was submitted by Mr. Jeff Ritschard  
Five percent (5%) Bid Bond was submitted.  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Base Bid Total	\$169,850.00
Alternate #1 Total	\$10,000.00

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

**OPENING OF QUOTATIONS – 2023 CONTRACTED MICROSURFACING – PROJECT NO. 123-023 (PR-00026138)**  
President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

**NATIONAL PAVEMENT MAINTENANCE**  
1928 N. Campbell Ave.  
Indianapolis, IN 46218  
[gnewman12345@gmail.com](mailto:gnewman12345@gmail.com)  
Quotation was submitted by Mr. Gary Newman  
Non-Collusion, Non-Discrimination Affidavit Form was completed.

Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.

QUOTATION: \$97,960.00

**ASPHALT RESTORATION SERVICES LLC**

PO Box 2484  
South Bend, IN 46680  
[andrea.brown2@comcast.net](mailto:andrea.brown2@comcast.net)  
Quotation was submitted by Mr. Jamie Brown  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Three (3) Forms MWBE-1.0, 2.0, 2.1 were submitted.

QUOTATION: \$118,000.00

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

**OPENING OF QUOTATIONS – CENTRAL SERVICES PARKING LOT REPAIRS – PROJECT NO. 122-064R (PR-00025615)**

President Maradik advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

**MILESTONE CONTRACTORS NORTH, INC.**

24358 State Road 23  
South Bend, IN 46614  
[akrueger@milestonelp.com](mailto:akrueger@milestonelp.com)  
Quotation was submitted by Mr. Dustin P. Hilary  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.  
One (1) of One (1) Addendum(s) Acknowledgement received.

QUOTATION:

Quote Total	\$190,000.00
Alternate #1 Total	\$24,042.00

**RIETH-RILEY CONSTRUCTION CO., INC.**

25200 State Road 23  
South Bend, IN 46614  
[ralvarado@rieth-riley.com](mailto:ralvarado@rieth-riley.com); [gvanparys@rieth-riley.com](mailto:gvanparys@rieth-riley.com)  
Quotation was submitted by Mr. Ruben Alvarado  
Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Three (3) Forms MWBE-1.0, 2.0, 2.1 were completed.  
One (1) of One (1) Addendum(s) Acknowledgement received.

QUOTATION:

Quote Total	\$225,802.89
Alternate #1 Total	\$25,433.72

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

**OPENING OF QUALIFICATIONS – WASTEWATER TREATMENT PLANT CSO TANK RFQ GUARANTEED SAVINGS CONTRACT – PROJECT NO. 121-071 (PR-00025615)**

Mr. Kieran Fahey, 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:

**KOKOSING INDUSTRIAL, INC.**

3862 N. Commercial Pkwy.  
Greenfield, IN 46140

[dmc@kokosing.biz](mailto:dmc@kokosing.biz)

Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Qualification was signed by Mr. Matt Cordial

**BOWEN ENGINEERING CORPORATION**

8802 N. Meridian St.

Indianapolis, IN 46260

[snutt@BowenEngineering.com](mailto:snutt@BowenEngineering.com)

Non-Collusion, Non-Discrimination Affidavit Form was completed.  
Qualification was signed by Mr. Steve Nutt

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

**AWARD BID AND APPROVE CONTRACT – SOUTHEAST PARK PLAYGROUND  
RESURFACING – PROJECT NO. 123-043 (PR-00024809)**

Mr. Patrick Sherman, Engineering, advised the Board that on June 13, 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, Sinclair Recreation, in the amount of \$261,000.

Attorney Schmidt noted that it is the City's internal recommendation between the Office of Diversity and Inclusion, Engineering, and the Legal Department that this is appropriate to grant a good faith waiver for this work based upon the analysis determining that the work is somewhat specialized, and that specialization did not fit properly within the NAICS codes that were advertised and that there is MBE participation, but not WBE participation. Sinclair Recreation is a prime contractor that is a certified WBE business, but because they are out of the City's geographic scope, they are unable to utilize the WBE certification. He also noted that there was only one (1) bidder on the project.

Mr. Miller shared his concerns about the precedent that was set on a paving project from 2022 where the MBE goal was met but not the WBE goal. Mr. Miller said he supports the project but does not agree with the process and how things are done inconsistently between different projects. Mr. Miller stated he was under the impression that there are specific NAICS codes that fit into the categories for this playground project.

Attorney Schmidt explained that the work did not fit in the NAICS code perfectly noting that if we dove down too far into the NAICS codes then we could have a situation where there are no goals on the project met. Attorney Schmidt advised that this is specialized work and requires special equipment to lay the surfacing and involves removal of the old surfacing and placing new surfacing. The good faith waiver is for the specialty of the work not for the geographic marketplace.

