

The Agenda Review Session of the Board of Public Works was convened at 10:30 a.m. on August 3, 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 present. The 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.

REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS/PROPOSALS

Project Manager, Patrick Sherman, was present to answer questions about item 6.B: Four Winds Field Renovation & Expansion CMc RFP. He noted that that they have approved the contract for Jones Petrie Rafinski for schematic Design.

Mr. Miller noted that there is no real track record, but it seems the City is moving toward the CMc process since this is the third project.

Project Manager Sherman explained that they have a CMc on the MLK projects and it has shown a lot of value noting it will be very beneficial to have a CMc on this project as well because it will help to control cost.

VP Molnar asked if these projects will be paid from a funding mechanism from the state.

Project Manager Sherman explained that there is no cost to go through the RFP process. Once they are on board, there will be a contract put together for pre-construction services where the money for this is already appropriated and available. This contract will cover pre-construction services to cover schematic design all the way up to bidding. Once we bid, we will have a Guaranteed Maximum Price (GMP) and that will cover any other associated costs.

REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS/PROPOSALS

Mr. Gilot asked about item 6.C: VPA 2023 Splashpad Renovations. He noted that it is an exciting project. In terms of water peak volumes, less is more. If you can design it to have the effect for the children of more water, but the reality of lower peaks, it would be better for the combined sewer overflow system. Mr. Gilot asked if the water could be put in a holding tank and then becomes the irrigation water that a baseball field could use instead of each putting a demand on the system.

Project Manager Sherman advised that the Indiana code requires all water from the splashpad to go directly to the sewer; there is no gray water.

AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Project Manager Sherman was available to discuss item 8.G: Construction Manager as Constructor Agreement. Mr. Sherman explained that they negotiated with C.H. Garmong & Son, Inc., and they were the City's chosen proposal for the CMc services for MLK. Mr. Sherman explained engineering went through the negotiation process with Garmong as far as how we will come about the cost for the GMP, what is in that, as well as their cost for their preconstruction services. He continued explaining that some of the things that were put in the contract and negotiated have Garmong following all of the City's normal bonding, insurance, and retainage levels that we do for all of our other bids even though it is not required by the state code. The state only requires one hundred percent (100%) payment performance whereas we require higher bonding amounts. The State doesn't require the maintenance bond, but we are requiring that of the contractor as well. Lastly, Mr. Sherman clarified that with retainage, we are doing the same five percent (5%) that we do with other bids.

Attorney Schmidt advised that this portion is for the pre-construction as well as the approach toward GMP so, there will be a second agreement that will come forward here and then we will come to the Board when it is time. Attorney Schmidt added this is narrow to these services that Project Engineer Sherman is talking about. If for some reason the Guaranteed Maximum Price cannot be reached, that would be the end of the city's relationship with Garmong, and it would be restricted to this \$28,892.00 and there would not be any ongoing fees.

Mr. Gilot asked if there is just a placeholder of \$18 million in the document.

Project Manager Sherman that is stating what our tentative maximum construction budget would be, not their guaranteed maximum. That is what our stated approach is as far as the budget. Once we get that, we will build with all those together into a Guaranteed Maximum Price, and then review.

Mr. Gilot noted that he sat in on a review for another contract using the CMc delivery method and liked what he saw with one of the contractor's offerings about overhead profit capped at a certain percent. He asked if there were any similar provisions from Garmon that they are capping their overhead profit.

Project Manager Sherman explained that they do have a percentage for their construction services and we negotiated that down but that's three point two-five percent (3.25%) for the entirety of the project not including the \$28,892.

Project Manager Sherman explained that all of the professional services for the project were hired through the City. We then selected Garmon as the construction manager for the project. Then they will go through and do all the bidding with all the designs that our consultants did.

Mr. Miller noted that there are provisions in the contract for change orders.

Project Manager Sherman explained that yes, if the City decided to add something, then there would be a change order in order to add that because that would be part of the original scope of the Guaranteed Maximum Price. Whatever the scope is that we award, that GMP is contained within that Guaranteed Maximum Price. If we decided to add another element, then of course that would be an additional cost that we would have to cover; that would be something that we decided to do. If they run into any kind of elements on site, that is on them. They guarantee that they are going to provide the scope in that Guaranteed Maximum Price.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

City Attorney Jenna Throw was present to answer questions about item 8.E: License Agreement for the Leighton Garage Rooftop with Ava Downey d/b/a Outside Notre Dame.