Director of Public Works Eric Horvath expressed his concerns for not awarding a bid to a prime WBE contractor that met the MBE requirements. He explained they are located and do business in Indiana and that establishes a marketplace. He added that it would be a disservice if the Board turns down a bid from a prime WBE contractor that meets the MBE goals.

Mr. Miller asked why the IPC board was not involved in this discussion. Attorney Schmidt advised that they did not deem it necessary to have the IPC Board weigh in stating the program plan does not require the IPC Board to be part of the initial granting of a good faith waiver, but we do have to communicate to them when one (1) is issued.

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. Miller voted no.

**APPROVAL OF REQUEST TO REJECT BIDS/QUOTATIONS – ANGELA BLVD.  
RAODWAY IMPROVEMENTS – PROJECT NO. 122-059 (PR-00024760)**

In a memorandum to the Board, Ms. Charlotte Brach, Engineering, requested permission to reject all bids for the above referenced project due to bids exceeding the available budget for the



project. 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 REJECT BIDS/QUOTATIONS – SEWER AND MANHOLE REHABILITATION – PROJECT NO. 122-019 (PR-00025373)

In a memorandum to the Board, Ms. Sarah Barber, Engineering requested permission to reject all bids for the above referenced project due to bids exceeding the available budget for the project. Therefore, upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the above request was approved.

APPROVE CHANGE ORDER NO. 1 – COAL LINE TRAIL, PHASE IIB – PROJECT NO. 122-035 (PO-0023558)

President Maradik advised that Ms. Rebecca Maenhout, Engineering, has submitted change order number 1 on behalf of Indiana Department of Transportation and Milestone Contractors North, Inc, for a material related change using structural concrete E5, there is no cost change with a total amount of \$3,450,217.13. 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. 2 – COAL LINE TRAIL, PHASE IIB – PROJECT NO. 122-035 (PO-0023558)

President Maradik advised that Ms. Rebecca Maenhout, Engineering, has submitted change order number 2 on behalf of Indiana Department of Transportation and Milestone Contractors North, Inc, indicating the contract amount be increased by \$23,283.90 for a new contract sum, including this change order, in the amount of \$3,473,501.03. 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 – LASALLE AVENUE STREETScape – PROJECT NO. 122-013R (PO-0023705)

President Maradik advised that Ms. Rebecca Maenhout, Engineering, has requested that this item be tabled. Upon a motion to table made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the item was tabled.

APPROVE CHANGE ORDER NO. 2 – 2022 CONTRACTOR PAVING, ROUND III – PROJECT NO. 122-048 (PO-0020444)

President Maradik advised that Mr. Scott Kreeger, Engineering, has submitted change order number 2 on behalf of Rieth-Riley Construction Co., Inc., indicating the contract amount be increased by \$13,380.75 with an additional twenty-eight (28) days for a new contract sum, including this change order, in the amount of \$2,301,706.75 with a new completion date of July 28, 2023. Upon a motion made by VP Molnar, seconded by Mr. Gathers and carried by roll call, the change order was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – CLEVELAND RD. & AMERITECH DR. INTERSECTION IMPROVEMENTS – PROJECT NO. 122-049

In a memorandum to the Board, Mr. Scott Kreeger, Engineering, 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.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2023 CURB AND SIDEWALK – PROJECT NO. 123-004

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

ADOPT RESOLUTION NO. 30-2023 – 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. Gathers and carried by roll call, the following resolution was adopted by the Board of Public Works:

**RESOLUTION NO. 30-2023  
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**

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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 June 3, 2023, **Firefighter David Scott** 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:

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 July 11, 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/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 31-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ACCEPTING THE PRELIMINARY ENGINEERING REPORT FOR THE FELLOWS BOOSTER PUMPING STATION REPLACEMENT AND LEAD SERVICE LINE REPLACEMENT PROGRAM FOR DRINKING WATER STATE REVOLVING FUND

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. 31-2023**

**A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS ACCEPTING THE PRELIMINARY ENGINEERING REPORT FOR THE FELLOWS BOOSTER PUMPING STATION REPLACEMENT AND LEAD SERVICE LINE REPLACEMENT PROGRAM FOR DRINKING WATER STATE REVOLVING FUND**

Whereas, the **City of South Bend, Indiana** has caused a Preliminary Engineering Report (“PER”), dated **April 1, 2023**, to be prepared by the consulting firm of **Donohue & Associates, Inc.**; and

Whereas, said PER has been presented to the public at a public hearing held on **June 13, 2023**, at the Board of Public Works Meeting at 227 W. Jefferson Boulevard, South Bend, Indiana 46601, for public comment; and

Whereas, the **City of South Bend, Indiana Board of Public Works** finds that there was not sufficient evidence presented in objection to the recommended project in the PER.