Mr. Gilot noted that it sounds like a wonderful event and asked if six (6) police officers for up to 450 people sounded like a good ratio.

Andrew Schreiber, General Manager of Venues with Venues Parks and Arts, explained that it would be four (4) security guards contracted through Invictus. Local Company Officer Randy Goering is the CEO there. He will have all of the entrances and exits manned with a civilian security guard. Mr. Schreiber explained there will not be officers for every single point, but we will have an officer patrolling, and then at the entrances to the bar area, he would be supervising as well just to make sure that the City assets and interests are held.

Mr. Gilot asked if there is a rain provision where they can just move down a floor.

General Manager of venues with Venues Parks Schreiber explained that since it is a Friday event, having two (2) entire floors of the building closed would be a considerable loss of revenue depending on who is parking there. The daily parkers that work at Beacon may be taking up those spaces.

#### STREET/ALLEY VACATIONS

Jeremy Lebow, Superintendent at Career Academy Network, was present to answer questions about item 10.B: Street Vacation at 3801 to 3920 Crescent Circle. President Maradik asked if he was made aware of potential utility easements related to the property that may need to be recorded. Mr. Lebow responded that he was okay with that. President Maradik added that the request has favorable recommendations, subject to the recorded easements.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Attorney Schmidt noted item 8.A: Real Property Transfer Agreement – LaSalle Council, Boy Scouts of America, Inc. No. 165. He advised that the City has reached out to the engineering consultants that worked on the environmental cleanup of the adjacent Frederickson Park. He explained that he has received assurances from the consultants that this particular property transfer is not subject to those restrictions. He added that he has also been in touch with the

Council for the Boy Scouts and there are still a couple of loose ends that are being ironed out. One (1) of the things that was proposed is that the Boy Scouts are willing to provide some additional indemnification language so that if there was some sort of contamination that seeped over onto their property, they would take full responsibility for any clean up and they would be indemnified from any such actions. They are also going to acknowledge that we have advised them of the circumstances related to Frederickson Park and that they would abide by any city ordinance for necessary permits for any type of improvements made on the property.

#### STREET/ALLEY VACATIONS

President Maradik asked for an update on the petition for item 10.A: Street Vacation at 1101 King Street. She noted that Chief Ellis was on the call as well as Nate Yoder from R. Yoder Construction. Chief Ellis explained that concerns from the Fire Department regarding this street vacation is that the fire hydrant be clear and clearly marked and there needs to be three (3) feet for fire code. Chief Ellis added the SBPD requires fifteen (15) feet of clearance around a hydrant and that it is up to the contractor or the building owner to post that signage or the painting on the vacated part of the street.

Mr. Gilot asked if the Fire Department would be okay with bollards being placed to protect the fire hydrant. Chief Ellis stated that he would be in favor of that for added protection.

President Maradik asked if there was a representative from Transformation Ministries on the call.

Nate Yoder from R. Yoder Construction explained that they are aware of the fire hydrant and they will adhere to what rules are necessary including paint, signage, and/or bollards.

President Maradik asked if it would cause any issues with the project if the City vacated the street up to three (3) feet away from the hydrant so it would remain in the public right of way and had guaranteed access.

Nate Yoder from R. Yoder Construction noted that it would be fine and that he would submit an email for the file so that it is clear what the Board is taking action on.

#### AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

Mr. Gilot asked about item 8.D: Environmental Restrictive Covenant at the former Drewry's Brewery. He thought what was there was good as far as it went, but it was not sufficiently protective of human health and the environment if you are going to do a residential use. He elaborated that it had provisions for removing mostly contaminated soil down to ten (10) feet, but it did not say there would be a vapor barrier. The list of chemicals would be a problem attached to the soil for residential use. If a child goes out there and plays in the soil and sticks it in their mouth, it is a pathway of human impact of an environmental contaminant. It had a provision for groundwater in that it prohibits any extraction of water from the site; you would have to use city water rather than a well, which is good. Mr. Gilot advised that the volatile organic compounds would volatilize over time and they will produce vapors in the soil even if you put clean sand ten (10) feet down all around the building. A restrictive covenant for residential use should also include a vapor barrier and the HVAC on the building should maintain a positive net pressure so that the building is always exhaling, not inhaling vapors.

VP Molnar explained that the teams that analyzed the site and the actual quote that came from Heartland, Q Hadley, and Indiana Brownfields was that the site was shockingly clean, much cleaner than they had anticipated. We are not proposing any sale of the site at this time and there is always time to add more restrictions if we do decide to sell. We are not sure what the site will eventually be and there will be a larger discussion with the neighborhood on what they would like to see there.

Mr. Gilot noted that whether it ends up industrial or residential he would still be concerned with public health.

President Maradik added that there is additional clean up that the City is planning to do in the future. It is the Indiana Department of Environmental Management that is placing restrictions on the property, not the City.

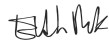
Attorney Schmidt advised that he and Mr. Gilot speak offline to ensure his expertise is shared with the appropriate departments.

PRIVILEGE OF THE FLOOR

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



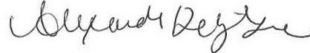
Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Alexandra Dolz-Lane, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: August 22, 2023

REGULAR MEETING

AUGUST 8, 2023

The Regular Meeting of the Board of Public Works was convened at 9:30 a.m. on Tuesday, August 8, 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, Alexandra Dolz-Lane (arrived at 9:31 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 July 20, and July 25, 2023, were approved. Allie Dolz-Lane was not present to vote on this item.

OPENING OF BIDS – 2023 CURB AND SIDEWALK PROGRAM – PROJECT NO. 123-001 (PR-00025739)

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

**PREMIUM CONCRETE SERVICES, INC.**

712 Richmond St.

Elkhart, IN 46516

[rbecker@premiumconcreteonline.com](mailto:rbecker@premiumconcreteonline.com)

Bid was signed by Mr. Max Yeakey

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:

Division A Total	\$64,949.00
Division B Total	\$335,583.00
Division C Total	\$246,378.00
Division D Total	\$157,478.00
Division E Total	\$169,030.00

**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:

Division A Total	\$80,708.00
Division B Total	\$363,759.00
Division C Total	\$260,908.00
Division D Total	\$196,380.00
Division E Total	\$187,591.00

**SELGE CONSTRUCTION CO., INC.**

2833 South 11<sup>TH</sup> St.

Niles, MI 49120

[aswinehart@selgeconstruction.com](mailto:aswinehart@selgeconstruction.com)

Bid was signed by Mr. Justin Butler

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:

Division A Total	\$99,863.90
Division B Total	\$411,994.85
Division C Total	\$301,145.05
Division D Total	\$214,084.50
Division E Total	\$204,750.65

**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)

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.

One (1) of One (1) Addendum(s) Acknowledgement received.

BID:

Division A Total	\$78,602.86
Division B Total	\$368,102.45
Division C Total	\$273,320.71
Division D Total	\$163,253.90
Division E Total	\$190,076.35

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. Allie Dolz-Lane was present to vote on this item.

AWARD BID AND APPROVE CONTRACT – 2023 CONCRETE REPAIRS – PROJECT NO. 123-022 (PR-00025459)

Mr. Scott Kreeger, Engineering, advised the Board that on July 25, 2023, bids were received and opened for the above referenced project. After reviewing those bids, Mr. Kreeger recommended that the Board award the contract to the lowest responsive and responsible bidder, Milestone Contractors North, Inc., in the amount of \$2,799,000 for the base bid. Therefore, VP Molnar made a motion that the recommendation be accepted, and the bid be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

AWARD QUOTATION AND APPROVE CONTRACT – OFFICE FLOORING REPLACEMENT (PR-00025459)

Mr. Coby Deal, Street Department, advised the Board that on July 25, 2023, quotations were received and opened for the above referenced project. After reviewing those quotations, Mr. Deal recommended that the Board award the contract to the lowest responsive and responsible quoter, Avanti Flooring LLC, in the amount of \$9,945.94. Therefore, VP Molnar made a motion that the recommendation be accepted, and the quotation be awarded, and the contract approved as outlined above. Mr. Miller seconded the motion, which carried by roll call.

APPROVE CHANGE ORDER NO. 3 – COAL LINE TRAIL, PHASE IIB – PROJECT NO. 122-035 (PO-0017721)

President Maradik advised that Ms. Rebecca Maenhout, Engineering, has submitted change order number 3 on behalf of Indiana Department of Transportation and Milestone Contractors North, Inc., indicating the contract amount be increased by \$27,652.96 for a new contract sum, including this change order, in the amount of \$3,501,153.99. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 2 – MORRIS PERFORMING ARTS CENTER CARPET REPLACEMENT – PROJECT NO. 121-029B (PO-0016843)