Now, therefore be it resolved that:

1. The PER dated **April 1, 2023** be approved and adopted by the **City of South Bend, Indiana Board of Public Works**; and
2. Said PER be submitted to the State Revolving Fund Loan Program for review and approval.

Adopted and Passed by the **Board of Public Works** of the **City of South Bend, Indiana** this **11<sup>th</sup>** day of **July** of **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  
s/ Murray L. Miller

ATTEST:

s/ Theresa Heffner, Clerk

ADOPT RESOLUTION NO. 32-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS FOR STATE REVOLVING FUND PROGRAM SIGNATORY AUTHORIZATION RESOLUTION

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. 32-2023**

**A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS FOR STATE REVOLVING FUND PROGRAM SIGNATORY AUTHORIZATION RESOLUTION**

Whereas, the **City of South Bend, Indiana**, (the “Participant”) has plans for a **Drinking Water** infrastructure improvement project to meet State and Federal regulations and the Participant intends to proceed with the construction of such project:

Now, therefore, be it resolved by the Board of Public Works, the governing body of the Participant, that:

1. **Eric C. Horvath, Director of Public Works**, be authorized to make application for a State Revolving Fund Loan (“SRF Loan”) and provide the SRF Loan Program such information, data and documents pertaining to the loan process as may be required, and otherwise act as the authorized representative of the Participant; and

2. The Participant agrees to comply with State and Federal requirements as they pertain to the SRF Loan Program; and
3. Two certified copies of this Resolution be prepared and submitted as part of the Participant’s Preliminary Engineering Report.

Adopted and Passed by the **Board of Public Works** of the **City of South Bend, Indiana** this **11<sup>th</sup>** day of **July** of **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  
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
Amendment No. 1 to Owner-Engineer Agreement	Lawson-Fisher Associates P.C.	Finalize Scope for Mishawaka Ave. Streetscape Project No. 121-072	Decrease (\$6,767.67); New Adjusted Total \$99,232.33 (PO-0013618)	VP Molnar / Mr. Gathers
Professional Services Agreement	M/E Design Services	Engineering Services for Replacement of Industrial Water Softener at Century Center Project No. 123-041	\$11,500 (PR-00026005)	VP Molnar / Mr. Gathers
Professional Services Agreement	Jones Petrie Rafinski Corp.	Engineering Services for Plans for Renovation and Expansion of Four Winds Field Project No. 123-046	\$849,525 (PR-00026007)	VP Molnar / Mr. Gathers
Real Property Transfer Agreement	Advantix Development Corporation	Transfer Thirty-Six (36) City Owned Lots to Support Low Income Housing Tax Credit Project	N/A	VP Molnar / Mr. Gathers
Amendment No. 1 to Professional Services Agreement	Black and Veatch Corporation	Century Center Electrical and HVAC Improvements	Increase of \$182,455; New Adjusted Total \$248,090 (PR-00025896)	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
The Music Village	Sidewalk Café Permits - Subject to Proper ADA Clearance From Obstructions	Monday to Sunday 9:00 a.m. to 10:00 p.m.	333 S. Michigan St.	VP Molnar / Mr. Gathers

UNFAVORABLE RECOMMENDATION - PETITION TO VACATE THE NORTH/SOUTH STREET AT 1059 LASALLE CT. BETWEEN W. LASALLE CT. & W. LASALLE AVE.

President Maradik indicated that Mr. Robert M. Vernon has submitted a request to vacate the above referenced street. President Maradik advised the Board is in receipt of unfavorable recommendations concerning this vacation petition from the Public Works Department, Fire Department, Police Department, and Community Investment who all state the request does not meet three (3) of the criteria of I.C. 36-7-3-13. Therefore, VP Molnar made a motion to send an unfavorable recommendation to the Common Council. Mr. Gathers seconded the motion which carried by roll call.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE EAST/WEST STREET AT 1101 KING ST. OFF OF KESSLER BLVD.

President Maradik indicated that Ms. Maggie VanZalen, with Transformation Ministries, has submitted a request to vacate the above referenced street. 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. The Fire Department notes access to fire hydrant. After a brief discussion the Board determined it was best to table the item until the August 8, 2023 meeting to give them time to work with Engineering on a viable solution. Therefore, VP Molnar made a motion to table 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:Handicapped Accessible Parking Space Sign

LOCATION:206 E. Bartlett St.

REMARKS:All Criteria Met

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-58780	07/07/2023	\$1,478,018.03
City of South Bend Claims GLBN-58537, GBLN-59058, GBLN-59244	07/07/2023	\$10,590.33


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


ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:19 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: July 25, 2023