President Maradik advised that Ms. Rebecca Plantz, Engineering, has submitted change order number 2 on behalf of Carpet Service Outlet, Inc., indicating the contract amount be increased by \$19,040 with an additional two hundred eighty (280) days for a new contract sum, including this change order, in the amount of \$216,774.50 with a new completion date of August 4, 2023. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVE CHANGE ORDER NO. 1 – 2023 TRAFFIC CALMING – PROJECT NO. 122-014C (PO-0023429)

President Maradik advised that Ms. Charlotte Brach, Engineering, has submitted change order number 1 on behalf of Selge Construction Co., indicating the contract amount be increased by \$59,656.85 for a new contract sum, including this change order, in the amount of \$1,810,226.85. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the change order was approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – YOUTH SERVICES BUREAU AND SOUTH BEND THRIVE SUBDIVISION INFRASTRUCTURE IMPROVEMENTS – PROJECT NO. 123-011 (PR-00026650)

In a memorandum to the Board, Ms. Charlotte Brach, 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. Miller 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 – FOUR WINDS FIELD RENOVATION & EXPANSION CMC RFP – PROJECT NO. 123-046 (PR-00026007)

In a memorandum to the Board, Mr. Patrick Sherman, 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. Gilot and carried by roll call, the above request was approved. Mr. Miller voted no.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS AND TITLE SHEET – VPA 2023 SPLASHPAD RENOVATIONS – PROJECT NO. 123-044 (PR-00026702)

In a memorandum to the Board, Mr. Patrick Sherman, 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. Miller and carried by roll call, the above request to advertise was approved, and the title sheet was approved and signed.

ADOPT RESOLUTION NO. 37-2023 – A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS ON THE DISPOSAL OF UNFIT AND/OR OBSOLETE PROPERTY

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

**RESOLUTION NO. 37-2023  
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 21, 2023, Firefighter Kevin Kurtz retired from the South Bend, Indiana, Fire Department after Twenty (20) 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 August 8, 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/ Alexandra Dolz-Lane  
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
Real Property Transfer Agreement	LaSalle Council, Boy Scouts of America, Inc. No. 165	Transfer Property at 1340 South Bend Ave. for Expansion Services	N/A	<b>TABLED*</b> VP Molnar / Mr. Miller
Amendment No. 3 to Owner-Engineer Agreement	Abonmarche Consultants, Inc.	Additional Construction Administration and Construction Inspection for Campeau Streetscape Project No. 121-073	\$40,300; New Adjusted Total \$255,130 (PO-005886)	VP Molnar / Mr. Miller
Ratify Selection/Start Contract Negotiation	Bowen Engineering Corporation	Wastewater Treatment Plant CSO Tank RFQ Guaranteed Savings Contract Project No. 121-071-A	(PR-00025615)	VP Molnar / Mr. Gilot  Mr. Miller voted no
Environmental Restrictive Covenant	City of South Bend Board of Public Works	Approving Environmental Restrictive Covenant for Former Drewry’s Brewery at 1408 Elwood Ave.	N/A	VP Molnar / Mr. Miller
License Agreement	Ava Downey d/b/a Outside Notre Dame	Temporary Use of Board of Public Works Property on Rooftop of Leighton Garage for Back to the Bend Sunset Roof Party on August 25, 2023 from 12:00 a.m. to 11:59 p.m.	N/A	VP Molnar / Mr. Miller
Memorandum of Understanding	Board of Commissions of St. Joseph County	Approve Work to Construct a Pedestrian Walkway and Island on LaSalle Ave. for LaSalle Streetscape Project No. 122-013R	N/A	VP Molnar / Mr. Miller
Construction Manager as Constructor Agreement	C.H. Garmong & Son, Inc.	Selected Construction Manager as Constructor Services for MLK Dream Center	\$28,892 (PR-00026703)	VP Molnar / Mr. Miller

\*Attorney Schmidt advised the Board to consider tabling the item due to failure to receive final confirmation from the Boy Scouts of America, Inc. No. 165 on proposed language changes and the revised document not yet having been reviewed by the legal counsel of the Boy Scouts.

APPROVAL OF LICENSE AND PERMIT APPLICATIONS

The following license and permit applications were presented for approval:

Applicant	Description	Date/Time	Location	Motion Carried
Clark Birthday Party	Street Closure for Special Event – Revised from June	August 19, 2023; 3:00 p.m. to 10:00	Haney Ave. between Fellows St. & Carroll St.	VP Molnar / Mr. Miller



	13 <sup>th</sup> meeting	p.m.		
Classic Car Show	Street Closure for Special Event	August 19, 2023; 6:00 a.m. to 3:00 p.m.	Eddy St. between Beyer Ave. & Dead End	VP Molnar / Mr. Miller
Tim’s Birthday	Street Closure for Special Event	August 19, 2023; 12:00 p.m. to 9:00 p.m.	Golden Ave. between Riverside Dr. & Woodward Ave.	VP Molnar / Mr. Miller

APPROVAL OF REVOCABLE PERMIT FOR ENCROACHMENT - 2031-2035 S. MICHIGAN ST.

President Maradik stated an application for an encroachment and revocable permit has been received from Andrew Spite for the purpose of allowing installation of a metal awning to be placed in the right-of-way at 2031-2035 S. Michigan St. The encroachment shall remain in the right of way until the time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and same flow of traffic. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the encroachment and revocable permit was approved.

DENIAL OF REVOCABLE PERMIT FOR ENCROACHMENT - 224 E. MONROE ST.

President Maradik stated an application for an encroachment and revocable permit has been received from Silver Phone Services LLC – Kierra Cooper for the purpose of allowing installation of a public pay phone to be placed in the right-of-way at 224 E. Monroe St. The encroachment was found unfavorable as the Board of Public Works of the City of South Bend shall determine that such encroachment is impairing and/or interfering with the highway or with the free and same flow of traffic. Upon a motion made by VP Molnar, seconded by Mr. Miller and carried by roll call, the encroachment and revocable permit was denied.

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. Transformation Ministries have agreed that they will vacate the street up to three (3) feet to the east of the fire hydrant. They will also allow for no parking striping around the hydrant and will provide surface-mounted bollards for protection of the hydrant. Therefore, VP Molnar made a motion to send a favorable recommendation to the Common Council. Mr. Miller seconded the motion which carried by roll call.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE 3801 TO 3920 CRESCENT CIRCLE

President Maradik indicated that Mr. Jeremy Lugbill – Career Academy Network of Public Schools, has submitted a request to vacate the above referenced street. President Maradik advised that 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. Community Investments and Public Works added utility easement requirements and easements will need to be recorded. VP Molnar also noted that when a street is vacated, half of it goes to each adjacent property owner. Attorney Christian Motozzo for Career Academy Network of Public Schools stated that they have spoken to the adjacent property owner and they have agreed to allow them to use the vacated property. VP Molnar wanted to advise them that once it goes through Common Council and gets approval, they will need to work with the adjacent property owner to get the deed. Mr. Gilot advised that a cross-access agreement may also be helpful. He also noted to call 811 to have the utilities marked and then to have a surveyor write up the legal description and get it recorded. Therefore, VP Molnar made a motion to send to the Common Council with a favorable recommendation. Mr. Miller seconded the motion which carried by roll call.

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
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Angels Concrete LLC	Contractor	Approved	09/15/2023
White House Cleaning & Restoration LLC	Contractor	Approved	07/28/2023
J & B Electrical Contractors, LLC	Contractor	Released	08/24/2023
Bass Septic & Sewer, Inc.	Excavation	Approved	05/04/2023
Excavating and Trucking LLC	Excavation	Released	08/28/2023
Angels Concrete LLC	Occupancy	Approved	07/28/2023
Kokosing Industrial Inc.	Occupancy	Released	08/08/2023
Dsn Nra LLC	Occupancy	Released	08/13/2023

VP Molnar made a motion that the bond’s approval and/or release as outlined above be ratified. Mr. Miller seconded the motion, which carried by roll call.

RATIFY PREAPPROVED CLAIMS PAYMENTS

VP Molnar stated the Board received notices of the following preapproved claim payments from the City’s Department of Administration and Finance:

Name	Date	Amount of Claim
City of South Bend Claims GBLN-59846, GBLN-59844	07/24/2023	\$799,716.47
City of South Bend Claims GBLN-60165	07/24/2023	\$2,591,267.92
City of South Bend Claims GBLN-59835, GBLN-60236	07/24/2023	\$5,920.04

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

PRIVILEGE OF THE FLOOR

Board member Gary Gilot welcomed new Board member Allie Dolz-Lane and thanked Jordan Gathers for his service. All of the other Board members concurred.

ADJOURNMENT

There being no further business to come before the Board, President Maradik adjourned the meeting at 10:01 a.m.

BOARD OF PUBLIC WORKS

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS



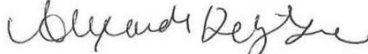
Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Gary A. Gilot, Member



Alexandra Dolz-Lane, Member



Murray L. Miller, Member



Attest: Theresa M. Heffner, Clerk

Date: August 22, 2023